

MEMORANDUM

TO: Board of Zoning Adjustment
FROM: Arthur, Jackson, Case Manager
 Joel Lawson, Associate Director, Development Review
DATE: May 6, 2014
SUBJECT: **BZA Case 18753** – Request for a special exception under § 214.1 to continue operation of the existing accessory parking lot on properties located at 3820-3826 McKinley Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception under § 214.1 per § 3103.1 to continue the existing parking lot use subject to the conditions previous adopted in current Board of Zoning Adjustment (BZA) Order No 17904 with the following changes (proposed additions shown in **BOLD** and deletions ~~stricken~~):

1. Approval shall be for ~~FIVE (5)~~ **TEN (10)** YEARS.
2. **The maximum number of spaces in this parking facility shall be 41.**
3. No trash dumpsters shall be located on the portion of the lot zoned residential.
4. The parking lot landscaping shall ~~be planted within six months of the date of final BZA action and prior to the issuance of the Certificate of Occupancy for the parking lot use~~ **be properly maintained or replaced as needed.**
5. Snow and ice shall be promptly removed from the parking lot.
6. **Submission of a site plan to the case record showing the parking lot configuration for the referenced 41 spaces prior to the issuance of the new Certificate of Occupancy for the accessory parking lot use.**
7. Representatives of the owners of the subject property shall establish and maintain a liaison with Advisory Neighborhood Commission 3G to discuss problems that might arise in connection with the operation of the parking lot to ensure that it continues to have no objectionable impact on the immediate area.

The applicant has not formally responded to the changes suggested by OP.

II. LOCATION AND SITE DESCRIPTION

Address:	3820-3826 McKinley Street, NW
Legal Description:	Square 1859, Lot 0049, 0050, 0051 and 0092
Ward:	3G



Lot Characteristics:	The subject four interior lots are mid-square between 39 th Street and Connecticut Avenue, NW. The parking area on these lots is depressed below the surrounding street frontage behind a stone retaining/screening wall constructed along a building restriction line 15 feet south of and parallel to McKinley Street. An alley 15-feet-wide winds along the southern perimeter of the site between Morrison Street and McKinley Street NW.
Existing Development:	The parking surface is entirely paved and surrounded by the masonry continuation of the stone retaining wall referenced above, portions of which are topped by a metal chain-link fence with vinyl slats. A driveway from McKinley Street across the abutting CVS Pharmacy property fronting Connecticut Avenue, and the alley, provide vehicular access to the un-gated parking area entrance in the southeast corner of the screening wall.
Zoning:	R-2 – Accessory parking lots are permitted subject to special exception approval.
Historic District:	None
Adjacent Properties:	Commercial uses to the north and east primarily fronting Connecticut Avenue; and one-family two-story dwellings and another accessory parking lot to the south and west.
Surrounding Neighborhood Character:	Low-intensity commercial uses in the C-1 district to the east; single-family detached dwellings in an R-2 district to the south and west.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Robert M. Holland and Winter Family LLC, owners and applicants
Proposal:	<p>To continue operation of the existing parking facility. Previous BZA actions approving the existing use date back to 1953. The most recent approval was Order No. 17409 in 2009 (the associated approval conditions are listed in Exhibit 1).</p> <p>The applicant now requests to: continue parking lot operations; increase the allowable number of spaces from the 34 spaces originally authorized in 1977 (reference Order No. 12424)¹ to 41 spaces, which apparently equals the total number currently onsite; and to increase the approval term beyond 5 years. No physical changes or expansion of the existing lot is proposed.</p> <p>No additional area relief appears required beyond the requested special exception approval.</p>
Relief Sought:	Special exception relief from § 214 to continue use of the existing accessory parking facility.

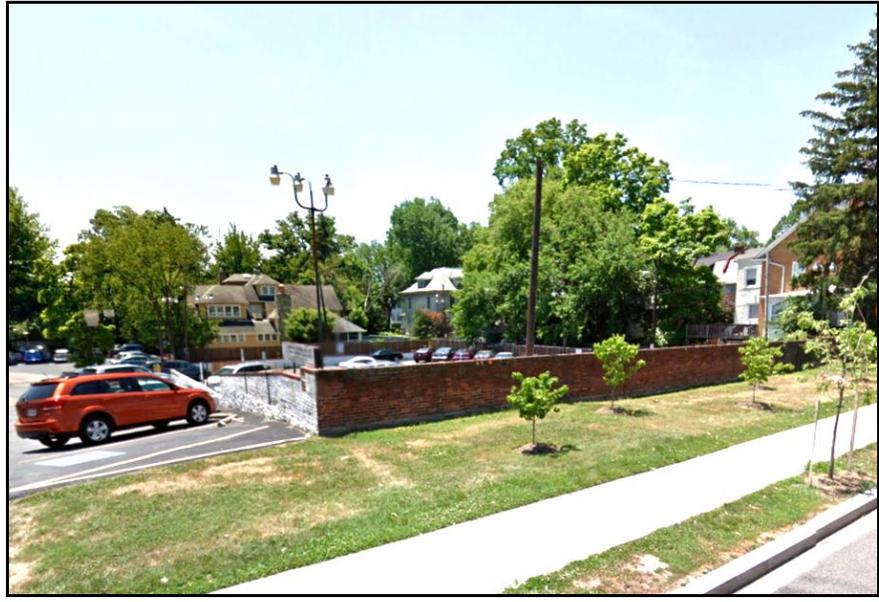
¹ BZA orders subsequently approved did not refer to a maximum number of parking spaces.

IV. OP ANALYSIS

Consistency with § 214:

214.1 *Accessory passenger automobile parking spaces elsewhere than on the same lot or part of a lot on which any principal R-1 use is permitted, except for a one-family dwelling, shall be permitted as a special exception in*

Figure 1



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 existing parking facility is at or below 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 entire accessory parking area is within two hundred feet (200 ft.) of the abutting C-1 district bordering Connecticut Avenue NW.

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

The parking area site is contiguous to or across the alley from the commercial uses that it serves along Connecticut Avenue, NW.

214.5 *All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.*

Refer to the “Compliance with § 2303” section below.

214.6 *It shall be deemed economically impracticable 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: ...*

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

The nearby lots along Connecticut Avenue do not have sufficient size to accommodate the existing commercial buildings and the associated required parking.

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

The fact that the portion of the parking area next to this wall is depressed behind a retaining/screening wall along the entire McKinley Street frontage effectively screens the adjacent street from traffic noise and vehicle lights shining within the parking area. The shorter masonry wall topped by a metal chain-link fence with vinyl slats that continues along the southern, eastern and western lot boundaries continues to effectively screen activities within the parking area from neighboring residences to the south and west along McKinley, 39th and Morrison Street, NW.

Vehicular ingress/egress is provided by a driveway that extends south from McKinley Street. This driveway is actually located on the corner property developed with a CVS Pharmacy. The secondary vehicular access is provided by the existing alley that allows vehicles to travel north from Morrison Street to enter the parking area, and to continue west and then north along the same alley to exit onto McKinley Street.

Since the square is fully developed, the existing parking facility would not impact future development in the neighborhood. OP did suggest introduction of a pervious parking surface to reduce storm water runoff from the site and its impact on District utilities. This change would also lessen the detrimental effects of standing water on the parking surface.

- 214.8 *Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Transportation for review and report.*

Agency comments are anticipated under a separate cover.

Consistency with § 2303:

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

- (a) *All areas devoted to driveways, access lanes, and parking areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.*

As mentioned above, parking spaces are paved with bituminous materials, which form an all-weather impervious surface that requires storm water to either runoff the site or stand until it evaporates. OP suggested the gradual introduction a more sustainable pervious parking surface to reduce these impacts.

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

This condition was not observed during the OP site visit. *However, the current submission indicates that more vehicles have been parking in this facility than stated previously.*

In order to have the correct information in the public record, an accurate site plan of this 41-vehicle facility should be added to the case file prior to the issuance of new certificate of occupancy.

- (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 is otherwise permitted in the district in which the parking lot is located.*

OP only observed parked vehicles on the lot.

- (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.*

Neither curb cut along that allows vehicle access from McKinley or Morrison Street is within 40 feet of the intersections of the referenced streets with Connecticut Avenue to the east or 39th Street NW to the west.

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

The illumination provided by light fixtures of frosted glass globes is directed down toward the pavement below and does not appear to shine or reflect light toward adjacent residences to the south and west.

- (f) *The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a health growing condition and in a neat and orderly appearance. Landscaping with trees and shrub 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.*

The parking area is free to refuse and debris. In response to concerns expressed during the review of the 2009 application, and as required in the current BZA order, trees have been planted along the McKinley Street within the building restriction line along that frontage (refer to Figure 1).

Accordingly, OP supports modifying condition #4 to instead require proper care and maintenance of the existing landscape (additional landscaping in this area is also encouraged).

2303.2 *In addition to the requirements of §2303.1, a parking lot located in an R-1 District ... shall be screened from all contiguous residential property located in the R-1 ... District by a solid brick wall or stone 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.*

- (a) *The parking lot shall be screened from all contiguous residential property located in the 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.*

The combination of the stone and masonry brick walls, and masonry walls topped by metal chain link fencing with slats, effectively screen the parking lot from McKinley Street and the side and rear yards of the dwellings along McKinley, 39th and Morrison Streets, NW. Although this is not entirely consistent with the referenced standard, the wall and fence combination appears to meet the intent of this provision.

OP suggested replacing the chain link fence, when needed, with one that has a more residential character.

- (b) *All parts of the lot not devoted to parking area, driveway, access lane, attendant's shelter, or required screening walls shall be paved or landscaped. Landscaping*

shall be maintained in a health growing condition, and in a neat and orderly appearance.

The trees and grass in the landscaped area appear to be in satisfactory condition.

2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.

As mentioned above, the gradual introduction of a pervious parking surface and replacement of the existing chain link fencing with one with a more residential character were suggested to the applicant.

Based on this review, OP determined this application is generally consistent with the standards for special exception approval as conditioned. Proposed changes and additions to the current approval conditions requirements, and other improvement suggestions have been communicated to the applicant.

V. COMMUNITY COMMENTS

According to the applicant, Advisory Neighborhood Commission (ANC) 3G voted to support approval of this application with a 10-year term at a regularly scheduled meeting on March 28, 2014.

Attachment: Exhibit 1 Site Aerial Including Zoning
 Exhibit 2 Order 17904 Approval Conditions



**BZA Application No. 17904
3820-3826 McKinley Street, N.W.**



★ ★ ★ Government of the
District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ December 22, 2008

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Order No. 17904
Approval Conditions

1. Approval shall be for FIVE (5) YEARS.
2. No trash dumpsters shall be located on the portion of the lot zoned residential.
3. *The parking lot landscaping shall be planted within six months of the date of final BZA action and prior to the issuance of the Certificate of Occupancy for the parking lot use.*
4. Snow and ice shall be promptly removed from the parking lot.
5. Representatives of the owners of the subject property shall establish and maintain a liaison with Advisory Neighborhood Commission 3G to discuss problems that might arise in connection with the operation of the parking lot to ensure that it continues to have no objectionable impact on the immediate area.