

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: February 23, 2018

SUBJECT: BZA Case 19704 to allow the creation of a record lot and construction of a new apartment building at the corner of 35th Street and B Street SE, as part of the Meadow Green housing development

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances in order to create a record lot for the new apartment building:

- Subtitle F § 302 - FAR;
- Subtitle F § 304 - Lot Occupancy; and
- Subtitle F § 305 - Rear Yard.

Additionally, although OP has some concerns with the proposed design and siting of the new apartment building and encourages the applicant to address these prior to a public hearing, OP recommends **approval** of the following Special Exception:

- Subtitle U § 421 to allow construction of a new multi-family residential development in the RA-1 zone

The approval would be conditioned upon the Applicant demolishing two buildings within the new lot area prior to receiving a Certificate of Occupancy for the new apartment building.

II. OVERVIEW AND BACKGROUND

The Applicant is redeveloping the Meadow Green Courts site, which consists of 13+ acres with 461 apartments in 53 buildings on five squares. The Applicant has already begun construction of an all-senior 60 unit affordable (50% MFI) apartment building at 3605 Minnesota Avenue SE (BZA Order No. 18972-A) and expects to submit a PUD for the overall Meadow Green site later in 2018. However, the applicant notes in their submission a critical need to meet the deadlines of the annual funding cycle for Low Income Housing Tax Credits (LIHTC) and to be able to provide on-site replacement housing for exiting residents, with no displacement during re-construction of the broader site, resulting in the Applicant's proposed construction of one building (the subject property) prior to filing the PUD. The subject property and the entire square will be included as part of the overall PUD when it is filed.

To construct the new apartment building, the Applicant has applied for a Special Exception for new residential development in the existing RA-1 zone. The applicant advises that the building on this new lot would otherwise conform to all zoning regulations. However, by creating the record lot for the new building, the Applicant proposes to create or increase non-conformities on remaining record lots, which requires variance relief.

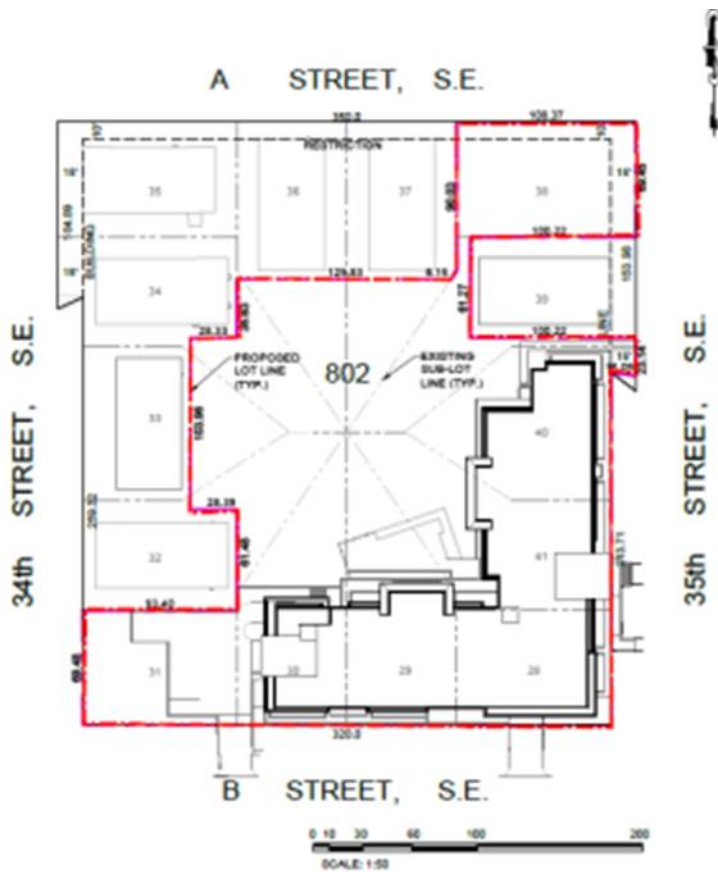
For this phase of the project, 52 existing units would be replaced with 89 new units. Five existing residential buildings (43 units) would be demolished for the construction of the new building. Additionally, in order to

create a record lot for the new building with an adequate lot area for zoning, the Applicant is including the lot area of two existing buildings (9 units and amenity space) on the property – these buildings will be demolished after the new apartment building is constructed so there would be no displacement of residents, and so that their building area would not be included in FAR for the new lot.

Project boundaries and stages of redevelopment:



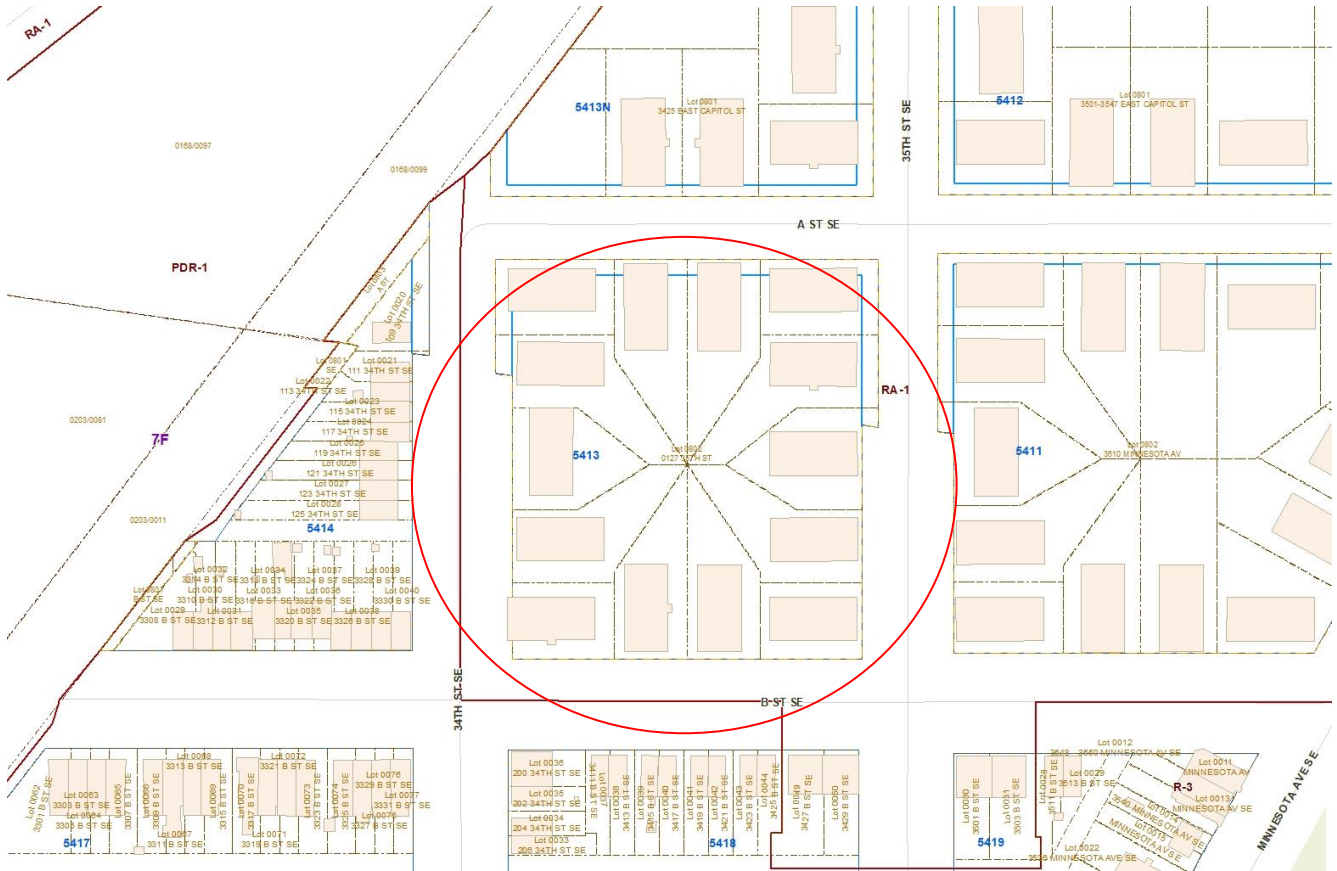
- = Boundary of Meadow Green Courts Apartments "Meadow Green"
- = BZA Project Boundary
- - - - = Proposed Record Lot
- X = 5 Existing Buildings to be Demolished Immediately to Build the Proposed Apartment Building
- X = 2 Existing Buildings to be Demolished at a Future Time (conditional certificate of occupancy to be issued for the Apartment Building subject to the demolition of these two buildings and the recording of the subdivision plat)



Proposed record lot with proposed building footprint:

III. LOCATION AND SITE DESCRIPTION

Address	127 35 th Street, S.E.
Legal Description	Square 5413, A & T Lot 802 and Record Lots 28-41
Ward, ANC	Ward 7, ANC 7F
Zone	RA-1
Historic District	N/A
Lot Characteristics	The subject square is 120,846 square feet and surrounded by B Street at the south, 34 th street to the west, 35 th Street to the east, and A Street SE at the north. The proposed record lot is 75,811 square feet with a 20 foot change in grade and 14 heritage trees.
Existing Development	There are currently 13 residential buildings and one community center on the square. Within the proposed record lot, there are 7 existing buildings.
Adjacent Properties	Two-story residential buildings are located to the west and south fronting B and 34 th Streets. Other Meadow Green Courts Community residential buildings are located to the east and north.
Surrounding Neighborhood Character	Residential



IV. APPLICATION IN BRIEF

The Applicant proposes to create a new record lot within the square in order to construct a new apartment building at the corner of 35th and B Streets, SE. The new record lot would be 75,811 square feet and would include the land area of seven existing buildings. The Applicant would initially demolish five of the buildings to construct the new building. The Applicant proposes the demolition of the other two existing buildings after the new building has been constructed, but prior to the issuance of a Certificate of Occupancy for the new building. This complicated demolition and construction phasing would allow for on-site replacement housing of current tenants with no displacement. At least 62 (70%) of the 89 residential units would be affordable at or below 60% MFI.

Buildings on six of the remaining seven existing record lots would have new or increased non-conformity to lot occupancy, FAR, and rear yard as a result of the proposed new record lot. The buildings on these record lots would remain intact in the short-term and their redevelopment would be proposed as part of a PUD to be filed later in 2018.

The proposed new apartment building would be three stories and 37 feet tall and 78,520 GFA. It would replace 56 apartments with 89 apartments and the unit breakdown would be 33 1-bedroom, 45 2-bedroom, and 11 3-bedroom units.

The building would have a 1,640 SF paved rear courtyard and an 11,700 SF green roof. The Applicant proposes two new curb cuts for driveway access off B Street to a parking garage beneath the building for 51 cars (29 spaces required) and loading. The building would have 30 bicycle spaces within the garage and an additional five bicycle spaces outside the building.

V. ZONING REQUIREMENTS and RELIEF REQUESTED

Proposed apartment building				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	1.08 (with 20% IZ bonus)	N/A	1.07	Not required
Number of stories	3 stories maximum	N/A	3 stories plus basement/cellar	Not required
Height	40 feet maximum	N/A	37 feet	Not required
Vehicle parking	29 spaces	0	51	Not required
Bicycle Parking	30 long term and 5 short term spaces	unknown	30 long term and 5 short term	Not required
Lot Area	N/A	N/A	75,811 SF	Not Required
Lot Occupancy	40%	N/A	30.2%	Not required
Rear Yard	20 foot min.	N/A	152.75 feet	Not required
Green Area Ratio	.4	N/A	.4	Not required
Inclusionary Zoning	10% of residential GFA = 12,218.7 SF	N/A	70% of units at or below 60% MFI (12,219 GFA at or below 60% MFI will be set aside for the life of the project)	Not required
New residential development	Special Exception required			Relief requested

Lot 32				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	1.0	1.58	Relief requested
Height/stories	40 feet and 3 stories maximum	31.52 feet/3 stories	No change	Not required
Lot Area	N/A	9516 SF	6066 SF	Not Required
Lot Occupancy	40% max.	33.47%	52.51%	Relief requested
Rear Yard	20 foot min.	40.26 feet	5.39 feet	Relief requested

Lot 33				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	1.11	1.59	Relief requested
Height/stories	40 feet and 3 stories maximum	32.51 feet/3 stories	No change	Not required
Lot Area	N/A	8634 SF	6046 SF	Not Required
Lot Occupancy	40% max.	33.03%	52.88%	Relief requested
Rear Yard	20 foot min.	32.51 feet	4.8 feet	Relief requested

Lot 34				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	.95	1.45	Relief requested
Height/stories	40 feet and 3 stories maximum	32.33 feet/3 stories	No change	Not required
Lot Area	N/A	10,060 SF	6621 SF	Not Required
Lot Occupancy	40% max.	33.03%	52.88%	Relief requested
Rear Yard	20 foot min.	37.67 feet	5.03 feet	Relief requested

Lot 36				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	1.04	1.52	Relief requested
Height/stories	40 feet and 3 stories maximum	29.48 feet/3 stories	No change	Not required
Lot Area	N/A	9258 SF	6335 SF	Not Required
Lot Occupancy	40% max.	34.78%	50.83%	Relief requested
Rear Yard	20 foot min.	48.81 feet	4.79 feet	Relief requested

Lot 37				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	1.04	1.52	Relief requested
Height/stories	40 feet and 3 stories maximum	29.16 feet/3 stories	No change	Not required
Lot Area	N/A	9258 SF	6317 SF	Not Required
Lot Occupancy	40% max.	34.68%	50.83%	Relief requested
Rear Yard	20 foot min.	48.85 feet	4.93 feet	Relief requested

Lot 39				
RA-1 Zone	Regulation	Existing	Proposed	Relief
FAR	.9 max.	.91	1.56	Relief requested
Height/stories	40 feet and 3 stories maximum	27.98 feet/3 stories	No change	Not required
Lot Area	N/A	10,524 SF	6141 SF	Not Required
Lot Occupancy	40% max.	30.44%	52.16%	Relief requested
Rear Yard	20 foot min.	48.5 feet	5 feet	Relief requested

VI. OFFICE OF PLANNING ANALYSIS

A. Variance Relief from Subtitle F, §§ 302, 304, and 305 for Lots 32, 33, 34, 36, 37, and 39

1. Floor Area Ratio, Lot Occupancy, and Rear Yard

Exceptional Situation Resulting in a Practical Difficulty

The applicant states that the timing requirements of the LIHTC funding cycle for affordable housing funding have resulted in a practical difficulty. The Applicant has also committed to full on-site replacement housing as part of an overall redevelopment of the entire site, and the proposed record lot and apartment building are part of this larger project. However, because of the funding timing, this project is intended to move forward in advance of the broader redevelopment proposal, so requires zoning relief prior to the Zoning Commission's review of the larger future PUD. The proposed subdivision to create a record lot with lot area large enough for the proposed apartment building would increase the nonconformity of the FAR, lot occupancy, and rear yard on the six remaining lots. Buildings on these 6 lots would be redeveloped as part of the future PUD.

No Substantial Detriment to the Public Good

The Applicant has committed to full on-site replacement housing for all tenants, and 70% of the units would be available at 60% or below MFI. Overall, this would not be detrimental to the public good and would allow for an increase in much-needed affordable housing in the District and an improved Meadow Green community.

No Substantial Harm to the Zoning Regulations

A proposed increase in non-conformity of record lots is not generally supported by OP, but this case is an unusual situation that will not harm the zoning regulations, particularly over the long term. The Applicant is not proposing any changes to the buildings at this time, and while each record lot's area is decreasing causing an increase to the lot occupancy and FAR, these individual lots and buildings will continue to be part of the overall property of Meadow Green Courts and will have access to the open space with heritage trees in the center. Eventually the remaining lots will be redeveloped as part of the PUD and the compliance of new buildings with zoning regulations will be assessed at that time.

B. Special Exception to allow new residential development in the RA-1 zone

Subtitle U Section 421 NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6)

421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.

421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

- (a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*
- (b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

The Applicant stated that the in-boundary public schools are Kimball Elementary School, Sousa Middle School, and Anacostia High School. At the time of this report, OP had not received a response from DCPS; while this BZA case would not result in a significant increase in population in

the area, the applicant will be encouraged to consult with DCPS as part of the broader PUD, and it will be referred to DCPS for comment. OP received confirmation from DPR that the nearby parks and recreation centers are Fort Dupont Park, Fort Chaplin, and Benning Stoddert Recreation Center. DDOT has reviewed this application and will file a separate report.

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

OP is supportive of the proposal to construct a new apartment building which will provide 89 units of replacement affordable housing. This apartment building is part of a larger overall redevelopment of Meadow Green including the senior housing building to the east which is already under construction (BZA Case No. 18972-A). The Applicant has been working on this project for many years and has completed a lot of community outreach as well as consultation with District agencies and MPD, and the Applicant has indicated that the existing residents and broader community are in support (see Exhibit 28).

Ideally this project and new building would have been reviewed as part of a PUD for the overall project, and it is not optimal planning to pull one building out of a larger site redevelopment for separate review. Thus, it is not clear how this building would relate to the other buildings on the square and the overall housing development. Additionally, should the PUD include a request for a map amendment, it is possible that this property could come under the RA-2 zone which would allow for additional building height and FAR. This approach would have allowed for more holistic and compatible planning of the overall site, and potentially for a more contextual and streetscape friendly design for this building.

However, the Applicant has chosen this route due to timing constraints, and requested a BZA special exception review for new residential developments. The Applicant responded to OP's requests for more detailed plans including specific materials, signage, roof plans, floor plans, sections and other information, which OP anticipates will be submitted to the record well in advance of the hearing. The Applicant has also made design changes in response to comments made by OP and DDOT regarding public space concerns.

OP asked the Applicant for confirmation from the Zoning Administrator that the calculation for GFA in terms of below-grade units and adjacent areaways are allowable within the zoning regulations. OP also asked for confirmation that the Zoning Administrator will allow the proposed condition tying the building demolition to the future Certificate of Occupancy. At the time of this report, that conformation had not been submitted to the record, but should be provided prior to the public hearing.

While OP is supportive in concept, and acknowledges that this is both a complicated proposal and a difficult site, OP has some concerns and recommendations regarding the proposed site plan and the design of the new building.

The Applicant has designed the L-shaped building around significant heritage trees at the center of the square, and there will be a large amount of open green space adjacent to the rear courtyard area. The building would be set back from the property line and across 90 foot streets allowing for adequate light and air between the abutting two-story residences along 35th and B Streets.

The site has significant topography challenges that the Applicant has attempted to respond to in their design, while maximizing the number of replacement units and staying within the maximum height and number of stories for this zone. In order to maximize the FAR and story requirements of this zone, the Applicant has placed a number of apartment units below grade with extensive areaways carved out around them to provide light. This is not ideal design for dwelling units in terms of light and air, and potentially safety.

In conversations with the applicant, OP has encouraged the consideration of alternative solutions. Since the building design shows a defined height of 37 feet and 40 feet would be allowed, perhaps the residential units could be pulled three feet out of the ground to allow for more light and air and to lessen the need for some

areaways and retaining walls. Or, perhaps the Applicant could lessen the number of below grade units by relocating some to a penthouse above the third story, which would be allowable for zoning purposes. Finally, due to the difficulty of dealing with the unique circumstances of this site, some additional relief from zoning regulations to improve the site plan may be justified. The applicant, in conversations with OP, has resisted making major changes such as these to the design, due to the considerable timing and cost constraints associated with doing so.

The main entrance to the building also is below grade and accessed by stairs and a ramp leading down to the entrance from 35th Street SE. OP encouraged the Applicant to move the entrance from the lower level (below grade) to the level above grade, or to a different location on the façade where it can be accessed at grade, or to provide stairs up to the front entrance for a better building and streetscape design. The Applicant has stated that the location of the front entrance is purposeful for interior building flow and to allow sight lines through the building from the front door to the rear courtyard and that MPD prefers that visibility for security purposes (Exhibit 31G). If this location is retained, the design of the entrance in terms of lighting, signage, canopy and materials will be particularly important to ensure that it provides a warm, residential, and safe character. Additional detail should be provided at the public hearing.

The below-grade units and significant grade changes of the site result in a number of retaining and site walls that the Applicant has shown as gray brick like the foundation of the building. For better streetscape and site design, OP recommends those walls be as low as possible or removed where possible, and adequately landscaped.

The Applicant has proposed a number of façade materials for the building including three colors of brick and fiber cement lap (not panel) siding. A reduction in number of cladding materials may result in a better, more cohesive design. The applicant has amended the design to provide a “base” material for the portions of the lower level that are exposed; a change that OP supports. There would be Juliet balconies along the front elevation and full balconies facing the courtyard (rear) with wire mesh railings, which would help give the building a more residential feel. The building would have a green roof and OP encourages the Applicant to consider solar panels if feasible.

The building would have more parking than required by zoning and meets the loading requirements. The Applicant revised their plans to the curb cuts, parking, loading, and trash collection based on DDOT’s comments. DDOT will file a separate report with their analysis of parking and loading.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant submitted the plans for review into the record.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT has reviewed the proposal and has filed a report at Exhibit 32, noting that “this proposed project will have minimal adverse impacts on the travel conditions of the District’s transportation network”. The Public Space Committee reviewed the proposal on February 22, 2018, and received an approval with conditions.

VIII. COMMUNITY COMMENTS

The Meadow Green Courts Resident Association filed a letter of support in Exhibit 28. As of the date of filing this report, there were two other letters in support (Exhibits 34 and 35).

The Applicant was scheduled to present to ANC 7F on February 20, 2018; a of the date of this report, the ANC had not filed a report to the file.