GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

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

FROM: Andrew Altman
Director

DATE: October 5, 2000

SUBJECT: BZA Application BZA Case No. 16612 Clifton Terrace Variance And Special Exception Report

BZA
Case No. 16612
Exhibit No. 28

DESCRIPTION

Pursuant to 11 DCMR 3103 and 3104, the applicant, Clifton Terrace associates, L.P., requests approval of a variance and a special exception from section 214 to permit the conversion of a previously approved parking lot, to a roof top garden and play area, with a four-level below grade parking garage in an R-5-B District, at premises 13th & Clifton Streets, N.W, Lot 109, in Square 2868. Lot 109, the subject lot, is one of the four lots (Lots 106, 107, and 108 are the others), which make up the Clifton Terrace property.

Background

The Clifton Terrace Apartment Complex is located on the south side of Clifton Street, N.W. between 13th and 14th Streets. A twenty-foot wide public alley and the northern property line of adjacent Lots 153 and 812 on the south, also bounds the subject lot. (See Map 1, Boundary). The subject property is in square 2868 and is comprised of lots 106,107,108 and 109. (See Map 2, Lot and Square) Lot 109 is used as a surface automobile parking lot. Lot 109 historically has been used as a surface automobile parking lot, pursuant to an approval from the Board of Zoning Adjustment issued in 1956. The remainder of the site is developed with apartment buildings (one mid-rise building per lot), on Lots 106, 107 and 108.

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The Clifton Terrace apartment complex has been through many redevelopment efforts, since its construction around 1916. During the mid-1970's, the complex experienced its most recent renovation. Over the past decade, much of the complex has been vacant. Historically, none of the redevelopment initiatives have been more than marginally successful.

Lots 107, 108, and 109 are in a R-5-B District. Parking garages are permitted in R-5-B Districts, with the approval of the BZA. Lot 106, the westernmost building, is in a C-2-B District, which permits matter-of right medium density development, including office, retail, housing and mixed use to a maximum floor area ratio of 3.5, of which a maximum of 1.5 FAR can be devoted to nonresidential (commercial) uses, a maximum height of sixty – five feet, and a maximum lot occupancy of eighty percent for residential use. (See Map 3 Zoning).

Comprehensive Plan

The Comprehensive Plan Generalized Land Use Map depicts the Clifton Terrace property as being in the medium density land use category.

Chapter 3 of the Comprehensive Plan: Housing Element, Section 300, Declaration of Major Policies, establishes support for appropriate housing at sites such as the Clifton Terrace site:

300.2 A central theme of the Housing Element is that the District must stimulate a wide range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types.

(a) Extend affordable homeownership opportunities to low- and moderate-income households.

(c) Protect existing housing stock from demolition and conversion to non-housing; Stimulate the construction and rehabilitation of affordable housing by private for profit and non-profit housing providers.

Chapter 5 of the Comprehensive Plan: Transportation Element, Section 505.2, policies established in support of the street and Alley objectives:

(e) Require major developments to demonstrate that adequate parking will exist for occupants and other users, in accordance with Large Tract Review Procedures of the Office of Planning, and with the Zoning Regulations.

Among the policies in support of housing objectives for Ward One DCMR 1206.1.

(c) To work with owners and community groups in Ward1 to identify vacant housing units suitable for rehabilitation and make the restoration of vacant units a major government priority;

(d) To expedite public programs to stimulate housing production and housing rehabilitation in the Shaw School and the 14th Street Urban Renewal Area, and Housing Opportunity Areas, including Columbia Heights.

Proposed Project

The applicant is seeking a variance and special exception to permit conversion of a previously approved parking lot, to a roof top garden and a play area, with a below grade parking garage in an R-5-B District. The applicant is also seeking relief to permit accessory passenger automobile parking spaces to be located elsewhere than on the same lot or part of the lot on which the main use is located.

An additional segment of the overall Clifton Terrace Project involves the rehabilitation of three prominently located apartment buildings, two of which are vacant The applicant's redevelopment scheme would reduce the unit density of the Clifton Terrace Apartments, from 284 to 228, a reduction of 56 units, or 19.7% of the current units. The reduction of the overall density would allow the developer to increase the individual size of some units and provide the opportunity to offer a variety of unit types, including some two-story units, and including provisions for some handicapped units. Approximately one-third of the renovated units would remain renter units, and the remaining units would offer ownership opportunities.

Additionally, the developer plans to effect positive changes to the landscape and construct a convenient parking garage on the property that would feature a roof top garden and a play area. Access to the proposed parking garage will be provided through a twenty-foot wide public alley (oriented east-west), to the south of the garage, accessible from 13th Street. Entrance to the garage will not have an adverse impact on any of the adjacent properties.

Review Process/Community Comments

On July 19, 2000, the Board of Zoning Adjustment (BZA) received an application from the Clifton Terrace Associates, L.P., pursuant to 11 DCMR 3103 and 3104, under section 214 and 214.2, for a variance and special exception to permit the conversion of a previously approved parking lot, to a roof top garden and play area, with a four-level below grade parking garage in an R-5-B District, at premises 13th & Clifton Streets, N.W. Copies of the submission were mailed to Advisory Neighborhood Commissions (ANC) 1C, and the applicant provided copies of the application to the owners of property within 200 feet of the subject site on March 31, 2000. The applicant and its representative, Wilkes, Artis, Attorneys At Law, made a presentation to ANC 1B on July 12, 2000. The

ANC, at the same meeting, with a quorum present, voted to support the applicant's request for a special exception and a variance. In addition, several community meetings were held on the project during the selection of a developer. On July 20, 2000, Ward One Council member Jim Graham also provided a letter of support for the " plans to renovate Clifton Terrace Apartments and develop a parking structure."

ISSUE ANALYSIS

The applicant has satisfactorily provided support for the requested relief from the requirements of Section 3104.1 of the Zoning Regulations. The applicant has provided support for a special exception, by demonstrating that the proposed parking garage can be in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties. Further, the applicant has demonstrated that the proposed parking garage meets the requirements of Section 214 of the Zoning Regulations. Specifically:

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

The parking structure will be on an area of Lot 109. A portion of the structure will extend above the level of the adjacent finish grade. This is the reason for which the applicant is requesting a variance. This situation is created because property slopes severely from north to south, with the most severe drop at the south end of lot 109.

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

The parking garage will be entirely within two hundred feet of the area to which they are accessory.

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

The parking garage will be located on Lot 109, which is contiguous to the lots containing the apartment buildings.

Section 214.5 – The parking garage must satisfy the requirements of Chapter 23 of the Zoning Regulations.

The proposed parking garage will satisfy the requirements of Chapter 23 of the Zoning Regulations, which include the provisions of 2101, Schedule of Requirements for Parking Spaces, Section 2121.1. R-5 Districts are required to

provide one parking space for each two dwelling units. The applicant's redevelopment scheme would reduce the unit density of the Clifton Terrace Apartments, from 284 to 228 units. Accordingly, the applicant would be required to provide 114 parking spaces. The 156 parking being offered far exceed the requirements in the Zoning Regulations.

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

The preexisting design and age of the three buildings (built approximately 1916) make the feasibility of constructing parking below nearly impossible.

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 objectionable conditions.

The subject lot has been used as an accessory parking lot for over forty years. The parking garage will accommodate 156 parking spaces, and will be accessible through a twenty-foot alley to the south of the lot, from 13th Street, without passing through the other three lots, or adversely affecting any other property. There are approximately 38 parking spaces on the existing lot.

Section 3104.1 If the special exception is granted, it would not negatively affect the public good, or impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and map.

The application does meet the requirements for variance relief from Section 3103.2 of the Zoning Regulations; OP concluded that the applicant has met these requirements, as discussed below. The applicant did 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 granting of the variance will not cause substantially detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan.

1) The property is affected by an exceptional or extraordinary situation or condition. The topography of the land on the south end of Lot 109 (the proposed location of the parking garage) is the reason the entire garage will not be completely underground. However, the parking garage will be at grade in the area of the residential buildings.

2) The strict application of the zoning Regulations will result in a practical difficulty to the applicant. In order for the applicant to comply with the strict application of the of the regulations of 214.2, the top of the parking garage would have to be level with the finished grade of the south alley and at that grade up to the apartment buildings. Since the apartment buildings are graded much higher than the alley, which slopes significantly on the south end, a four-level parking garage would not be possible. Additionally, the top of the parking garage would be near or below the foundation of the apartment buildings, making access far less convenient than the proposed plan.

3) Relief can be granted without causing substantial detriment to the public good or substantially impairing the intent, purpose or integrity of the zone plan. The subject lot has been used as an accessory parking lot for over forty years. The continuation of this use, in an enclosed parking garage would improve the present situation. The parking garage would offer convenient parking spaces for residents of the complex, accommodate more vehicles on the same land area as the existing surface lot, and provide greater security for vehicles. The garage would further reduce competition for parking on public space. Additionally, the grade-level garden and play area will be excellent amenities to attract new residents to the property, and provide for a more attractive parking area than the existing surface lot.

It is OP's position that the applicant's explanation for variance relief, mentioned above, is sufficient and is in harmony with the general purpose and general purpose of the Zoning Regulations.

Benefits From The Proposed Project

A parking garage would accommodate more vehicles on the same land area as the existing surface lot, and provide greater security for vehicles. Additionally, the grade-level garden and play area will be excellent amenities to attract new residents to the property. The garage would further reduce competition for parking on public space. The topography of the land on the south end of Lot 109 (the proposed location of the parking garage) is the reason the entire garage will not be completely underground. However, the parking garage will be at grade in the area of the residential buildings. Further, the preexisting design and age of the three buildings (built approximately 1916) make the feasibility of constructing parking below nearly impossible. The topography of the land on the south end of Lot 109 (the proposed location of the parking garage) is the reason the entire garage will not be completely underground. However, the parking garage will be at grade in the area of the residential buildings. Further, the preexisting design and age of the three buildings (built approximately 1916) make the feasibility of constructing parking below nearly impossible.

Transportation

The applicant proposes to construct a four-level parking garage on Lot 109 in square 2868 to serve the residents of the Clifton Terrace Apartments. Lot 109 is currently, and has historically been used as a surface parking lot, established by order of the BZA in 1956. The existing surface parking lot on Lot 109 is approximately 22,951 square feet. The parking garage will accommodate 156 parking spaces, and will be accessible through a twenty-foot alley to the south of the lot, from 13th Street, without passing through the other three lots, or adversely affecting any other property.

Agency Review

The Department of Public Works (DPW) commented " that from a transportation standpoint the proposed parking garage on the Clifton Terrace property will be a positive amenity for the community. It will reduce competition for parking on public streets and will have no adverse traffic impact on the local transportation system. According, DPW has no objection to the proposal."

With regards to fire safety, the applicant " agrees to comply with all D.C. Building Codes, including those relating to fire protection systems (BOCA Chapter 9) in the construction of the four-story parking garage."

OP has concluded that at the time of submission, a report from the Third District Police Headquarters and the Fire Department was not available. Reports from these agencies will be submitted at the hearing, if they are received by that time.

RECOMMENDATION

It is OP's conclusion that the applicant had met the burden of proof, Pursuant to 11 DCMR 3103 and 3104, section 214.2 for a variance and a special exception, to permit the conversion of a previously approved parking lot, to a roof top garden and play area, with a four-level below grade parking garage in an R-5-B District, at premises 13th & Clifton Streets, N.W, Lot 109, in Square 2868. There does exists an exception or extraordinary situation or condition related to the referenced property which create a practical difficulty for the owner in complying with the Zoning regulations and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

There would be positive benefits, if the variance and special exception were to be granted. Parking for residents would be conveniently situated on Lot 109, with easy access to the three residential buildings, on Lots 106, 107 and 108, respectively. A parking garage would accommodate more vehicles on the same land area as the existing surface lot, and provide greater security for vehicles. Additionally, the grade-level garden and play area will be excellent amenities to attract new residents to the property.