

**BEFORE THE ZONING COMMISSION OF THE  
DISTRICT OF COLUMBIA**

**COMPREHENSIVE PLAN AND RACIAL EQUITY ANALYSIS**

NRP Properties LLC (the “Applicant”) submits this Comprehensive Plan and racial equity analysis in support of its application to modify Z.C. Order No. 22-08. The requested modification is limited to additional special exception relief related to the Project’s loading facilities and does not otherwise modify the Project approved by the Commission.

**A. The Project is not Inconsistent with the Comprehensive Plan and Other Public Policies Related to the Property (Subtitle X § 604.5)**

The Project is not inconsistent with the Comprehensive Plan, including the Framework Element and Maps, Land Use Element, Housing Element and other pertinent policies. Additionally, the Project is not inconsistent with the Benning Road Corridor Redevelopment Framework (the “Redevelopment Framework”), an adopted Small Area Plan that covers the Property.

i. Framework Element and Maps

a. *Future Land Use Map*

The Comprehensive Plan’s Future Land Use Map (“FLUM”) identifies the Property as mixed-use for both “Medium Density Residential” and “Medium Density Commercial” uses. The Framework Element defines “Medium Density Residential” as “neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space.” 10A DCMR § 227.7. Under the Medium Density Residential FLUM designation, “density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning...” Id.

The “Medium Density Commercial” designation is defined to include “shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office and service businesses are predominant uses, although residential uses are common.” 10A DCMR § 227.12. “Density typically ranges between a FAR of 4.0 and 6.0.” Id.

The Project is consistent with the FLUM because it will be a residential building with a FAR of 4.51, which aligns with the Medium Density Residential and Commercial designations. The Project will be all-affordable and, therefore, is consistent with the Medium Density Residential and Commercial description allowing greater density with affordable housing developments. The Project will also be setback considerably from Benning Road, and due to the pre-existing encumbrances, the front half of the Property will remain open space.

b. *Generalized Policy Map*

The Comprehensive Plan’s Generalized Policy Map (“GPM”) identifies the Property as a “Neighborhood Commercial Center.” These areas are intended to provide both residential and commercial uses that meet the day-to-day needs of residents and workers in the adjacent neighborhoods. 10A DCMR § 225.15. Additionally, “new development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these

areas while allowing additional development, including residential, that complements existing uses.” 10A DCMR § 225.16.

The Project is consistent with the Neighborhood Commercial Center designation because it will provide new residences and day-to-day amenities for its residents, such as a fitness center and a training/education space. The 109 new dwelling units will bring new residents to the area to support both existing and future businesses.

ii. Land Use Element

The Comprehensive Plan’s Land Use Element “integrates the policies and objectives of all the other District Elements,” and, as such, “should be given greater weight than the other elements as competing policies in different elements are balances.” 10A DCMR § 300.3. The Project furthers the following Land Use Element policies:

Policy LU-1.4.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasize affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 307.9.

Policy LU-1.4.2: Development Around Metrorail Stations

In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 307.10.

Policy LU-1.4.3: Housing Around Metrorail Stations

Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. 307.11.

Policy LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations

Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for

accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.12.

Policy LU-1.4.5: Design to Encourage Transit Use

Require architectural and site-planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort, and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include sidewalks, bicycle lanes, lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots or low-density housing. 307.13.

Action LU-1.4.C: Metro Station and Inclusionary Zoning

Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. 307.21

Policy LU-1.5.1: Infill Development

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6.

Policy LU-1.5.2: Long-Term Vacant Sites

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints. 308.7.

Policy LU-2.1.10: Multi-Family Neighborhoods

Maintain the multi-family residential character of the District's medium- and high-density residential areas. Limit the encroachment of large-scale, incompatible commercial uses into these areas. Make these areas more attractive, pedestrian-friendly, and transit accessible, and explore opportunities for compatible commercial development which provides jobs for nearby residents. 310.17.

Policy LU-2.2.4: Neighborhood Beautification

Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations. 311.5.

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC's role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial

development in underserved areas to provide equitable access and options to meet the needs of nearby communities. 313.9.

The Project is not inconsistent with the above policies because it will transform one under-utilized parcel and another long-vacant parcel into a new all-affordable residential building. The Project's location, approximately 500 ft from the Benning Road Metrorail Station, offers residents excellent access to public transportation and furthers a number of policies that call for affordable housing near metro stations and in commercial centers. The Project will greatly improve the existing site conditions with exemplary architecture and inviting green space and landscaping.

iii. Transportation Element

Policy T-1.1.4: Transit-Oriented Development

Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10.

Policy T-1.1.8: Minimize Off-Street Parking

An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this, excessive off-street vehicle parking should be discouraged. 403.14.

Policy T-1.2.3: Discouraging Auto-Oriented Uses

Discourage certain uses, like "drive-through" businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6.

The Property's location provides excellent access to public transportation options. In particular, the Property is less than a block from the Benning Road Metro station. The Project is designed to encourage alternative transportation methods by limiting the number of on-site vehicular parking spaces and providing more long-term bicycle parking than required by zoning. As part of the Project, the Applicant is also consolidating the number of curb cuts on site in order to improve surrounding public space and walkability in the neighborhood.

iv. Housing Element

Policy H-1.1.1: Private Sector Support

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3.

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. 503.5.

#### Policy H-1.1.4: Mixed-Use Development

Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6.

#### Policy H-1.1.5: Housing Quality

Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. 503.7.

#### Policy H-1.1.9: Housing for Families

Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District's most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. 503.11.

#### Policy H-1.3.1: Housing for Larger Households

Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8.

As a private development, NRP and MHCDO are experienced, committed developers providing affordable housing. The Project will offer 109 affordable units in a neighborhood commercial center. There will be 49 family-sized units with two- and three-bedrooms. The units will be reserved for families with incomes at or below 80% AMI, including 22 units available at 30% AMI and 65 units available at 50% AMI.

#### v. Urban Design Element

##### Policy UD 2.1.6: Minimize Mid-Block Vehicular Curb Cuts

Curb cuts should be avoided on streets with heavy pedestrian usage and minimized on all other streets. Where feasible, alleys should be used in lieu of curb cuts for parking and loading access to buildings. Curb cuts for individual residences should only be allowed if there is a predominant pattern of curb cuts and driveways on the block face. 908.8

#### Policy UD-2.2.1: Neighborhood Character and Identity

Strengthen the visual qualities of Washington, DC's neighborhoods as infill development and building renovations occur by encouraging the use of high-quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility. 909.5.

#### Policy UD-2.2.5: Infill Development

New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10

#### Policy UD-2.2.7: Preservation of Neighborhood Open Space

Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to minimize the loss of sunlight and maximize the usability of neighborhood parks and plazas. Buildings adjacent to parks or natural areas should orient their entrances or other community-serving functions toward these shared resources. 909.13.

The Project will transform an underutilized parcel with a new, high-quality residential development that will add new residents to the Benning commercial corridor. The Project's substantial setback allows the massing to complement existing buildings in the area. Further, the front half of the Property along Benning Road will be greatly improved with new landscaping and seating for residents. The reduction of curb cuts and improvement to public sidewalks will encourage walkability.

#### vi. Far Northeast and Southeast Area Element

##### Policy FNS-1.1.2: Development of New Housing

Encourage new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast and seek to ensure that the housing remains affordable for current and future residents. 1708.3.

##### Policy FNS-2.4.1: Benning Road Station Area Development

Support development of the Benning Road Metro station area as a pedestrian-oriented, mixed-use area, including moderate-density housing, retail, service uses, and public spaces and amenities that serve adjacent neighborhoods. Future development should recognize and provide appropriate, well-designed transitions to the low-density residential character of the adjacent neighborhoods. 1714.3.

The Project will provide over 100 new housing units within a block of the Benning Road Metro Station on previously underused and vacant land. The pedestrian-oriented goals for the neighborhood will be furthered with new residents that can support the expansion of commercial options in the future. The Project's massing is consistent with the new Conway Center across Benning Road.

vii. Benning Road Corridor Redevelopment Framework

The Redevelopment Framework was enacted in 2008 to guide the revitalization of the Benning Road corridor from Maryland Avenue NE to Southern Avenue SE. The Redevelopment Framework provides broad policy guidelines for issues such as housing, shopping and business, and transportation as well as specific redevelopment goals for study areas. Study Area 3 sets forth goals for the neighborhood around the Benning Metro Station, including the Property, and calls for “increased density” in that location due, in part, to being “the only clear transit oriented redevelopment potential in the entire corridor.” See Redevelopment Framework, Page 55-56. The Redevelopment Framework identifies the Property as an “opportunity site” that can be developed with either retail or residential uses. See Redevelopment Framework, Page 58.

Accordingly, the Project is consistent with the Redevelopment Framework because the Property is identified as a target site for a residential redevelopment due to its transit-oriented location near the Benning Road Metro Station. The Redevelopment Framework also anticipates the Project’s small increase in density over matter-of-right standards through permitted flexibility in the design review process.

The requested modification does not alter the Project’s use, height, density, affordability, unit mix, transit-oriented location, or the other characteristics addressed in the foregoing Comprehensive Plan analysis. Accordingly, the conclusions of that analysis remain unchanged.

**B. Racial Equity Analysis**

The Comprehensive Plan requires the Commission to consider racial equity as part of its determination of whether a zoning action is not inconsistent with the Comprehensive Plan. In the original proceeding, the Commission considered the Project through a racial equity lens and concluded that the Project advances the racial equity goals of the Comprehensive Plan. The present modification is limited to additional special exception relief related to the Project’s loading facilities and does not alter the principal characteristics of the Project that supported the Commission’s prior racial equity findings. Moreover, the requested relief will allow the Project to maintain the approved number of affordable units without reducing the Project’s height, thereby preserving key aspects of the Project that informed the Commission’s prior racial equity analysis.

i. Comprehensive Plan Policies and Racial Equity

As discussed in the Comprehensive Plan analysis above, the Project advances numerous policies supporting affordable housing, transit-oriented development, family-sized housing, and investment in underutilized property in the Far Northeast and Southeast Planning Area. These policies remain applicable to the Project as modified.

The Project will provide 109 all-affordable dwelling units on an under-developed parcel in Ward 7. The Project provides housing for a range of family sizes, including 27 two-bedroom units and 22 three-bedroom units. Through the Marshall Heights Community Development Organization (“MHCD”), the Project will also provide a Resident Resource Center offering services tailored to residents’ needs, including financial planning, workforce development, environmental, health and wellness, and community-building programs. The Project’s location immediately adjacent to the Benning Road Metrorail Station will also provide residents with convenient access to public transportation and employment opportunities throughout the District.

The requested modification does not change the Project’s residential use, number of dwelling units, affordability levels, unit mix, resident services, or proximity to transit.

Accordingly, the modification does not diminish any of the benefits that formed the basis of the Commission's prior determination that the Project advances the racial equity goals of the Comprehensive Plan. The relief maintains the proposed affordability numbers and services.

ii. Community and Outreach

The community most directly affected by the requested modification includes residents and property owners surrounding the Property and the broader Benning Road community. Because the modification is limited to the Project's loading facilities, the principal potential impacts associated with the requested zoning action relate to loading operations and their interaction with the surrounding transportation network.

The Applicant has notified ANC 7F regarding the present modification and has also engaged with ANC 7D, the affected ANC in the original proceeding. ANC 7D has deferred to ANC 7F with respect to the present application. The Applicant will continue to engage with ANC 7F as the application proceeds.

The Applicant has also coordinated with DDOT regarding the proposed loading configuration and Loading Management Plan. That coordination is intended to ensure that loading activity associated with the Project is appropriately managed and that potential effects on the surrounding transportation network are minimized.

The requested modification does not otherwise change the Project previously reviewed by the community and approved by the Commission. It does not increase the number of dwelling units, change the affordability of those units, increase the approved density, or introduce a new use at the Property.

iii. Racial Equity Impacts of the Requested Modification

**Displacement and Housing.** The Commission previously found that the Project would not displace any existing residents because the Property was improved with a vacant office building and otherwise under-developed. The requested modification does not change that conclusion. The modification does not involve the removal of existing housing and will not result in the direct displacement of any residents.

The modification also is not expected to result in indirect displacement. It does not increase the approved density or intensity of the Project, introduce a new use, or alter the Project's housing program. Rather, the Project will continue to provide 109 all-affordable dwelling units, including deeply affordable and family-sized units, as approved by the Commission.

**Access to Opportunity.** The Project will continue to provide affordable housing immediately adjacent to the Benning Road Metrorail Station, providing residents with access to Metrorail, Metrobus, employment, services, and other opportunities throughout the District. The Project will also continue to provide the Resident Resource Center administered by MHCDO. The requested modification has no effect on these Project benefits.

**Potential Burdens and Mitigation.** The potential impacts associated with the present zoning action are substantially narrower than those considered in the original design review proceeding because the requested modification relates only to the Project's loading facilities. The modification does not alter the Project's use or development intensity. To the extent the revised loading configuration could result in operational impacts, those impacts are being addressed through the Applicant's coordination with DDOT and the Loading Management Plan.

Accordingly, the requested modification does not materially alter the distribution of the benefits and burdens associated with the Project. The principal benefits identified in the original proceeding remain unchanged, while the potential impacts associated with the requested loading relief are limited and can be appropriately managed through the Loading Management Plan.

iv. Conclusion

The Commission previously concluded that the Project advances the racial equity goals of the Comprehensive Plan by providing all-affordable and family-sized housing on an under-developed site without displacing existing residents, while providing access to transit, employment opportunities, and resident services. The requested modification does not alter any of those characteristics.

For these reasons, the requested modification does not change the Commission's prior racial equity conclusions. The Project, as modified, continues to advance the racial equity policies of the Comprehensive Plan.