

# Purpose Statements of the MU-4 Zone

- Be applied throughout the city consistent with the density designation of the Comprehensive Plan. (Subtitle G § 400.1)
- Permit moderate-density mixed-use development (Subtitle G § 400.3(a))
- Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and (Subtitle G § 400.3(b))
- Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. (Subtitle G § 400.3(c))

# Site Design



# Contrary to Opposition's Assertions: No Adverse Impacts on Neighboring Use

- Light and air to neighboring properties will not be affected.
  - Property is an island surrounded by public space
  - The mass of the building is oriented away from the low-density development to the east, and the Property proposes extensive screening around its perimeter.
  - Relief relating to the screening requirements for surface parking lots has been permitted by special exception since 2013.
- Project will displace zero DC residents

# OP's Support for Special Exception Relief is Reasonable

- Relief for zone boundary extension and new apartment buildings in RA-1 zone permitted by special exception since 1958
- Requested relief is not “upzoning”
- Does not constitute a zone change
- The provision of 108 dwelling units on the lot will not result in an undue concentration of population and overcrowding of land
- Nearby schools and roads have sufficient capacity and the requisite data has been submitted to the appropriate agencies for review as required.

# Project Not Inconsistent with Recommendations of Comprehensive Plan

“The Board’s limited function is to assure that the regulations adopted by the Zoning Commission are followed; it has “no authority to implement the Comprehensive Plan.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A 2d 1023, 1034 (1995).

# Rhode Island Avenue Diamond in the District Small Area Plan

*“The successful realization of this plan depends heavily upon the ability to construct new housing at greater densities... While the existing neighborhoods are generally stable and well-positioned for a variety of improvements, building new housing in higher density, multifamily apartment/condominium buildings and stacked townhomes along the Avenue is very important to generating the foot traffic to make the retail viable.” (Rhode Island SAP, pg. 5)*

# Special Exception Relief Requested

- Subtitle A § 207.2
  - Zone Boundary Line Extension for Split-Zoned Lot
- Subtitle U § 421.1
  - New Residential Apartment Building in the RA-1 Zone
- Subtitle C § 714.3
  - 24 ft. Gap in Screening for Surface Parking Lot

Special exception relief is presumed to be appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (1981).



# Special Exception Standard

## Subtitle X § 901.2

(1) Will be in harmony with the general purpose and intent of the Zoning Regulation and Zoning Maps

(2) Will not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps; and

(3) Subject in specific cases to special conditions specified in the Zoning Regulations.

“The Applicant has the burden of showing that the proposal complies with the regulation; but once that showing has been made, “the Board ordinarily must grant [the] application.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A 2d 1023, 1033 (1995).

# Split Zone Boundary Line Extension

## Subtitle A § 207.2

- (a) The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five (35 ft.);
- (b) In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);
- (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood;
- (d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

# New Apartment Building in the RA-1 Zone

## § U-421.1

- 1) *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.*
- 2) *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.*
- 3) *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.*

# Gap in Screening for Surface Parking Lot

*Subtitle C-714.3: The Board of Zoning Adjustment may consider the following in its deliberation on modification or waiver of screening requirements:*

- (a) Impacts on the pedestrian environment within the adjacent streets, sidewalks, and other public areas;*
- (b) Existing vegetation, buildings or protective and screening walls located on the adjacent property;*
- (c) Existing topographic conditions;*
- (d) Traffic Conditions; and*
- (e) In granting a modification or waiver, the Board of Zoning Adjustment may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.*

**BZA Application #19960**  
1400 Montana Avenue NE  
MCF Montana LLC MCFI LP

**Presented by:**  
Meridith H. Moldenhauer  
Cozen O'Connor



maurice**walters** | architect

