

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation  
Stephen Cochran, Project Manager  
**DATE:** June 26, 2020  
**SUBJECT:** Public Hearing Report for Zoning Commission Case No. 19-19, Consolidated Planned Unit Development, 3301 23<sup>rd</sup> Street, SE Square (5994, Lots 3 – 5)

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### **I. RECOMMENDATION**

Provided the information noted in Section III.B of this report is submitted by the public hearing, the Office of Planning (OP) recommends the Zoning Commission (the Commission) **approve** the application by Terrace Manor Redevelopment, LP for a consolidated Planned Unit Development (PUD) at 3301 23<sup>rd</sup> Street, SE (Square 5994, Lots 3 – 5) in the RA-1 zone. OP has advised the applicant of the additional information required, and has been advised that the applicant will submit it at or prior to the public hearing.

The applicant may also need to address Subtitle U § 421, which allows a multi-family building in the RA-1 zone by special exception subject to the review of specified criteria. If so, the PUD review encompasses these special exception review criteria and OP would have no objection to the Commission's granting such flexibility.

The proposal would be not inconsistent with the Comprehensive Plan and generally meets the requirements of 11DCMR Subtitle X, Chapter 3.

### **II. SUMMARY OF PROPOSAL**

The proposed project would replace 61 residential units in a vacant garden apartment complex with a single 4-story building containing 130 affordable units reserved for households earning no more than 60% of the area's MFI. There would be 52 enclosed parking spaces.

The primary benefit would be the provision of new affordable housing. The degree of requested flexibility is relatively minor. The PUD would enable the applicant to access the additional height and FAR permitted a PUD, as compared with a matter-of-right (MoR) project within the same zone.

In its supplemental statement of June 19, 2020 (Exhibit 20). The applicant has marginally reduced the size of the project since its March 10, 2020 submission (Exhibit 14). Accordingly, the applicant is no longer requesting FAR relief under Subtitle X, §303.10.

The proposed building would contain 129,925 GSF. It would have a 1.296 FAR and a height of 47'7".

### **III. APPLICANT RESPONSES TO ZONING COMMISSION AND OP COMMENTS**

#### **A. Responses Requiring No Additional Information from the Applicant**

The applicant's pre-hearing filings (Exhibits 14 and 20) respond to most of the concerns raised by OP and the Commission at setdown. The changes and responses include:

- Modifications and refinements to the façade design, colors, materials and details, and the addition of an entrance bay on 23<sup>rd</sup> Street, S.E;
- The addition of a community garden area for residents, adjacent to a re-designed amenity space on the back side of the ground floor (Exhibit 14, page 1 and 14A4, Sheet 3-3);
- Commitment to LEED Gold certification (Exhibit 14, page 2);
- Provision of solar panels - approximately 13,850 square feet of the 18,412 square foot green roof will also include solar panels;
- Filing of a dimensioned loading diagram (Exhibit 20 A2, Sheet 3-2);
- Commitment to First Source Employment and Certified Business Enterprise Agreements; (Exhibit 14B);
- Clarification that 13,536 square feet of building area will be set aside for Inclusionary Zoning units after the expiration of the LIHTC funding control period. The applicant illustrated where those units would be and demonstrated that this amount reflects 75% of the bonus density which would be greater than the alternative 10% of the gross floor area (Exhibit 14C);
- Submission of a drawing showing the degree to which sunlight would reach the below-grade units at different times of the year. The applicant demonstrated that adequate light would be available to below-grade units (Exhibit 20 A2, Architectural Drawings, Sheet 3 –11);
- Provision of details of the garage's fenestration (Exhibit 20 A1, Sheets 2-14, 2-17);
- Submission of detailed illustrations of materials (Exhibit 20 A2, Sheet 3-9);
- Revisions to façade drawings and other illustrations to reflect a proposed entrance bay on the first floor (Exhibit 20 A1);
- Submission of a Transportation Demand Management and Loading Plan (Exhibit 20B);
- Revisions to show perimeter security fencing (Exhibit 20 A2, Sheet 3-3).

#### **B. Responses Requiring Additional Information or for Which OP Recommends Additional Consideration**

Some changes OP or the Commission asked the applicant to consider were either not made or would benefit from additional consideration by the applicant prior to the hearing.

- Juliet balconies were retained and no full balconies were added. OP continues to encourage the applicant to reconsider this decision. Even an 18-inch projection would enable a resident to step fully outdoors;
- The requested illustrations of views to the outside from the below-grade units;

- The requested information about the types of social services to be offered on-site;
- Drawings showing the relationship of the community garden to the rear of the building;
- The security screening of the window-like openings for the garage should be refined to enhance their appearance and to better shield the view of the garage interior’s lighting.

**IV. SITE AND AREA DESCRIPTION**

**Address:** 2201 23<sup>rd</sup> Street, NE  
**Legal Description:** Square 5994, Lots 3 – 5  
**Property Size:** 100,265 square feet  
**Current and Proposed Zoning:** RA-1  
**Ward, ANC:** Ward 8; ANC 8A  
**Comp. Plan Area:** Far Southeast and Southwest  
**Comp. Plan FLUM Map:** Moderate Density Residential. (Proposal not inconsistent).  
**Comp. Plan Policy Map:** Neighborhood Conservation Area (Proposal not inconsistent).

**Site Characteristics:** The 2.3-acre property is irregularly shaped and faces Savannah Street, SE on the south and 23<sup>rd</sup> Street, SE on the east. It slopes very steeply upward to the northwest. There is a building restriction line along both street boundaries.

**Existing Use of Property:** The property is improved with 61 residential units in 12 walk-up “garden apartment” buildings constructed in 1940s, and surface parking. Under the previous owner the buildings had fallen into disrepair. The current owner has relocated any remaining tenants to nearby apartments, and the buildings are fully vacant.

**Neighborhood Context:** The site is in the Randle Highlands neighborhood of Southeast Washington, across 23<sup>rd</sup> Street from park-like open space adjacent to Suitland Parkway. To the south, across Savannah Street is a neighborhood shopping center. At the crest of the hill, adjacent to the subject property, there is the Capital View YMCA and a park and playground owned and developed by the applicant’s parent company. North and west of the site are garden apartments owned and managed by subsidiaries of the same company that is seeking to redevelop the subject property

**V. PROJECT DESCRIPTION**

	<b>Proposal</b>
<b>Building Height (ft.)</b>	47 ft. 7 in. 4 stories
<b>GFA (sq. ft.)</b>	129,925 sq. ft.
<b>Residential Units</b>	130 dwelling units

**Applicant:** Terrace Manor Redevelopment LP – (a W.C Smith affiliate)

**Proposed Use of Property:** The existing vacant garden apartments would be demolished and replaced with a four-story 130-unit apartment building with 52 enclosed parking spaces. The proposed building would include 65 one-bedroom, 54 two-bedroom, and 11 three-bedroom apartments.

The project would be financed through the Department of Housing and Community Development and the federal Low Income Housing Tax Credit (LIHTC) program. All units would be affordable to households earning no more than 60% of the MFI.

The affordability of the dwelling units would expire after 40 years. However, approximately 11 to 13 of the units would be required to remain affordable to families earning no more than 60 percent MFI pursuant to the Inclusionary Zoning (IZ) regulations.

The building would be L-shaped, with each arm being parallel to the adjacent street. A planted open space would continue up the hill behind the building. The loading and parking entrances and related facilities would be entered from Savannah Street. The parking/loading level would be primarily above-ground on Savannah Street, and below grade along much of 23<sup>rd</sup> Street. The “terrace” level, above the garage, would be a partial level due to the topography. It would include 31 apartments with some units being partially below grade. The next level would include the pedestrian entrance on 23<sup>rd</sup> Street, the lobby and residential amenities, and 33 apartments. The top two floors would each have 33 units.

The roof would include an 18,412 square foot green roof as well as 13,850 sq.ft. of solar panels. The remainder would hold the HVAC condensers. There would be one roof structure to accommodate an elevator overrun and a second structure for stair access; a roof deck or amenity space is not proposed.

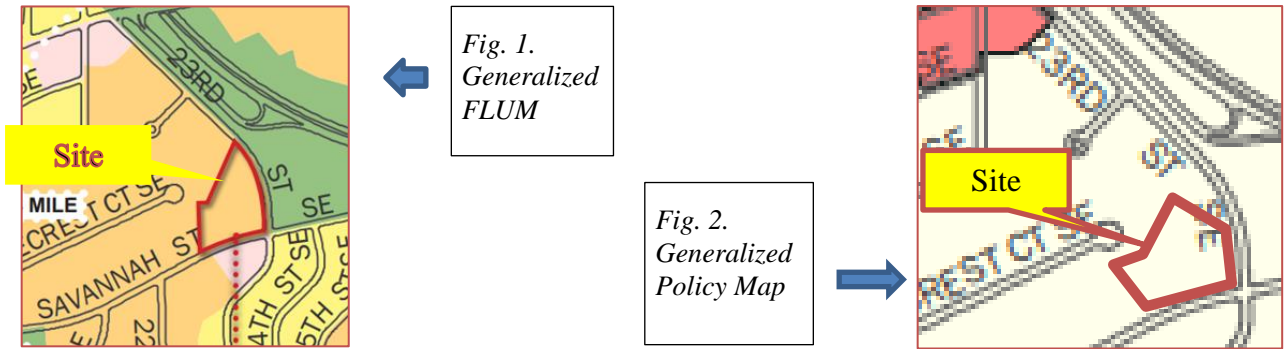
The façade would include a variety of materials, including brick, cementitious siding, aluminum, and CMU veneer. Although there would be vinyl siding on the back of the building, it has been eliminated from the south and east facades since setdown. Sections of the top story have been darkened. More detail has been given to the brickwork. While there would be 27 “Juliet” balconies on the street-facing facades, there would be no occupiable balconies or decks. Since setdown the applicant has added a 2,145 foot community garden in the back of the building, accessed from a redesigned ground floor amenity space (Exhibit 14A4, Sheet 3-3). The residents would also have access to the north-adjacent park and recreation facilities developed by W.C. Smith and depicted on Sheet 2-2 of Exhibit 11A2.

The proposal is essentially a revision of a project approved by the Board of Zoning Adjustments in 2018’s Case 19733. In that project the same developer had received approval for a similar 120-unit by-right project on this site. The applicant states that the present application has been submitted as a PUD to access the greater-than-by-right height and density needed to accommodate more 2-bedroom affordable units than the previous design. The applicant is not requesting a PUD-related map amendment or any dimensional relief.

## **VI. PLANNING CONTEXT**

Section IV, pages 3 to 11 of OP’s Preliminary Report (Exhibit 12), analyzed the relationship between the application and the Comprehensive Plan. That report described in detail how the moderate density residential project would be not inconsistent with:

- The Generalized Future Land Use Map’s (FLUM) moderate density residential designation;
- The Generalized Policy Map’s neighborhood conservation area designation.



- The Citywide Land Use, Housing, Transportation, Environmental Protection, Recreation and Open Space, and Urban Design elements. The most recent filings have strengthened the project’s consistency with the last two elements through the enhancement of façade materials, colors and proportions and the addition of an outdoor garden.
- The Far Southeast/Southwest Area element’s policies for Guiding Growth and Neighborhood Conservation (FSS-1.1), particularly those for the Rehabilitation of Multi-Family Housing (FSS-1.1.3), District Government Incentives for Economic Development (FSS 1.1.14) and Soil Erosion (FSS-1.2.6).

The project would also further the goals of the Mayor’s Housing Order (2019-036), which calls for production of 1,120 affordable housing units in Ward 8 by 2025.

On balance, the final proposal for the PUD remains not inconsistent with the Comprehensive Plan and would help further development priorities in the District.

The cited Comprehensive Plan policies work together to support the redevelopment of an underutilized site with an all affordable apartment building without displacing existing residents. The proposed project would be a significant improvement over the existing buildings in terms of quality, sustainability, on-site services and security. The proposed building would increase residential density at the site to provide more affordable housing without any change in zoning.

## VII. ZONING ANALYSIS

The site is zoned RA-1. The following table compares the proposal to the RA-1 natter of right (MoR) and RA-1 PUD zoning potential.

	<b>Under Existing RA-1 MoR</b>	<b>Under Proposed RA-1 PUD:</b>	<b>Proposal</b>	<b>Flexibility</b>
<b>Minimum Land Area (PUD)</b> X § 301.1	Not applicable	1-acre min.	100,265 sq. ft. (2.3 acres)	No
<b>Height (ft.)</b> F § 303.1/ X § 303.7	40 ft./3 stories max.	60 ft. max.	47 ft. 7 in.	No

	<b>Under Existing RA-1 MoR</b>	<b>Under Proposed RA-1 PUD:</b>	<b>Proposal</b>	<b>Flexibility</b>
<b>Penthouse</b> F § 303.2	12 ft./1 story	12 ft./1 story max. (habitable space)	10 ft./1 story mechanical penthouse and 1 elevator overrun	No
		15 ft. total & /2 <sup>nd</sup> story permitted for penthouse mechanical space		
<b>FAR</b> F § 302.1/ X §§ 303.3 & 303.4	0.9 - base FAR 1.08 – IZ FAR	129,943 SF 1.296 w/ IZ	129,925 SF 1.296 FAR	No
<b>Lot Occupancy</b> F § 304.1	40 % max.	40 % max.	32.5 %	No
<b>Rear Yard</b> F § 305.1	20 ft. min.	Same as MoR	33 ft. 8in.	No
<b>Side Yard</b> F § 306.2	3 in. per 1 ft. of building height but not less than 8 ft.	Same as MoR	25 ft. 6 in.	No
<b>Parking</b> C §§ 701.5 & 702.1(a)	1 per 3 dwelling units in excess of 4 and 50% reduction because site is located near priority bus line	Same as MoR (21 parking spaces req.)	52 parking spaces (27 standard; 22 compact; 3 accessible)	No
<b>Bicycle Parking</b> C § 802	Long Term: 1 space / 3 dwellings (43)	Long Term: Same as MoR.	44 long-term	No
	Short Term: 1 space / 20 du's. (7)	Short Term: Same as MoR	7 short-term bicycle spaces	
<b>Loading Requirements</b>	1 min. for a building with more than 50 dwelling units	1 min. for a building with more than 50 dwelling units min. (1 loading berth required)	1 loading berth	No
<b>Loading Size and Layout Requirements</b> C §§ 901, 905.2 & 905.4(a)	1 min. for more than 50 du's; ≥ 12 ft. wide, 30 ft. deep, w/ 14ft. vertical clearance	Same as MoR	One. 12 ft. wide by 30 ft. deep with 10 ft. 6 in. in vertical clearance	No
	If loading berth less than 55 ft. deep, a 100 SF platform at least 8 ft. wide	Same as MoR	1 20' deep service delivery space; 100 SF platform, 8 ft. wide	No
<b>Green Area Ratio</b> F § 307.1	0.4 min.	Same as MoR.	0.5	No

	<b>Under Existing RA-1 MoR</b>	<b>Under Proposed RA-1 PUD:</b>	<b>Proposal</b>	<b>Flexibility</b>
<b>Driveway Access Requirements</b> C § 711.6	Within 20 ft. of a street lot line, ≥ 20 ft. wide for two-way traffic	Same as MoR	At least 20 feet wide	No
<b>IZ</b> C § 1003.1	N/A for life of LIHTC under C § 1001.6 (a). The greater of 10% of GFA or 75% of bonus density after LIHTC expires	Same as MoR	Will comply with and exceed requirement	No

**Zoning Flexibility**

Aside from the flexibility request inherent in a PUD application, Subtitle U § 421 special exception review would also appear to be required, although the review criteria for evaluating such a request are incorporated into the more extensive criteria for a PUD. Based on the analysis of the PUD application OP recommends approval of flexibility from U § 421, if it is requested. OP has advised the applicant of this, and has been told that the applicant intends to address this at the hearing.

**VIII. PUD EVALUATION STANDARDS**

The Zoning Regulations define a Planned Unit Development (PUD) as “a plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.” (Subtitle B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

- 300.1 *The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD:*
  - (a) *Results in a project superior to what would result from the matter-of-right standards;*
  - (b) *Offers a commendable number or quality of meaningful public benefits; and*
  - (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*
- 300.2 *While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.*

**Public Benefits and Amenities:**

Chapter X Section 305.2 states that “public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.”

Subtitle X § 305.5 provides a summary of categories for PUD benefits and amenities. The applicant notes several project benefits (Exhibit 2, pages 9-12), which are listed below under the categories in the PUD regulations.

*a) Superior urban design and architecture*

The applicant states that the differences among façade materials break up the scale of the façade and refer to the architectural context of the surrounding neighborhood. The post-setdown revisions have improved the façade's treatment. Notably:

- The contrast between the alternating areas of red brick and lighter brick on the south and east fronts help reduce the apparent mass of the facades;
- The replacement of white vinyl on the top story with darker cementitious paneling gives a more substantial feel to the street-facing walls;
- The projecting bay near the entrance increases the entrance's prominence and gives some variety to the massing of the 23<sup>rd</sup> Street frontage; and
- The revised first floor layout enables the amenity space to relate more to the landscape in the building's rear yard and to the newly proffered vegetable garden.

OP had suggested the applicant consider staggering the footprint of the building to reduce apparent mass. However, with the exception of the bay near the 23<sup>rd</sup> Street entrance, the applicant has chosen to break down the scale of the building through changes in the color of materials and some brick detailing, rather than through altering façade planes.

OP continues to encourage the applicant to consider the provision of usable balconies.

*b) Superior landscaping, or creation or preservation of open spaces*

There would be substantial improvements made to the existing landscaping around the site, including the removal of a surface parking lot and the creation of bio-retention ponds. There would be a planted buffer adjacent to the public rights of way and considerable open space behind the building. The newly added community garden would also provide a potentially relaxing green space behind the building for residents.

*c) Site planning and efficient and economical land utilization*

The double-loaded corridor design and the site plan are efficient and economical. The height and density of the proposed building would not be significantly greater than several nearby garden apartment complexes.

*d) Housing*

The project would increase the existing number of dwelling units from 61 to 130, consistent with several District objectives for increasing housing production. The new units would replace dilapidated units that, due to lack of maintenance by a previous owner, had become severely substandard. The type of units would address local needs by focusing on multi-bedroom units.

*e) Affordable housing*

The project would be 100 percent affordable for households earning no more than 60 percent MFI, through financing enabled through the District Department of Housing and Community Development. All units would be covenanted as affordable for 40 years and approximately 11-13



units would be guaranteed as IZ units after that period. As noted above, this would contribute to the Mayor's housing goal of providing 2,040 new residential units in Ward 8 by 2025, of which 1,120 would be affordable.

*f) Social services and facilities*

The applicant has stated there will be facilities located adjacent to the lobby intended to foster the well-being of building residents. OP had asked the applicant to clarify if there would be an on-site staff person to coordinate these activities and to provide more specificity about the programming that would be offered. The applicant had not provided this information at the time OP completed this report.

*g) Environmental and sustainable benefits*

The applicant has committed to delivering a LEED Gold project with 18,412 square feet of green roof and 13,860 square feet of solar panels.

*h) Uses of special value to the neighborhood or the District of Columbia as a whole*

The project would contribute to the District-wide goal of producing affordable housing. It will also meet all District First Source Employment Program Requirements and a 35% Certified business Enterprise rate (Exhibit 14B).

In general, OP finds that the benefits proffered are commensurate with the relatively small additional density and height being sought in conjunction with the PUD.

## **IX. REPORTS FROM OTHER DISTRICT AGENCIES**

The Applicant and OP have worked closely with the District Department of Transportation (DDOT), the District Department of Energy and Environment (DOEE), and the Department of Housing & Community Development (DHCD) on the project. As a result, the Applicant has increased the amount of solar panels, has committed to the project's being LEED Gold certified, would exceed stormwater and GAR requirements, and has reduced the number of parking spaces from 60 to 52.

DOEE has recommended the applicant provide electric vehicle charging equipment or the capability for this in the future, and has encouraged the applicant to explore Net Zero Energy construction and certification under the 2017 DC Energy Conservation and Green Construction Codes.

At the time OP completed this report DDOT was reviewing the proposed Transportation Demand Management Plan, DHCD is aware of the project's application for Low Income Housing Tax Credit funding.

The project had also been referred to the Department of Parks and Recreation (DPR), DC Public Schools (DCPS), the Fire and Emergency Medical Services Department (FEMS), the Metropolitan Police Department (MPD), and DC Water.

No District agency report had been filed at the time OP completed its report.

## **X. ANC COMMENTS**

There was no filing about this case from ANC 8E or adjacent ANCs at the time OP completed its report.

The applicant's June 19, 2020 filing (Exhibit 20C) includes a letter of support from the Single Member District Commissioner for the previous BZA Case 19733 of which this PUD is an outgrowth. The letter refers to its being "ANC 8E Commissioners Letter in Support" of that case.

## **XI. COMMUNITY COMMENTS**

Terrace Manor Organized for Change Tenants Association, Inc. has filed a letter in support of the project. (Exhibit 21).