

OP Hearing Report

TO: District of Columbia Zoning Commission
FROM: Crystal Myers, Project Manager
JLS
Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation
DATE: September 10, 2020
SUBJECT: Public Hearing Report for Zoning Commission Case No. 20-09, Consolidated Planned Unit Development and Related Map Amendment for 2419 25th St. SE

I. BACKGROUND, PROJECT UPDATE AND RECOMMENDATION

At its June 8, 2020 public meeting, the Zoning Commission set down case ZC 20-09, a consolidated Planned Unit Development with a PUD-related map amendment from R-3 to RA-2 for the property at 2419 25th St. NW. This proposal would develop the 19,601 sq.ft. vacant site with a 67-unit, all affordable, senior housing building. The proposal includes a variance request to construct a PUD on a lot that is less than the 21,780-sq.ft. minimum size allowed by waiver by the Commission for PUD development in the RA-2 zone.

Project Update

The design and landscaping changes to the plans include:

- Adding a usable roof deck to the 4th floor
- Adding a ground floor patio area adjacent to the building's main entrance
- Adding a curb extension at the corner of Wagner and 24th St. SE
- Adding more shade trees in the parking lot.

OP is supportive of these revised plans and recommends **approval** of the proposed PUD with related map amendment.

II. LOCATION



III. COMMENTS FROM SET DOWN AND AFTER

Zoning Commission Comments

The Commission asked if any of the proposed Comprehensive Plan and Future Land Use Map amendments impacted the site.

There are no amendments proposed for the area.

Other Comments

OP Design Division expressed concern over the amount of open space for residents. In response, the Applicant added a roof deck to the 4th floor terrace level and a ground floor patio area adjacent to the building's main entrance.

OP Design Division suggested more natural light to be brought into the building. The Applicant has added more windows to the building's lower level amenity space in response to this comment.

OP Design also asked for more shade trees and landscaping. The Applicant increased the trees and landscaping in the parking lot area.

DDOT requested the Applicant install a curb extension "bulb-out" at the corner of 25th Street SE and Wagner Street SE to improve pedestrian movement in this area. The Applicant has agreed and is now including it as part of their public benefits/amenities package.

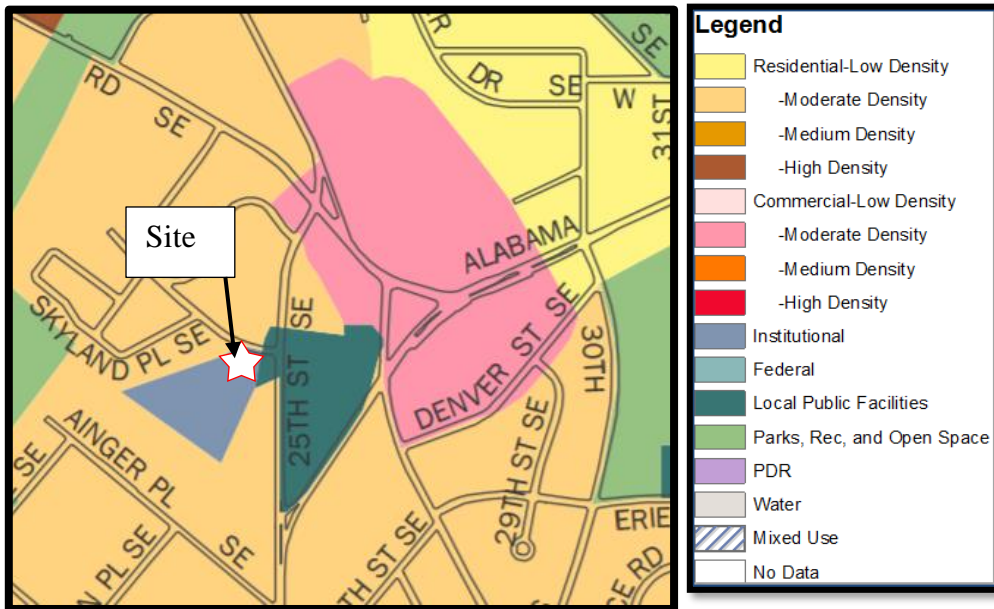
IV. PLANNING CONTEXT

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP Preliminary Report (Exhibit 10).

OP continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and the policy statements. In particular, the proposal would further policy statements contained in the Land use, Transportation, Housing, Environmental Protection, and Urban Design Citywide Elements, and the Far Southeast/Southwest Area Element. The project also furthers the Mayor’s Housing Initiative.

Generalized Future Land Use Map

The Future Land Use Map (FLUM) indicates that the site is appropriate for local public facilities and institutional uses. The surrounding area is designated for moderate density residential.



Local Public Facilities: This designation includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Because of the map scale, local public facilities smaller than one acre—including some of the District’s libraries, police and fire stations, and similar uses—may not appear on the Map. Zoning designations vary depending on surrounding uses. 225.15

Institutional: This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. 225.16

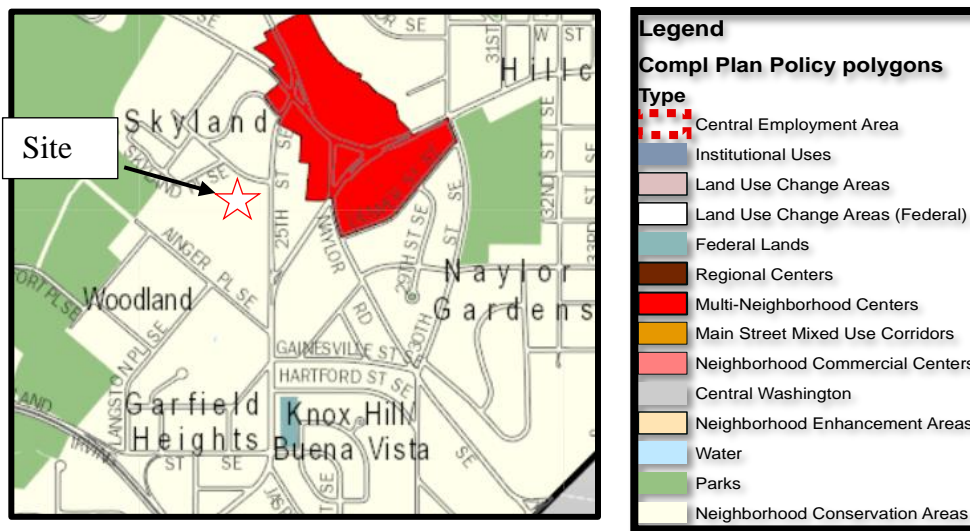
Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally

consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. 225.4

The site is at a corner and is designated as local public facility and institutional use on the FLUM. Originally, the site was part of the Transitional Care Center Capitol City property, which is an institutional use, but it was subdivided in 2004. It is no longer associated with an institutional use and it has not been developed. The FLUM designates the area surrounding the site as moderate density residential. The proposed RA-2 zone for the site would be consistent with this designation and the proposed residential building would be in character with the neighboring developments.

Generalized Policy Map

The Generalized Policy Map (GPM) indicates that the site is within a Neighborhood Conservation Area.



Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided 223.4.

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map (10A DCMR § 223.5).

The proposal would not be inconsistent with the site’s Neighborhood Conservation area designation on the General Policy Map. As a vacant site, it is an ideal location for a neighborhood development in a neighborhood conservation area. Developing the site with this proposed residential building

would strengthen the neighborhood. Its design would be compatible with the character of the surrounding mixed-use neighborhood.

The Framework Element of the Comprehensive Plan (effective August 27, 2020) speaks directly to how to use the FLUM and the GPM, and how to interpret sites designated as Institutional or Local Public Facilities:

228 Guidelines for Using the Generalized Policy Map and the Future Land Use Map

...

- h. *The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be generally comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan.*

The area surrounding the site is designated as moderate density residential. Section F-300.3 states:

300.3 The RA-2 zone provides for areas developed with predominantly moderate-density residential.

Thus the proposed RA-2 zone would not be inconsistent with the designation and the proposed residential building would be in character with the neighboring developments.

V. ZONING ANALYSIS

The site is currently zoned R-3; the applicant is requesting a PUD-related zoning map amendment to the RA-2 zone, which is not inconsistent with the Comprehensive Plan. Below is a table comparing the existing and proposed zone to the proposal. There are no significant changes since OP’s Preliminary Report (Exhibit 10).

	Existing Zone R-3 Matter of Right	Proposed Zone RA-2 PUD:	Proposal	Flexibility
Minimum Land Area (PUD) X § 301.1	Not applicable	1-acre min. (43,560 sq.ft.)	0.45-acres 19,601 sq. ft.	Yes
Height (ft.) D § 303.1/F§ 303.1 X § 303.7	40 ft./3 stories max.	60 ft. max.	55ft.	No
Penthouse F § 303.2	12 ft./1 story	12 ft./1 story max. (habitable space)	6 ft elevator overrun	No
		15 ft./2 nd story permitted for penthouse mechanical space		
FAR F § 302.1/ X §§ 303.3 & 303.4	N/A	1.8 – base FAR 20% IZ bonus = 0.36 20% PUD bonus = 0.432 Total FAR = 2.59 max.	2.59 FAR	No

	Existing Zone R-3 Matter of Right	Proposed Zone RA-2 PUD:	Proposal	Flexibility
Lot Occupancy D§ 304.1/F§ 304.1	40 % max.	60 % max.	53 %	No
Rear Yard D§ 306.2/F § 305.1	20 ft. min.	4 in. per 1 ft. of building height but not less than 15 ft. (18 ft)	43ft 8in	No
Side Yard F § 306.2	N/A	None required; if side yard is provided than no less than 4 ft.	10 ft.	No
Parking C §§ 701.5 & 702.	1 per 6 dwelling (public assisted housing) units and 50% reduction because site is located within 0.25 mi. of Priority Metrobus stop= 6 spaces	1 per 6 dwelling (public assisted housing) units and 50% reduction because site is located within 0.25 mi. of Priority Metrobus stop= 6 spaces	4 spaces 1 car share (equivalent to 3 spaces) 7 total spaces	No
Bicycle Parking C § 802	N/A	Long Term: 1 space per 3 dwelling units min. (22 spaces req.)	22 long-term bicycle spaces	No
		Short Term: 1 space per 20 dwelling units min. (3 spaces req.)	3 short-term bicycle spaces	
Loading Requirements C § 901.1	Minimum of 1 Loading berth required for residential buildings with 50 or more units	Minimum of 1 Loading berth required for residential buildings with 50 or more units	None Provided	Yes
	Minimum of 1 service/delivery space required for residential buildings with 50 or more units	Minimum of 1 service/delivery space required for residential buildings with 50 or more units	1 service/delivery space provided	No
Green Area Ratio F § 307.1	N/A	0.4 min.	0.4	No
Driveway Access Requirements C § 711.6	A driveway within 20 ft. of a street lot line must be 20 ft. wide for two-way traffic	A driveway within 20 ft. of a street lot line must be 20 ft. wide for two-way traffic	Driveway at its narrowest width is 12ft.	Yes
Use U § 201 U § 401	Detached, Semidetached, Attached row dwellings	Detached, Semidetached, Attached row dwellings, Apartment buildings	Apartment building	No

Intent of R-3 Zone: Subtitle D § 300 states:

300.6 The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings.

300.7 The R-3 zone is intended to permit attached rowhouses on small lots.

Intent of RA-2 Zone: Subtitle G, § 400 states:

300.3 The RA-2 zone provides for areas developed with predominantly moderate density residential.

Both R-3 and RA-2 provide for moderate density residential development, but R-3 is intended for row dwellings. The proposed PUD-related RA-2 zone would allow the project to provide a multifamily building on the site with more height and density than allowed under R-3.

VI. REQUESTED FLEXIBILITY

1. Flexibility from the Minimum PUD Land Area Requirement (X § 301.2) (includes variance)

The Zoning Commission may waive not more than fifty percent (50%) of the minimum area requirement of Subtitle X § 301.1 for applications in Zone Group 1, provided that the Zoning Commission shall find after the public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and one (1) of the following:

- (a) The development is identified in an approved Small Area Plan and will be generally not inconsistent with the Small Area Plan;*
- (b) The development will be constructed or operated by the District of Columbia or federal government and serves a compelling government interest; or*
- (c) If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.*

The minimum land area for a PUD in the RA-2 zone is 43,560 sq.ft (1 acre) but X § 301.2 allows the Zoning Commission to waive the minimum requirement to no less than 50 percent of the minimum land area if the Commission finds that the project is of exceptional merit and is in the best interest of the District of Columbia or the country.

At 19,601 sq.ft. the site's land area is less than the 21,780 sq.ft permitted by the waiver so the proposal requires both a waiver and area variance relief. If variance relief is granted the proposal would be eligible for the waiver and comply with the X § 301.2(c) criteria. The project is of exceptional merit to the District outside the Central Employment Area and 100% of the proposed gross floor area would be exclusively for dwelling units for seniors.

Variance Analysis

The 19,601 sq.ft-site is bordered by Transitional Care Center Capitol City on its southern and western sides. Wagner St. SE and 25th ST SE are both public streets that bound it on the northern

and eastern sides. None of the adjacent land is available to be acquired so the applicant asserts this situation has resulted in a practical difficulty to the project meeting the minimum land size requirement, 21,780 sq.ft, for a waiver. The proposal would be unable to proceed without the requested variance relief.

The proposal should not substantially harm public good. The project would provide 67 units of affordable senior housing, which is in demand in the District and would be developed on a vacant site. Neighboring properties should experience minimal impact from the development. It is providing all the required setbacks and making significant landscaping and pedestrian improvements to the adjacent public space area. The Applicant's traffic study shows that the project should not have a negative impact on the traffic and parking conditions in the area, (Exhibit 19).

The proposal should not substantially harm Zoning Regulations. Granting the variance relief would allow for the site to be developed with a well-designed affordable residential building for senior housing. This would be in line with the intent of the requested RA-2 zone and not inconsistent with the Comprehensive Plan, which supports the creation of more affordable housing for seniors.

2. Flexibility from the Loading Berth Requirement and Driveway Width Requirements

Loading Berth Requirement

According to C§ 901.1 both a 30-ft loading berth and a 20-ft service delivery space are required. The proposal includes a request for flexibility from this requirement so that only the 20-ft delivery space would be provided. After reviewing the proposed loading management plan and loading diagrams both OP and DDOT are satisfied that loading on the site can be adequately accommodated without the 30-ft loading berth.

Driveway Width Requirement

C§ 711.6 requires a 20 ft. width for driveways within 20 ft of a street line. The project is requesting flexibility to propose a 12-ft wide driveway along Wagner Street SE. The site is not expected to have intense vehicular activity. It would only have one car share and four car spaces so a 12 foot wide driveway should be sufficient. A narrower curb cut on Wagner Street SE would allow additional landscaping. It would also reduce interruptions on the sidewalk system, which would result in a safer environment for pedestrians. Both OP and DDOT support this flexibility.

3. Additional Flexibility: The applicant also requests flexibility to:

- 1) Provide a range in the number of residential unit (+/- 10%);
- 2) Vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms provided that the variations do not change the exterior configuration of the building;
- 3) Make Minor refinements to the surface parking and loading configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations and the number and size of loading facilities provided does not decrease below that approved by this Order;

- 4) Vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, provided such colors are within the color ranges proposed in the approved Plans;
- 5) Vary minor refinement to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the approved Plans...;
- 6) Vary color, font, and message of the proposed signage without changes to the maximum overall dimensions and signage materials from those shown on the approved Plans;
- 7) Vary the location, attributes and general design of the streetscape incorporated in the Project to comply with the requirements of and the approval by the DDOT Public Space Division; and
- 8) Vary the sustainable features of the Project, provided that the number of points achieved does not decrease below Enterprise Green Communities standards specified by the Order.

This additional flexibility is standard for a PUD project and OP does not object to it.

VII. COMPLIANCE WITH PUD REGULATIONS

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:

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. “*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*” (§ 305.2). “*A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors*” (§ 305.10). Section 305.5 lists several potential categories of

benefit proffers, and states that “(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

Additional Entitlements Gained Through the Proposed PUD are summarized below:

	R-3 Matter- of-Right	Proposed PUD	DIFFERENCE
Height:	40 ft.	55 ft.	+15 ft.
Gross Floor Area w/IZ	35,282 sq.ft.	50,733. sq.ft.	+15,451 sq.ft.
Residential Lot Occupancy w/IZ:	40%	53%	+13%
Use:	Detached, Semidetached, Attached row dwellings	Apartment building	Apartment building

Benefits/Amenities Analysis is summarized in the following table, and detailed below:

TABLE 8. BENEFITS ITEM	MITIGATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
Urban Design, Architecture <i>X § 305.5(a)</i>	No	Yes	No	No	No	
Landscaping Open Space, Streetscape <i>X §§ 305.5(b)and (l)</i>	No	Yes	Yes	Partially	Partially	Public space improvement; sidewalk extension
Site Planning, Efficient Land Utilization <i>X § 305.5 (c)</i>	No	Yes	Yes	No	No	Infill and transit-oriented development
Housing and Affordable Housing <i>X §§ 305.5 (f) and (g)</i>	No	Yes	Yes	Exempt from IZ	100% affordable	LIHTC and/or HPTF funding are exempt from IZ
Transportation Infrastructure <i>X § 305.5 (o)</i>	No	Yes	No	No	Yes	Sidewalk extension
Uses of Special Value to the Neighborhood <i>X § 305.5 (q)</i>	No	Yes	No	No	Yes	\$20,000 – laptops \$7,000- Families Rise \$5,000- Gerald Project

Superior urban design and architecture

Since set down the Applicant responded to OP Design division’s comments by revising the plans to now include a 4th floor roof deck and a ground floor outside patio to increase outdoor space for residents. Windows were also added to the ground floor amenity space to increase natural light to the building.

Otherwise, the design and architecture of the building have not significantly changed. The building is well-designed with façade articulations, projections, and balconies. The proposal shows that the building’s height and massing would step down to fit into the context of the immediate neighborhood.

Superior landscaping, or creation or preservation of open spaces and Streetscape Improvements

Since set down the Applicant increased the landscaping in the parking lot as a response to comments from OP Design division. The proposal continues to include the public space improvements, subject to Public Space Committee approval, and the sidewalk along Wagner Street SE.

Site planning and efficient and economical land utilization

The site layout has not changed since set down. The proposal would efficiently and economically utilize the land on the site by developing a vacant lot with an all-affordable senior housing building. This would take advantage of the site’s transit-oriented location in a mixed-use neighborhood and allow residents to age in place.

Housing that exceeds the amount required through matter-of-right, includes seniors

The proposal is for a 67-unit senior housing building, which is more than the matter-of-right requirement.

Affordable Housing

The proposal is for 67 all-affordable dwelling units for seniors. All the building’s gross floor area 50,733 sq. ft. (54,518 sq. ft. with cellar units) would be dedicated to affordable housing at 60% MFI. After a 40-year period 8 of the units, which is 6,321 sq. ft., would be dedicated to the inclusionary zoning program at 12% GFA for the life of the project. The remaining 59 would become market rate.

If the site were developed as a matter-of-right under the R-3 zone approximately 3,528 sq. ft. of its 35, 282 sq. ft. would have been dedicated to affordable housing to fulfill the 10% inclusionary zoning requirement.

Affordable Housing

Residential Unit Type	Floor Area (sf)	Percentage of Total	Units	Affordable Control Period	Affordable Unit Type
Affordable Units 60% MFI (Net SF)	54,518	100%	67	40 years	58-one bedrooms 3-two bedrooms 6-studio units

Transportation Infrastructure beyond that needed to mitigate any potential adverse impacts

Since set down the Applicant has increased their public benefit/amenities package by including a curb extension “bulb-out” at 25th ST SE and Wagner ST SE. DDOT requested this extension to facilitate pedestrian movement in this area. This improvement enhances the pedestrian experience.

Uses of Special Value to the neighborhood or the District of Columbia as a Whole

Since set down the Applicant has increased their public benefits/amenities package by making donations to the community. The Applicant will donate a minimum of \$20,000 worth of new laptops to students within ANC 8B boundaries for the 2020-2021 academic year. The Applicant will also donate money \$7,000 to Families on the Rise for a mental health service for youth in ANC 8B and \$5,000 to The Gerald Project to fund supportive programs for youth impacted by gun violence.

In summary, OP finds that the benefits, amenities and proffers would appear to be commensurate with the related map amendment and other requested flexibility through the PUD. The proposal would be improving a vacant site with much needed affordable senior housing and making significant landscaping and streetscaping improvements to the area.

VIII. AGENCY COMMENTS

When OP completed this report no District agency reports had been submitted to the record. However, OP held an interagency meeting between the District agencies and the Applicant and received comments from the participating agencies:

Department of Energy and the Environment (DOEE)

DOEE informed the Applicant that the 2015 Enterprise Green Communities standards would expire in October 2020. In response, the Applicant agrees to develop the project at a level equivalent to the current 2015 standards 60-point level if the project is developed after the 2020 standards are adopted.

Department of Housing & Community Development (DHCD)

DHCD has no objection to this proposed development. If the development receives LIHTC and/or HPTF funding, as planned, and meets the requirements of Section 1001.6, it would be exempt from Inclusionary Zoning (IZ) requirements for the duration of that funding. When that funding expires it would need to provide at least the minimum required IZ square footage. If the development doesn't receive the planned funding, it would be subject to IZ.

District Department of Transportation (DDOT)

DDOT does not object to the proposal. DDOT will submit a report to the record.

Department of Aging and Community Living (DACL)

DACL wants the rental price of the units to be lower than the 60% MFI level. Most of the seniors they work with would not be able to afford apartments at 60% MFI. DACL wants a commitment from the Applicant to reduce the price level and to accept housing vouchers. In response, the Applicant stated they are willing to consider accepting housing vouchers and lowering the rental price in the future. A definitive position should be provided by the applicant at the public hearing.

Department of Small and Local Business Development (DSLBD)

DSLBD advised that if the project uses LIHTC funds it will be subject to the Certified Business Enterprise Act, which entails a 35% CBE subcontractor requirement.

IX. ANC COMMENTS

As of the writing of this report, no report from ANC 8B has been submitted to the record.

X. COMMUNITY COMMENTS

As of the writing of this report, no community comments have been submitted to the record.