GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

OFFICE OF PLANNING
DISTRICT OF COLUMBIA
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**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman

**DATE:** June 26, 2000

16586 EB

**SUBJECT:** BZA Application No. ~~16582~~ —Alban Towers underground parking garage.

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## APPLICATION

This application by the Charles E. Smith Companies requests a special exception under Section 214 for the construction of an underground parking garage for non-required accessory parking for the adjacent apartment building. The applicant has requested withdrawal of the additional application for a use variance.

BZA
Case No. 16586
Exhibit No. 30

## SUMMARY RECOMMENDATION

The Office of Planning recommends that this application be approved.

## SITE AND AREA DESCRIPTION

The Alban Towers Apartment Building is located at 3700 Massachusetts Avenue, NW (Square 1929, Lots 13). The square is surrounded by 38th St. to the west, by Garfield St. to the south, by Cathedral Avenue to the north. (Please see Exhibit A). The frontage of the existing building sits at the confluence of Wisconsin and Massachusetts Avenues.

The proposed garage is to be constructed on the 38th Street side of the square. The site contained two open parking lots utilized by Alban Towers residents and workers and a green space. Across from the site on 38th Street and on Garfield Street are semi-detached homes. The Garfield House Apartments sit at the juncture of Garfield Street and Wisconsin Avenue. The Cathedral Court Apartments sit at the opposite juncture of Massachusetts and Wisconsin Avenues. Cathedral Avenue and Massachusetts Avenue have both single-family and semi-detached homes in the vicinity of the site. Washington National Cathedral with its National Cathedral School is diagonally across the intersection of Massachusetts and Wisconsin Avenues.



Board of Zoning Adjustment
District of Columbia
CASE NO.16586
EXHIBIT NO.30

## APPLICANT'S PROPOSAL

The applicant proposes to build a parking garage under 15 matter-of-right semi-detached houses while providing approximately 258 spaces for the owners of the houses and the residents of the Alban Towers Apartments, which will have 229 apartment units. (Please see attached site plan, Exhibit B.)

The houses and the proposed parking garage are in an R-2 District. Alban Towers Apartments is in an R-5-D district. Alban Towers is designated as an historic landmark and is therefore not required to provide any additional parking beyond the 40 spaces that already exist in a basement area of the building. Nor is there a means to provide additional parking in the existing historic building, since not only the exterior, but a substantial portion of the interior has been designated. However, the applicant must respect both market conditions and the concerns of the neighborhood. Hence, it proposes to put parking underground on the adjacent lot that it owns and is planning to develop with semi-detached homes below the allowed density.

Because the two sites have always been under one ownership, but are on separate adjacent lots and split-zoned, the Chas. E. Smith Company filed this application so that it may sell the semi-detached houses on a fee simple basis and still provide parking for the tenants of the apartment building.

## ANALYSIS

The applicant is seeking a special exception under section 214, 2116.5 of the zoning regulations to use the underground garage as non-required accessory parking for the tenants of the adjacent Alban Towers and to sell the 15 houses above the garage as fee simple.

**Section 214**
The applicant must demonstrate that:

214.1 They meet the conditions specified in section 3108 of chapter 31 of this title and the additional provisions below

214.2 The accessory parking spaces are in an underground garage, no portion of which, except for access, shall extend above the level of the adjacent finished grade

214.3 The parking spaces are located in their entirety within two hundred feet of the area to which they are accessory

214.4 The parking spaces are contiguous to the use to which they are accessory

214.5 The parking spaces comply with all provisions of chapter 23 regulating parking lots, except as modified by the Board

214.6 It shall be economically impracticable 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 unusual conditions affecting the adjacent lot

214.7 The spaces are so located and so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

**Section 2116**

Section 2116 of the zoning regulations provides that the Board may authorize the location of accessory parking spaces elsewhere than on the lot where the building is located, to which the parking is accessory, if the Board shall determine that it is not practical to locate the spaces in accordance with 2116.2. Subsection 2116.2 requires that parking spaces be located in either a permitted garage or carport, subject to the special provisions of chapter 23 or on an open area of the lot. Subsection 2116.6 provides that the Board may determine that it is not practical to locate the spaces in accordance with 2116.2 because the location of required parking spaces on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

Subsection 2116.9 provides that the Board may impose conditions such as screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. The Board may also impose the other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

**Meets Conditions**

Regarding the specific requirements of Sections 214 and 2116, OP finds that the applicant meets all of the conditions predicate to granting a special exception. The R-2 lot is adjacent to the apartment building. The accessory spaces are located in an underground garage. Only access portions of the garage extend above the finished grade. The parking spaces are within 200 feet of the apartment building and comply with all provisions of Chapter 23 of the Zoning Regulations. Finally it is not feasible to locate the parking within the apartment building due to its historic landmark status. The proposed location would result in more efficient use of land, better design and landscaping, safer ingress and egress, and less adverse impact on neighboring properties.

OP also finds that the proposed parking use will alleviate, rather than aggravate, noise, traffic, parking and other conditions that would otherwise result if the tenants of the apartment building had to use the neighborhood streets for their parking.

**The Public Good and the Intent, Purpose and Integrity of the Zone Plan**

OP finds that the applicant has proposed an excellent solution in placing the parking underground in the manner designed. Not only will the security for the tenants and the residents of the semi-detached houses be maximized, but the community will get an amenity above the garage—a beautifully-designed butterfly garden that will be open to the community. The

developer has also agreed to maintain a public triangle park near the site, as well as to develop landscape buffers between the new houses, the apartment building and the existing houses.

The provision of underground parking adjacent to the Alban Towers Apartment Building is in keeping with the intent and purpose of the zoning regulations and the specific provisions authorizing accessory parking on adjacent lots. Since the portion of the lot above ground is being developed matter-of-right, there is no impact on the zone plan for this site.

Although the rehabilitation of Alban Towers Apartment Building is a matter-of-right development and is not at issue here, the Office of Planning takes this opportunity to comment that this developer is setting a new standard for such rehabilitation. By incorporating such practices as deconstruction/recycling of building materials, provision of secure indoor bicycle parking, use of 6" caliper shade trees in its landscaping, incorporation of the "Cooper Code" for construction (see Exhibit C), the company is making some important moves towards conserving resources and encouraging sustainability. From our viewpoint, The Charles E. Smith Company has done an exemplary job of working with the community to accommodate their needs as well as the needs of the city as a whole.

## ANCS AND COMMUNITY GROUPS

ANC 3C voted unanimously (5 – 0) to support the project and urge the BZA to grant the requested special exception and/or variance with three conditions:

1. That the construction mitigation measures agreed to by Smith, a copy of which is attached, be adopted by the Board in its order; and
2. That the landscape development plan and landscape maintenance plan agreed to by Smith, a copy of which is attached, be adopted by the Board in its order: and
3. That the use of the parking garage be restricted to only the residents of the apartment building and their guests, the owners of the semi-detached houses and their guests, and the employees working at the apartment building.

The ANC's full resolution, along with the construction measures, are attached as Exhibit C.

## OTHER AGENCY COMMENTS

The Metropolitan Police Department—we hope to attach this report by the hearing date.

The Office of the Fire Marshall— we hope to attach this report by the hearing date.

The Department of Public Works— we hope to attach this report by the hearing date.

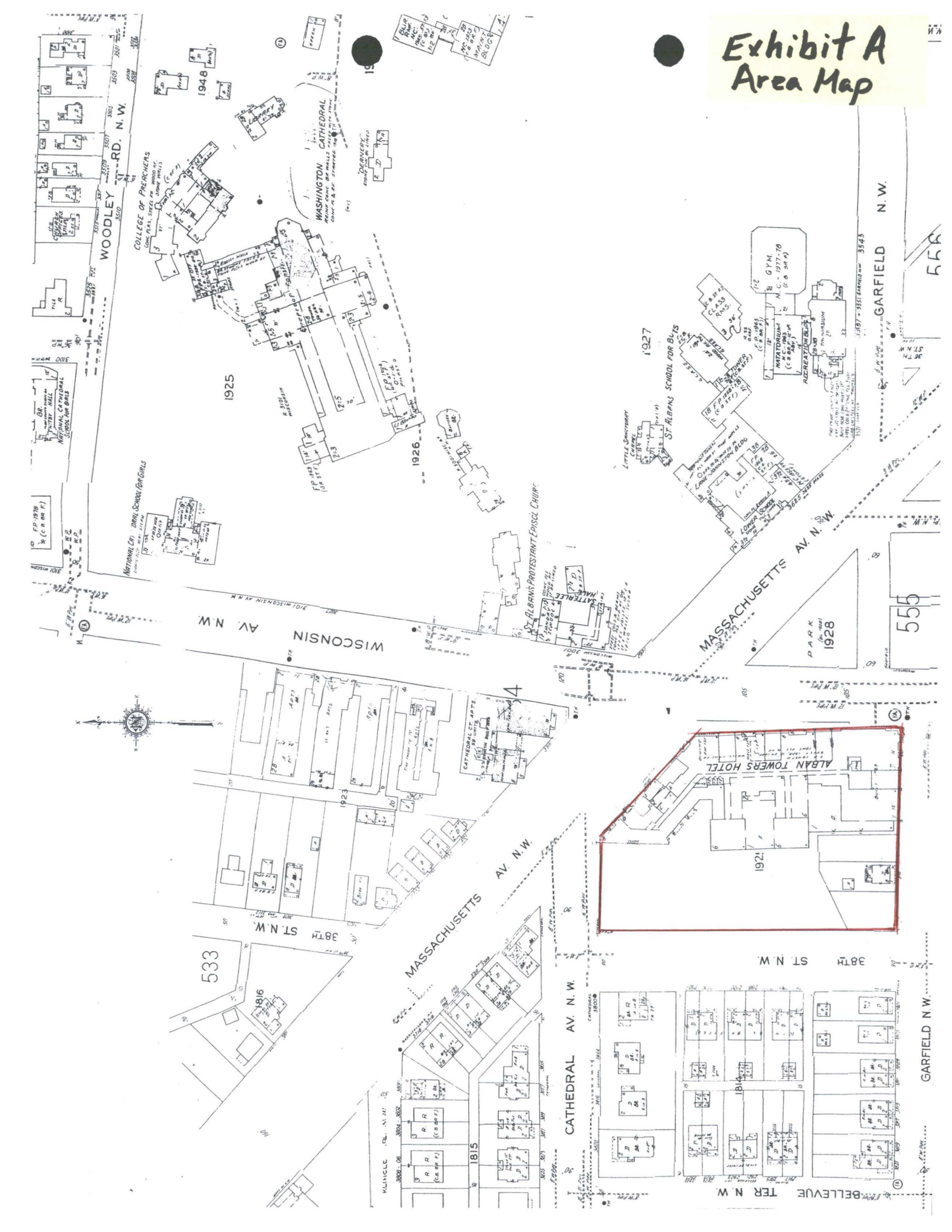
**RECOMMENDATION**

The Office of Planning recommends approval of the subject application. In an exemplary way, the applicant meets all of the requirements of Section 214 and Section 2116.5 to receive a special exception.

Attachments

AA/mv

# Exhibit A
## Area Map



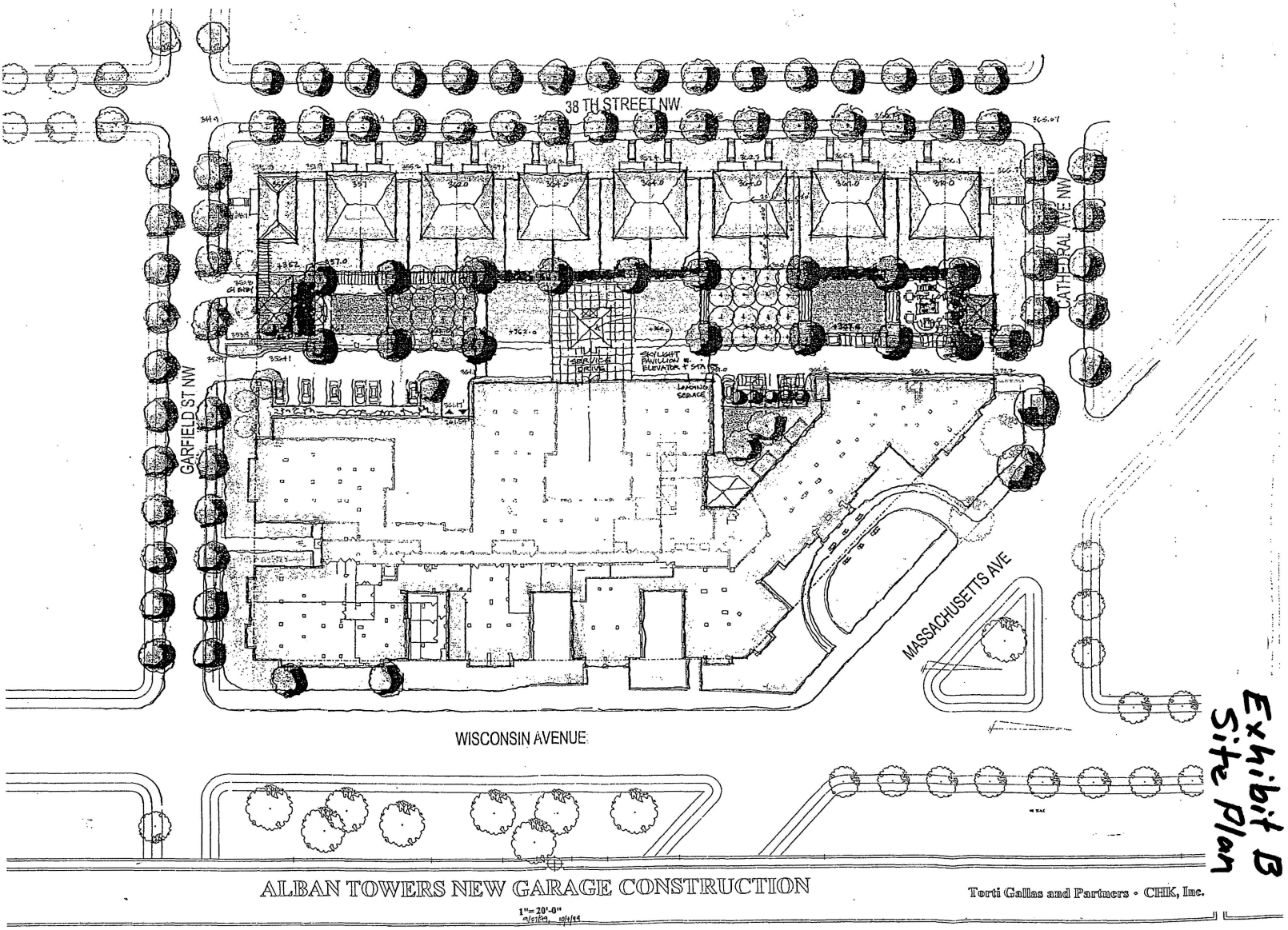



Exhibit B
Site Plan

ALBAN TOWERS NEW GARAGE CONSTRUCTION

Torti Gallas and Partners • CHK, Inc.

1"= 20'-0"
9/5/99 10/4/99

Exhibit C
ANC Resolution

# ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS - CLEVELAND PARK - MASSACHUSETTS AVE. HEIGHTS - MCLEAN GARDENS - WOODLEY PARK
Single Member District Commissioners: 01 - Cheryl Opacinch, 02 - Alan Blevins, 03 - Michael V. Molnar, 04 - Richard C. Bartel, 05 - Ann Hume Loikow, 06 - Jim Evans, 07 - Lyle Blanchard, 08 - Rosalyn P. Doggett, 09 - Ruthanne Miller

## RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3C REGARDING THE APPLICATION OF THE CHARLES E. SMITH COMPANIES BEFORE THE BOARD OF ZONING ADJUSTMENT REGARDING ALBAN TOWERS

WHEREAS the Charles E. Smith Companies and its affiliates (Smith) have purchased the Alban Towers Apartment Building (Alban Towers), a historic landmark, and are in the process of restoring the landmark building for approximately 229 apartment units; and

WHEREAS Smith has also purchased the lots to the rear of the Alban Towers, for the development of semi-detached houses, and the number of houses and their height are below the amount permitted by the Zoning Regulations, and otherwise comply with all other zoning requirements; and

WHEREAS Smith is not required by the Zoning Regulations to provide more than the forty existing parking spaces for the tenants of the Alban Towers because of its status as a historic landmark; and

WHEREAS Smith has proposed to provide underground parking for the semi-detached houses and the tenants of Alban Towers Apartment Building, underneath the lots on which the semi-detached houses are being built, all within the same square on which the new houses and the apartment building are located, which lots are not separated by an alley; and

WHEREAS Smith has agreed to maintain an open landscaped area between the apartment building and the houses for use by the community and to maintain a public triangle park near the site, as well as to develop landscape buffers between the new houses, the apartment building and the existing houses; and

WHEREAS Smith has committed to limiting its construction schedule to mitigate any noise impacts and to provide other assurances that will limit any adverse impacts on adjoining properties, including compliance with the "Cooper Code":

NOW, THEREFORE, BE IT RESOLVED that Advisory Neighborhood Commission (ANC) 3C, at a properly noticed public meeting, resolves that the Board of Zoning Adjustment (Board) should grant the special exception relief sought by Smith to authorize the use of the garage by the tenants of the Alban Towers Apartment Building,

since the use will not have an adverse effect on the neighborhood but will mitigate any impacts from the renewed use of the Alban Towers by approximately 229 tenants. In the alternative, the ANC resolves that the Board should grant the use variance sought for the use of the parking garage, should such relief be necessary, because the apartment building, as a landmark, presents unique conditions, and a hardship would exist if a parking garage could not be utilized by the Alban Towers tenants. Either action should be subject to the following conditions:

1. That the construction mitigation measures agreed to by Smith, a copy of which is attached, be adopted by the Board in its order; and

2. That the landscape development plan and landscape maintenance plan agreed to by Smith, a copy of which is attached, be adopted by the Board in its order; and

3. That the use of the parking garage be restricted to only the residents of the apartment building and their guests, the owners of the semi-detached houses and their guests, and the employees working at the apartment building.

BE IT FURTHER RESOLVED that the ANC urges Smith to continue efforts to reach an understanding with the 38th Street neighbors to resolve any outstanding differences that may exist between the two parties, specifically regarding the size and scale of the semi-detached houses; and

BE IT FURTHER RESOLVED that ANC 3C authorizes the Commissioner Lyle Blanchard, the Chair or the Chair's designee to present its views to the Board.

This resolution was unanimously approved by ANC 3C by a vote of 5/0 at its properly noticed public meeting on June 19, 2000, at which a quorum, consisting of five commissioners, was present.

# ATTACHMENT 1: CONSTRUCTION MITIGATION MEASURES

A. The Cooper Code: Safety Standards for Construction Vehicles

1. Before a trucking company starts a project, the excavation company must require documentation of:

o All necessary licenses and permits;
o Any accidents or citations involving trucks or on-duty drivers for the prior year;
o The last required federal inspection;
o Adequate liability insurance;
o Current federal safety report; and
o A pledge not to pay speeding tickets for drivers.

2. If any of the above information changes or expires during the project, the trucking firm must update its records.

3. Before work starts, the excavation company shall certify that the trucking company has complied. The certification shall be placed on the truck's windshield, with a list of each driver authorized to drive the truck.

4. Before any driver starts work on a project, the excavation company must inspect the driver's commercial license to make sure it is current and appropriate for the job.

5. The excavation company must identify routes for drivers that minimize the use of streets through residential areas.

6. The excavation company must not require or recommend that drivers take any other routes.

7. If the excavation company uses how long a trip takes to measure a trucker's performance, the standard shall be the "reasonable" time it takes to drive the recommended route.

8. The excavation company must not load any truck with more weight than the maximum allowed in any jurisdiction in which the truck is driven.

B. Other Construction Mitigation Measures:

Smith agrees that during construction on the Rear Site and rehabilitation of Alban Towers, contractors for Smith shall be subject to the following rules and regulations:

(a) Contractors shall work closely with the Neighbors to minimize disturbances during construction to keep to a minimum noise, traffic, vibrations, air pollution, and other

adverse effects from construction. The term "Neighbors" includes any resident within two blocks of the site and any other person in the general vicinity who notifies Smith or ANC Commissioner Lyle Blanchard that that they wish to be included in the group "Neighbors";

(b) Construction and construction related activities shall not start before 7 a.m. nor continue after 5 p.m.;

(c) Major machinery, such as backhoes and front end loaders, shall not start before 7:30 a.m. To the extent possible, Smith shall abate noise until 8:00 a.m., and Smith shall provide one quiet period each day from 11 a.m. to 3 p.m. of 30 minutes duration;

(d) Trash shall not be collected before 7 a.m. or after 7 p.m.;

(e) No pile driving is expected but, should unforeseen circumstances warrant pile driving, Smith will notify the Neighbors at least 24 hours in advance and provide them with the basis for the pile driving;

(f) Weekend exterior construction activity, if any, shall be confined to a period of 9 a.m. to 5 p.m. on Saturdays only;

(g) Contractors shall comply with the "Cooper Code" (Part A above), a plan governing truck traffic developed by Advisory Neighborhood Commission 3G;

(h) Contractors shall maintain a program of dust control along 38th and Garfield Streets, periodic watering of soil, daily cleaning of 38th and Garfield Streets, daily washing of truck tires and undercarriages;

(i) Construction workers shall be required to park on-site, in parking facilities designated by Smith, or in public on-street spaces not covered by the District of Columbia residential parking permit program;

(j) During construction, Smith will try to avoid using 38th Street to the extent possible;

(k) Smith shall promptly upon receipt provide the Neighbors with copies of all building permits;

(l) Smith shall provide the Neighbors with e-mail alerts or extra-net communications regarding any instances when construction is likely to produce considerably more noise than usual or increased noise levels for an extraordinary amount or duration of construction noise an unusually long period;

(m) Smith shall provide the Neighbors with information regarding the ventilation system utilized for the parking garage on the Rear Site, the air conditioning for the residential

structures on the Rear Site and the rooftop air conditioning for Alban Towers and assure Neighbors that such systems shall not produce any greater noise than provided in the specifications in Smith's plans or as required by applicable regulations of the District of Columbia; and

(n) Smith shall provide quarterly progress reports or newsletters to the Neighbors on the construction on the Property and the condition of the roads beginning on the effective date of this order; and

(o) Smith shall notify ANC 3C in advance of the routes to be used by trucks involved in the construction and shall ensure to the extent possible that they only use major arterials to travel through the District of Columbia.

ATTACHMENT 2: LANDSCAPE DEVELOPMENT PLAN AND MAINTENANCE PLAN

1. SMITH agrees to implement a Landscaping Plan for the Rear Site. The Landscaping Plan sets forth the planting to be undertaken by SMITH on the Rear Site, a triangle park in front of Alban Towers, and any other portions of the Square, all of which shall be maintained by SMITH in perpetuity. A triangle park in front of Alban Towers shall be maintained by SMITH in perpetuity to the extent permitted by the District Government.

2. SMITH agrees to establish a landscaped buffer area on both sides of 38th Street between improved portions of Alban Towers and the Rear Site and the neighborhood houses and to perform the landscaping work, as depicted in its plans.

3. SMITH agrees to undertake to stabilize and maintain open areas not built on, including the planting of grass, and planting of trees and shrubs, except as provided herein with regard to the use of the Rear Site Landscape Plan. Moreover, SMITH agrees to preserve as many trees and shrubs as possible and as long as possible consistent with reasonable needs of housing construction.