GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

'00 FEB 14 P2:25
OFFICE OF PLANNING
DISTRICT OF COLUMBIA

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 14, 2000

SUBJECT: Request for Waiver of the Rules in Regard to the Late Filing of the Office of Planning Report for BZA Application 16457

Pursuant to the Board's authority, this memorandum is a request to allow the late filing of the attached Office of Planning report for Board of Zoning Adjustment Application 16457. Due to the many complexities and extensive history of this case and to the sudden illness of a key staff member, we were unable to meet the Board's deadline.

We apologize for any inconvenience this may have caused.

Attachment

AAS/dc

BZA
Case No. 16457
Exhibit No. 97

Board of Zoning Adjustment
District of Columbia
CASE NO.16457
EXHIBIT NO.97

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

MEMORANDUM

TO: Board of Zoning Adjustment

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DATE: February 14, 2000

SUBJECT: BZA Application 16457

APPLICATION

Application of KSI Services and Vertx/IDS (collectively "KSI"), as amended, pursuant to 11 DCMR 3108.1 (new 3104.1), for special exceptions under Subsections 410 (353 and 410) and 2516 to allow the construction of 24 new single family detached dwellings with garages in a theoretical lot subdivision (and 11 on record lots) and 176 luxury garden apartments in the R-5-A and R-5-B Districts at premises bounded by Good Hope Road, SE, between 24th Street, SE to the east, and 18th Street, SE to the west (Square 5735, Parcels 219/96, 2120/31 and Square 5765, Lot 804 and Parcel 219/138).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of this application.

BACKGROUND

An application was filed on March 2, 1999 and heard by the Board on May 5, 1999, proposing 176 apartment units and 37 single family houses. This application was denied by BZA Order dated November 5, 1999. The order listed a number of issues as the basis for denial, among them that:

- Significant environmental concerns exist at the site that have not been satisfactorily addressed, including blocked vistas from federal parklands, the potential for on-site erosion due to the rubble fill on the site and the potential loss of wetlands (although the Board did find that the Department of Health, not the Board, would have purview over an Environmental Assessment if it were required); and

- The Board finds troubling the density of the project's multi-family component because of the testimony of community residents that:

  - Multi-family development in the area has been allowed to deteriorate in the past, leading to vandalism, drug activity, high vacancy rates and/or abandonment;

  - An increase in the area's population would exacerbate the existing congestion on the area's roadways, with on-site parking likely to spill-over onto neighborhood streets; and

  - The Comprehensive Plan, for many of the above reasons, contains policies that discourage the development of multi-family residential in the Fairlawn neighborhood.

The essential message in the Board's decision was that the applicant had not worked hard enough with the community and the National Park Service to reach a consensus on the development plans and address the environmentally sensitive issues raised. In response to the Board's action, the applicant began a six-month process of working with the community and the National Park Service in an attempt to resolve the issues and to achieve a development project supportable by a majority of interested parties. When it felt it had met those objectives, the applicant requested the Board to reconsider its decision and reopen the record. On November 24, 1999, the Board ordered a rehearing of the application and invited the applicant to submit revised plans and commitments made to the community and to the National Park Service.

SITE AND AREA DESCRIPTION

The 15.8-acre site is located on the south side of Good Hope Road, SE between 24th Street to the east and 18th Street to the west. The site consists of two parcels of land, the East and West parcels, separated by a 200-foot wide portion of Fort Stanton Park fronting on Good Hope Road.

The East Parcel is bounded on the north by Good Hope Road (across which there are located garden apartment buildings), on the east by the Skyland Apartments facing 24th Street, on the south by a townhouse development and on the west by Fort Stanton Park. It contains 8.15 acres of land area and has a relatively compact rectangular shape. It was a land fill site for excess material from Metrorail construction in the early 1980's, with rubble fill depths of one to two feet on the east and about forty feet on the west, adjacent to Fort Stanton Park. The entire parcel slopes gently to the west, with a steep bank on the western edge, adjacent to the park. It is vacant, with virtually no vegetation. The East Parcel is zoned R-5-A and located in Ward 8.

The West Parcel is bounded on the north by Good Hope Road (across which is located the 90-foot high Marbury Plaza apartment complex) and by a garden apartment complex on the south side of Good Hope Road, on the west by garden apartment buildings bounded by 19th Place and further west by 18th /street and on the south and east by Fort Stanton Park. It contains 7.63 acres of land area in an irregular linear shape and is generally steeply sloping, with most slopes over 15 percent. It is covered with relatively mature hardwood forest and contains a small amount of

forested wetlands, regulated by the Army Corps of Engineers. The West Parcel is split zoned, with the eastern two-thirds zoned R-5-B and the western one-third zoned R-5-A, and is located in Ward 6.

The immediate area is characterized by communities of single family dwellings (Frederick Douglass) and by garden and high-rise apartments (Marbury Plaza, Skyland Apartments and Park Naylor Apartments). The Good Hope Marketplace Shopping Center is located at Good Hope Road and Alabama Avenue. Good Hope Road is a major bus route, with connecting service to the Metrorail system.

APPLICANT'S PROPOSAL

The applicant is proposing to develop the "Homes at Woodmont" planned community, consisting of 35 luxury, detached, single family homes with one- and two-car garages on the West Parcel and 176 two-bedroom/two bath and three-bedroom/two-bath rental apartments in 12 garden apartment buildings along with pool, clubhouse and exercise facilities on the East Parcel. The West Parcel will have at least 70 off-street parking spaces and the East Parcel will have 184 parking spaces. The 35 single family homes would have an overall FAR of .3 and a lot occupancy of only 15 percent. The apartment units would have a combined FAR of .64 and a lot occupancy of 20 percent.

The applicant has made a number of commitments to the community, including:

- Investment of a portion of the development's profits toward community-directed activities, including renovation of dilapidated buildings, creation of a neighborhood recreation center, grants/loans to community organizations and seed money for small business ventures;

- Establishment of a process for hiring local employees; and

- A minimum 15-year ownership and maintenance of the rental units.

The applicant has also made a number of commitments to the National Park Service toward mitigation of potential adverse impacts resulting from development of the property, including a conservation easement adjacent to the park, enhanced landscape buffers and elimination of two houses to preserve more wetlands, save more trees and protect the view shed of Fort Stanton Park.

EXISTING ZONING AND RELIEF REQUESTED

The site is located in R-5-A and R-5-B zone districts. The R-5-A District permits matter-of-right single family detached and semi-detached dwellings, and with the approval of the Board, low density general residential uses including row dwellings, flats and apartment buildings to a maximum FAR of 0.9, a maximum lot occupancy of 40 percent and a maximum height of 3 stories/40 feet. The R-5-B District permits matter-of-right development of general residential

uses including single-family dwellings, flats and apartments to a maximum FAR of 1.8, a maximum lot occupancy of 60 percent and a maximum height of 50 feet.

The applicant is requesting a special exception for the East Parcel under Section 410 (353 and 410) of 11 DCMR to allow the construction of 176 apartment units in 12 garden apartment buildings that do not front on a public street and special exceptions for the West Parcel under Section 2516 to allow the construction of 24 single family homes on theoretical lots.

ANALYSIS

Compliance with Sections 353 and 410 [East Parcel] and with Section 2516 [West Parcel]

Section 353 requires review by the Board for multi-family development in R-5-A zone districts in accordance with the provisions of Section 410, and referral to the Board of Education and to the Departments of Public Works and Housing and Community Development to ensure that existing infrastructure is adequate. It also requires referral to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, provision of light and air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood. **Section 410** allows apartment houses to be built and deemed as a single building when they face an internal private street, requiring that this have no adverse effect on the present character or future development of the neighborhood. **Section 2516** allows multiple buildings to be built on a single lot (using theoretical lots), typically interior development without adequate (public) street frontage.

The proposed project appears to meet all of the quite specific criteria contained in Sections 410 and 2516 established to ensure orderly development of multiple buildings on a single lot without the usual framework that lots, yards and lot occupancy guidelines provide. Of course, the plans are conceptual at this stage, so that the real test of compliance with these sections will occur at the permit stage after final engineering and construction drawings are completed. The broader site planning tenants of Section 353 are, however, particularly germane to the Board' assessment of the project. For purposes of analysis, and to relate to the concerns expressed in the Board's November 5, 1999 order, these have been reorganized and grouped below under environmental, density, and Comprehensive Plan

Environmental

Erosion

The applicant, in response to National Park Service concerns, has agreed to a number of erosion controls, including the use of retaining walls, conservation easements and dense landscape buffers of major trees and understory plant materials. According to the applicant, the National Park Service is generally receptive to these mitigating measures. The Environmental Regulations Administration of the Department of Health will review all of the environmental aspects of this project at the permit stage.

Wetlands

Five forest wetlands have been identified on the two sites. The site plan, including the elimination of two detached houses, has limited the impact to 6,400 square feet (none on the East Parcel). This is only .15 acres, which is consistent with federal regulations and acceptable to the Army Corps of Engineers, which plans to recommend issuance of a permit, upon request.

Vistas/viewsheds

There is a considerable drop in elevation within Fort Stanton Park. It is anticipated that existing trees within the park, coupled with the additional landscaping proposed along the property lines will provide visual screening of the development. In addition, KSI has eliminated two of the proposed detached homes, saving additional trees and vegetation and helping to preserve the viewshed of the park. The existing 90-foot high apartment complex adjacent to Fort Stanton Park will likely be much more visible from the park than the proposed 3- and 4-story apartment houses.

Density

Traffic and Parking

The opposition noted in testimony that adding 212 new residential units would only add to the existing congestion on Good Hope Road. The applicant's transportation consultant has determined that following build out of the Woodmont project, levels of service will continue to be quite acceptable throughout the area, with the exception of the 25th Street and Marbury Plaza intersections along Good Hope Road (during the morning peak period only). According to the consultant, these potential deficiencies can be mitigated with minor modifications in the signal phasing at these intersections.

Adequacy of parking is an issue raised by the opposition and by the Department of Public Works at the original hearing. However, the project now provides more than the amount of parking required by the Zoning Regulations (212 spaces required and 254 provided). In addition a study conducted of Skyland Apartments and Park Naylor indicates that parking demand there is substantially less than one space per apartment unit. In recognition of those findings, the Department of Public Works has issued a January 11, 2000 memorandum declaring that the amount of parking provided is adequate, and that spillover into the neighborhood is unlikely.

Likely Impact of Density on Surrounding Area

According to the applicant, development on the East Parcel will require dynamic compaction, costing $500,000 to $750,000, to make the fill site buildable for single-family homes or apartments. The additional cost, spread over 25 single-family homes would price them out of the marketplace, whereas the same cost is an acceptable burden

when borne by 176 apartment units. This reality was a key determinant in the decision to develop the East Parcel with garden apartments, locating the detached house component on the West Parcel. Interestingly, much of the concern expressed by the opposition has focused on the garden apartments proposed on the East Parcel. In fact, the Board, in its November 5, 1999 order echoed this concern, noting community concern that one more garden apartment complex would eventually only add to the existing inventory of distressed or vacant garden apartment buildings and units in the area which have lead to vandalism and drug activity. The Board noted as well that an increase in the area's population would exacerbate the existing congestion on the area's roadways and lead to adverse parking impacts.

The question to be addressed is whether this is a certain outcome or whether it can be affected by design and development decisions or even by variables of location or timing. First, it should be noted that the proposed development contains only 26 percent of the approximately 800 units permissible under existing zoning. Yet, while this reduced density is a positive factor in providing a transition to the park (and a comfortable fit to the community), is density itself bad? Isn't it true that the quality of development and associated amenities, the physical environment created, the ongoing management and maintenance in the case of a rental facility and the fit to the existing development in the area are all key to answering the question framed above?

The proposed Homes at Woodmont project is intended to be a high quality development. It's park setting, relatively low density, pool and community house, large units (1,000 square foot rather than the smaller garden apartment units found in the area), high end of the market prices planned ($800. for a two-bedroom, two-bath unit) and commitment to a minimum 15-year ownership and maintenance of the rental units all suggest that this project will not become distressed as so many other garden apartments in the area have over time, adversely affecting the overall quality of the community. In fact, it will likely have the reverse effect, stimulating renovation and/or new development. If that occurs, the populated density of the area will increase, but it is unlikely that anyone will find that increase to be problematical.

Comprehensive Plan

The project is not inconsistent with the Comprehensive Plan, which sets the overall framework for development in the area. The existing R-5-A and R-5-B zoning are consistent with the Generalized Land Use Map designation of Moderate Density Residential for the area. The project appears to be one that is intended to have a stabilizing effect on the neighborhood, thus meeting one of the key major themes of the Plan. Its effect in cleaning up an existing land fill site and thus improving the edge of an important park, a result that could not occur with out such development, meets the environmental goal of protecting the environment. Finally, the project would provide "infill housing (on the West Parcel in Ward 6) constructed in an architectural style and of a material compatible with the predominant Fairlawn brick row housing" which is consistent with Subsection 1705.1 of the Ward 6 Plan. While the same subsection

contains language that would "discourage the development of additional multi-family housing in the Fairlawn community," the East Parcel with its multi-family component is located in Ward 8, not in the Fairlawn community. In addition, the argument concerning density above would suggest that a prohibition against multi-family housing not only would go beyond the intent of the language above, but it suggests that there are "too easy" answers to the nurturing of responsible and compatible development, something we all want.

COMMUNITY COMMENTS

The community has been deeply involved in this project, many voices either strongly opposed or mixed in their support or opposition. In fact, one of the messages the Board sent to the applicant in coming to its decision on this case earlier was that the applicant had not worked hard enough with the community and the National Park Service to reach a consensus on the development. The current submission by the applicant includes a significant collection of letters in support, many from persons or groups who had opposed the project previously, including ANC 6C, ANC 8B, Ward 6 Councilmember Ambrose, Ward 8 Councilmember Allen, the Anacostia Economic Development Corporation, Ward 8 School Board Representative Lockridge and various community organizations.

The primary opposition to the Woodmont project has come from the Fairlawn community located directly across Good Hope Road. The concerns of this community have been and remain extensive, as the record of the case clearly indicates, including concerns about environmental, traffic and parking, density and building type issues. In addition to those concerns, the community voiced two design concerns to the Office of Planning recently, recognizing that if the project were to be approved by the Board, the community would want design input toward the achievement of a reasonable level of compatibility. The specific concerns voiced were 1) that the buildings should either be brick or have substantial amounts of brick to relate to the brick homes in Fairlawn and 2) that the backs of the detached houses facing Good Hope Road would present an undesirable view to the street and to the community across the street. (Three of the houses turn their backs to the street and two face it with their sides.) The applicant notes that the detached houses will have brick facades, the apartment buildings include brick along with other materials, and the frontage along Good Hope Road will be heavily landscaped, hiding the backs of the houses located there. The Board should evaluate this issue and response further during the public hearing on this case.

AGENCY COMMENTS

The Department of Housing and Community Development and the Department of Public Works have both reviewed this application and recommend approval.

RECOMMENDATION

The applicant appears to have met most of the concerns expressed by the Board in its order. The proposed project will provide a quality of housing not otherwise available for sale or rent in the

area and is expected to attract people who are currently moving to Prince Georges County to seek it there. Rather than having an adverse impact on the area and adding to existing distressed properties, the development should have the effect of encouraging much needed reinvestment. It will clean up an unsightly landfill situation that has existed in the area for many years. The impacts on the park and on traffic can and will be mitigated. For these reasons and for all of the others noted in this report, the Office Planning recommends approval of the subject application. We would note the importance of the Board's making the many commitments by the applicant to the community and to the National Park Service a part of its order in this case and for the applicant to continue working with all parties, particularly the Fairlawn community, to ensure a development that lives up to all of its promise and is a true asset to that part of the city.

AA/dc