BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
Clifton Terrace Associates, L.P.

BZA Application No. 16612
Hearing Date: October 10, 2000
ANC 1B

BZA
Case No. 16612
Exhibit No. 25

'00 DEC 27 P3:12

I.
Introduction

Pursuant to Sections 3104.1 and 3103.2 of the Zoning Regulations of the District of Columbia ("Zoning Regulations"), the Applicant, Clifton Terrace Associates, L.P. hereby requests the Board of Zoning Adjustment ("Board") to approve a special exception and a variance from Section 214.2 of the Zoning Regulations to allow the construction of a four-level parking garage, with a grade level garden and play area, on the property located at the 2400 block of 13th Street, N.W. (Lot 109, Square 2868). The parking garage structure will be ancillary and accessory to the Clifton Terrace Apartments (the "Apartments") located on Lots 106, 107 and 108 of Square 2868.

II.
Background

The Applicant in this case proposes construction of a four-level parking garage on Lot 109 in Square 2868 to serve as accessory parking for the Apartments, located on Lots 106, 107 and 108 in Square 2868. Lot 109 is currently used as an accessory surface parking lot to the Apartments. The Apartments consist of three separate buildings, one building each on Lot 106, 107 and 108. The Apartments, originally built in approximately 1916, before this redevelopment effort, consisted of

Board of Zoning Adjustment
District of Columbia
CASE NO.16612
EXHIBIT NO.25

over 300 residential units. Two of the three buildings are currently vacant. The Applicant is the recipient of a HUD award to completely rehabilitate the three apartment buildings. The redevelopment of the Apartments will result in the addition of 230 new low- and moderate-rate apartment units, including handicapped units, to the housing market. Lot 106, containing the westernmost building, is located in the C-2-B District. Lots 107, 108 and 109 are located in the R-5-B District. The proposed parking garage will consist of four levels of mostly below-grade parking and a grade-level garden and play area above the parking structure. Due to the topography of the site as explained below, a portion of the parking structure will be above grade.

III.
Jurisdiction of the Board

This Board has jurisdiction pursuant to Sections 3104.1 and 3103.2, respectively, to grant the requested special exception relief and variance relief.

IV.
The Proposed Use

A. Existing and Proposed Use

The existing surface parking lot on the subject site is approximately 22,951 square feet. This parking lot has always been used exclusively for the residents of the Apartments and was originally established by order of the Board of Zoning Adjustment. The construction of the proposed parking garage, along with the grade-level garden and play area, is considered necessary to the successful redevelopment of the Apartments. The redevelopment effort includes major

renovation of the three apartment buildings, upgrading the safety of the building, upgrading the surrounding landscaping and other site improvements. The adjacent parking structure will be available exclusively to the residents of the Apartments.

The parking garage will contain 156 parking spaces and will have its only access through the alley to the south of the subject site.

B. Special Exception Relief

A special exception is requested pursuant to Sections 3104 and 214 of the Zoning Regulations to permit the use of an accessory parking lot elsewhere than on the same lot on which the main use is permitted in the R-5-B Zone. The Regulations permit such a special exception if the conditions imposed by Section 214 of the Zoning Regulations are met.

C. Variance Relief

Variance relief is requested from Section 214.2 to allow a portion of the parking structure to extend above the level of the adjacent finished grade, one of the conditions imposed for approval of the special exception requested above.

V.
Exhibits in Support of Application

The following exhibits are submitted in support of the Application.

Exhibit A: Copy of a portion of the Sanborn Map outlining the Property.

Exhibit B: Copy of a portion of the Baist Atlas outlining the Property.

Exhibit C: Copy of the Zoning Map showing the Property and surrounding area.

Exhibit D: Letter from ANC 1B in support of the granting of the requested special exception and variance.

Exhibit E: Letter from Jim Graham, Councilmember, Ward 1, in support

of the granting of the requested special exception and variance.

Exhibit F: Photographs of the subject site and the Clifton Terrace Apartments.

Exhibit G: Outline of testimony of a representative of the Applicant.

Exhibit H: Outline of testimony of a representative of Schwam Architects.

Exhibit I: Outline of testimony of Land Planner, Richard S. Nero, Jr.

Exhibit J: Architectural Plans for the parking structure.

VI.
The Applicant Complies with the Requirements of Sections 3104.1 and 214 of the Zoning Regulations and is Entitled to Special Exception Approval.

A. Special Exception Requirements

In order to meet the burden of proof for a special exception, an applicant must demonstrate that the proposed use will be in harmony with the general purpose of the Zoning Regulations and will not tend to affect adversely the neighboring property (see Section 3104.1). In the case of the subject application, it must be further demonstrated that the proposed use of the parking structure meets the requirements of Section 214 of the Zoning Regulations as follows:

Section 214.2 - The parking spaces must be in an open area no portion of which extends above the level of the adjacent finished grade.

The parking structure will be located in an open area on Lot 109. A portion of the structure will extend above the level of the adjacent finished grade, for which the Applicant is also requesting a variance (see Section VII herein). The property has a severe drop in elevation from north to south.

Section 214.3 - The parking spaces must be located, in their entirety, within two hundred feet (200 ft.) of the area to which they are accessory.

The parking structure will be entirely within 200 feet of the Apartments.

Section 214.4 - The parking spaces must be contiguous to the use to which they are accessory.

The parking structure will located on Lot 109 which is contiguous to the Apartments. The parking structure will be built alongside two of the three apartment buildings, and the parking structure will be used exclusively for tenants of the Apartments.

Section 214.5 - The parking structure must satisfy the requirements of Chapter 23 of the Zoning Regulations.

The proposed parking structure will satisfy all requirements of Chapter 23 of the Zoning Regulations.

Section 214.6 – It shall be economically impracticable to locate accessory parking spaces within the principal building or on the same lot as the principal building.

Because of the substantial improvements on each of the three lots on which the Apartments are located (Section 214.6(b)), it is impracticable to locate the parking structure on these lots.

Section 214.7 – The structure shall be so located so that it is not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions.

There will be no adverse traffic impacts resulting from the location of accessory parking spaces on the subject site. Access to the parking structure will be through a 20-feet wide public alley on the south side of the subject site, connecting directly to 13th Street, N.W. Access to the garage will not pass through the Apartments' site nor will it adversely affect any other property. The site has been used as a surface parking lot for over forty (40) years. The provision of this structure will reduce on-street parking while also providing a grade-level garden and play area where surface parking now exists.

B. Section 3104.1

The special exception, if granted, will not detrimentally affect the public good or substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. As is fully demonstrated above, with the granting of the variance requested below, this application meets the criteria set forth in Section 214 and, therefore, is in harmony with the general purpose and intent of the Zoning Regulations.

VII.
The Application Meets The Requirements For Variance Relief Under Section 3103.2 of the Zoning Regulations

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not

cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. *Palmer v. BZA*, 287 A.2d 535, 541 (D.C. 1972). As set forth below, the application meets the three-part test for area variance relief.

As a condition of the special exception requested above, Section 214.2 of the Zoning Regulations requires that no portion of an underground garage shall extend above the level of the adjacent finished grade. The Applicant requests relief from this requirement to allow a portion of the proposed parking garage to extend beyond the level of the adjacent finished grade.

A. The Property is Affected by an Exceptional Situation or Condition

The parking garage structure will be approximately level with the adjacent grade in the area where the parking structure meets the two adjacent Clifton Terrace apartment buildings. The ground level slopes down severely from the edge of the surface parking lot to the alley south of the subject site, where the garage access is planned. At this access point in the south alley, the top level of the parking garage will be above the adjacent grade.

B. A Strict Application of the Regulations Would Impose a Peculiar and Exceptional Practical Difficulty On the Applicant

Due to the topography of the subject site as described above, the strict application of Section 214.2 of the Zoning Regulations would impose a peculiar and exceptional practical difficulty on the Applicant. In order for the Applicant to comply with Section 214.2, the top of the parking structure would be level with the finished grade at the south alley and continue at that grade up to the Apartment buildings. Since the grade at the apartment buildings is significantly higher than

the grade at the alley, if the parking structure was level with the finished grade, a four-level structure would not be possible. Also, the top of the structure would be near or below the foundation of the Apartment buildings. The additional excavation, the reduced amount of parking levels, and other related results would cause a practical difficulty for the Applicant.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The subject site has been used as an accessory parking lot exclusively for the Clifton Terrace Apartments for over forty (40) years. The continuation of this use as a parking garage would only improve the benefits of this use. A larger parking structure will reduce on-street parking and make the renovated Clifton Terrace Apartments more marketable. Additionally, the grade-level garden and play area will be an excellent amenity to the adjacent residential use. The garage entrance will be from the south alley only and should not alter the current traffic situation. Aesthetically, the proposed garden and play area will be a great improvement over the current surface parking lot. For these reasons, the requested relief can be granted without substantial detriment to the public good.

The parking garage structure will be at grade level in the area of the Apartment buildings. The top of the structure will remain at that level as the ground level slopes toward the south alley. It is only the topography of the subject site which makes the variance request necessary, and the garage will not go higher than the finished grade at the Apartments. For this reason, the granting of the

variance is in harmony with the general purpose and intent of the Zoning Regulations.

VIII.
Community Input

The Applicant made a presentation to the community regarding this application at the Advisory Neighborhood Commission (ANC) 1B public meeting on July 12, 2000. On July 12, 2000, ANC 1B voted unanimously to support the Applicant's request to construct the parking garage and grade-level garden and play area. In addition, numerous community meetings were held on this project during the selection process for the developer. The Ward Councilmember is in support of the project and this application.

IX.
Witness

1. A representative of the Applicant.
2. A representative of Schwam Architects.
3. Land Planner, Richard S. Nero, Jr.

X.
Conclusion

For the foregoing reasons, the Applicant is entitled to the special exception and variance relief requested herein.

Respectfully submitted,

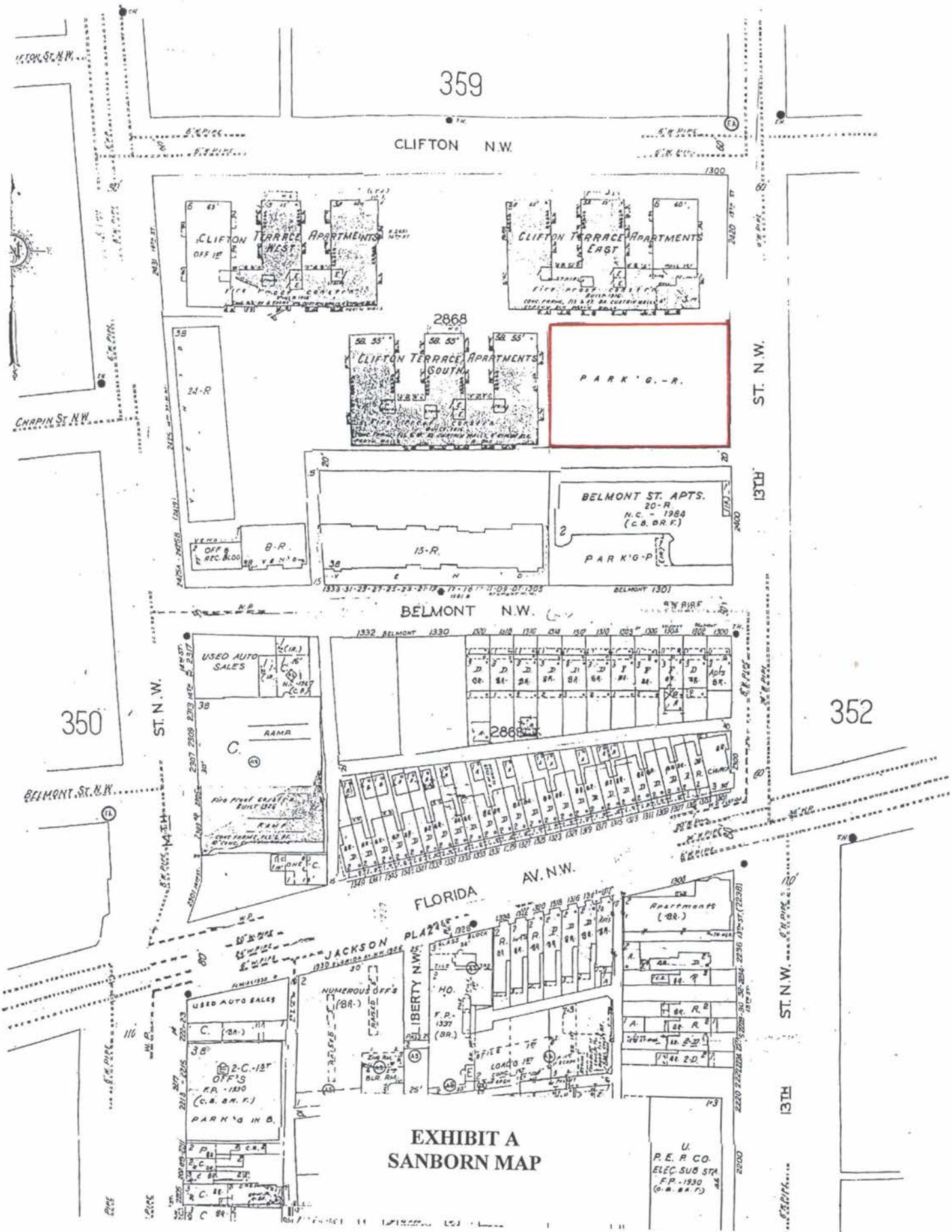
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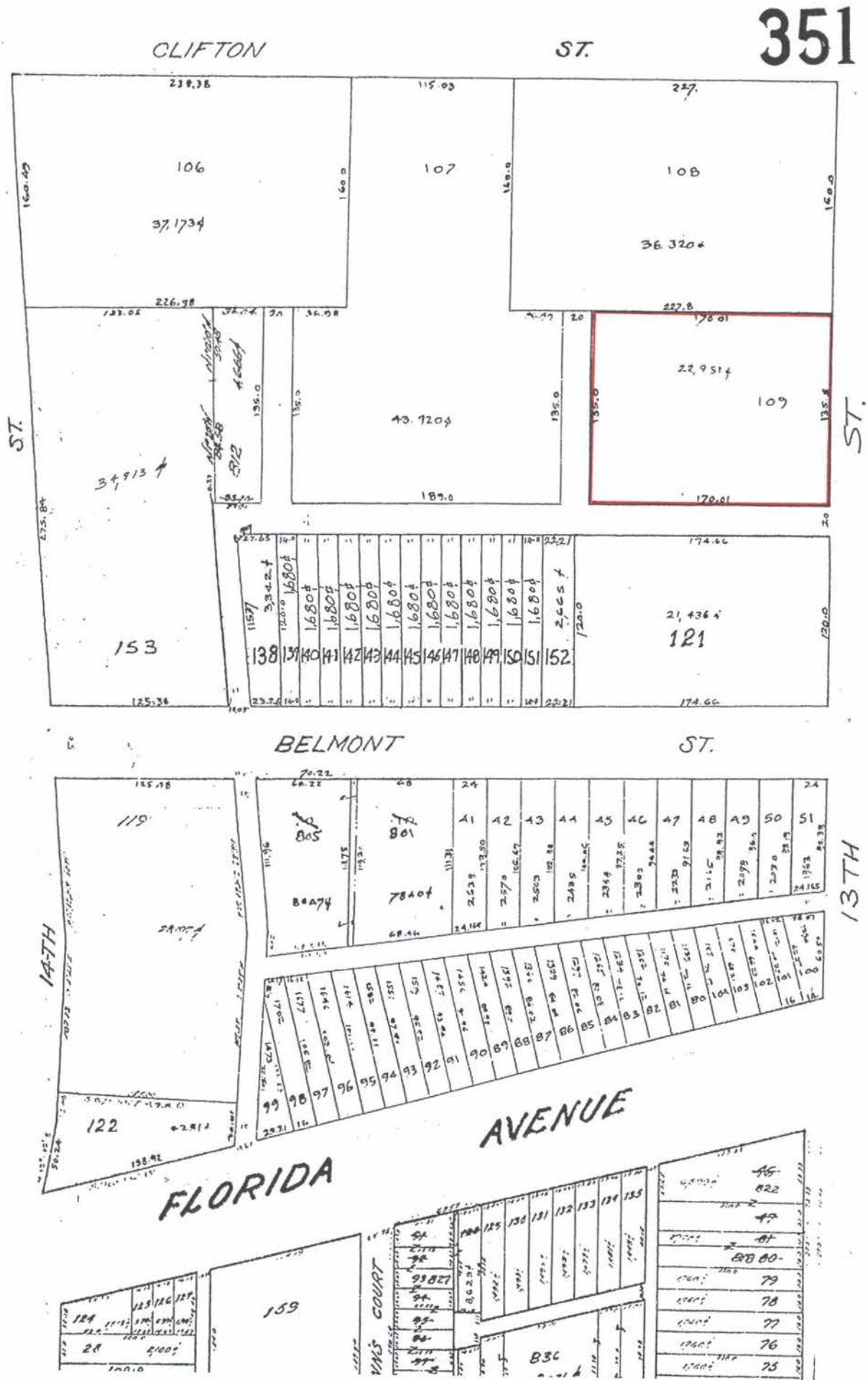
By: _____
Norman M. Glasgow, Jr.

By: _____
Martin P. Sullivan

211719v2

Vol 3


359
CLIFTON N.W.
CLIFTON TERRACE APARTMENTS WEST
CLIFTON TERRACE APARTMENTS EAST
2868
CLIFTON TERRACE APARTMENTS SOUTH
PARK'G.-R.
13TH ST. N.W.
CHAPIN ST. N.W.
24-R.
8-R.
15-R.
BELMONT ST. APTS.
20-R
N.C. - 1984
(C.B. BR.F.)
PARK'G-P
BELMONT N.W.
350
352
ST. N.W.
USED AUTO SALES
RAMA
BELMONT ST. N.W.
FLORIDA AV. N.W.
JACKSON PLACE N.W.
LIBERTY N.W.
NUMEROUS OFF'S
HO.
F.P. 1937
(BR.)
2-C.-1ST OFF'S
F.P. - 1930
(C.B. BR. F.)
PARK'G IN B.
Apartments
(88.)
U. P. E. R. CO.
ELEC. SUB STA.
F.P. - 1930
(C.B. BR.F.)
EXHIBIT A
SANBORN MAP


351
CLIFTON ST.
106
107
108
109
153
121
138 139 140 141 142 143 144 145 146 147 148 149 150 151 152
BELMONT ST.
14TH
13TH
119
122
159
FLORIDA AVENUE
COURT

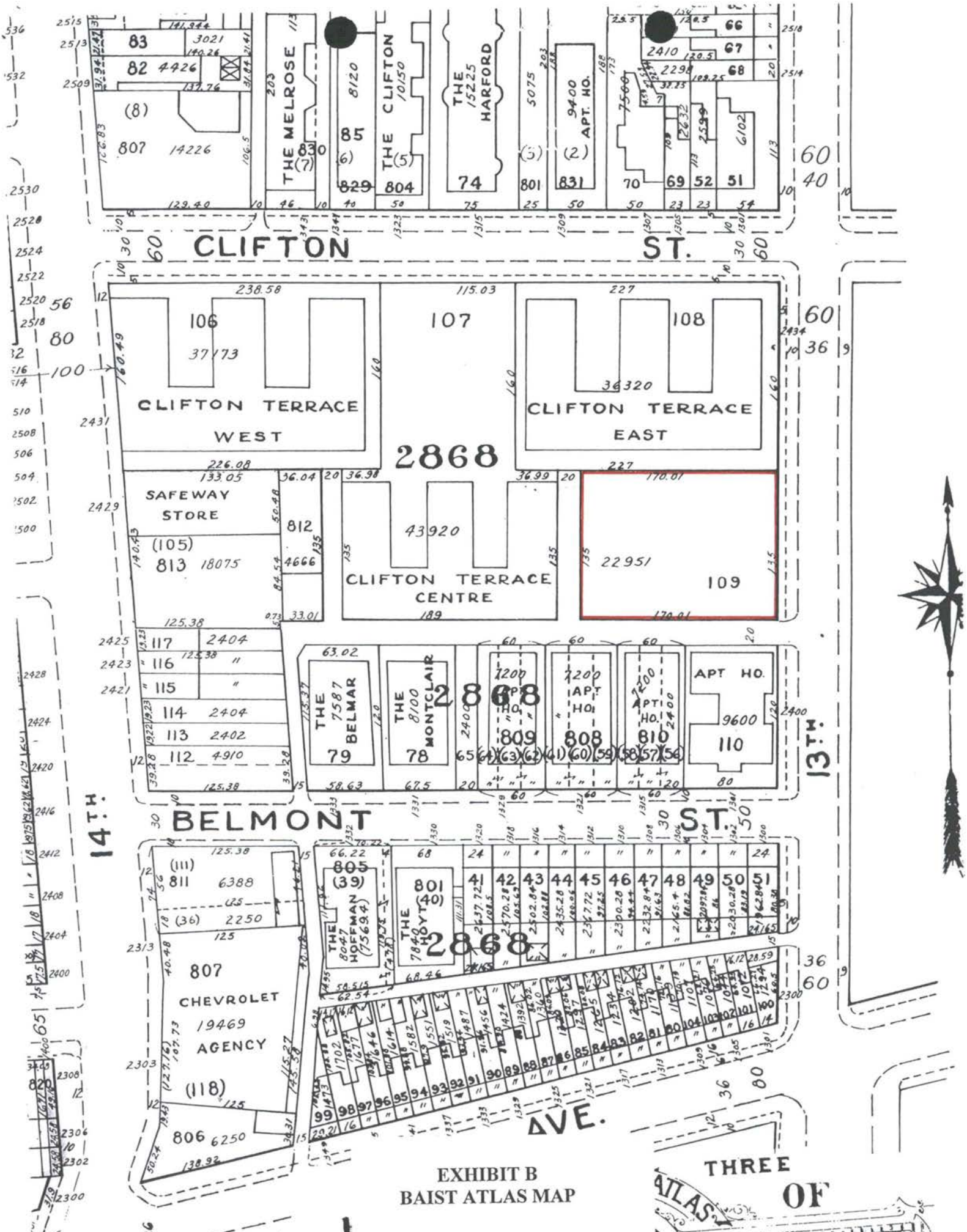


EXHIBIT B
BAIST ATLAS MAP



EXHIBIT C
ZONING MAP

ADVISORY NEIGHBORHOOD COMMISSION 1B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
COLUMBIA HEIGHTS / LEDROIT PARK / SHAW / UNIVERSITY HEIGHTS

'00 SEP 18 P1:36

COMMISSIONERS

TOM COGMARIS 1B01
GLENN MELCHER 1B02
M.A. "DOLLY" FITZGERALD 1B03
LAWRENCE T. GUYOT, JR. 1B04
NIK EAMES 1B05
SINCLAIR "SKIPP" SKINNER 1B06
CHARLES E. GLOVER 1B07
GARY DOHOFF 1B08
CATHERINE HAMMONDS 1B09
THEODORE B. BUTLER 1B10
DEBORAH R. THOMAS 1B11
IDA LOVE BLOCKER 1B12

September 11, 2000

Sheila Cross-Reid, Chair
Board of Zoning Adjustment
441 4th Street, NW
Room 210
Washington, DC 20001

Re: Clifton Terrace BZA Parking Garage Special Exception and Variance Case
Square 2868, Lot 109

Dear Ms. Reid:

This letter is to advise that ANC 1B, at its regularly scheduled public meeting held on July 12, 2000, at which time a quorum was present, voted to support the applicant's request to construct a four level parking garage with a roof top garden on the area of an existing parking lot previously approved by the Board of Zoning adjustment. The applicant has requested a special exception to allow the parking serving the Clifton Terrace apartment buildings to be on a separate lot and a variance because a portion of the underground parking will extend above the adjacent grade.

The ANC supports the overall redevelopment of Clifton Terrace, which has been a project with a troubled history within the community. The proposed redevelopment plan removing the surface parking and replacing it with underground parking will be of significant benefit to the community. The special exception allows for parking to be located elsewhere than the lot on which the use is located. Because the project consists of a number of record lots, and the apartment buildings themselves do not contain parking, relief is required. The parking will be provided within the site traditionally considered to be part of Clifton Terrace, and is within close and convenient access to the buildings the space will serve. The access to the garage will be through a twenty foot wide public alley on the south side of the garage, connecting directly to 13th Street without otherwise passing through the site or adversely affecting any other property.

In reviewing this matter, the ANC has determined that the subject property's use as a surface parking lot for many years servicing the Clifton Terrace Apartments is unique. Lot 109 is a separate record lot within the project used only for a parking lot.

EXHIBIT D

The property is affected by an exceptional situation or condition, due to the significant change in grade of the escarpment north of Florida Avenue and its availability as the only piece of property in the vicinity to provide parking for the three buildings comprising the Clifton Terrace project.

The Clifton Terrace apartments are viewed by the community as being historically significant and the community supports a plan which retains the buildings. There is no other reasonably available space in the Clifton Terrace project for locating an underground parking garage and provision of parking is important for the success of this project. Therefore, a practical difficulty would occur were the applicant not permitted to utilize this space for underground parking purposes and would constitute a practical difficulty to the applicant.

Lastly, use of the subject property as an underground parking garage with a landscape area above furthers the public interest and is a benefit to the community by relieving on-street parking pressures which will occur through redevelopment of the Clifton Terrace apartments if no additional parking is permitted to be provided. The granting of the application will further the purposes of the Zoning Regulations and zone plan.

For the foregoing reasons, ANC 1B urges the Board of Zoning Adjustment to grant the application for special exception and variance relief.

Respectfully submitted

Lawrence T. Guyot
Chairman, ANC 1B

RECEIVED
JUL 24 2000

JIM GRAHAM
COUNCILMEMBER, WARD ONE
COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

WASHINGTON DC
THE AMERICAN EXPERIENCE

441 4th Street, N.W., Suite 718
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jgraham@dccouncil.washington.dc.us

Membership:
Consumer and Regulatory Affairs
Human Services
Local and Regional Affairs
Public Works and the Environment

Board of Directors, WMATA/Metro

July 20, 2000

Lessie Powell Evans
Senior Vice President
Community Preservation and Development Corporation
5513 Connecticut Avenue, NW, Suite 250
Washington, DC 20015

Re: Clifton Terrace Redevelopment and the Parking Garage
Special Exception/Variance Case Before the BZA

Dear Ms. Evans:

I am writing to express my support of the Community Preservation and Development Corporation and the Michael's Development Corporation's plans to renovate Clifton Terrace Apartments and develop a parking garage structure. The needed parking garage structure requires approval of the BZA.

For many, many years, Clifton Terrace has been a major problem for the Columbia Heights community. I am very excited about the opportunity for the redevelopment of this complex into a mixed-income condominium and rental housing development. This will be a wonderful redevelopment for this community.

I understand that the Community Preservation and Development Corporation (CPDC), a 501(C)(3) nonprofit housing and community program corporation has partnered with Michaels Development Corporation (MDC) an exceptional affordable housing developer with extensive redevelopment experience. CPDC is a regional nonprofit working in the District of Columbia, Maryland and Virginia, with experience in substantial renovation, community program development and computer technology. MDC has built or rehabilitated over 1 billion dollars in affordable housing since 1963. Its portfolio consists of over 20,000 units in 15 states and the Virgin Islands.

The renovation and redevelopment of Clifton Terrace is absolutely needed and is the next step for this community. Given CPDC's work in District over the years along with your team's experience as an affordable housing developer and community services provider makes you the appropriate entity for this development. Additionally, the addition of parking on this site greatly adds to the success of this development and I applaud you for your concern and sensitivity of the

overall impact of this development on the entire community.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

CC: Sheila Cross-Reid, Chair
Board of Zoning Adjustment



View looking northwest at the subject property. Thirteenth Street, N.W., is in the foreground.



View looking west at the subject property across Thirteenth Street, N.W.

EXHIBIT F



Existing Surface Parking on Lot 109



View from Thirteenth Street, N.W.

OUTLINE OF TESTIMONY OF REPRESENTATIVE OF THE APPLICANT

I. Introduction and General Description – CPDC

II. Description of Clifton Terrace Apartments

III. Brief Overview of Development Plan for the Site

IV. Brief Overview of Proposed Variance Request

V. Conclusion

EXHIBIT G

OUTLINE OF TESTIMONY OF
REPRESENTATIVE OF SCHWAN ARCHITECTS
PROJECT ARCHITECT

I. Introduction

II. Site Description

III. Description of the Relationship Between Variances and the Proposed Site Plan

IV. Traffic and Parking

V. Conclusion

EXHIBIT H

OUTLINE OF TESTIMONY OF LAND PLANNER

I. Introduction

II. Site Location

III. Site Description

IV. Zoning

V. Description of Proposed Variances

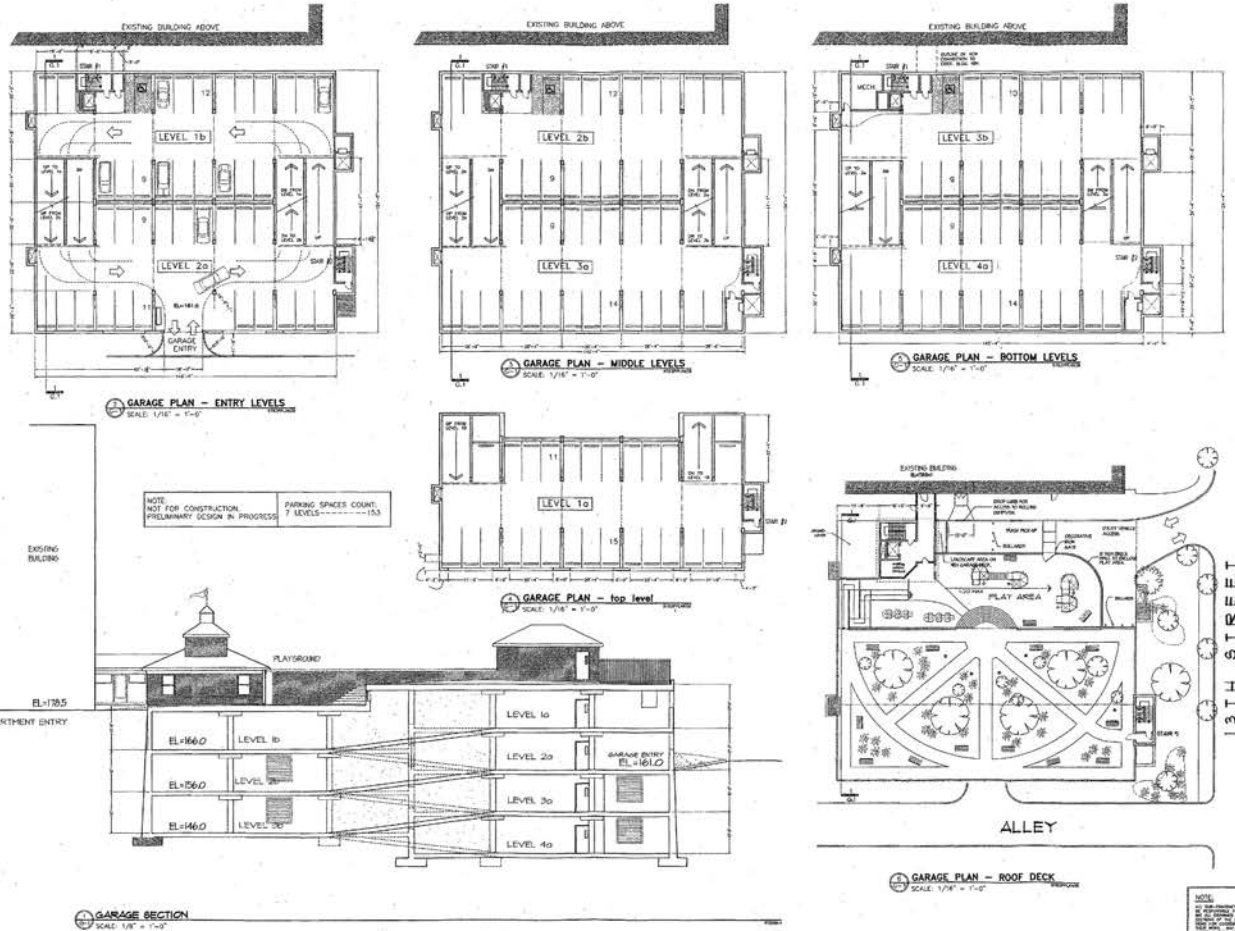
VI. Compliance with Standards

VII. Consistency with Comprehensive Plan

VIII. Compatibility with the Area

IX. Conclusion

EXHIBIT I



PROPOSED UNDERGROUND PARKING GARAGE FOR:
CLIFTON TERRACE APARTMENTS
1250 CLIFTON STREET N.W.
WASHINGTON, D.C. 20010

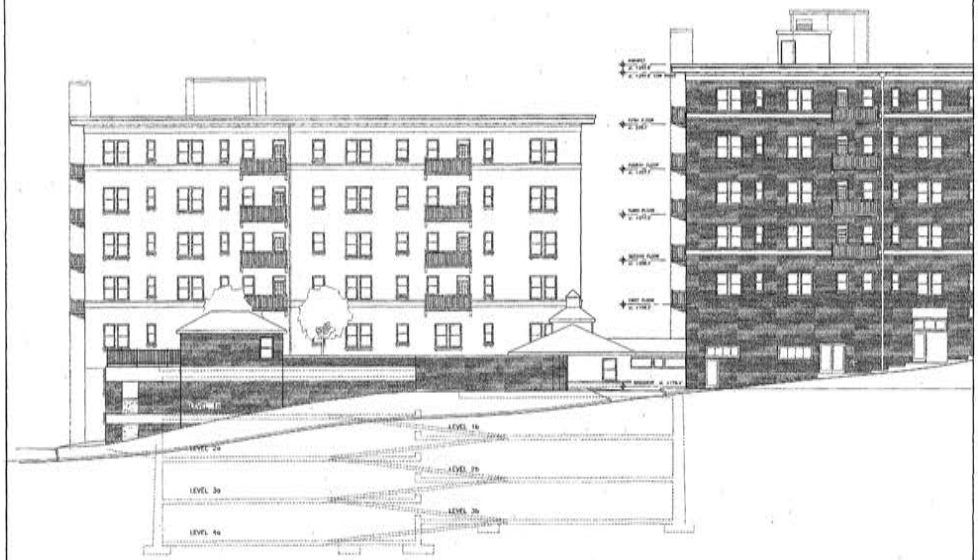
PARKING GARAGE

SCHWAMB ARCHITECTS

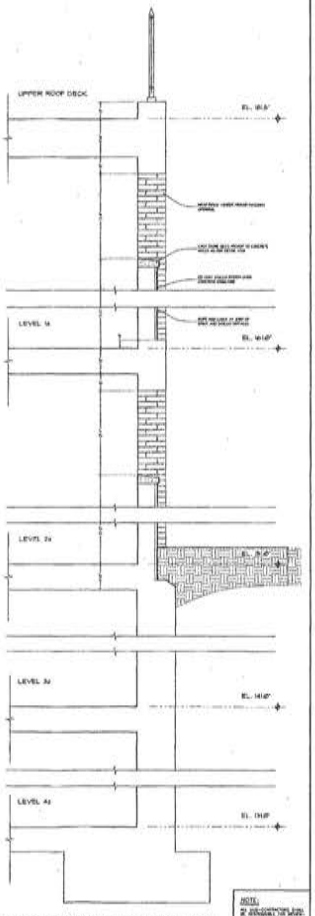
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JOB NO: 9750

G.1

EXHIBIT J



GARAGE - EAST ELEVATION
SCALE: 1/8" = 1'-0"



EXTERIOR WALL SECTION @ OPENING
SCALE: 3/4" = 1'-0"

NOTE:

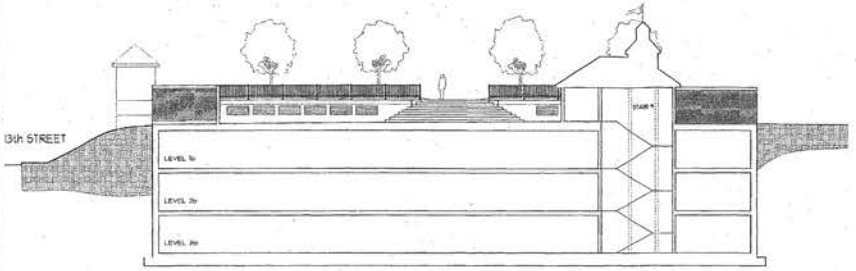
PROPOSED UNDERGROUND PARKING GARAGE FOR:
CLIFTON TERRACE APARTMENTS
1330 CLIFTON STREET, N.W.
WASHINGTON, D.C. 20010

EAST ELEVATION - UNDERGROUND PARKING GARAGE

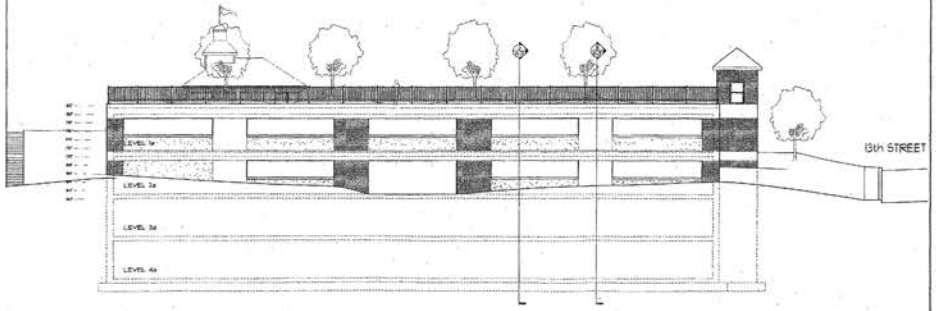
SCHWAB ARCHITECTS

DATE: 05/15/2008
DRAWN BY: TGK
DRAW. NO: 4183

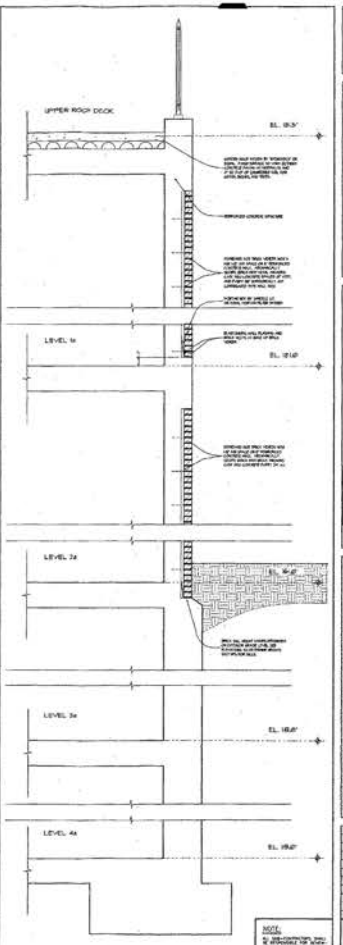
G.2



GARAGE - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



GARAGE - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EXTERIOR WALL SECTION @ BRICK
SCALE: 3/4" = 1'-0"

NOTE:

SCHWAKE ARCHITECTS

PROPOSED UNDERGROUND PARKING GARAGE FOR:
CLIFTON TERRACE APARTMENTS
3801 CLIFTON TERRACE, N.W.
WASHINGTON, D.C. 20010

NORTH/SOUTH ELEVATIONS - UNDERGROUND PARKING GARAGE

REVISIONS:
DATE: 07/03/2006
DRAWN BY: PGA
CHKD. BY: TSD

G.3