GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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D.C. BOARD OF ZONING ADJUSTMENT

MEMORANDUM

TO: D.C. Board of Zoning Adjustment (BZA)

FROM: Andrew Altman
Director

DATE: November 18, 2003

SUBJECT: BZA Application No. 17069 - Accessory Parking Lot
Special Exception Report

APPLICATION-IN-BRIEF

Pursuant to 11 DCMR 3104, the applicant is seeking a special exception under § 214 to continue the use as an accessory parking lot in R-2 District, at 3831 McKinley Street, N.W. The subject property is on Square 1860, Lots 5, 6, 7, 17 and 18. The parking lot will accommodate 56 vehicles. The site is in the R-2 District.

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the application be approved.

SITE AND AREA DESCRIPTION

The property known as 3831-26 McKinley Street is located in the Friendship Heights neighborhood of Ward 3. It is on the north side of McKinley Street, N.W., which is generally bounded by Northampton Street to the north, McKinley Street to the south, Connecticut Avenue to the east and 39th Street to the west. Single-family detached dwellings are the predominant use in the neighborhood. The subject parking lot is an



Front entrance to Marauder's.



Rear entrance to Marauder's.

BZA
Case No. 17069
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17069
EXHIBIT NO. 25

accessory use for customers of the adjacent Magruder's Food Store, on the west side of Connecticut Avenue. The only entrance to the parking lot is from McKinley Street, and the exit is on 39th Street. There is a 15-foot north-south, public alley between the Marauder's Supermarket, and other commercial establishments on the west side of Connecticut Avenue and the subject parking lot. The parking lot can accommodate 56 vehicles.



BACKGROUND

The Board had previously approved the referenced lot for accessory parking purposes through BZA Order No. 16233, approved on July 27, 1998 for 5 years. That approval has since lapsed and the applicant is seeking to re-establish and continue use of the property as an accessory parking lot. The 1998 Board Order stipulated that the application be granted, subject to 23 conditions: (See attached).

ZONING ANALYSIS

The subject accessory parking lot is in the R-2 district. The R-2 district consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development.

214 ACCESSORY PARKING SPACES (R-1)

214.1 Accessory passenger automobile parking spaces elsewhere than on the same lot or part of the lot on whish any principal R-1 use is permitted, except for a one-family dwelling, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.

The accessory parking spaces at the subject lot are in an open area, no portion of which extends above the level of the adjacent finished grade.

214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.

The accessory parking spaces are located approximately 20 feet (20 ft.) from the Magruder's Food Store to which they are accessory. There are 56 parking spaces available on the lot.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

A 15-foot public alley is the only separation between the Grader's Food Store and the accessory parking lot.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an



North south alley between

appropriate case under § 2303.2 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.

214.6 It shall be deemed economically impractical or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(a) Strip zoning or shallow zoning depth.



Front of principal building on Connecticut

It is impractical to locate parking spaces on the same lots as the supermarket because the Magruder's Food Store consumes nearly all of the lot. Nearly all of the lots on Square 1860 (which are on the west side of Connecticut Avenue) are fully developed with commercial buildings. There is a 15-foot north-south public alley in the rear, which separates the principal lot from the subject accessory parking lot.

(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;



Rear, principal site.

The principal lot is almost completely improved with Magruders Food Store. There is a very shallow depth in the rear of the store, which is too shallow to accommodate needed parking spaces. It would be impracticable to demolish an existing building to create a parking lot.

(c) Unusual topography grades, shape, size, or dimensions of the lot;

The subject lot is not unusual regarding its topography or shape.

(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or

There is a public alley that separates the subject accessory parking lot, and the existing buildings. Customers who use the lot must exit on 39th Street when leaving the parking lot.

(e) Traffic hazards caused by unusual street grades or other conditions.

The subject parking lot alleviates any potential traffic hazards that may be caused by shoppers' queuing in front of the building along Connecticut Avenue for grocery pick-up. Access to the accessory parking lot is provided from McKinley Street and the exit is on 39th Street, which is on grade and far enough from Connecticut Avenue to cause traffic hazards.

214.7 Accessory parking spaces shall be located, and facilities in relation to the parking lot shall be so designed, that are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

The subject accessory parking lot is designed so that it is not likely to become objectionable to adjoining or nearby properties because of noise, traffic, or other objectionable conditions. Ingress and egress to the parking lot is from McKinley Street and not from Connecticut Avenue, where there is heavy traffic flow. There is a 42-inch brick wall and mature trees on three sides of the lot, which serve to provide a level of privacy for the residential dwelling west of 39th Street. **214.8**



North view, subject accessory parking lot.



South view, subject accessory parking lot.

Before taking final action on an application for use as accessory parking spaces, the Board shall submit the application to the Department of Public Transportation for review and report.

The District Division of Transportation will submit a report to the Board regarding the application.

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the following provisions:

(a) All areas devoted to driveways, access lanes, and parking area shall be paved and maintained with bituminous concrete or brick material, or a combination of these materials or other materials approved by the Department of Transportation as structurally equivalent or better, that form an all-weather impervious surface, and that are a minimum of four inches (4 in.) in thickness.

The subject accessory parking lot, including all areas devoted to driveways, access lanes and parking area are paved with asphalt material, which is acceptable by the Department of Transportation. The surface materials are considered as structurally equivalent or better, and it forms an all-weather impervious surface, that is a minimum of four inches (4 in.) in thickness.

(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line.

The accessory parking lot has been designed so that no vehicle or any part of a vehicle projects over a lot line. The lot is enclosed with a combination of wall landscaping and wheel stops, which prevent vehicles from extending beyond the lot line.



(c) No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the district in which the parking lot is located.

The subject accessory parking lot is used only to accommodate the accessory parking needs of Magruder's Food Store customers. There is an attendant from Magruder's present on the lot during the core hours of operations, which are defined as 10:00 a.m. to 6:00 p.m.

(d) No vehicular entrance or exist shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.

The entrance to the subject accessory parking lot (which is from McKinley Street) is more than forty feet from the nearest intersection at Connecticut Avenue and McKinley Street.



East view of entrance to parking lot, looking toward Connecticut Avenue

(e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.

Lights for the accessory parking lot are arranged to direct rays of light to the surface of the parking lot, without impacting neighboring properties.



Lighting at subject parking lot.

(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.

When OP conducted a site inspection on October 31, 2003, the accessory parking lot was free of refuse and debris and the lot appeared to be in good condition. OP did recommend that the applicant re- strip the pedestrian walkway area, and improve the entrance sign.

2302.2 In addition to the requirements of § 2301.1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5-A District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, R-2, R-3, R-4 or R-5-A District, shall be screened from all contiguous residential property located in any R-1, R-2, R-3, R-4 or R-5-A District by a solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges or evergreen

trees that are thickly planted and maintained and at least forty-two inches (42 in.) in height when planted.

The subject accessory parking lot is adequately screened from all contiguous residential properties in the adjacent areas, by a solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high and by evergreen hedges and evergreen trees that are thickly planted.



Brick wall at south end of parking lot.

(a) The parking lot shall be screened from all contiguous residential property located in *an R-1, R-2, or R-3, District by a solid masonry wall* at least twelve inches (12 in.) thick and forty-two inches (42 in.) high.

A solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high adequately screens the subject accessory parking lot from all contiguous residential properties in the neighborhood, which are mostly west of 39th Street.

(b) All parts of the lot not devoted to parking area, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaping. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance.

The parking lot reflects that general maintenance is occurring on a regular basis, as stipulated among 23 conditions included in the previous Board approval, Application No. 16329, Conditions # 2 (d), 6 11 and 12.).



The state of landscaping along the edge of the lot.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject accessory parking lot in the Low Density Residential Land Use Category. The portion of the Connecticut Avenue Commercial Corridor, which fronts the accessory parking lot, is in the Low Density Commercial Land Use Category.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Can the requested special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?

The subject site has been approved for accessory parking purposes over the past 12 years. The applicant's special exception request is to continue using the parking lot in the same manner. There is no reason to expect the continuation of accessory parking at the subject site to result in conflict with the general purpose and intent of the Zoning Regulations and Zoning Map.

Will the granting of a special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?

The subject accessory parking lot meets the above requirements. It has received prior approval by the Board for accessory parking purposes since 1991 and has a Certificate of Occupancy for parking purposes.

The applicant has satisfactorily provided support for the requested relief by demonstrating that the proposed accessory parking lot can be in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties.

Specifically, the parking lot also meets the other requirements of §2303. Specially, (d) there are no vehicular entrance or exit within 40 feet of a street intersection; (e) the parking lot will be lighted so that all direct rays of light are confined to the surface of the parking lot; and (f) the parking lot is kept free of refuse and debris and shall be landscaped. Further, the parking lot is screened from all contiguous residential properties by a masonry wall that is a minimum of twelve inches thick and forty-two inches high.

The lack of available parking opportunities for customers of the Magruder's store, on the same lot as the supermarket, increases the need for the adjacent parking. The accessory

parking lot provides a reasonable and necessary function, by offering convenient parking opportunities for customers of the nearby Magruder's supermarket.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 3G, at its regular scheduled meeting held on October 22, 2003, voted 6-0 to support the application to re-establish the use of the subject property as accessory parking for 56 vehicles, with conditions. (See attached)

At the request of the applicant, ANC 3G supported the modification or deletion of 5 of the conditions in BZA Order 17069, as follows:

Delete condition 2(a) because the alley provide the only access to the trash dumpster; Modify condition 3, replacing "during all hours of operation, with during core hours of operation (defined as 10:00 a.m. to 6:00 p.m.); Delete condition 7, the applicant or the tenant shall repair, damage done by delivery vehicles to sidewalks and neighboring property promptly; Delete condition # 12, because additional screening has been provided on the McKinley Street and 39th Street sides of the parking lot; and Delete condition 13, regarding areas devoted to driveways, access lanes, and parking areas, being maintained with a paving of materials forming an all-weather impervious surface; and Delete condition 23 because the applicant and the ANC agreed that the quarterly meeting to mitigate the impact of the operation of the parking lot on the community.

The 18 other conditions in the previous BZA Order will remain in effect.

Agency Review

The District Division of Transportation (DDOT) will submit a report.

RECOMMENDATION

The Office of Planning finds that the applicant has satisfactorily met the requirements specified in Sections 3104.1, and 214 and concluded that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not affect adversely the use of neighboring property in accordance with the Zoning Regulations. The Office of Planning recommends that the Board **approve** the application, subject to the modified or deleted conditions, agreed to by the applicant and ANC 3G, referenced above under community comments.