

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 18, 2013

SUBJECT: BZA Case 18576 – Fort Lincoln Banneker Rowhouses

I. RECOMMENDATION

With regard to this proposal to construct 42 rowhouses, the Office of Planning (OP):

- **Cannot recommend approval** of the requested special exception pursuant to § 2516, Exceptions to Building Lot Control (1 principal structure permitted per record lot; 42 proposed);
- Recommends **approval** of the requested variance to § 2516.5(b), Front Yards (16.66 feet required, various provided – refer to application data);
- Recommends **denial** of the requested variance to § 405, Side Yards (11.25 feet required, various provided – refer to application data).

OP generally supports the application, but has requested from the applicant additional information and design refinements in order to fully evaluate the special exception request. OP supports the request for front yard variance relief, but the application does not meet the three-part variance test for side yard relief.

II. LOCATION AND SITE DESCRIPTION

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| Location | Parcel of land between Fort Lincoln Drive and Banneker Drive, NE |
| Legal Description | Square 4325, Lots 29, 31, 813 and 814 |
| Ward and ANC | 5, 5C |
| Lot Characteristics | Irregularly shaped, 5-acre property; Slopes steeply down from Fort Lincoln Drive towards Banneker Drive, a total of about 70 feet; Lot is vacant and mostly wooded. |
| Zoning | Almost entirely R-5-D – Multi-family residential; A small corner of the property is zoned C-2-B but is not proposed for development. |
| Existing Development | None |
| Historic District | None |



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|------------------------------------|---|
| Adjacent Properties | Residential rowhouse-style units to the north and south, and apartments to the west; School, park and rec center to the east across Fort Lincoln Drive. |
| Surrounding Neighborhood Character | Much of Fort Lincoln is developed with rowhouses, though it also has high-rise residential, a school, a rec center, and an under-construction big-box retail area; Bladensburg Road has a mix of institutional, retail and light-industrial uses. |

III. APPLICATION IN BRIEF

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| Applicant | Fort Lincoln Banneker Townhouse, LLC |
| Proposal | Construct 42 rowhouses |
| Requested Relief | § 2516 – Special exception for more than one principal building on a single record lot; § 2516.5(b) – Variance for front yards smaller than required § 405 – Variance for side yards smaller than required |



IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

| R-5-D | Regulation | Proposed | Relief |
|-------------------------|--|--|--------------------------------------|
| Height (ft.) § 400 | 90 ft. max | 45' | Conforming |
| Lot Area (sf) | n/a Entire Site: 218,129.54 sf (5.0 ac.) | Individual Lots: ~1,450 sf – ~3,400 sf | Conforming |
| Lot Width (ft.) | n/a | Most Lots: 20' and 24' Lots w/ Side Yards: 30' to ~43' | Conforming |
| Floor Area Ratio § 402 | 3.5 max | Entire Site: 0.66 Individual Lots: 1.93 max | Conforming |
| Lot Occupancy § 403 | 75% max | Entire Site: 20.23% Individual Lots: 59% max | Conforming |
| Rear Yard § 404 | 15 ft. min. 4 in. per foot of height at rear of building = 16.66' | 18' – 22' | Conforming |
| Front Yard § 2516.5(b) | Only required if lot does not front on a public street; Then equal to required rear yard = 16.66' | Lots 1 – 12 10' – 15.15' Lots 13 – 20 19' – 21' | Requested <hr/> Conforming |
| Side Yard (ft.) § 405.6 | None required; If provided, 8 ft. min., or 3 in. per foot of height = 11.25' | Lots 6, 7, 16, 17, 27, 28 8' – 10' | Requested* |

*OP has received revised plans that would eliminate the need for a side yard variance and anticipates that the applicant will submit those plans to the record at the time of the public hearing. Until such time this report includes an analysis of the side yard variance request.

V. ANALYSIS

Special Exception Analysis

Section 2516 of the Zoning Regulations allows the Board to approve, as a special exception, the construction of more than one principal building on a record lot. Although the R-5-D zoning would allow a variety of building types as a matter-of-right, the applicant in this case proposes 42 rowhouses, all located on one large record lot, which necessitates the § 2516 review. The individual rowhouses would each have their own tax lot, which would be sold fee-simple to future homeowners. The Office of Planning reviewed the application in conformance with the guidance of § 2516 and the criteria of §3104.

The site has an irregular “L” shape, with over 600 feet of frontage on Fort Lincoln Drive, and around 250 feet on Banneker Drive. The site slopes down approximately 70 feet from Fort Lincoln Drive to Banneker Drive, and the property is mostly wooded.

The project would consist of 22 twenty-foot units facing Fort Lincoln Drive and 20 twenty-four-foot units facing a private street. The private street would connect to Fort Lincoln Drive at two locations approximately 500 feet apart. Because of the considerable slope on the site, the applicant would use fill material and retaining walls to raise the grade such that the western houses are approximately equal in elevation with the eastern houses across the private street. The Office of Planning asked the applicant to add landscaping to the retaining wall terraces to reduce their potential visual impact. The applicant has submitted to OP a landscaping plan with significant additional landscaping on the retaining wall terraces and in front of the lowest retaining wall. OP anticipates that the applicant will submit this plan to the record at the public hearing. Also, a significant portion of the slope between the proposed rowhouses and Banneker Drive would be cleared of trees. OP asked the applicant to preserve as much of the existing tree canopy as possible, and the latest plans show an enlarged tree-save area. OP anticipates that the applicant will submit this plan to the record at the public hearing. At the bottom of the slope, near Banneker Drive, the design proposes a stormwater management pond that would also serve as a park for residents of this project and adjacent areas. OP asked the applicant to examine ways to improve access to the park for residents of this development, but the grade prohibits ADA-compliant access. The public recreation center across Fort Lincoln Drive would also be available for residents.

OP worked previously with the applicant to improve the layout of the project. In earlier iterations of the site plan, the rowhouses along Fort Lincoln Drive turned their back to the road. In the current proposal those units would front on Fort Lincoln Drive and have auto access at the rear from the private street. This design should increase the number of eyes on the street, increase pedestrian activity on Fort Lincoln Drive, and, as shown on the submitted renderings, create an attractive streetscape. OP also appreciates the addition of sidewalks internal to the development and the creation of a new crosswalk across Fort Lincoln Drive that would be ADA compliant.

While OP generally supports the overall layout of the project, more information is required to fully evaluate the request. OP anticipates that the applicant will submit a rendering of the internal street, similar to the one submitted for Fort Lincoln Drive, so that the pedestrian environment and streetscape can be fully evaluated. OP notes that the site plans do not adequately portray the amount of green space between the driveways, especially on the western side of the private street. Please refer to the elevation drawings of the twenty-four-foot rowhouses. In addition to street trees at the breaks between rowhouse sticks, landscaping, including evergreen shrubs that can reach up to six feet in height, would be located between every other unit where back-to-back stairs create a larger break between driveways. The most recent landscaping plan received by OP shows additional street trees along Fort Lincoln Drive. OP appreciates the applicant's proposal to work with DDOT to plant more trees in public space.

OP also asked the applicant to provide additional renderings of the project from different vantage points in the community, to better assess the project's relationship to surrounding residences. As of this writing those renderings have not been submitted. The applicant has submitted to OP, however, sections showing the subject site as it relates to existing residences to the west. It is anticipated that the applicant will submit these plans to the record at the public hearing. These

sections, when taken together with the landscaping plan, indicate that there would be significant screening between this project and adjacent developments to the west. Similar sections at the northern and southern boundaries of the site would aid in the evaluation of potential impacts on neighbors. To further aid in the evaluation of this project and its surroundings, the applicant is producing a site plan that shows the layout and landscaping of this project together with the nearby existing residences. OP anticipates submittal of this plan at the public hearing.

The applicant has verbally provided OP with information about day-to-day functioning of the neighborhood, including trash collection and vehicular parking. The applicant indicated that trash and/or recycling would be collected twice a week, and that HOA documents would require homeowners to move their trash bins inside in a reasonable time frame. The applicant also stated that HOA documents would prohibit drivers from parking in their driveways if the car would block the sidewalk or extend into the street. OP recommends that these commitments be made conditions of the Order.

Overall OP supports the project, but in order to find that it is “in harmony with the general purpose and intent of the Zoning Regulations” and that it will not “affect adversely the use of neighboring property” (Zoning Regulations, § 3104), additional information is required, as described above.

Variance Analysis

The application requests variances from front yard and side yard requirements. Section 2516.5(b) states that when a lot does not front on a public street, a front yard shall be provided that is equivalent to the required rear yard in the zone. The applicant has requested variance relief for the front yards on lots 1 through 12, which would not meet the 16.66 foot yard required in the R-5-D zone.

Also, based on plans submitted to the public record, six lots – lots 6, 7, 16, 17, 27 and 28 – would not meet the 11.25 foot side yard requirement. OP anticipates that the applicant will revise their plans and withdraw the side yard variance request at the public hearing. Until such time, however, this report includes a side yard variance analysis.

In order to be granted a variance, the applicant must show that they meet the three part test described in §3103:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The property is subject to exceptional conditions. The site is awkwardly shaped, as an “L” with a long, relatively narrow portion paralleling Fort Lincoln Drive. In addition, the site slopes steeply from east down to west.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

Front Yard Variance

The exceptional conditions create a practical difficulty related to the establishment of front yards. The relative narrowness of the property limits where retaining walls can be placed. The units in question could theoretically be moved farther back from the street, but the retaining walls might begin to encroach on the property line, and the height of the retaining walls would become much higher. The exceptional conditions serve to squeeze the developable area of the site, especially at the southern end.

Side Yard Variance

The exceptional conditions exhibited by the property do not lead to a practical difficulty related to side yards. In fact, the applicant clearly states in the written statement submitted June 11 that the purported practical difficulty is self-imposed:

“The Applicant has sited the proposed townhouses along the private drive in groups of four and six townhouses in order to create an appropriate rhythm to the Project. Instead of creating a continual line of townhouses on the southern and northern sides of the landscaped area along the private drive, the Applicant determined that a more appropriate treatment was to create a break in the row of townhomes. **The creation of this break in the row of townhomes leads to a practical difficulty** in satisfying a side yard requirement of 11.25 feet for each of these Lots.” (written statement, submitted June 11, p. 10, emphasis added)

It is clear that the applicant created the nonconforming condition, and it was not created by an exceptional characteristic of the property. Also, it is unclear how the small groups of rowhouses “create an appropriate rhythm”; On the contrary, a longer string of units would be more in keeping with the character of the District’s rowhouse neighborhoods. If the current design is maintained – with a break in the units – the applicant could remove one or more units so that the side yards can be made conforming, make some of the units slightly narrower, shift the rowhouse sticks, or use an alternative building form permitted by R-5-D.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Front Yard Variance

Granting the requested front yard variance would not impair the public good or the intent of the Zoning Regulations. Light and air to nearby properties would not be impacted. The relationship of the units in question to the street would be similar to many existing rowhouses in neighborhoods throughout the city.

Side Yard Variance

Granting the requested side yard variance would not impair the public good. The provided side yards would allow adequate room for maintenance of open spaces and the units themselves. Light and air available to residents would not be inadequate. Granting relief could impair the integrity of the Zoning Regulations, as variances should not be granted for self-imposed conditions, especially in the case of new construction on a vacant lot that could easily conform to the side yard regulation.

VI. HISTORIC PRESERVATION

The subject site is not located in an historic district, but the developer is working with the Historic Preservation Office to identify, preserve and provide further study of historic resources on the subject site and throughout Fort Lincoln.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP consulted with other government agencies in order to obtain their input on the project, but as of this writing has not received feedback from those departments. It is anticipated that DDOT will submit a report under separate cover.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.

IX. SUMMARY OF COMMENTS FROM THE REPORT

OP generally supports the project and feels that it will contribute positively to pedestrian activity, the streetscape of Fort Lincoln Drive, and the overall vitality of the Fort Lincoln community. In order to provide a positive recommendation on the special exception, however, OP requests that the applicant address the following items which are summarized from this report.

| OP Comment | Planning and / or Zoning Rationale |
|--|---|
| <p>Submit the most recent plans to the public record. OP anticipates that the applicant will submit several updated and new items to the public record including:</p> <ul style="list-style-type: none"> • Landscaping plan showing expanded tree-save area, expanded landscaping near and on retaining walls, and additional plantings in public space; • Updated rendering of Fort Lincoln Drive and new rendering of internal street; • Site sections in the east-west direction showing adjacent developments; • Site plan that shows the layout and landscaping of this project together with the nearby existing residences. | <p>The additional information prepared by the applicant will help the Board fully evaluate the application and determine its conformance with the guidelines of §§ 2516 and 3104.</p> |

| OP Comment | Planning and / or Zoning Rationale |
|--|--|
| <p>Provide renderings of the proposed development from different vantage points around the community.</p> | <p>One consideration of § 2516 is the impact of proposed development on surroundings properties. Renderings will help in the evaluation of the project.</p> |
| <p>Submit site sections in the north-south direction at the boundaries of the site.</p> | <p>One consideration of § 2516 is the impact of proposed development on surroundings properties. Sections will help in the evaluation of the project.</p> |
| <p>The Order for the case should commit to regular trash pick-up and HOA language requiring trash bins to be brought in off the street in a reasonable time frame.</p> | <p>One consideration of § 2516 is solid-waste management. The duration that trash bins and recycling bins are on the street should be minimized, to reduce negative impacts on future residents.</p> |
| <p>The Order for the case should commit to HOA language prohibiting parking in the driveway if the car would block the sidewalk or extend into the street.</p> | <p>The length of the driveways includes the width of the sidewalk. Cars could park in that area and block pedestrian movement. Cars might even protrude into the private street. That condition could impede the movement of private and emergency vehicles.</p> |