GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORADUM**

TO: Board of Zoning Adjustment

FROM: AS for Andrew Altman, Director
Office of Planning

DATE: September 17, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16746

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The attached Final Report concerning the application for Wardman Court Associates, Case Number 16746 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16746
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16746
EXHIBIT NO.24

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman

**DATE:** September 26, 2001

**SUBJECT:** BZA Case # 16746 Special Exception Request

**APPLICATION-IN-BRIEF**

**Applicant:** Wardman Court Associates, LP
Clifton Terrace & 13th Street, N.W.
Square 2868, Lot 109

**Relief Sought:** Pursuant to 11 DCMR 3104.1, the applicant is requesting a special exception to continue using the subject property as a parking lot.

**From Section:** 11 DCMR 214.1

**Relief Sought Under:** Subsection 3104.1

**OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF**

The Office of Planning recommends the subject application be approved.

**Applicant's Justification:**

The subject property, Lot 109 on Square 2868, is currently being used as a parking lot. The applicant is requesting to continue using the subject property as a parking lot.

**SITE AND AREA DESCRIPTION**

The Clifton Terrace Apartment/ Wardman Court Condominiums complex is bounded on the north by Clifton Street, N.W., a twenty-foot wide east/west public alley on the south, 13th Street on the east and 14th Street is to the west. Square 2868 is comprised of Lots 106, 107, 108, 109 and 812. Lots 106 and 107 each contain one rental apartment building,

lot 108 contain one building which will be converted into condominiums, Lot 812 is a small vacant parcel to the south of lot 106 and lot 109 is an existing parking lot, which is the subject of this special exception request. Lot 109 is contiguous to lot 108 and is separated from lot 107 only by a 20-foot wide public alley. Historically, lot 109 has been used as an accessory surface automobile parking lot, pursuant to an approval from the Board of Zoning Adjustment issued in 1956.

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. None of the previous redevelopment initiatives have been more than marginally successful. It is anticipated that the current development initiative, which will reduce the overall unit density, will be successful.

**AREA ZONING**

The Clifton Terrace complex is comprised of Lots 812, 106, 107,108 and the subject Lot109, on square 2868. Most of the square (with the exception of Lot 106) is in the R-5-B Zone District. Accessory Parking spaces 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, with a maximum height of sixty – five feet, and a maximum lot occupancy of eighty percent for residential use.

**APPLICANT'S PROPOSAL**

Pursuant to 11 DCMR 3104 the applicant, Wardman Court Associates LP, requests approval of a special exception from section 214 to continue using a previously Board approved accessory parking lot for the same purpose. The applicant is also seeking relief to permit accessory passenger automobile parking spaces to be located elsewhere (Lot 109) than on the same lot or part of the lot on which the main use is located.

The subject parking lot is in the R-5-B District, at 13th & Clifton Streets, N.W. The Board recently approved a variance and a special exception from § 214, (BZA Case # 16612) 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 on the same site. The applicant has abandoned the construction of the parking garage, citing project cost as being prohibitive.

**RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN**

The Comprehensive Plan Generalized Land Use Map depicts the Clifton Terrace property as being in the ***Medium Density Residential 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.

Chapter 5 of the Comprehensive Plan: Transportation Element, Section 505.2, establishes policies 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.

**REQUESTED ZONING RELIEF**

Pursuant to 11 DCMR §3104.1, the applicant is requesting a special exception from §214, to continue using a previously approved parking lot, as an accessory parking area for passenger automobile parking spaces, which will be located elsewhere (Lot 109) than on the same lot or part of the lot on which the main use is located.

**AUTHORITY TO GRANT SPECIAL EXCEPTION**

11 DCMR §3104.1 is the D.C Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested special exception.

**DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?**

**If the special exception is granted, will it be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?**

**Yes.** The subject lot has been used as an accessory parking lot for residents of the Clifton Terrace complex for over forty years. The applicant is only requesting Board approval to continue using the lot as a surface parking lot for residents of the complex. There would be no increase in footprint of the lot or encroachment on any adjacent properties. The special exception can be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. If the Board approves the requested special exception, residents of the Clifton Terrace Apartments would have convenient parking spaces in proximity to their homes. The proposed parking lot would continue to reduce competition for parking on public space.

**If the special exception is granted, will it tend to affect adversely the use of neighboring property in accordance with Zoning Regulations and map?**

**No.** The subject lot has been used as an accessory parking lot for over forty years. It will be accessible from 13th Street, through a twenty-foot wide public alley which is to the south of the subject lot, without passing through the other four lots

which make up the Clifton Terrace property. There will be approximately 50 parking spaces on the renovated parking lot.

**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 extends above the level of the adjacent finish grade.**

The parking lot will be on Lot 109. No portion of the surface parking will extend above the level of the adjacent finish grade.

**Section 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 parking spaces are separated from the area to which they are accessory by a 20-foot public alley.

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

The surface parking lot will be located on Lot 109, which is contiguous to lot 108 and is separated from lot 107 by a public alley.

**Section 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 §2303.2 modify or waive the conditions specified in §2303.2 where compliance would serve no useful purpose.**

The proposed surface parking lot will satisfy the requirements of Chapter 23 of the Zoning Regulations regulating parking spaces. The applicant will provide bituminous paving and, in addition, will install new curbs, sidewalks and landscaping. The refurbished parking lot will be for the exclusive use of the tenants of Clifton Terrace Apartments/Wardman Court Condominiums. The applicant's redevelopment scheme would totally renovate the two buildings on lots 106 and 107, into a mix of 152 low- and moderate-rate rental units, including handicapped accessible units. There will also be 76 condominiums units in the building on lot 108. The redevelopment scheme would reduce the unit density of the overall Clifton Terrace complex, from 284 to 228 units.

**Section 214.6 – It shall be 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:**

**(a) Strip zoning or shallow zoning depth;**
**(b) Restricted size of lot cause by adverse adjoining ownership or substantial improvements adjoining or on the lot;**
**(c) Unusual topography grades, shapes, size, or dimensions of the lot;**

**(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alley or street; or**
**(e) Traffic hazards cause by unusual street grades or other conditions.**

The preexisting design and age of the three buildings (built approximately 1916) make the feasibility of constructing parking on the same lot or below any of the three existing buildings nearly impossible. When the buildings were constructed, there were no parking requirements under the Zoning Regulations.

**Section 214.7 – Accessory parking spaces shall be so located, and facilities in relationship 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 objectionable conditions.**

The subject lot has been used as an accessory parking lot for over forty years. The parking lot will accommodate 50 passenger vehicles, and will be accessible through a twenty-foot alley to the south of the lot. The parking lot will be accessible from 13th Street, without passing through the other four lots, which make-up the Clifton Terrace property. Further, the parking lot is located far enough from the nearest neighboring residential units, (located between the east/west alley at the south end of the subject parking lot and Belmont Street) to preclude the adverse affect of noise, traffic, or objectionable conditions to nearby property.

## COMMENT COMMENTS

The project was presented to Advisory Neighborhood Commissions (ANC) 1B, at the regularly monthly, held on September 6, 2001. ANC 1B did express concern and disappointment that the parking garage previously approved by the ANC, was not being built. With 8 ANC 1B Commissioners present, the ANC voted unanimously to support the project

## AGENCY COMMENTS

The Department of Public Works, District Division of Transportation supports the continued use of the subject site as a parking lot.

## OP SUMMARY RECOMMENDATIONS

It is OP's position that the applicant has met the standard for special exception relief, and the parking lot will be in harmony with the general purpose of the Zoning Regulations. The Office of Planning recommends approval.