GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13573 of Safeway Stores, Inc., pursuant to Subsection 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue accessory parking in an R-1-B District at the premises 3725-3729 Morrison Street, N.W., (Square 1867, Lot 93).

HEARING DATE: October 14, 1981
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject site is located on the north side of Morrison Street between Connecticut Avenue and Chevy Chase Parkway and is known as premises 3725-3729 Morrison Street, N.W. It is in an R-1-B District.

2. The subject lot serves as an accessory parking facility to the Safeway Store located in a C-1 district at 5545 Connecticut Avenue, N.W. which the lot abuts. The lot is located in its entirety within 200 feet of a commercial district.

3. The Board first approved the creation of the subject parking lot in 1967 in BZA Order No. 9217. The Board's last approval for continuance of the subject lot was in BZA Order No. 12990, dated November 28, 1979.

4. In the aforementioned BZA Order No. 12990, the Board granted the application for a period of two years, subject to the following CONDITIONS:

a. The applicant shall continue to comply with all of the conditions contained in the agreement dated June 16, 1976 between Safeway Stores, Inc. and the Upper Connecticut Avenue Betterment Association, attached as part of Exhibit 24 of the record.

b. The applicant shall meet with the D.C. Department of Transportation, Advisory Neighborhood Commission 3G, the Upper Connecticut Avenue Betterment Association and other affected area residents to discuss and resolve the differences concerning access to and circulation around the parking lot. When it applies for continuation of the parking lot, the applicant shall present to the Board the result of such meetings and any proposed modification to the lot which may have been agreed to.

5. The Department of Transportation, by memorandum dated September 3, 1981, reported that it had met with citizens of the area and Safeway representatives. The Department of Transportation has also monitored the operation of the parking lot and its effects on Connecticut Avenue and Morrison Street. The DOT determined that impacts on the streets are minimal. The DOT further expects that with the extension of the Metrorail line in this corridor, these impacts will be minimized. The DOT found that movement of the driveways from Connecticut Avenue to Morrison Street would adversely affect the residential character of the latter. The protection of the residential neighborhood continues to be a high city priority and far outweighs the minimal impact expected to be experienced on Connecticut Avenue. The DOT concluded that the driveways should remain on Connecticut Avenue, and recommended that continuation of the parking lot should be approved for an extended period of time. The Board so finds.

6. Advisory Neighborhood Commission 3G, by letter of October 5, 1981, reported that it unanimously voted to support the application provided that the Board (a) incorporate the agreement of June 16, 1976 between Safeway Stores, Inc. and the Upper Connecticut Avenue Betterment Association and (b) grant the special exception for a period of five years. The Advisory Neighborhood Commission further reported that it had met with the DOT and the neighbors as requested by the Board in the prior order and that the ANC concurs in the recommendations of DOT. The ANC reported that the closing of the driveways on Morrison Street has had the effect of substantially eliminating car and truck traffic on Morrison Street due to the parking lot and also that the closing of the driveways on Morrison Street had not adversly affected traffic on Connecticut Avenue. The Board concurs in the ANC recommendations.

7. Safeway has complied with all of the conditions of the Board's prior Order.

8. The applicant has received no complaints about the operation and maintenance of the parking lot.

9. The applicant requested approval of the application for a period longer than two years.

10. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board concludes that the applicant is seeking a special exception the granting of which requires substantial evidence that the applicant has complied with Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has demonstrated that all of the conditions specified in Paragraph 3101.48 have been met, that the parking lot is within 200 feet of a commercial district and that all of the conditions of Article 74 are complied with. In regard to Sub-section 8207.2, the Board concludes that the agreement between Safeway and the UCABA will

insure that no adverse condition will result from the use of the site as a parking lot. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificate of Occupancy, namely November 28, 1981.

2. The applicant shall continue to comply with all of the conditions contained in the agreement dated June 16, 1976 between Safeway Stores, Inc. and the Upper Connecticut Avenue Betterment Association, a copy of which is attached and made a part of this order.

3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

4. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

6. No other use shall be conducted from or upon the premises and no structure other that an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted.

7. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Douglas J. Patton, Charles R. Norris and Connie Fortune to grant, William F. McIntosh to grant by proxy, Walter B. Lewis not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 12 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.