

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

Presented by:
Meridith H. Moldenhauer
Cozen O'Connor



Board of Zoning Adjustment
District of Columbia
CASE NO. 19960
EXHIBIT NO. 80



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Introduction to Team

- Mid City
 - Jamie Weinbaum
- Maurice Walters Architect
 - Maurice Walters
- Gorove Slade
 - Daniel Van Pelt
- Moody Graham
 - Ryan Moody
- Cozen O'Connor
 - Stephen Varga, Planning Services Director



MidCity

- MidCity offers a proud tradition of expertise in the development, acquisition, oversight, and management of multifamily rental housing.
- Unlike many real estate development and investment firms, MidCity focuses on long-term value and enduring relationships, proudly carrying on the tradition of strategic public-private partnerships and quality housing established by our esteemed founder, Eugene F. Ford.
- Since 1965, MidCity has developed more than 15,000 units across the country and presently owns approximately 9,000 units, primarily in the District of Columbia and Maryland.



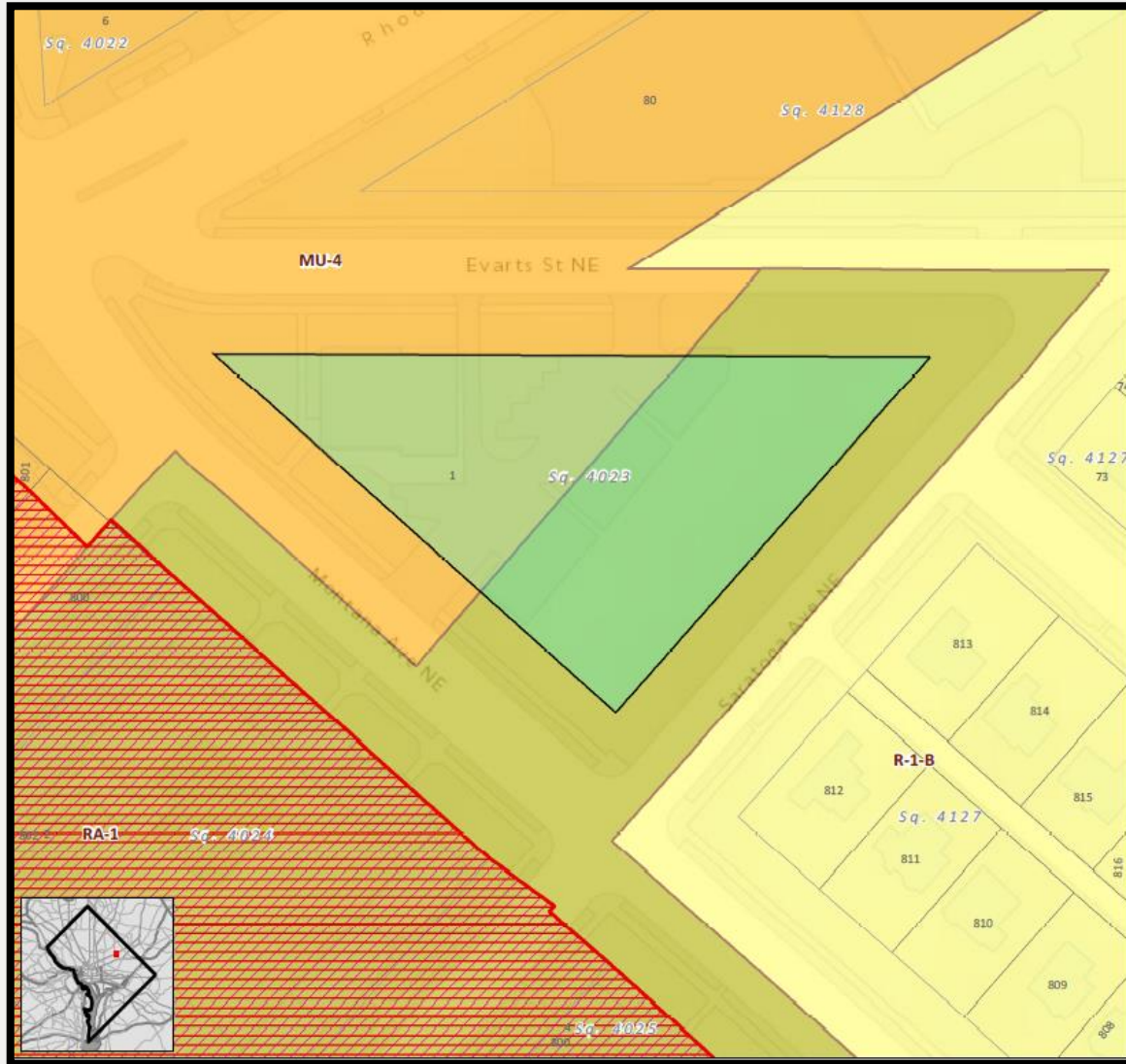
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The Property – 1400 Montana Avenue NE



Zoning Map



Square 4023
Lot 0001
MU-4 / RA-1
Zones

The Project

- The Property is comprised of one triangular lot, split-zoned between the MU-4 and RA-1 zone districts, and is currently improved with a single-story building
- Applicant proposes to construct a new, four-story, 108-unit, multi-family, residential apartment building
- 21 units on first and fourth floors, 28 units on second and third floors, 10 penthouse units
 - 11 IZ units for up to 60% AMI
- Ground-floor lobby area, fitness room, leasing office, mail room, and long-term bicycle storage

Site Plan



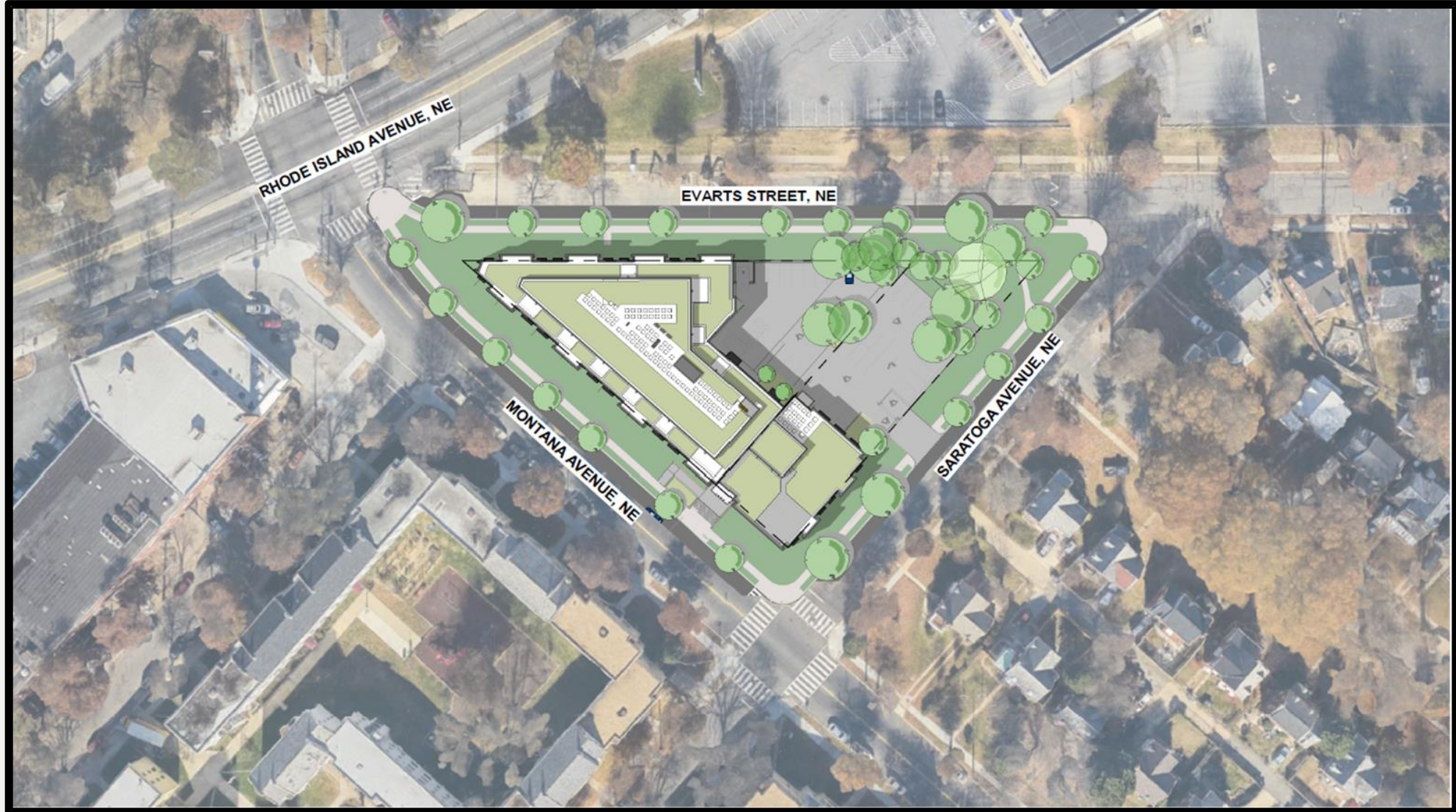
Community Outreach

- Since filing application, Applicant has reached out to ANC 5C06 Single Member District (“SMD”) Commissioner and ANC 5C Chairperson numerous times, by email, text, and telephone, requesting to be placed on the first available ANC meeting agenda
 - Applicant continues to be open and willing to meet and attend any meeting requested by the ANC or SMD Commissioner
- Applicant held a community meeting on March 14, 2018
 - 20-25 people attended community meeting
 - Applicant looks forward to a continued dialogue with the community
 - Applicant pledged to work with community in addressing concerns about added traffic and street parking issues
- Letters in Support
 - Historic Berean Baptist Church supports the Project
 - More than 20 additional letters in support from neighbors

Community Outreach Since April 3 Hearing

- Applicant presented at the 5C06 SMD Meeting on April 10, 2019
- Applicant requested and confirmed multiple times that they were ready and able to present at the April 5C ANC Meeting
- Applicant attended the April 17, 2019 5C ANC Meeting and was ready to present but was denied the opportunity despite requests by Applicant and community members at the meeting
- Applicant has also met with neighboring individuals to discuss questions and concerns

Site Plan



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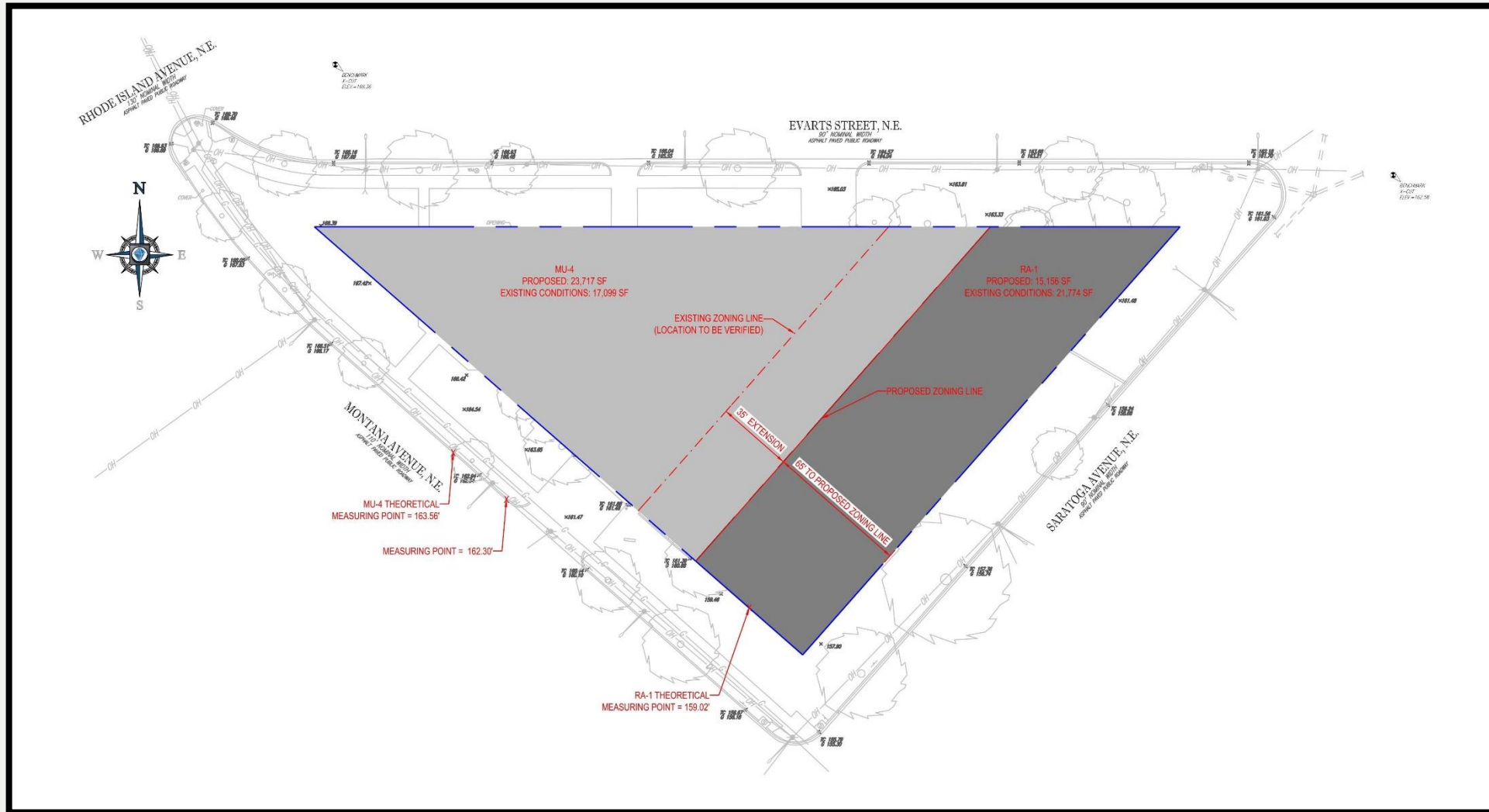
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New Lots / Measuring Point



Ground Floor



1400 Montana Ave

MCF 1400 Montana, LLC

GROUND FLOOR



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Typical Residential Floor



NOTES:

1. The number, size, and locations of amenity spaces, stairs, and elevators are preliminary and shown for illustrative purposes only. Final layouts may vary.
2. Unit mix and sizes are subject to change.
3. Proposed location of parking access driveways subject to review and approval by the District Department of Transportation.
4. Utility poles and lines not shown for graphic purposes.



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Fourth Floor



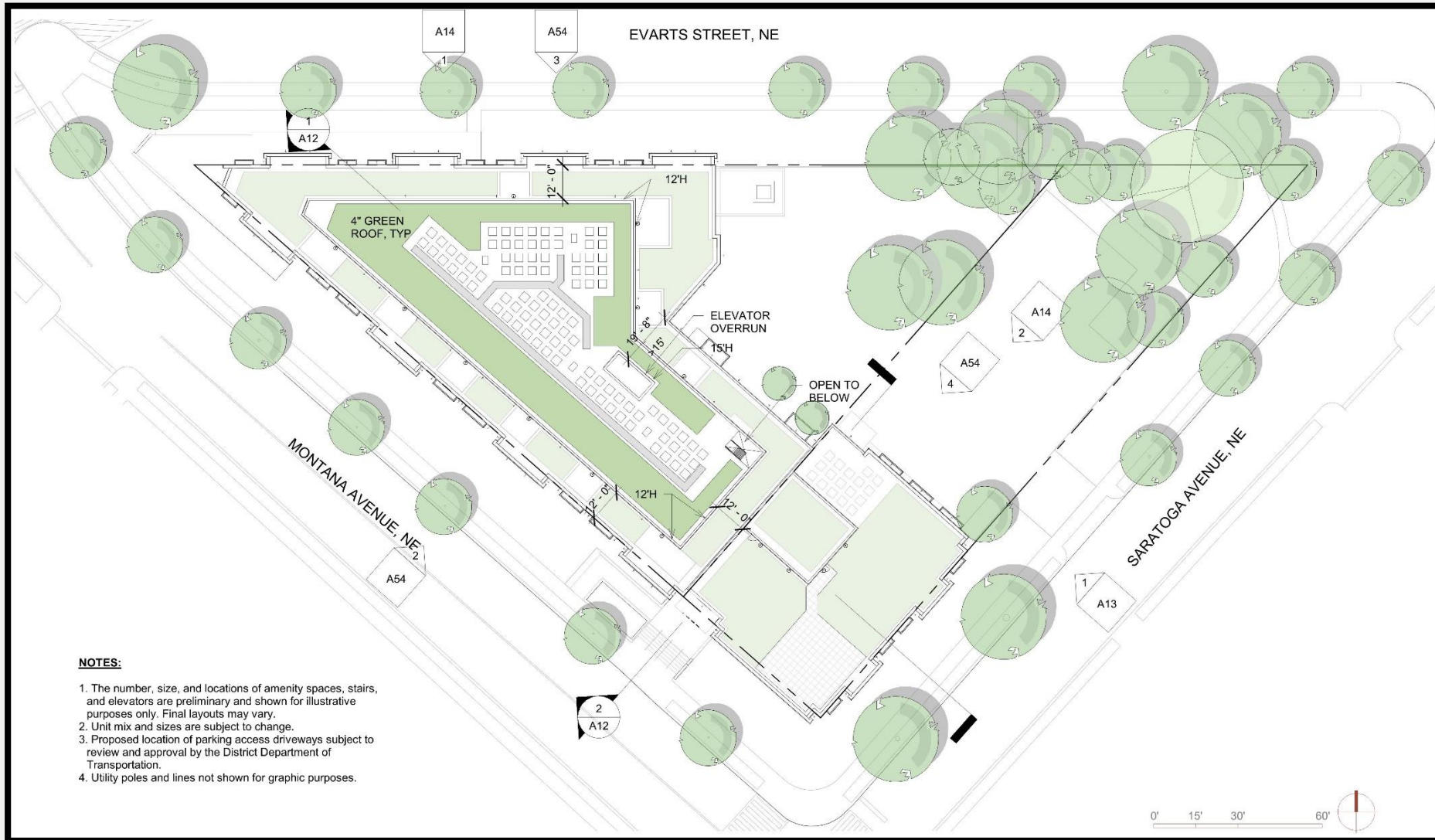
Roof



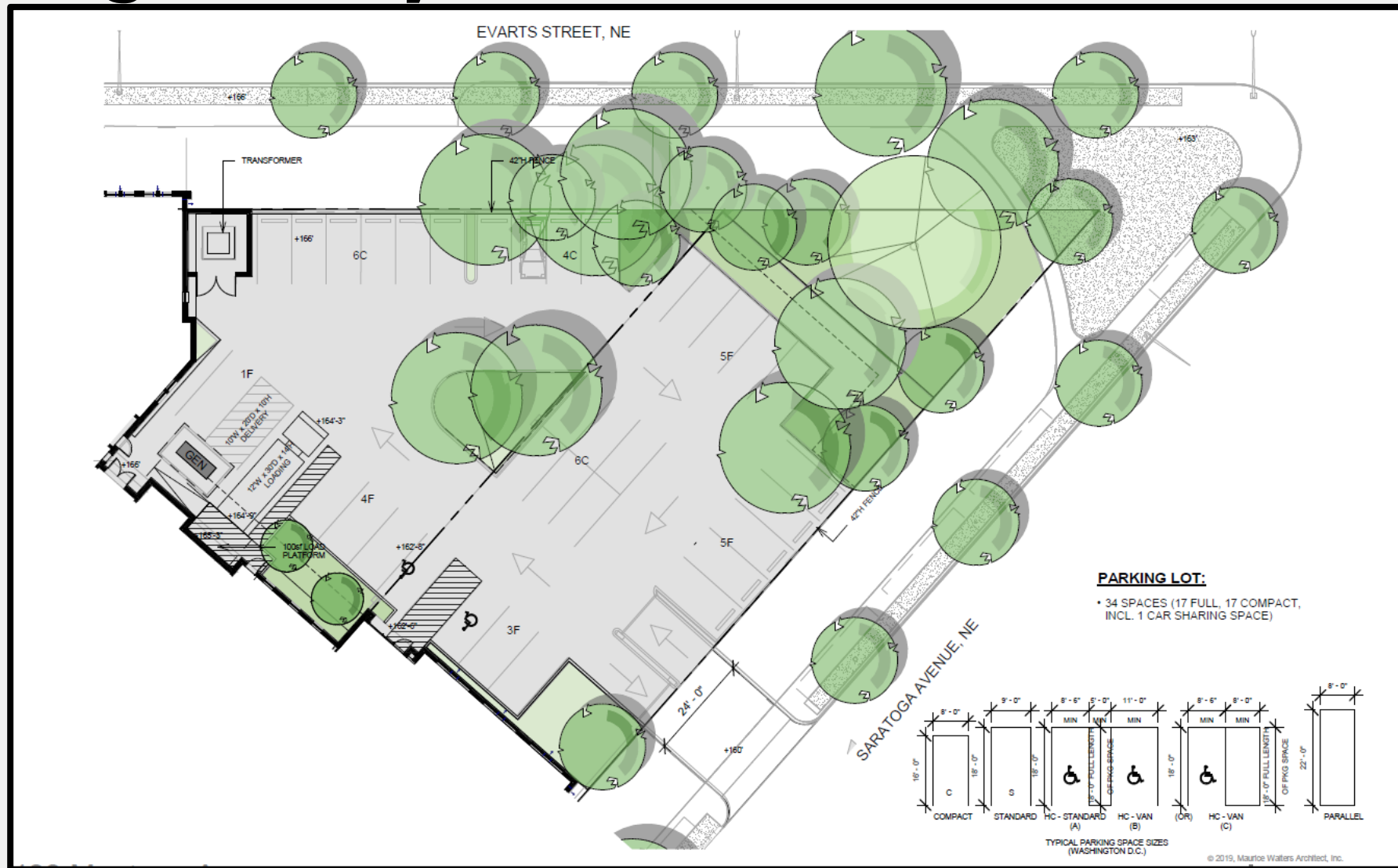
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Penthouse Roof



Parking Lot Layout



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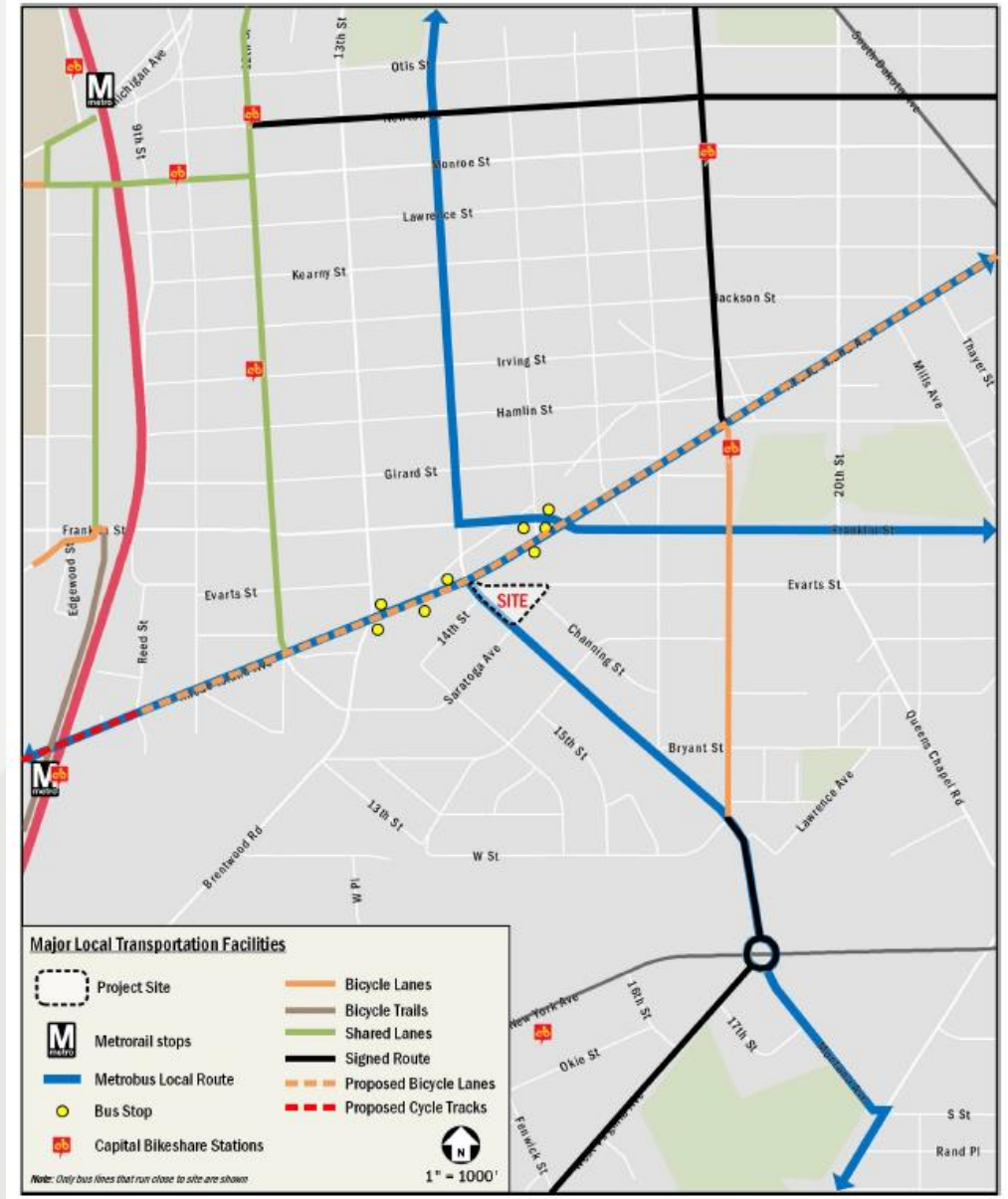


Landscape Plan



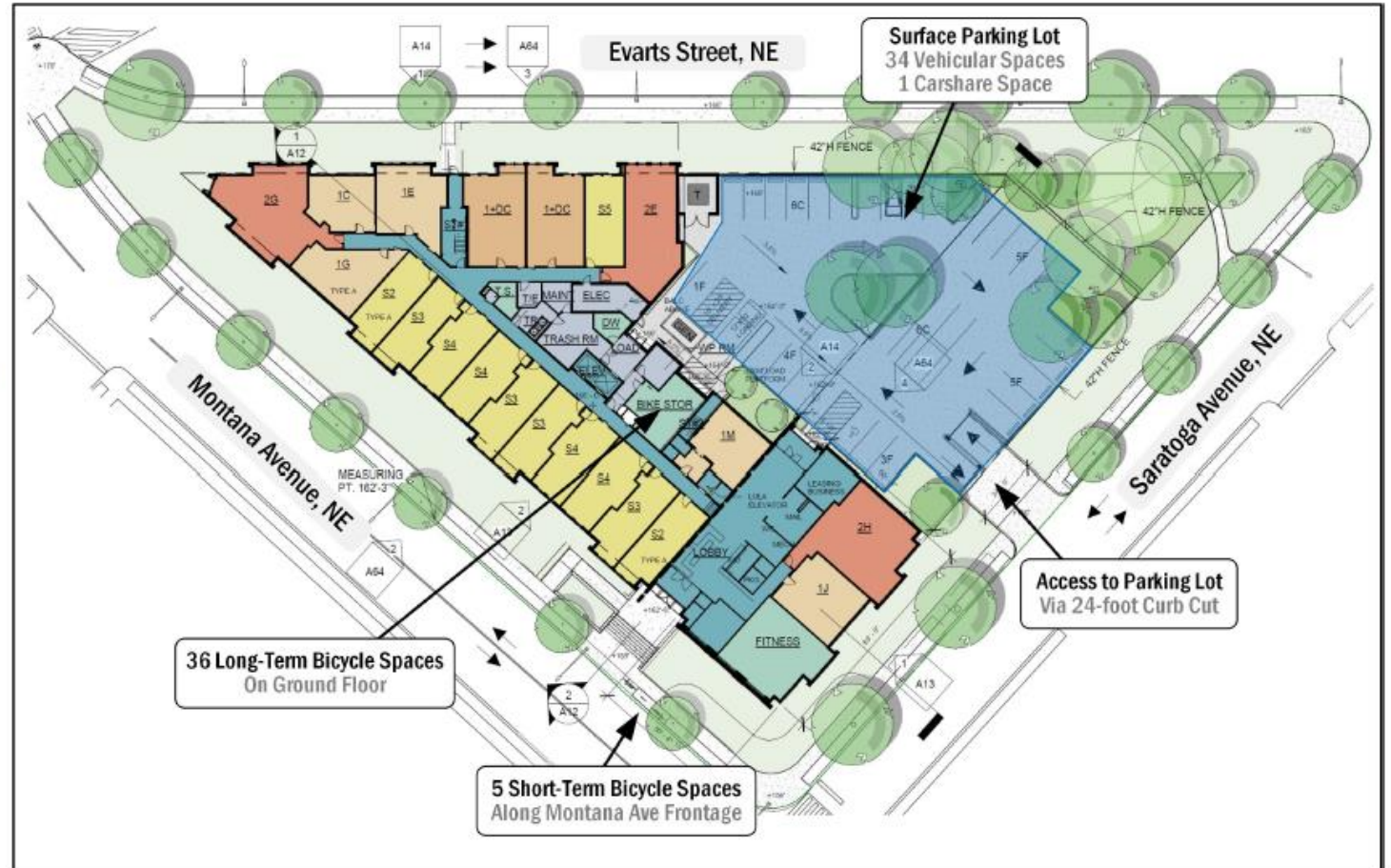
Site Location

- Metrorail (Red Line)
 - Rhode Island Ave-Brentwood Metrorail Station (0.7 miles)
- Metrobus
 - 83, 86 , B8, B9, D8, G8, G9, H6, H8, H9 , P6 , S41, T14, T18
- Bicycle Facilities
 - Bicycle lanes and signed routes along 18th Street
 - Shared bicycle lanes along 12th Street
- Capital Bikeshare
 - 0.5 miles to nearest
 - 8 stations within 1 mile

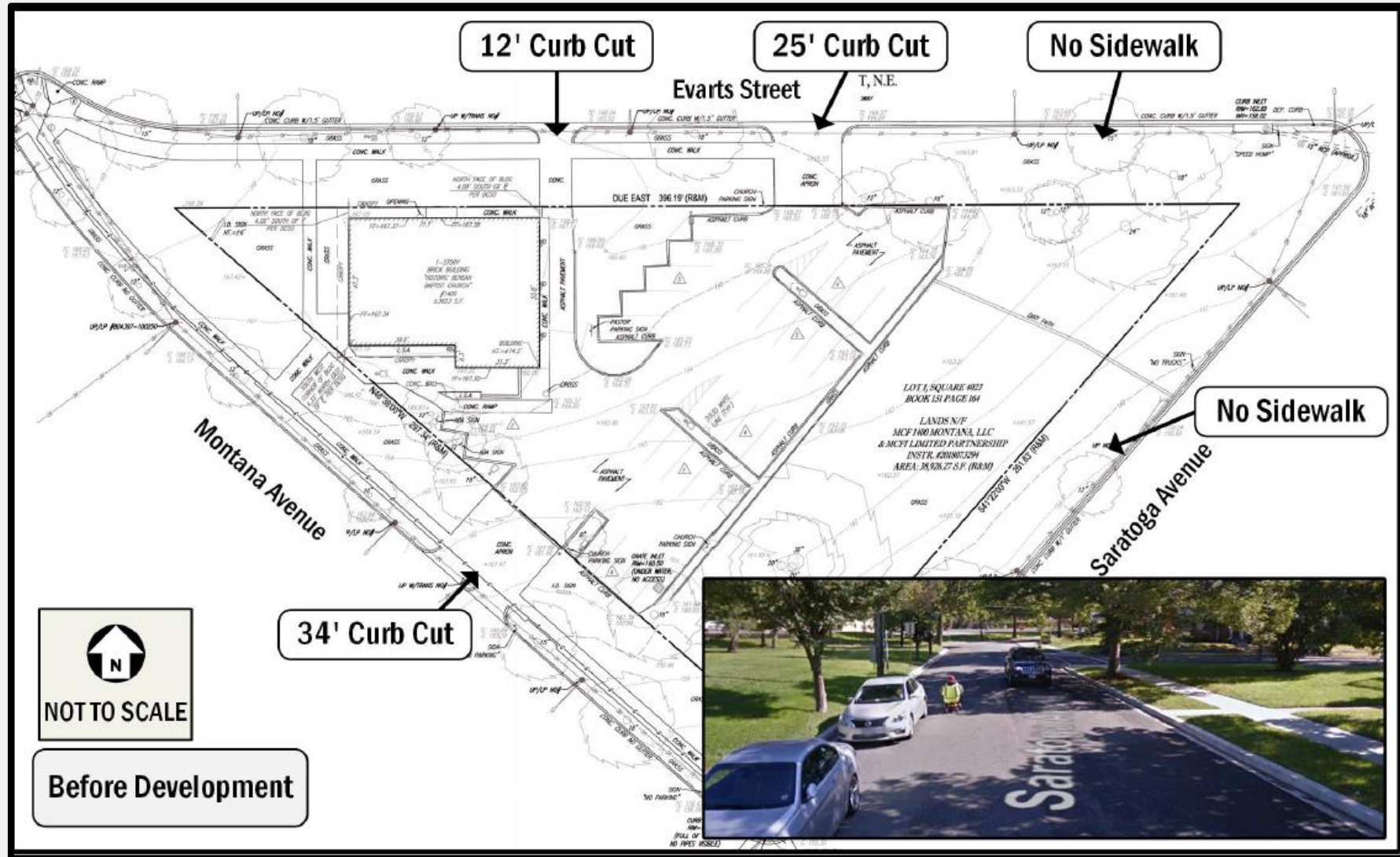


Vehicle and Bicycle Parking

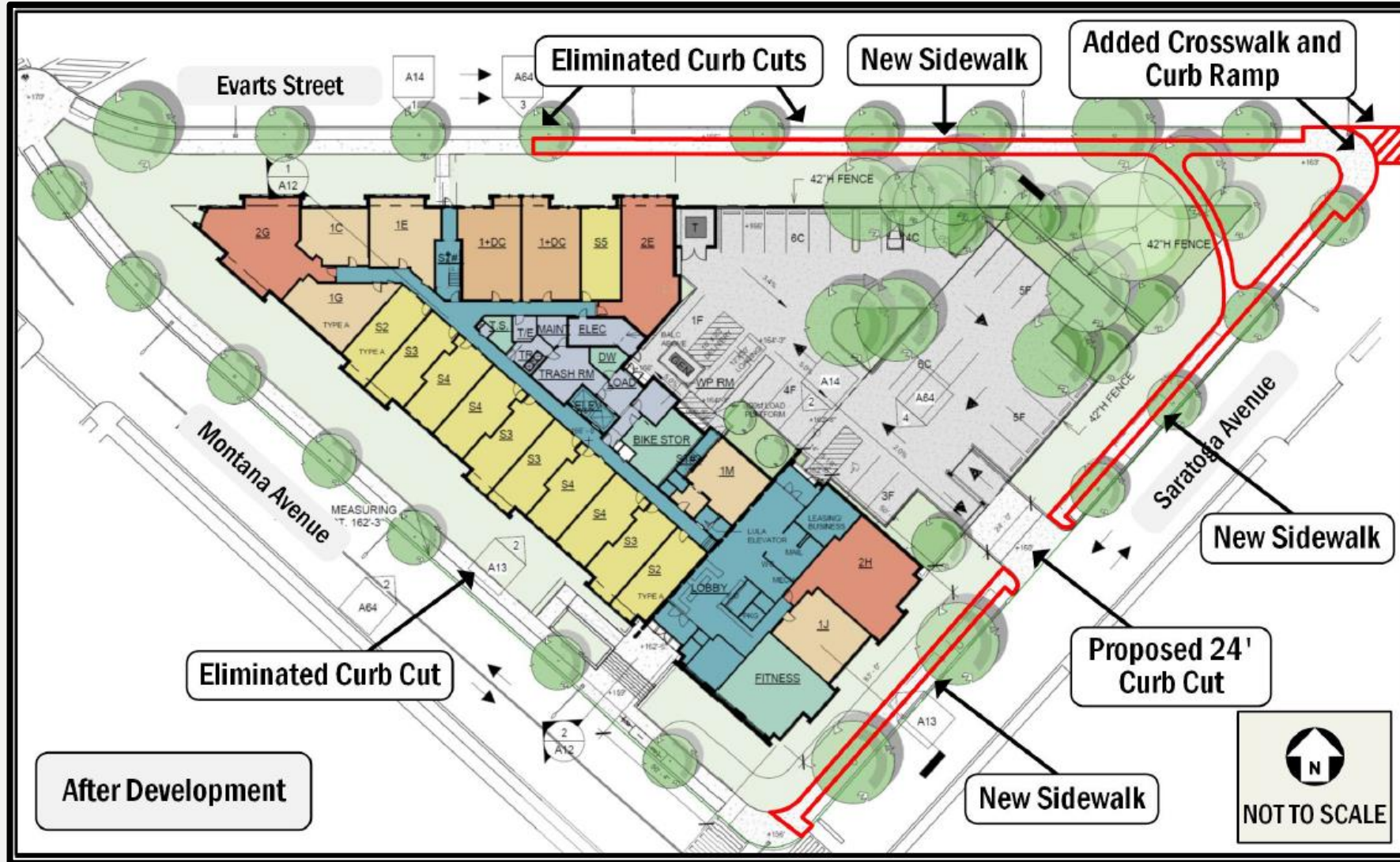
- 35 parking spaces required by zoning regulations
- Proposed Parking Supply
 - 34 vehicular spaces
 - 1 dedicated carshare space
 - 36 long-term bicycle parking spaces
 - All located on ground floor
 - 5 short-term bicycle parking spaces
- Meets zoning requirements and serves practical demand of the site



Existing Site Plan Elements

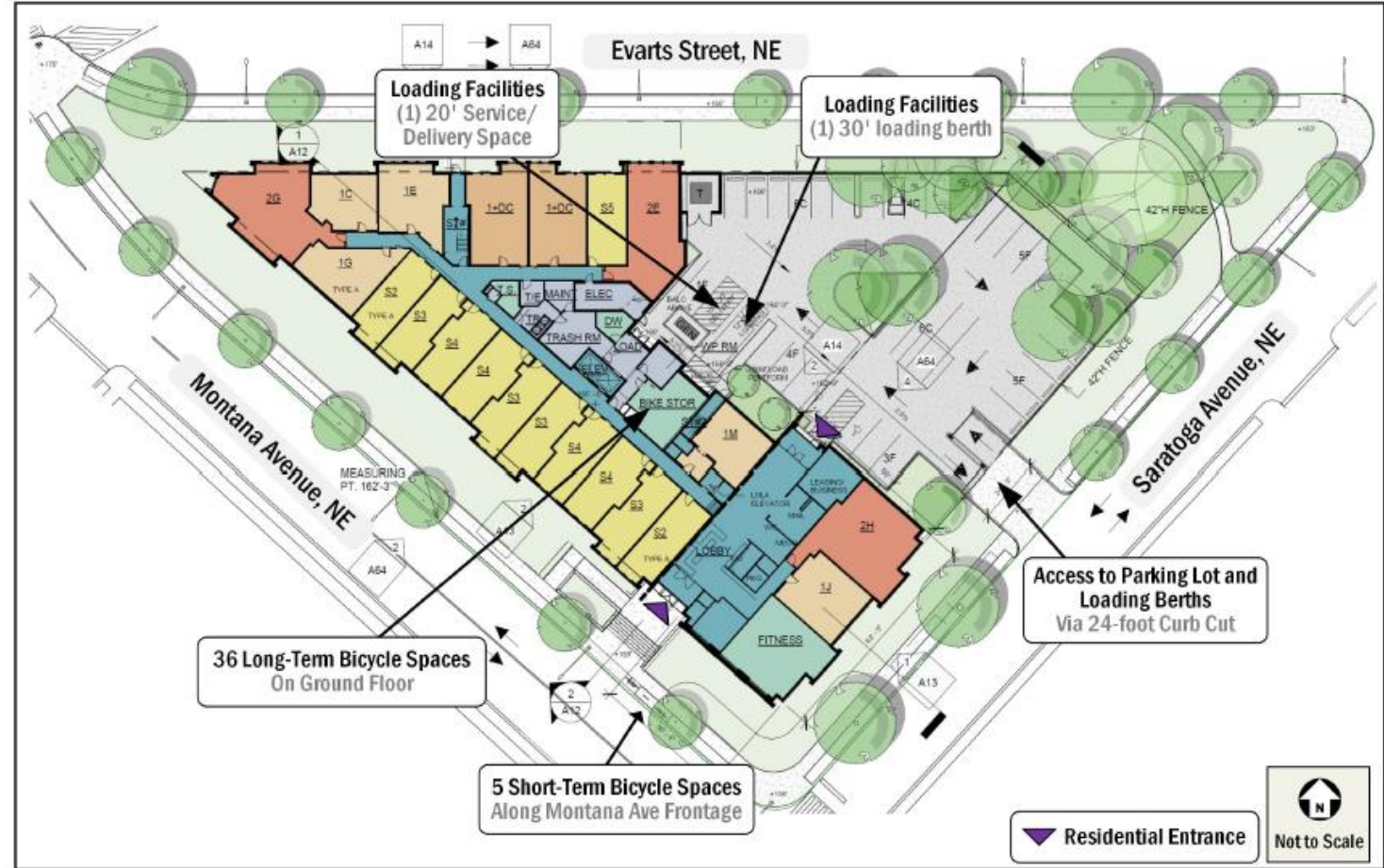


Improved Site Plan Elements



Access and Loading

- Met with DDOT early in site planning
- Truck routing to/from Rhode Island Avenue
- Loading and trash trucks will access from Saratoga Avenue
- Proposed Loading Facilities
 - One 30' loading berth
 - One 20' service/delivery space
- Meets zoning requirements and practical needs of the site



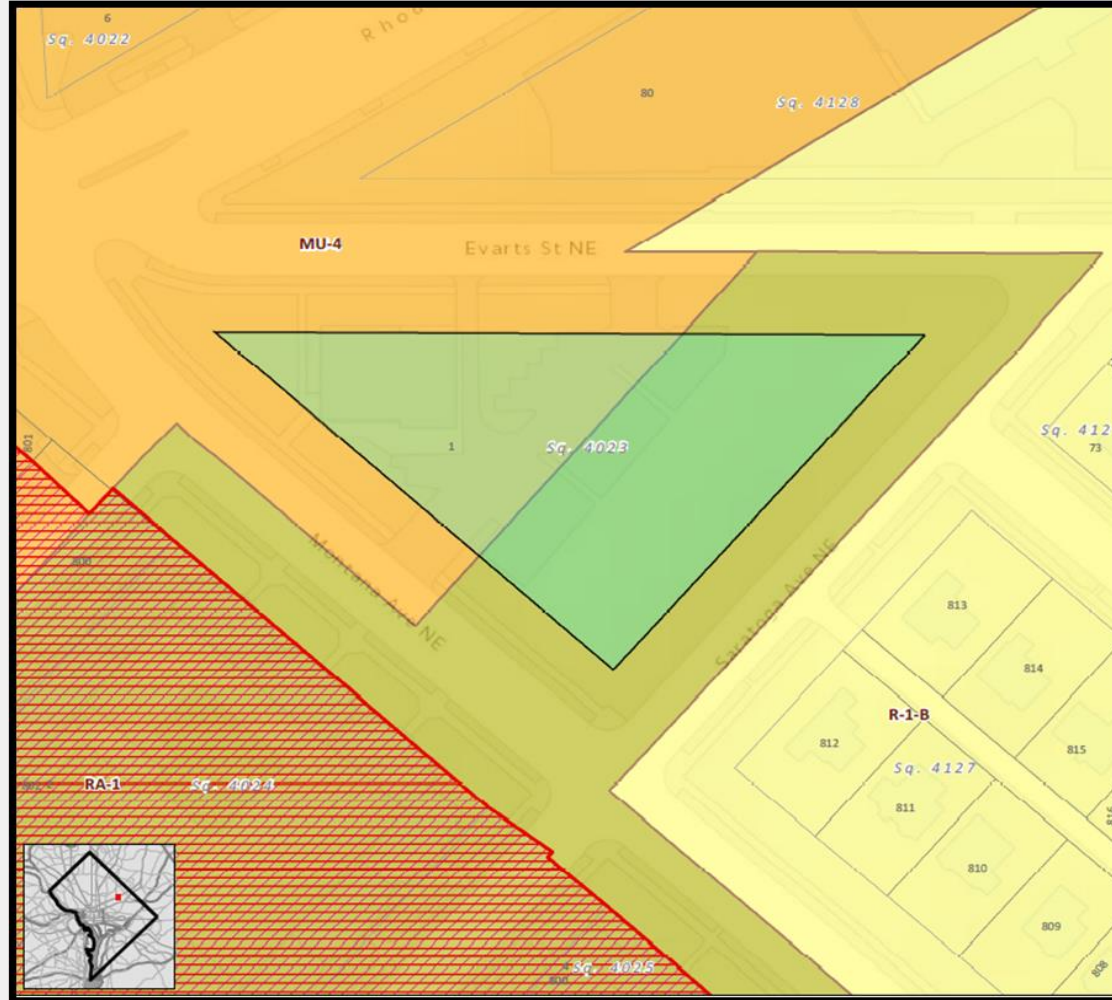
Comprehensive Transportation Review and DDOT Coordination

- DDOT Scoping
 - Multimodal Transportation Assessment performed
 - Minimal changes to day-to-day activity
 - Minimal vehicle trips to/from site
 - No vehicular capacity analysis required
- Overall Findings
 - Project will not have detrimental impact
 - Transportation-related site plan elements result in improvements to the site over existing conditions
 - Sufficient TDM plan
- DDOT supportive of BZA relief
- Curb cut approved by Public Space Committee

Transportation Demand Management (TDM)

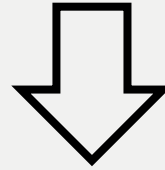
- Proposed TDM Strategies
 - TDM Leader
 - Residential Welcome Package materials
 - Long- and Short-term bicycle parking that meet zoning requirements
 - 36 long-term spaces located on ground floor (roll-in) bike room
 - 5 short-term spaces
 - Bicycle repair station
 - Unbundled cost of residential parking

Land Use and Planning

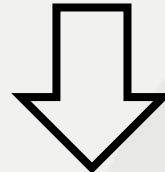


Relationship between Subtitle A § 101.2 Considerations and the Zone Plan

Subtitle A § 101.2 Considerations “character”,
“suitability”, “stability of land values”



Zone Plan (General Provisions and Purpose and
Intent Statements)



Permitted uses and Development Standards

Consistent with



- Considerations implicitly reflected in Zone plan
- Harmony with the Zone plan inherently satisfies Subtitle A § 101.2

Intent of the RA-1 Zone

- RA Zones**
- Urban residential development** (Subtitle F § 100.1)
- Moderate- or high density residential areas suitable for multiple dwelling unit development. (Subtitle F § 100.2)
- Flexibility-allows all types of residential development; (Subtitle F § 100.3(b))
- Stable residential areas-a variety of urban residential neighborhoods; (Subtitle F § 100.3(c))
- Walkable living environment; (Subtitle F § 100.3(d))
- Compatibility between the location of new buildings or construction and the existing neighborhood; (Subtitle F § 100.3(f))
- RA-1 zone:**
 - Flexibility of design- permits all types of urban residential development if they conform to the height, density, and area requirements established for these districts; (Subtitle F § 300.1(a))
 - Low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments (Subtitle F § 300.2)

Intent of the MU Zones

- Provide for mixed-use developments-**multiple dwelling unit residential development at varying densities.** (Subtitle G § 100.1)
- Provide for a varied mix of **residential**, employment, retail, service, and other related uses at appropriate densities and scale throughout the city; (Subtitle G § 100.3(b))
- Reflect a variety of building types, including, a vertical mixture of residential and nonresidential uses, **buildings made up entirely of residential uses;** (Subtitle G § 100.3(c))
- Encourage safe and efficient conditions for pedestrian and motor vehicle movement;** (Subtitle G § 100.3(d))
- Ensure that infill development is **compatible with the prevailing development pattern** within the zone and surrounding areas; (Subtitle G § 100.3(e))
- Ensure that buildings and developments **support active use of public transportation and safety of public spaces.** (Subtitle G § 100.3(g))
- Buildings may be **entirely residential**, or may be a mixture of non-residential and residential uses (Subtitle G § 100.4)

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.*

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