

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 22, 2019

SUBJECT: BZA Case 19960 (1400 Montana Avenue, N.E.) to permit a three and four-story apartment building plus penthouse with surface parking

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Subtitle X § 901.2, pursuant to Subtitle A § 207.2, to permit a 35-foot adjustment of the zone boundary line to allow the bulk regulations of the MU-4 zone to extend to a portion of the subject property within the RA-1 zone;
- Subtitle X § 901.2, pursuant to Subtitle C § 714.3, Screening Requirements for Surface Parking (20-foot maximum driveway screening gap permitted; 24-foot driveway screening gap proposed); and
- Subtitle X § 901.2, pursuant to Subtitle U § 421.1, to develop an apartment building in the RA-1 zone.

As a part of this development, the applicant proposes improvements within the public space adjacent to the subject property for a retaining wall in the eastern corner of the site, and the stair and ramp access within the Montana Avenue right-of-way to the main entrance to the building. The applicant will be required to continue working with DDOT and the Public Space Committee regarding these proposed improvements.

II. LOCATION AND SITE DESCRIPTION

Address	1400 Montana Avenue, N.E.
Applicant	MCF 1400 Montana LLC & MCFI LP
Legal Description	Square 4023, Lot 1
Ward, ANC	Ward 5, ANC 5C
Zone	MU-4 and RA-1, both of which permit apartment development. In the MU-4 the use is permitted as a matter-of-right, and within the RA-1 it is permitted by special exception for site and building plan review.
Lot Characteristics	Triangular lot primarily fronting three streets with no alley access.
Existing Development	One-story drive-thru bank building and surface parking lot in use as a church

Adjacent Properties	North: Across Evarts Street, drug store with drive-thru lane Southwest: Across Montana Avenue, three-story apartment buildings Southeast: Across Saratoga Avenue, one-family detached dwellings
Surrounding Neighborhood Character	Low to moderate density residential and locally serving retail
Proposed Development	Three to four-story plus penthouse apartment building with 108 units and surface parking. Two bio-retention areas would be provided; one at the corner of Evarts Street and Saratoga Street and a smaller one adjacent to the northeast side of the building, adjacent to the loading area. Vehicular access to a surface parking lot would be via 24-foot wide driveway off Saratoga Street, generally opposite the entrance to a public alley in Square 4127 (Exhibit 5, Sheet A16).

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zones: MU-4 and RA-1	Regulation	Existing	Proposed	Relief
Building Height -MU-4 G § 403.1 -RA-1 F § 303	50-foot max. 40 ft. & 3-stories	N/A N/A	47 ft., 5 in. 39 ft., 9 in. & 3-stories	None Required None Required
Penthouse Height -MU-4 G § 403.3 -RA-1 F §303.2	12 ft./15 ft. mech. 12 ft./1-story	N/A N/A	12 ft./ 15 ft. mech 12 ft. & 1-story	None Required None Required
Lot Area -MU-4 -RA-1 TOTAL	None Prescribed None Prescribed --	23,717 sq. ft. <u>15,156 sq. ft.</u> 38,873 sq. ft.	23,717 sq. ft. <u>15,156 sq. ft.</u> 38,873 sq. ft.	None Required None Required --
Floor Area Ratio -MU-4 G § 402 -RA-1 F § 302	3.0 max. (IZ) 1.08 max.(IZ)	N/A N/A	2.69 1.08	None Required None Required
Lot Occupancy -MU-4 G § 404 -RA-1 C § 304	75% max. (IZ) 40% max.	N/A N/A	67% 36%	None Required None Required
Rear Yard -MU-4 G § 405 -RA-1 F § 305	15-foot min. 20-foot min.	N/A N/A	15 feet 20 feet	None Required None Required
Open Court -RA-1 F § 202	4 in./ft bldg. ht, or 12 ft., 8 in. min.	N/A	14 ft., 8 in.	None Required

Zones: MU-4 and RA-1	Regulation	Existing	Proposed	Relief
GAR				
-MU-4 G § 407	0.3 min.	N/A	0.351	None Required
-RA-1 F § 307	0.4 min.	N/A	0.400	None Required
Parking C § 701	1 /3 if > 4, or 34	N/A	32, including 1 car-share space, equal to 34 ¹	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle A § 207.2, Zone Boundary Line Crossing a Lot

207.2 *If approved by the Board of Zoning Adjustment as a special exception under Subtitle X, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:*

- (a) *The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);*

The applicant requests to extend the zone boundary line of the MU-4 zone, the lesser restrictive zone, thirty-five feet into the RA-1 zone (see Exhibit 39A, Sheet A02, New Lots/Measuring Point).

- (b) *In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);*

Not applicable. This subsection deals with zone boundary line extensions into the lower density R and RF zones. No portion of the subject property is located within an R or RF zone. The requested extension is into the RA-1, a residential apartment zone.

- (c) *The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

Although the applicant requests to shift the zone boundary line by 35 feet, the portion of the subject property fronting Saratoga Avenue would continue to be zoned and controlled by the RA-1 bulk regulations, for a depth of approximately 65 feet from Saratoga Avenue. The RA-1 is a lesser intensive zone than the MU-4, and would continue to act as a buffer between the MU-4 and the one-family detached dwellings in the R-1-B zone across Saratoga Avenue.

An apartment building is a use permitted as a matter-of-right in the MU-4 zone, and by special exception in the RA-1 zone. The subject building is proposed to primarily front Montana Avenue and Evarts Street, facing either three-story apartment buildings or commercial developments. The lower portion of the

¹ Per C § 708.2, one car share space may count as three required parking spaces.

building (three-stories), a portion of the parking lot and a bioretention area at the corner of Saratoga Street and Evarts Street would face the one-family detached dwellings on the southeast side of Saratoga Street. Adequate parking would be provided as defined by C § 701 of the Zoning Regulations, or 32 spaces plus one car share space.

- (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.*

OP makes no recommendations for design, appearance, screening, location of structures or lighting.

b. Special Exception Relief from Subtitle C § 714.3, Screening Requirements for Surface Parking

714.3 *The Board of Zoning Adjustment may grant, as a special exception, a modification or waiver of these screening requirements. In addition to the general requirements of Subtitle X, the Board of Zoning Adjustment may consider:*

- (a) *Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;*

The application conforms to the screening requirements for parking lots, with the exception of a 24-foot wide break in the parking lot screening, in excess of the maximum 20-foot wide break permitted. The additional four-feet would allow the applicant to consolidate all vehicular ingress and egress to the site to one entrance, instead of two. One vehicular access point at a width of twenty-four feet, instead of two at a width of twenty feet each, for a total of forty feet, would have less of an impact on the pedestrian environment by minimizing the number of conflicts with adjacent streets and sidewalks.

Montana Avenue and the western half of the Evarts Street are improved with public sidewalks. There are no public sidewalks for the remainder of Evarts Street or Saratoga Avenue. The applicant proposes to complete the public sidewalk system surrounding the subject property to DDOT and ADA standards and install crosswalks and curb ramps with detectable warnings, subject to approval by the Public Space Committee and improving the pedestrian experience.

- (b) *Existing vegetation, buildings or protective and screening walls located on adjacent property;*

There are no adjacent properties as the subject property occupies the entire square.

- (c) *Existing topographic conditions;*

There are no topographic conditions applicable to the requested relief.

(d) Traffic conditions; and

The applicants informed OP that they have been working with DDOT on the design of the parking lot. The proposed 24-foot wide driveway and resulting break in the screening of the parking lot is to allow for the consolidation of automobile and truck traffic serving the site into one ingress/egress point, minimizing the number of curb cuts and pedestrian conflicts necessary to service the site to one.

The Comprehensive Transportation Review (CTR) submitted by the applicant and dated February 15, 2019, concluded, “**the project will not have a detrimental impact** to the surrounding transportation network assuming that all planned site design elements are implemented.” It is anticipated DDOT will provide analysis and comments on the CTR in a separate report to the BZA.

(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.

OP makes no recommendations for special treatment to prevent adverse impacts.

c. Special Exception Relief from Subtitle U § 421, New Residential Developments

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.*

The subject application is for a new residential development, a portion of which is located within the RA-1 zone.

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

The applicant submitted school enrollment, capacity utilization and projection data (Exhibit 11) for the 2016-2017 school year. The data indicates that, of the in-boundary schools, Langdon Elementary School had a 65 percent utilization rate, McKinley Middle School/McKinley Technical High School had 72 percent utilization rate and Dunbar High School had a utilization rate of 53 percent. The application was referred to the Office of the Deputy Mayor for Education by OZ (Exhibit 24); however, no comments were submitted to the record as of the date of the filing of this report.

(b) *Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

The application was referred by OZ to DDOT (Exhibit 23) and DPR (Exhibit 25). The site plans (Exhibit 39A) depict a fitness room (active recreation) on the ground floor, with passive recreation areas on the fourth floor of the building, including indoor and outdoor areas. The site is also located one-half mile from the Noyes Recreation Center. No comments were submitted to the record from the Department of Parks and Recreation as of the date of the filing of this report.

The site is surrounded on three sides by public streets and the applicant has been working with DDOT on vehicular access to the site.

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 finds the design and layout of the site to be generally acceptable, and supports the quality of the building design and materials proposed. Although OP does not favor the construction of surface parking lots, they are permitted and the applicant should ensure that the proposed parking lot meets or exceeds all parking lot landscape requirements of Subtitle C § 715, especially where the parking lot fronts public streets.

Certain aspects of the proposed improvements extend into public space and will require approval from the Public Space Committee, specifically a retaining wall in the eastern corner of the site (Evarts Street and Montana Avenue) and the stair and ramp access to the main entrance of the building on Montana Avenue. The applicant will be required to continue to work with DDOT and the Public Space Committee on these issues.

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.*

Exhibit 5 of the application includes site plans (Sheet A05A), typical floor plans (Sheet A07, A08 and A09), elevations (Sheet A13 and Sheet A14), a landscape plan (Sheet 16), a site survey depicting existing grading (Sheet A05B) and a ground floor plan depicting final spot elevations (Sheet A07). No new rights-of-way or easements are proposed.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other District agencies were submitted to the file as of the date of the filing of this report.

VI. COMMUNITY COMMENTS TO DATE

ANC 5B submitted a letter stating the subject application would not be on the March ANC agenda and requesting the BZA hearing be rescheduled (Exhibit 35).

The applicant scheduled a meeting with the community for March 14, 2019 (Exhibit 39, page 4).

One letter was submitted to the file in support of the application (Exhibit 17).

One party status request in opposition to the application was submitted to the record (Exhibit 42).

Attachment: Location Map

