

# 3450 Eads Street, NE



APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION  
FOR REVIEW AND APPROVAL OF A  
CONSOLIDATED PLANNED UNIT DEVELOPMENT AND  
ZONING MAP AMENDMENT

September 13, 2016

## DEVELOPMENT TEAM

Applicant	3443 Benning LLC Neighborhood Development Company 3232 Georgia Avenue, Suite 100 Washington DC 20010
Architect and Engineer	Grimm + Parker 11720 Beltsville Drive, Suite 600 Calverton, MD 20705  A. Morton Thomas & Associates 10 G Street NE, Suite 430 Washington, DC 20002
Traffic Consultant	Gorove/Slade Associates, Inc. 1140 Connecticut Avenue, NW, Suite 600 Washington, DC 20036
Land Use Counsel	Goulston & Storrs, PC 1999 K Street, NW, Suite 500 Washington, DC 20006

## TABLE OF CONTENTS

DEVELOPMENT TEAM .....	II
TABLE OF CONTENTS .....	III
EXHIBITS.....	IV
PREFACE .....	V
I. INTRODUCTION.....	1
A. Summary of Requested Action .....	1
B. The Applicant.....	4
C. Project Goals and Objectives and the Benefits of Using the PUD Process .....	5
D. Summary of Public Benefits and Amenities to Be Provided as part of the Project .....	6
E. Development Timetable .....	7
II. THE PROPERTY AND THE PROPOSED PUD PROJECT .....	7
A. The Property: Location, Current Use, and Surrounding Area.....	7
B. Project Description .....	10
C. Zoning Analysis .....	17
D. Flexibility under the PUD Guidelines .....	17
III. PUD EVALUATION STANDARDS .....	22
A. PUD Area Requirement .....	22
B. Project Impact on the Surrounding Area.....	23
C. Zoning Impact .....	24
D. Services and Environmental Impact.....	25
E. Facilities Impact .....	25
IV. PUBLIC BENEFITS AND PROJECT AMENITIES .....	27
A. Identification of Specific Public Benefits and Project Amenities.....	27
1. <u>Housing and affordable housing (§ 305.5(f), (g)).....</u>	<u>28</u>
2. <u>Superior urban design and landscaping (Subtitle X § 305.5(a) and (b)).....</u>	<u>29</u>
3. <u>Site planning, and efficient and economical land utilization (§ 305.5(c)).....</u>	<u>30</u>
4. <u>Environmental and sustainable benefits (§ 305.5(k)) .....</u>	<u>31</u>
5. <u>Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (§ 305.5(q))</u> <u>and or Building Space for Special Uses (§ 305.5(j)) .....</u>	<u>32</u>
6. <u>Comprehensive Plan (§ 305.5(r)).....</u>	<u>32</u>
B. Requirements of Public Benefits and Project Amenities under a PUD .....	32
V. COMPLIANCE WITH THE COMPREHENSIVE PLAN .....	33
A. Compliance with Citywide Elements.....	34
1. <u>Framework Elements and Maps.....</u>	<u>34</u>
2. <u>Land Use Element.....</u>	<u>37</u>
3. <u>Other Elements.....</u>	<u>39</u>
B. Compliance with Area Elements.....	42
C. Compliance with Other Adopted Public Policies and Active Programs .....	43
1. <u>Corridor Plan.....</u>	<u>43</u>
2. <u>Livability Study .....</u>	<u>44</u>
3. <u>Great Streets.....</u>	<u>45</u>
VI. CONCLUSION .....	45

## EXHIBITS

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Application Forms	A
Authorization Letter from Applicant	B
Certificate of Notice and Notice of Intent to Surrounding Property Owners	C
Certificate of Compliance with Consolidated PUD Requirements	D
Tabulations of Development Data, Public Benefits, and Publicly Available Information	E
Environmental Analysis	F
Property Owners' List	G
Existing and Proposed Zoning Map	H
Surveyor's Plat and Draft Alley Closing Plat	I
Architectural Drawings and Elevations, and Photographs of the Property and Surrounding Area	J

## PREFACE

This statement and the attached documents support this application (this “**Application**”) of 3443 Benning LLC (the “**Applicant**”) to the District of Columbia Zoning Commission for consolidated approval of a Planned Unit Development and Zoning Map Amendment (together, the “**PUD**”) for the property located at known as 3450 Eads Street, NE (Square 5017, Lots 839, 840, 841 and 842, and a to-be-closed portion of the public alley abutting Lots 839 and 840, or collectively, the “**Property**”). The Property is located mid-block on the 3400 block of Eads Street, NE in Ward 7. The PUD will allow the Property to be redeveloped as an approximately 59-unit multifamily residential development with a maximum height of five stories and underground garage parking (the “**Project**”). Concurrent with this Application, the Applicant is pursuing the closure of the public alley between Lots 839 and 840.

The total area of the Property is approximately 17,863 square feet (0.41 acres). The Property is currently located within the R-3 zone, and the Applicant proposes to amend the zoning map to put the Property within the MU-7 zone. To the north of the Property are vacant and commercial lots fronting on the eight-lane Benning Road, NE. To the east of the Property is a partially overgrown vacant lot owned by the District of Columbia, and to the south and west of the Property are two-story single-family rowhouses.

The MU-7 zone permits a maximum height of 90 feet pursuant to a PUD and a maximum floor area ratio (“**FAR**”) of 5.76 pursuant to a PUD and the Inclusionary Zoning provisions of the Zoning Regulations. The Project will have a maximum height of approximately 56 feet or five stories and an overall FAR of approximately 3.81. All of the units within the Project will be offered at rents affordable to tenants earning less than 50 percent of the area median income and will be designed and certified to exceed the requirements of the 2015 Enterprise Green Communities criteria.

This PUD application is not inconsistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (2006) (the “**Comprehensive Plan**”), or other adopted public policies and active programs of the District of Columbia related to the Property and its surroundings. According to the Future Land Use Map of the Comprehensive Plan, the eastern portion of the Property is designated for Mixed-Use Medium Density Commercial and Moderate Density Residential and the western portion of the Property is designated for Moderate Density Residential.

This Project will benefit the District through superior urban design, efficient site planning and land utilization, reuse of a currently-vacant lot, environmental and sustainable design benefits, provision of significant amounts of new housing and affordable housing, closure of an existing curb cut, and attractive, place-making development. The Project will also benefit the surrounding neighborhood through streetscape and landscaping improvements and other new benefits and amenities to be provided, including a community room open to neighborhood organizations.

Submitted in support of this application are completed application forms, a letter of authorization from the Applicant, a copy of the notice of intent to file a PUD that was mailed to surrounding property owners and parties (with the certification of mailing and list of property

owners), certification that this Application complies with the requirements of Subtitle X, Chapter 3 and Subtitle Z, Chapter 3 of the District of Columbia Zoning Regulations, an analysis of the Project's environmental impacts, tables summarizing the Project's compliance with the Zoning Regulation, public benefits, and publicly available information referenced herein, maps depicting the zone for the Property and surrounding area and the Comprehensive Plan designations, the Surveyor's Plat for the Property, a draft alley closing plat, and architectural drawings, plans, and elevations of the proposed Project.

## I. INTRODUCTION

### A. *Summary of Requested Action*

The Application. This statement and the documents attached as exhibits hereto support this application (the “**Application**”) of 3443 Benning LLC (the “**Applicant**”) to the District of Columbia Zoning Commission (“**Commission**”) for consolidated review and approval of a Planned Unit Development and corresponding amendment to the Zoning Map from the R-3 zone to the MU-7 zone (previously the C-3-A Zone District) (together, the “**PUD**”) for the property located at 3450 Eads Street, NE (Square 5017, Lots 839, 840, 841 and 842, and a to-be-closed portion of the public alley abutting Lots 839 and 840, collectively, the “**Property**”) pursuant to Subtitle X, Chapter 3 and Subtitle Z, Chapter 3 of the Zoning Regulations. Concurrent with this Application, the Applicant is pursuing the closure of the public alley between Lots 839 and 840.

The Property. The Property is located along Eads Street, NE in Ward 7 and within the boundaries of Advisory Neighborhood Commission 7D (the “**ANC**”). The Property is located mid-block on the 3400 block of Eads Street, NE, less than one block south of Benning Road, NE. The Property is owned by the Applicant and is in the River Terrace neighborhood of Northeast DC. The Property consists of approximately 17,863 square feet, or approximately 0.41 acres, of land area and is located approximately one-half mile from the Minnesota Avenue Metrorail station stop and within one-quarter mile of the H Street/Benning Road Priority Corridor Network Metrobus Routes (X1, X2, X3, X9). A vacant lot and a portion of a public alley currently comprise the Property. To the north of the Property are vacant and commercial lots fronting on the eight-lane Benning Road, NE. To the east of the Property is a vacant lot owned by the District, and to the south and west of the Property are two-story, single-family rowhouses. The Future Land Use Map of the Comprehensive Plan locates the eastern portion of the Property in

the Mixed-Use Medium Density Commercial and Moderate Density Residential land use category and the western portion of the Property in the Moderate Density Residential category.

The Project. The PUD will allow the Property to be redeveloped as an approximately 59-unit multifamily residential development with a maximum height of five stories and underground garage parking (the “**Project**”). The Project will have a maximum height of approximately 56 feet (five stories) and an overall floor area ratio (“**FAR**”) of approximately 3.81. Significantly, all of the units within the Project will be offered at rents affordable to tenants earning less than 50 percent of the area median income. The Project will be designed and certified in accordance with the 2015 Enterprise Green Communities (“**Green Communities**”) criteria. The Project will contain 22 new parking spaces in an underground garage as well as a total of 23 bicycle parking spaces.

The Zoning Map Amendment. The Property is currently in the R-3 zone. The Applicant requests a Zoning Map amendment from the R-3 zone to the MU-7 zone to increase the permitted FAR, height, and lot occupancy on the Property. The Zoning Map amendment will allow for a better use of the Property relative to the existing zone by enabling the Applicant to construct a greater overall number of affordable units on the Property than could be accomplished as a matter-of-right. The Zoning Map amendment request is appropriate here given the character of the land use to the north and east of the Property, the Property’s designation on the Future Land Use Map, the Property’s proximity to transit, the size of the Property, the character of the existing residential community in the immediate area, and precedential examples of MU-7 zones sharing a block with lower density (i.e., R-2 and R-3) zones. The portion of the Project adjacent to the existing two story single-family rowhouses will step down to three stories from the building’s overall five stories to provide a gradual transition in building scale between



the existing buildings and the Project. The Applicant proposes to step down the Project’s height to three stories to align with the Comprehensive Plan the additional height and density sought pursuant to the Zoning Map amendment, and to ensure that the Project integrates well with its surroundings in a considerate manner reflective of superior urban design. The Applicant has also set back the building from the front Property line to maintain consistency with the existing building restriction line on the north side of Eads Street, NE. Notably, the Applicant also proposes a project that achieves substantially less than the allowed maximum FAR and height while providing a significant number of new affordable residential units.

Community Outreach. The Applicant has engaged in significant outreach to the ANC and neighbors as part of its Application. Since February 2016, the Applicant has presented at or participated in more than a dozen public meetings or working sessions with the ANC, ANC Commissioners, members of the public and/or public agencies. These meetings include presentations to the entire ANC on March 8, 2016, April 12, 2016, and June 22, 2016. The Applicant has also met with the District of Columbia Office of Planning (“**OP**”) and Department of Transportation (“**DDOT**”), as well as representatives for the Councilmember for Ward 7 and the Sixth District of the Metro Police Department (“**MPD**”). In addition, the Applicant has met with the River Terrace Community Organization (“**RTCO**”) and engaged in correspondence with interested individual residents. A full list of outreach is included in the table below.

<b>Date</b>	<b>Participants</b>
Feb. 2016	Claude McKay, ANC Commissioner SMD 7D04
Mar. 7, 2016	Claude McKay ANC Commissioner SMD 7D04
Mar. 7, 2016	OP Staff
Mar. 8, 2016	ANC 7D and Ward 7 citizens
Mar. 22, 2016	Cinque Culver, President RTCO
Mar. 31, 2016	Richard Capparell, neighbor
Apr. 12, 2016	DDOT Staff
Apr. 12, 2016	ANC 7D and Ward 7 citizens
Apr. 14, 2016	OP Staff

Apr. 20, 2016	RTCO
Apr. 27, 2016	Ronny Arce, MPD
Jun. 20, 2016	Ward 7 Council Member Constituent Representative
Jun. 22, 2016	ANC 7D and Ward 7 citizens
Aug. 17, 2016	Community Open House with River Terrace Residents
Aug. 27, 2016	Community Open House with River Terrace Residents

The Applicant’s outreach efforts have been a sincere effort to integrate the feedback received as part of its proposal into the Project’s design. For example, the Applicant redesigned the building after receiving feedback that the initial design expressed an overly contemporary aesthetic, not in keeping with the character of the existing buildings within the immediate neighborhood. Subsequent design iterations modified material selection, roof lines, and façade elements so that the Project now reflects more common patterns and materials used in the immediate vicinity and within the District of Columbia. Key functional changes to the building included an increase in the amount of window glazing serving interior units, addition of a side yard setback on the west side of the building to act as a buffer between the units and the alley, modifications to the integration of roof top amenity spaces, and a redesign of the site plan in response to safety and security and livability concerns raised by MPD and OP. The Applicant believes the Project is better as a result of the extensive public input.

The Applicant’s outreach to neighbors, RTCO, the ANC, and the government agencies has been extensive and productive, and the Applicant intends to continue such outreach for the remainder of the public process. In addition to finalizing a package of public benefits and amenities with the ANC, the Applicant will continue to engage the community to seek ideas and feedback to further refine the Project and its details.

***B. The Applicant***

The Applicant is an affiliate of Neighborhood Development Company (“NDC”), which is a fully integrated real estate development, construction, and investment company located in

Washington, DC. NDC is one of the premier creators of urban infill projects in the District and specializes in creating mixed-use developments and affordable housing in walkable, accessible neighborhoods. NDC has delivered over 500 residential units throughout the District of Columbia, with over 100 units currently near delivery or in their pipeline. NDC has a history delivering affordable housing options for District of Columbia residents within its overall development portfolio, with almost 30 percent of its units being affordable rental or ownership units. The Applicant's expert staff of real estate professionals has extensive experience delivering and managing high quality housing projects in the District, in partnership with their network of third-party service providers.

***C. Project Goals and Objectives and the Benefits of Using the PUD Process***

Consistent with the goals of the District as outlined in the Comprehensive Plan, the Applicant intends to redevelop the Property with an all-affordable multi-family residential rental building on the Property. The Project will provide necessary affordable housing near transit options and result in the redevelopment of a vacant lot in the River Terrace neighborhood.

The PUD process outlined in Subtitle X, Chapter 3 of the Zoning Regulations serves as the best means of achieving the above objectives. Indeed, but-for the additional density available via the PUD process, the redevelopment of the Property with such a significant contribution of affordable housing would not be feasible. The PUD process provides the community and District agencies with the tools needed to ensure that the Project is well-designed, contributes to the housing needs of the District, and best meets the needs of the community while making sure that the density and uses are appropriate and the architecture is compatible with the surrounding neighborhood.

***D. Summary of Public Benefits and Amenities to Be Provided as part of the Project***

The Project will provide significant public benefits and amenities pursuant to the requirements for the requested PUD. Most significantly, the Project contributes a large number of affordable units in a location that is proximate to an existing Metrorail station, and adjacent to four Priority Corridor Network Metrobus Routes and the planned Benning Road extension of the DC Streetcar One City Line. A summary of these public benefits and amenities is provided here and detailed descriptions of each are addressed below in Section IV. Public benefits include:

- *Housing and affordable housing* – the Project includes approximately 59 new residential units reserved for families earning less than 50 percent of the area median income, and provides nearly 65,000 square feet of affordable housing above what would be required through a matter-of-right development;
- *Environmental and sustainable benefits* – the Project will be certified in accordance with Enterprise Green Communities, and will exceed the minimum number of 35 optional points;
- *Superior urban design* – the Project incorporates numerous urban design precepts that guide attractive urban design in the District, will present an attractive visual identity for the neighborhood when viewed from Benning Road, NE and the Anacostia Freeway and will establish a baseline for high quality development in the neighborhood and along Benning Road, NE for future developments;
- *High quality landscaping* – along Eads Street, NE and on the rooftop of the Project the Applicant proposes to install high-quality landscaping improvements for the benefit of pedestrians and residents, respectively;
- *Site planning, and efficient and economical land utilization* – the Project redevelops a currently vacant surface parking lot and closes an existing curb cut, all in a location that is well-served by numerous existing and planned transit options and that is located near public services (e.g., a public library and school campus), extensive parks with a variety of recreational opportunities, a grocery store, a pharmacy, and an emerging “Great Streets” district; and
- *Uses of Special Value to the Neighborhood/Building Space for Special Uses* – the Project incorporates into preliminary plans an amenity space (approximately 1,200 sq. ft.) that is envisioned to be used as a community room for residents and area neighborhood organization and/or interests, such as the RTCO. The space would be accessible via the main building lobby without access to the remaining private building spaces.

The Applicant will continue to work with neighbors, RTCO, the ANC, and OP to finalize a package of public benefits commensurate with the development incentives provided through

the PUD process. Overall, the Project will be an attractive, place-making development and a harbinger of additional private investment in River Terrace.

***E. Development Timetable***

The Applicant intends to begin construction of the Project in the third quarter of 2018 and will take approximately 16 months to build. The Project is expected to be completed in the fourth quarter of 2019.

**II. THE PROPERTY AND THE PROPOSED PUD PROJECT**

***A. The Property: Location, Current Use, and Surrounding Area***

Property Location. The Property is located in Ward 7 in the Northeast quadrant of the District of Columbia, midblock at the 3400 block of Eads Street, NE. To the north of the Property are vacant and commercial lots fronting on the eight-lane Benning Ave., NE. To the east of the Property is a partially overgrown vacant lot owned by the District, and to the south and west of the Property are two-story single-family rowhouses. A pair of 20-foot wide public alleys separate the Property from lots to the north fronting on Benning Road, NE and from the adjacent rowhouses to the west along Eads Street, NE.

Current Use. The Property consists of approximately 17,863 square feet of land and is roughly rectangular in shape. A fenced, vacant parking lot and a portion of a public alley to be closed in coordination with this Application comprise the existing uses of the Property. There are no structures on the Property other than a temporary storage shed. The Property is generally flat with a slight variation in topography with the site sloping down from the eastern to the western side of the site. The Property is not within any historic district.

Transit and Vehicular Access. The Property has excellent transit and vehicular access. The Property is slightly greater than a half mile walk to the Minnesota Ave. Metrorail station,

which is served by WMATA's Orange and Silver Lines. The Property is also served by four WMATA Bus lines with stops along 34th Street, NE one-half block west of the Property and along Benning Road, NE one-half block north of the Property. The Benning Road, NE WMATA Bus lines include multiple Priority Corridor Network Metrobus Routes as identified in the Zoning Regulations. Additional bus stops along Minnesota Avenue, NE are served by multiple WMATA bus lines and are within a one-half mile walk from the Property. As noted, Benning Road, NE is approximately one-half block from the Property, and the Anacostia Freeway has ramps approximately one-quarter mile from the Property.

Benning Road, NE is the designated corridor for the anticipated eastward extension of the DC Streetcar One City Line, and the Project would be only a few steps from the streetcar track.

Surrounding Land Uses. The Property is located near the northeastern boundary of the River Terrace neighborhood and the western edge of the Benning neighborhood. The immediately surrounding River Terrace neighborhood generally consists of single-family rowhouses, but a number of multi-family dwelling unit residential buildings line the periphery of the neighborhood along Kenilworth Ave., NE. Anchor institutions in the immediate neighborhood include the recently-renovated River Terrace Educational Campus, which is part of the DC Public School system, and the Varick Memorial AME Zion Church. Commercial uses predominate along Benning Road, NE to the northeast and northwest of the Property, and the heart of the Benning neighborhood to the northeast contains the East River Park Shopping Center with a public library, a grocery store and pharmacy as well as other shops and restaurants along Minnesota Ave., NE.

Approximately 500 feet from the Property, north of Benning Road, NE is Pepco's 77-acre Benning Service Center. The Benning Service Center is the site of the former Benning

Power Plant, which was closed in 2012. Pepco continues to maintain a presence at this location, and its website indicates that approximately 700 employees work there today.<sup>1</sup> With the closure of the Plant, there are likely to be significant economic development opportunities on this site near the Property in the future.

Nearby Recreation. The Property is located near both passive and active recreation opportunities and has great access to the District's trail system. The Anacostia Recreation Center and an access point to the Anacostia Riverwalk Trail are approximately a quarter mile west of the Property. The Riverwalk Trail connects to the Kenilworth Aquatic Gardens to the north and to a planned extensive trail system along both sides of the Anacostia River. Approximately 15 miles of the planned 28 mile trail system are open to pedestrians and cyclists today.

Nearby Development. New development in the neighborhoods around the Property has generally been incremental in recent years, and there have not been any PUDs approved for the blocks surrounding the Property. The Park 7 project near the Minnesota Avenue Metrorail Station is the most recent nearby large project. It is a mixed use project with 376 affordable rental units and approximately 20,000 square feet of retail space and was completed in 2014.

Nearby Zoning. The Property is currently in the R-3 zone, as shown on the excerpt from the Zoning Map attached as Exhibit H. Immediately north of the Property is the MU-4 zone (formerly the C-2-A Zone District) along Benning Road, NE. Nearby PDR zones along the Anacostia Freeway separate the Property from another bloc of the MU-7 zone, which is the requested designation under this Application.

Although not strictly a zoning matter, it is worth noting that the existing buildings fronting on Eads Street, NE to the west and south are subject to a building restriction line

---

<sup>1</sup> See *Benning Service Center*, PEPCO, <http://benning-service-center.com/benning-service-center/> (last visited August 10, 2016).

requiring a setback of 15 feet from the right of way.<sup>2</sup> Although such building restriction line does not apply to the Property, the Applicant nevertheless proposes to set back approximately 10 to 12 feet from the front property line to provide a transition from the existing building restriction line.

***B. Project Description***

The Project includes a new building (the “**Building**”) containing approximately 59 affordable residential multi-family dwelling units, exterior landscaping and greenery, 22 underground vehicle parking spaces, bicycle parking, and associated loading, amenity, and service space. The Building will have exclusively residential uses apart from supporting amenity and service space (including possibly a leasing office), and all of the residential units will be affordable to families earning 50 percent or less of the area median income. Architectural drawings and plans (the “**Plans**”) depicting the design and layout of the Project are attached as Exhibit J. The Plans show how the Project has been designed to complement the existing uses and scale of the surrounding property and neighborhood as discussed below. The Project will result in appropriately-scaled infill development that respects the residential character of River Terrace and that contributes to the supply of transit-accessible affordable housing in Ward 7.

Building Layout. At ground level, the five-story portion of the Building includes a lobby with the opportunity for a leasing or management office serving the Building as well as the possibility for programming or amenity space for Building residents. The three-story portion of the building contains two multi-level units facing the street with separate entries and separate, single-level units above. All of the Project’s other units have interior entrances from a double-loaded corridor running the length of the Building that is served by a single bank of elevators.

---

<sup>2</sup> See *Building Restriction Line [Dataset]*, DC.GOV, <http://data.octo.dc.gov/metadata.aspx?id=301>



Size and Dimensions. The Building will have a total gross floor area of approximately 67,971 square feet, resulting in an overall FAR of approximately 3.81, all of which will be devoted to residential uses. For comparison, the MU-7 zone permits a maximum FAR of 5.76 under the PUD process for a project that complies with the Inclusionary Zoning requirements of the Zoning Regulations. The Building will occupy approximately 81 percent of the Property; the maximum lot occupancy in the MU-7 zone is 80 percent for a building that complies with the Inclusionary Zoning requirements of the Zoning Regulations. Therefore, the Applicant requests flexibility from the lot occupancy requirements of the MU-7 zone as set forth below in Section II.D.

The Project will have a Green Area Ratio (“**GAR**”) that satisfies the MU-7 zone’s minimum GAR requirements of 0.25.

At the western edge of the Property, across the 20-foot alley from the existing two-story rowhouses, the Project is proposed to be three (3) stories for a maximum height of approximately 35 feet above grade as measured from the center of the Building. At a distance of approximately 47.75 feet from the western lot line of the Property, the Building rises to five (5) stories or a maximum overall height of approximately 56 feet. A PUD project in the MU-7 zone may attain a maximum building height of 90 feet, although under the Height Act, the Project could achieve a maximum height of only 70 feet.

The Building is proposed to have a non-occupiable penthouse for rooftop staircase access and an elevator overrun with a maximum height of approximately 5 feet 8 inches above the top of the Building’s roof. Under a PUD in the MU-7 zone, the Zoning Regulations permit a maximum penthouse height of 20 feet and one occupiable story and one additional mechanical story, and the Building complies with these requirements. The Zoning Regulations also require

that rooftop mechanical equipment greater than four feet in height be screened and that the screen be continuous for all such equipment. The Project will have two rooftop mechanical systems that exceed four feet in height and both such units will be screened. However, the screening will not be continuous or connected to the elevator penthouse. Accordingly, the Project requires modest flexibility to permit such screening.

The Building will have a rear yard that varies in depth from approximately 1 foot to 5 feet when measured from the rear wall of the Building to the property line at the rear of the Property. This proposed rear yard is less than the minimum 12 foot rear yard required in the MU-7 zone. Therefore, the Applicant requests flexibility from the rear yard requirements of the MU-7 zone as set forth below in Section II.D.

The Building will have a side yard that varies in width along the western boundary of the Property. There will be no side yard on the eastern boundary of the Property, and there will be a side yard of varying depth on the western boundary, adjacent to the alley. In the MU-7 zone, no side yard is required; however, if one is provided it must be at least two inches for each one foot of building height but not less than five feet. Under these requirements, the Building would be required to have a side yard of 9.33 feet, which is greater than the width proposed to be provided along the western lot line. Therefore, the Applicant requests flexibility from the side yard requirements of the MU-7 zone as well.

As a summary of the foregoing, the “Zoning Tabulations” on Sheet A-0.1 of Exhibit J set forth the zoning standards for the existing and proposed zoning.

Height and Mass. At the overall building scale and at street level, the Project has been designed to be sensitive to the surrounding single-family rowhouse context while also

recognizing the development potential along Benning Road, NE and in River Terrace due to the neighborhood's existing assets, namely its transit accessibility and parks.

At the building scale, the Project's three-story element at the western end of the Property is a significant gesture to the existing neighboring two-story rowhouses. The neighboring rowhouses sit atop a substantive grade change, and as result, the three story portion of the Project represents only a minor change in overall rooftop elevation from the neighboring buildings. In addition, the neighboring rowhouses are separated from the Property by the 20-foot public alley. The gentle increase in height – from the existing two-story rowhouses, to the proposed three-story portion of the Project, to the ultimately five-story portion – reads logically in the urban context as the Project creates a transition out of the River Terrace rowhouse neighborhood to the more urban environment of Benning Road, NE and Minnesota Ave., NE immediately east and northeast of Eads Street. The Applicant anticipates that the currently-vacant, District-owned lot immediately east of the Property and the vacant and underutilized commercial lots immediately north of the Property will ultimately be redeveloped at an intensity that is concomitant with the proximity to the nearby transit access and highway access points.

The Building's massing strategy therefore both relates appropriately to the existing surrounding residential context as well as establishes a baseline for future development in the neighborhood. The three-story and five-story portions of the Project are broken into nearly distinct masses tied together only by common materials and detail elements. Each of the two components is further broken up by bays, articulation, and differentiated cladding. The Building's western elevation is similarly broken into multiple smaller elements, each intended to evoke the scale and composition of the nearby existing buildings. At the eastern elevation of the

Building, the Project is intentionally designed to have a strong rectilinear geometry that invites and encourages the Project's form to be continued into the immediately adjacent lot.

At street level, the Project also finds a balance between the existing context and the opportunities for future development nearby. Although the Property is not subject to the building restriction line that is applicable to many of the surrounding residential lots, the Building is nonetheless set back approximately 10 to 12 feet from the front lot line to continue the street wall across the entirety of the Property, subject only to articulation necessary to soften the Building's massing. The Project's setback from the street creates opportunities for the ground level landscaping addressed below as well as visual interest keeping with the character of the block.

While the Building's articulation along its front elevation (in the form of bays and varied entrances) is primarily to break up the Project's massing along Eads Street, NE, it also reflects the informal articulation of the rowhouses on the southern side of the street. The rowhouses have organically developed finely-grained articulation through years of incremental improvements to individual units. For instance, some units have enclosed front porches that extend approximately six or eight feet into the front yard whereas other units have no porch at all or only an awning above the front door. Similarly, some units have small retaining walls along the sidewalk whereas others have gradual vegetated berms. Eads Street, NE, like each of the other streets in River Terrace, expresses a unique street level identity that immediately orients a pedestrian who is familiar with the neighborhood. The Project's street level details continue this fine-grain detailing, add visual interest, and contribute to the sense of place for pedestrians, all without introducing an unnecessary or overwhelming amount of visual noise at the ground level. At the same time, the clean and modern materials palette establishes a baseline for future new development nearby to continue.

Façade, Details, and Materials. The Project is highly designed, and the façade, details, and materials introduce a contemporary vocabulary that is visually compatible with the existing residential context. The Building expresses a predominantly light-colored façade composed of brick at the lower levels and a light-colored panel along the upper story. Grey brick-clad bays and a warm maroon panel further break up the massing and add visual interest. Similarly, two gables in the western, three-story portion of the Building emulate the verticality evocative roof-lines of the existing two-story rowhouse fabric of this block of Eads Street, NE. The clean, elegant lines of the metal canopy beams, dark aluminum railings, and grey brick staircase entries together introduce a contemporary design at ground level. The ground level landscape detailing along Eads Street, NE is currently an assortment of aluminum and iron fences and railings and stone and brick retaining walls. The Project's proposed detailing neither overpowers nor detracts from this context.

The Building's western and rear elevations are similarly highly-designed with substantial articulation and fenestration. The Applicant is cognizant that the Building will have a significant visual presence along Benning Road, NE to the north for at least the near term. As a result, the Project is intentionally designed to have a rear elevation that is more mindful of its public prominence than most buildings. As noted above, the eastern elevation anticipates future development on the adjacent lot.

Finally, the Project foregoes balconies for individual units in favor of common rooftop outdoor space. The predominant character of the existing rowhouses along Eads Street, NE and in the River Terrace neighborhood more generally is that many or most front porches have been enclosed and essentially truncated from public view. Unlike other rowhouse streets in the District—where front porches are ubiquitous private features interacting with the public realm—

on this street and in this neighborhood, street-facing individual balconies on the Building would be largely out of place.

Landscaping. The Project has a large outdoor rooftop terrace that will feature vegetation and sitting areas and will be accessible to all residents of the Building. This terrace contributes to the Project's overall GAR and provides a significant amenity for the Building's residents.

The Project also provides a tremendous improvement to the existing streetscape along the north side of Eads Street, NE with significant plantings and vegetation. Plantings and tree boxes along the curb line in front of the Building will continue and enhance the emerging canopy along Eads Street, NE. A vegetated bioretention area in the Building setback runs the majority of the five-story portion of the Project and will enhance the pedestrian experience along Eads Street, NE and simultaneously afford stormwater control and visual appeal. The Project's setback from the street and associated vegetation provides a measure of security and privacy for residents of lower level units in the Building and softens the Building's relationship to the street.

Inclusionary Zoning. The Project will comply with the Inclusionary Zoning requirements of the Zoning Regulations: the Applicant proposes to devote 100 percent of the Project's gross floor area to units affordable to families earning less than 50 percent of the area median income.

Parking and Loading. The Project's parking and loading will be accessed via an existing public alley through garage and loading bay entrances on the western edge of the Project. The below-grade garage will contain 22 vehicle parking spaces and 20 long term bicycle spaces, and the at-grade loading bay will provide a single loading berth and platform. No new curb cuts are proposed as part of the Project. Instead, with the Applicant's proposed alley closing, an existing curb cut will be removed. The garage and loading entrances each include an automated door that will mitigate noise and impacts for neighbors and provide security for residents of the Building.

### C. Zoning Analysis

The Zoning Analysis sheet included on Sheet A-0.1 of the Plans provides a detailed overview of the Project and the restrictions and requirements of the R-3 and MU-7 zones. The following table illustrates certain zoning parameters of the Project:

	R-3: Matter of Right	MU-7: PUD	Proposed Project
FAR	N/A	5.76 (including IZ density bonus)	3.81
Max. Building Height (Res. Use)	40 feet/3 stories	70 feet, as limited by the Height Act	56 feet
Lot Occupancy	60%	80%	<b>81%*</b>
Gross Floor Area	N/A	102,890 square feet	67,971 square feet
GAR/Pervious Surface	20% pervious surface	0.25	0.25
Front Yard	Setback req'd w/in range of other setbacks on same side of street of same block	N/A	N/A
Rear Yard	20 feet	2.5 in. for each foot of height, but not less than 12 ft	<b>Varies*</b>
Side Yard	None required; 5 feet if provided	None required; 2 in. for each foot of height if provided (i.e., 9.33 ft. for the Building)	<b>Varies*</b>
Parking -- Res.	1 space per every 2 units	1 space per every 3 units in excess of 4 units = 18 req'd	22 spaces (0.37 spaces per unit)

\*Flexibility requested

### D. Flexibility under the PUD Guidelines

Zoning Commission Jurisdiction to Grant Flexibility. The PUD process was created to allow greater flexibility in planning and design than is possible under strict application of the Zoning Regulations. Under Subtitle X, Chapter 3, the Zoning Commission retains discretion to grant flexibility with respect to development standards. As part of the PUD Application, the Applicant hereby requests the Zoning Commission grant flexibility with respect to the rear and side yard, lot occupancy, and rooftop mechanical screening requirements of Subtitle G, Chapter 4 of the Zoning Regulations.<sup>3</sup>

<sup>3</sup> For a project not undertaking review as a PUD, deviations from the rear yard, side yard, and other development standards are allowed as a special exception.

Rear Yard Flexibility Requested. Under Subtitle G, Section 405.3, a minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of height (but not less than 12 feet) is required. Such requirement results in a required minimum rear yard of approximately 12-13 feet for the Project. The Zoning Regulations provide that a horizontal plane may be established at 25 feet above mean finished grade at the middle of the rear of the structure for which the yard is being measured. Where the property abuts an alley, as is the case here, the rear yard below this 25-foot horizontal plane is measured from rear wall of the building to the alley centerline, while the rear yard above the horizontal plane is measured from the rear wall of the building to the rear lot line. The Project's rear yard is not compliant with the Zoning Regulations because it varies from approximately 1 foot to 5 feet when measured between the rear wall of the Building and the rear lot line. The rear yard therefore requires flexibility from Subtitle G, Section 405.3.

Side Yard Flexibility Requested. Under Subtitle G, Section 406.1, no side yard is required in the MU-7 zone, but any side yard provided must be a minimum of two inches per one foot of height but not less than five feet. In this instance, the side yard on the western end of the Property would be required to be a minimum of approximately 9 feet if provided at all. The Project's western side yard is not compliant with the Zoning Regulations and requires flexibility from Subtitle G, Section 406.1.

Lot Occupancy Flexibility Requested. Under Subtitle G, Section 404.1, the maximum permitted lot occupancy is 80 percent for residential use subject to the Inclusionary Zoning requirements of the Zoning Regulations. The Building will occupy approximately 81 percent of the Property and therefore requires flexibility from Subtitle G, Section 404.1.

Rooftop Mechanical System Screening Flexibility. Under Subtitle C, Section 1500.6, all rooftop mechanical equipment greater than four feet in height must be enclosed within a single



rooftop structure. The Project has two rooftop mechanical units that exceed four feet in height. Both such units are enclosed, and the exterior of such enclosure harmonizes with the main structure with respect to architectural character, material, and color. However, the two units are not within a single enclosure. Rather, they are within separate enclosures that do not connect to the elevator penthouse

The Zoning Commission Should Grant the Requested Flexibility. The requested flexibility is appropriate given the public benefits and amenities provided as part of the Project (and as set forth more fully in Section IV hereof), the context surrounding the Project site, and the general consistency of the Project with the zoning standards for similar relief under a matter-of-right development.

The degree of flexibility requested is minimal and especially so in light of the public benefits and amenities provided. The Applicant seeks minor flexibility from the rear and side yard requirements, a less than one percent increase over the lot occupancy requirement, and modest flexibility from the rooftop mechanical unit enclosure requirements. In return, the Project provides approximately 59 all-affordable housing units near transit, superior design from urban form, landscaping, and sustainability perspectives, efficient usage of the site, and a package of additional benefits under discussion.

The minimal flexibility sought makes the Project that provides such benefits possible and does so without adversely affecting neighboring properties or the community generally. Instead, the Project made possible by the requested flexibility will likely enhance such neighboring property by replacing the existing vacant and unattractive lot with a productive use. Any effects of the requested rear yard flexibility on neighboring properties are significantly mitigated by the commercial nature of the lots to the rear (north) of the Property. Generally, rear yard

requirements are applicable to residential uses to ensure adequate light and air penetration into residential buildings. The 20-foot wide alley combined with the proposed non-compliant rear yard will allow ample light and air into any buildings on the lots north of the Property.

Likewise, the requested side yard flexibility will also not have any adverse effect on the use of neighboring property. Any adverse effects of the requested side yard flexibility are mitigated by the magnitude of flexibility requested. The side yard is variable in width (but generally approximately five (5) feet wide) whereas a minimum side yard of approximately 9 feet is required under the applicable Zoning Regulations. The modest requested flexibility is minor in absolute terms, and such a modest amount of flexibility will not tend to adversely affect the use of any neighboring property, especially in light of the existing public alley adjacent to the side yard.

The requested flexibility with respect to lot occupancy allows the Applicant to provide a meaningful number of affordable housing units and related amenity space while respecting the lower heights of the existing rowhouses along Eads Street, NE. Under the proposed Zoning Map amendment, the Project could be built taller, but the Applicant has elected to forego that additional available height to keep the Building in harmony with the surroundings. As a result, a minor amount of flexibility with respect to lot occupancy is necessary.

The flexibility requested for the rooftop mechanical unit enclosures is also modest and allows two air handling units to be spaced at a distance apart from each other on the roof to ensure efficient operation. Moving the units closer together reduces efficiencies inside the Building, and creating a single enclosure around the both units would interfere with rooftop green space and would be excessively large given the total area of the mechanical units that need to be enclosed. Given the height of the units and the enclosure, none are visible from the street.

Accordingly, the requested relief is modest and would not impact neighbors or the zone plan generally.

Finally, even with the requested flexibility, the Project is generally in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps.

The rear yard flexibility is necessary in this instance to allow the Building to be set back from the street in a manner consistent with the character of the other buildings on the block. Although the building restriction line applicable in the neighborhood is not strictly a zoning requirement in the MU-7 zone, the proposed siting of the Project necessitates moving the Building north on the Property and into the required rear yard in order to respect the character of that setback. As a result, the Project is consistent with the purpose and intent of the Zoning Regulations without being strictly in compliance with the technical requirements thereof. The presence of the alley at the rear of the Property mitigates any inconsistencies with the Zoning Regulations.

The Zoning Regulations do not require a side yard in the MU-7 zone, but stipulate a minimum dimension only when one is provided in order to avoid irregularly narrow yards. The yard provided here is narrower than the required dimension, but that deviation is again significantly mitigated by the presence of the adjacent public alley. The alley functions as a buffer to prevent the provided yard from being irregularly narrow and to allow light and air into the building to the west of the alley. The Project as affected by the requested flexibility would not tend to cause any disharmony with the purpose or intent of the Zoning Regulations or Zoning Maps.

Accordingly, the Applicant requests the Zoning Commission exercise its discretion under Subtitle X, Section 303.11 to grant the requested flexibility from the development standards applicable in the MU-7 zone.

### **III. PUD EVALUATION STANDARDS**

The Zoning Regulations at Subtitle X, Sections 301, 304, and 305 set forth certain threshold eligibility requirements for a PUD and the criteria against which the Commission is to evaluate and make a determination on this PUD application. This Section III describes how the Project satisfies the area requirements of Subtitle X, Section 301 of the Zoning Regulations to proceed as a PUD and identifies the Project's impacts with respect to Subtitle X, Section 304.4(b). Section IV hereof describes the Project's benefits and amenities in light of the provisions of Subtitle X, Sections 304.4(c) and 305. Section V hereof addresses the requirements for consistency with the Comprehensive Plan as set forth in Subtitle X, Section 304.4(a) of the Zoning Regulations.

As set forth below in this Section III, the Project satisfies the area requirements for a PUD. In addition, the PUD Evaluation Standards, at Subtitle X, Section 304.4, provide that the Commission must find that the proposed development “[d]oes not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.” The Project readily satisfies this standard for the reasons set forth in Sections III.B and C below.

#### ***A. PUD Area Requirement***

The Project satisfies the requirements in Subtitle X, Section 301 of the Zoning Regulations that a PUD must include an area of at least 15,000 square feet in the MU-7 zone and

that all of the property be contiguous except as separated by streets and alleys. As noted above, the Property is approximately 17,863 square feet including the portion of the alley to be closed. In addition, all of the property comprising the PUD is contiguous. Accordingly, the Project satisfies the PUD area requirement.

***B. Project Impact on the Surrounding Area***

The Applicant submits that the impact of the Project on the surrounding area will be largely favorable because the Project will: (i) bring much-needed new housing, and particularly affordable housing, to a neighborhood that is well located for transit and vehicular access; (ii) be consistent with the existing residential land uses in the vicinity; (iii) provide communal outdoor space amenities for residents of the Project, (iv) advance the goal of walkable, bikeable, and transit-oriented development; (v) offer a high-quality neighborhood design and architecture that are both complementary to and enhance the existing fabric of the surrounding residential context; (vi) create a buffer between the existing neighbors and the anticipated development to the north and northeast of the Property; and (vii) infill a currently vacant lot.

The Project continues the modest and incremental growth of the River Terrace and Benning neighborhoods, adding approximately 59 new units of affordable housing without displacing any existing housing. The Project's creation of additional rental housing supply, and, particularly, units with strong transit access, will have no adverse effects on the surrounding area and indeed is generally viewed as addressing one of the direst needs in the District: affordable housing. The addition of residents to the neighborhood will contribute to the customer base for nearby retail and service establishments, provide "eyes on the street" along a currently vacant stretch of Eads Street, NE, and send an important signal of private investment in new development along Benning Road, NE east of the Anacostia River. The Project's contribution of

fresh housing supply keeps the neighborhood feeling vibrant and active and signifies a healthy renewal and continuation of investment. As a result, the Project overall will have a favorable impact on the surrounding area from a housing supply and investment perspective.

Any impacts of the Project that are not entirely favorable are either capable of being mitigated or acceptable given the quality of the public benefits that the Project will provide.

### ***C. Zoning Impact***

The Applicant requests a Zoning Map Amendment for the Property to the MU-7 Zone District. This proposal is consistent with the Comprehensive Plan. As discussed more fully in Section V hereof, the Future Land Use Map of the Comprehensive Plan locates the eastern portion of the Property in the Mixed-Use Medium Density Commercial and Moderate Density Residential land use category of the Future Land Use Map of the Comprehensive Plan and locates the western portion of the Property in the Moderate Density Residential category.

The proposed MU-7 zoning is necessary to accommodate the Project's proposed height, density, and lot occupancy. The Comprehensive Plan explicitly lists the proposed MU-7 Zone District as consistent with the Medium Density Commercial designation. *See* Comprehensive Plan § 225.9.<sup>4</sup> Additionally, the MU-7 Zone is generally described as a zone that permits medium density development, with a density incentive for residential development within a general pattern of mixed use development on arterial streets and at rapid transit stops. Given the Property's proximity to Benning Road, NE, and the Minnesota Avenue Metrorail Station, the MU-7 zone designation is appropriate for the Property. Accordingly, the proposed rezoning of the Property to the MU-7 zone is consistent with the Comprehensive Plan.

---

<sup>4</sup> The Comprehensive Plan lists the C-3-A Zone District as appropriate for this designation, which Zone District under the 1958 Zoning Regulations is analogous to the MU-7 zone under the 2016 Zoning Regulations.

The proposed rezoning of the Property to the MU-7 zone across from a lower density R-3 zone has substantial precedent in Ward 7. A bloc of MU-7 zone at the intersection of Minnesota Ave., NE and Benning Road, NE is immediately adjacent to a much lower density R-2 zone along the entirety of that bloc's eastern boundary. *See, e.g.*, Clay Pl., NE and Blaine St., NE as depicted on the map included as Exhibit H hereto. Similarly, the block bounded by 45th St., NE, 46th St., NE, Blaine St., NE and East Capitol St., is divided between the MU-7 and R-2 zones. Therefore, the requested amendment would not create zoning boundary conditions that do not exist elsewhere nearby today.

***D. Services and Environmental Impact***

As more specifically detailed in Exhibit F, no adverse environmental impacts to city services or the environment will result from the construction of the Project. In addition, the Project will include features such as onsite bioretention of stormwater and will attain Green Communities certification for the Project. The Project will also meet the GAR and stormwater management requirements.

***E. Facilities Impact***

The proposed Project will not have an adverse impact on the public transportation facilities that it will rely on for service. The Project's vehicular traffic impacts are strongly mitigated by its transit options, and the Project achieves the right balance of mobility. The Property is well-served by transit and vehicular infrastructure, and the Project's relatively small scale will not introduce adverse impacts on either system. The Minnesota Avenue Metrorail station is slightly greater than a half mile from the Property, and that station is relatively

underutilized relative to other stations in the WMATA system.<sup>5</sup> The expected eastward extension of the One City Line of the DC Streetcar system along Benning Road, NE will add an additional transit option in the future for residents of the Project. Numerous Metrobus lines also service the Property, including four Priority Corridor Network routes, and it is expected that many of the Project’s residents will use public transit.

The Property has a strong TransitScore of 70 (which indicates “Excellent Transit” with “transit convenient for most trips”) and a BikeScore of 68 (with the biker’s dream description of “flat as a pancake”).<sup>6</sup>

The Project also contains 22 parking spaces to accommodate the parking demand of residents. Bicycle usage will also be coherently integrated into the design of the Project, including 20 long term spaces in a dedicated enclosed storage room along with three short term spaces provided elsewhere in public space. The Project’s physical form—no new curb cuts, new construction facing the street, on-street parallel parking, a tree-lined streetscape—mitigates traffic impacts by promoting and encouraging active mobility over driving. At the same time, the Project makes reasonable accommodations for those who choose to or must drive without interfering with the parking supply of neighboring residents. The Project provides sufficient new off-street parking to serve new residents, but not so much parking as to induce unnecessary driving.

The Applicant has engaged Gorove/Slade to conduct a Comprehensive Transportation Review for the Project.

---

<sup>5</sup> The Minnesota Avenue station is among the bottom quintile of all stations in the WMATA system in terms of average daily ridership since 2010 with 3,147 average weekday trips from 2010-2015, an average daily ridership that ranks 76<sup>th</sup> out of 91 stations in operation in that span.

<sup>6</sup> The TransitScore and BikeScore are based on an algorithm using geographic datapoints to rank a neighborhood’s non-vehicular mobility. *See* WALK SCORE, <http://www.walkscore.com> (last visited August 28, 2016).



#### IV. PUBLIC BENEFITS AND PROJECT AMENITIES

##### *A. Identification of Specific Public Benefits and Project Amenities*

The PUD Evaluation Standards, at Subtitle X, Section 304.4(c) require the Commission to find that the proposed development “[i]ncludes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” Section 305.2 provides:

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.

Section 305.4 requires that a majority of the public benefits of the proposed PUD relate to the geographic area of the ANC in which the application is proposed.

A preliminary description of the Project’s anticipated public benefits and amenities is provided below. The Project’s many superior public benefits and amenities are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs, as described in Section V below.

This PUD will achieve the goals of the PUD process by providing high quality residential development on the Property with significant public benefits to the neighborhood and the District as a whole to a greater extent than would be possible from development of the site under the matter-of-right provisions of the Zoning Regulations. The Applicant anticipates that the majority of the public benefits will relate to the geographic area of the ANC in which the Project is located.

Working with RTCO, the ANC, and OP, the Applicant is in the process of developing a comprehensive package of public benefits and project amenities. This package will continue to evolve based on these contacts and will be presented to the Commission prior to the hearing for this case.

1. Housing and affordable housing (§ 305.5(f), (g))

Perhaps the Project’s single most significant public benefit is its provision of approximately 59 new affordable residential units. Pursuant to Subsections 305.3(f) and (g) of Subtitle X, the production of housing that exceeds the amount that would have been required through matter-of-right development under existing zoning and affordable housing above what is required under the Inclusionary Zoning provisions of the Zoning Regulations are public benefits.

The District faces a shortage of virtually every kind of housing product, but the need for additional affordable housing in established neighborhoods and near transit is particularly severe. The Project makes a significant contribution of new affordable units on a site that is transit-accessible, near a grocery store, pharmacy, public library, and outdoor recreation opportunities, and well-positioned to take advantage of economic opportunities that emerge in the Benning neighborhood in the future.

The housing proposed as part of the Project exceeds the amount possible through a matter-of-right redevelopment. Under existing zoning there is no residential minimum for the underlying R-3 zone, and there are no residential units on the Property currently. The following table sets forth the possible housing yield under a matter-of-right project relative to the amount of housing proposed in this Application:

<b>Existing Zoning – Matter-of- Right Housing</b>	<b>Project’s Proposed Housing</b>
3 stories x 60% lot occupancy = 1.8 FAR (effective) Each unit must be on a min. 1600 sf lot	100% of gross floor area devoted to housing
<b>max. 10 units/32,153 sf of housing</b>	<b>59 units/67,971 sf of affordable housing</b> (+35,818 sf above matter of right)

In addition, the affordable housing proposed substantially exceeds the amount that would be required under the Inclusionary Zoning provisions of the Zoning Regulations. The Project will

create approximately 67,971 gross square feet of affordable housing reserved for households earning below 50 percent of the area median income.

The Project’s proffer of affordable housing is superior in two ways: first, it is a deeper level of affordability than is ordinarily required, and second, it is a greater quantity of affordable gross floor area than is ordinarily required to be provided. Taking these two benefits in turn, first, by reserving the Project’s units for families earning 50 percent of less of the area median income, the Project provides housing at a deeper level of affordability than is currently required under the Inclusionary Zoning regulations and a deeper level of affordability than has been proposed as part of amendments to such regulations. Second, the proposed affordable housing is a greater amount than would be provided through matter-of-right development, as shown in the following table:

<b>Existing Zoning – Matter-of-Right Affordable Housing</b>	<b>Minimum Affordable Housing in MU-7</b>	<b>Project’s Affordable Housing under a PUD</b>
Greater of 10% of gross floor area or 75% of achievable bonus density	Greater of 8% of gross floor area or 50% of bonus density	100% of gross floor area devoted to affordable housing
<b>1 unit/max. 3,215 sf</b> of affordable housing  1 unit at 50% AMI	8% of GFA = <b>5,445</b> sf of affordable housing (0 bonus density used)  All units at 80% MFI	<b>59 units/67,971 sf</b> of affordable housing (+64,756 sf above matter of right; +62,526 sf above min.) All units at 50% MFI

2. Superior urban design and landscaping (Subtitle X § 305.5(a) and (b))

The Project’s urban design and landscaping are superior public benefits. Subsections 305.5(a) and (b) of Subtitle X list urban design and landscaping as categories of public benefits and project amenities for a project proceeding under a PUD. The Project displays numerous, basic urban design precepts that guide attractive and functional urban design in the District. For instance, the Building is set back approximately 10 to 12 feet from the street to create a comfortable pedestrian environment along the north side of Eads Street, NE and also to extend

the existing street wall created by nearby rowhouses. As another example of superior design, the Building's overall mass is divided into two strongly distinct vertical elements that each employ bays, articulation, and differentiated materials to further break up the Project's mass. In addition, all of the Project's parking is located below grade, and the Project avoids any vehicular loading or activity from the street, instead directing it all to an existing public alley. The Project also proposes to remove an existing curb cut, further establishing the pedestrian character of the neighborhood. Lastly, to ensure a safe environment for the Building's residents and the neighbors, unit windows and some entry points are oriented to the Building's immediate surroundings at grade level to provide passive monitoring.

In addition, the Project's materials and detailing strike a balance of being compatible with the existing fabric of the neighboring rowhouses while establishing a positive baseline for future contemporary development in the neighborhood.

The landscaping provided as part of the Project is also superior even though the Project occupies a large percentage of the Property. Along Eads Street, NE, the Project will contribute trees and plantings that continue the emergence of a canopy along the length of the street. The Project also proposes to include vegetated bioretention areas as well as rooftop green space for building residents and for stormwater retention and heat island reduction.

3. Site planning, and efficient and economical land utilization (§ 305.5(c))

The proposed site plan is another superior benefit of the Project. Pursuant to Subtitle X, Section 305.5(c) of the Zoning Regulations, "site planning and efficient and economical land utilization" are public benefits and project amenities to be evaluated by the Zoning Commission.

The benefits of the Project's site plan and efficient land utilization are captured in the Project's overall density and absolute number of new residential units provided. At an FAR of approximately 3.81, the proposed density is appropriate for the Property given the proximity to

Benning Road, NE and the anticipated streetcar extension as well as the existing Minnesota Avenue Metrorail station and bus infrastructure. Given the possibility of considerable economic redevelopment opportunities at the Pepco site just to the north of Benning Road, NE, the transportation options, and the services and stores available in the Benning neighborhood commercial center, adding a significant number of affordable residential units at this location is warranted and a benefit of the Project. The Project's efficiently eschews any surface parking and replaces an existing vacant lot and curb cut with compatible infill development. Construction of the Project sets the stage for future development on the block surrounding the Property, and the Project has been designed to be compatible with such future development.

4. Environmental and sustainable benefits (§ 305.5(k))

Subtitle X, Section 305.5(k) provides that environmental benefits are also public benefits to the extent such environmental benefits exceed the standards required by zoning or other regulations.

The Project will provide a number of environmental benefits that improve sustainability of the site and contribute to the sustainability of the neighborhood. These sustainability features include: (i) committing to achieve Green Communities certification and to exceed the minimum number of points necessary for such certification; (ii) capitalizing on the strategic potential of a transit-oriented location proximate to an existing Metrorail station and a future streetcar line, and (iii) planting additional street trees and providing rooftop green space.

As outlined in the Green Communities Checklist, included as a part of Exhibit J, some highlights of the Project's specific sustainability tactics will include: (i) water-conserving fixtures, (ii) achieving a Home Energy Rating System Index of 85 or less through energy efficiency measures, (iii) making the building a smoke-free environment, and (iv) implementing

data collection and monitoring systems to enable informed operations and capital planning decisions regarding energy and water use.

5. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole (§ 305.5(q)) and or Building Space for Special Uses (§ 305.5(j))

The Applicant is also working with community members to identify a use and space options of special value to the neighborhood and/or District to offer as additional public benefits. Subtitle X, Section 303.5(q) and Section 303.5(j), respectively, list uses of special value to the neighborhood or the District of Columbia as a whole and building space for special uses as public benefits of a PUD.

The Applicant has held public meetings with neighbors, consulted with numerous community members, RTCO, the ANC, and a representative of the Ward 7 Councilmember to develop a community amenities package that addresses the needs and desires of the surrounding area. The Applicant will continue to engage with neighbors, RTCO, the ANC and other important stakeholders regarding these benefits.

6. Comprehensive Plan (§ 305.5(r))

According to Section 305.5(r) of Subtitle X, public benefits and project amenities include “other ways in which the proposed planned development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V hereof, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

***B. Requirements of Public Benefits and Project Amenities under a PUD***

Subtitle X, Section 305 requires that the public benefits proposed as part of a PUD application (i) benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from a matter-of-right development of the Property and

(ii) be tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy, and (iii) relate to the geographic area of the ANC.

The Project's public benefits listed in Section IV.A above would generally not be required and instead would be economically infeasible under a matter-of-right development of the Property. Only a project the scale of the one proposed herein could afford the high quality urban design, landscaping, sustainable design benefits, and, most importantly, the amount of affordable housing and level of affordability proposed here. Finally, a developer of matter-of-right units on the Property would have no incentive or reason to provide any of the uses of special value or building space for special uses enumerated above.

Each of the public benefits listed in Section IV.A hereof is tangible, quantifiable, measurable, and able to be completed prior to issuance of a certificate of occupancy. Similarly, the benefits all relate to the geographic area of the ANC, although arguably the provision of as many units of affordable housing proposed here benefits the District as a whole.

Accordingly, the proposed package of public benefits satisfies the requirements of Subtitle X, Sections 304.4(c) and 305.

## **V. COMPLIANCE WITH THE COMPREHENSIVE PLAN**

In order to approve this application, the Commission must find that the PUD is "not inconsistent with the Comprehensive Plan and with other public adopted policies . . . related to the subject site." Subtitle X, Section 304.4(a). The proposed PUD, including its proposed package of public benefits, is not inconsistent with the Comprehensive Plan and meets numerous goals and policies enumerated in the Comprehensive Plan generally as well as in the Comprehensive Plan's Far Northeast and Southeast Area Element. The Project is within the boundaries of the Benning Road Corridor Framework Plan among other adopted public policies.

The purposes of the Comprehensive Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. *See* DC Code § 1-306.01(b).

Generally, the Project advances these purposes by furthering the social and economic development of the District through the construction of new affordable residential units on underutilized land, offering a design that prioritizes transit and pedestrian activity over automobiles, and improving the urban design and landscaping, surrounding the Property.

***A. Compliance with Citywide Elements***

The Project advances numerous citywide elements of the Comprehensive Plan.

1. Framework Elements and Maps

The Framework Element provides guidelines for using the Future Land Use Map and Generalized Policy Map. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the entire Comprehensive Plan. Comprehensive Plan § 226(a). The Framework Element also clearly provides that density and height gained through the PUD process are bonuses that may exceed the typical ranges cited for each category. *Id.* § 226(c). The purpose of the Generalized Policy Map is to categorize how different parts of the District may change up through 2025. *Id.* § 223.1. The Generalized Policy Map makes express reference to the densities set forth in the Future Land Use Map. *Id.* § 223.5.



On the Future Land Use Map, the Property is mapped for two different uses and intensities of use. The Future Land Use Map locates the eastern portion of the Property in the Mixed-Use Medium Density Commercial and Moderate Density Residential land use category and the western portion of the Property in the Moderate Density Residential category. Whereas the Zoning Map is parcel-specific, the boundaries of the Future Land Use Map is not intended to follow parcel boundaries, so by definition, the Future Land Use Map is to be interpreted broadly. *Id.* § 226(a).

The proposed Zoning Map amendment and the proposed height and density are not inconsistent with the land use designations for the eastern portion of the Property. The Plan notes that the Medium Density Commercial “designation is used to define shopping and service areas that are somewhat more intense in scale and character. . . . The corresponding Zone districts are generally C-2-B, C-2-C, and C-3-A [i.e., analogous to the new MU-7 zone under the 2016 Zoning Regulations].” *Id.* § 225.9. The Plan also notes that the R-5-A Zone District, among others, is generally consistent with the Moderate Density Residential category and that the R-5-B Zone District and “other zones may also apply in some locations.” *Id.* § 225.4. The proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan in light of the MU-7 zone (previously C-3-A Zone District) being expressly listed among the zones designated as appropriate in the Medium Density Commercial area. The Project’s proposed height and density are also not inconsistent with the Comprehensive Plan’s Future Land Use Map. The proposed five-story maximum height on the eastern portion of the Property are not inconsistent with the 60-foot maximum height of the RA-1 (previously R-5-A) and RA-2 (previously R-5-B) pursuant to a PUD. The Medium Density Commercial designation applicable to the Project’s eastern half supports buildings up to eight stories, whereas the Project will have a maximum of five. The

Project's proposed density of approximately 3.81 is not inconsistent with the maximum allowed in the zones expressly contemplated in the Plan: the MU-5-A (previously C-2-B) permits a maximum density of 5.04 pursuant to a PUD and the MU-7 (previously C-3-A) permits a maximum of 5.76.

The proposed Zoning Map amendment and the Project's height and density are also not inconsistent with the Comprehensive Plan designation for the western end of the Property, which is designated for Moderate Density Residential future land uses. As noted above, the Comprehensive Plan provides that under the Moderate Density Residential designation zones other than those expressly listed may be appropriate in some instances. Moderate Density Residential areas immediately adjacent to and partly coincident with Medium Density Commercial areas are logically among the locales appropriate for such higher intensities of use. While the Comprehensive Plan generally describes the Moderate Density Residential designation as neighborhoods appropriate for low-rise apartment buildings, *id.* § 225.4, the Future Land Use Map permits that "heights [may] exceed the typical ranges" where, as here, density bonuses are granted through a PUD. *Id.* § 226(c). The three-story portion of the Project is certainly in keeping with the low-rise character of the Moderate Density Residential designation on the western portion of the Property. The boundaries of the Comprehensive Plan Future Land Use Map are sufficiently imprecise to accommodate any of the five-story portions of the Project in the areas designated Moderate Density Residential where the incremental density was granted through bonuses pursuant a PUD, as is requested here.

The Comprehensive Plan's Generalized Policy Map designates the Property as a "Neighborhood Conservation Area." Such areas generally are regarded as having very little vacant or underutilized land and are to be generally conserved at current residential intensities

but also to accommodate “some new development and reuse opportunities.” *Id.* § 223.4. Because the Property is both vacant and underutilized, the strict conservation objectives of the Generalized Policy Map designation are inappropriate for the Property especially in light of the Area Element, the Benning Road Corridor Redevelopment Framework Plan, and other policy goals and objectives of the Comprehensive Plan. Instead, the Property should be expected to undergo new development and reuse, and therefore the proposed Project is not inconsistent with this Element of the Comprehensive Plan.

## 2. Land Use Element

The Plan devotes a great deal of attention to the importance of transit-oriented development and protecting established single-family residential neighborhoods from inappropriate development. The Project is not inconsistent with the Land Use Element and affirmatively advances the following specific policies:

- ***Policy LU-1.3 Transit-Oriented and Corridor Development (§§ 306.1, 306.4):*** Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. . . . Certain principles should be applied in the management of land around all of the District’s neighborhood stations. These include: . . . A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments; A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; Provision of well-designed, well-programmed, and well-maintained public open spaces; A “stepping down” of densities with distance away from each station, protecting lower density uses in the vicinity. . . .
- ***Policy LU-1.4.1 Infill Development (§ 307.5):*** Encourage infill development on vacant land within the city, 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 complement the established character of the area and should not create sharp changes in the physical development pattern.
- ***Policy LU-1.4.2 Long-Term Vacant Sites (§ 307.6):*** 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 which would address these constraints.

- ***Policy LU-2.1.1 Variety of Neighborhood Types (§ 309.5)***: Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.
- ***Policy LU-2.1.3 Conserving, Enhancing, and Revitalizing Neighborhoods (§ 309.8)***: Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.
- ***Policy LU-2.1.11 Residential Parking Requirements (§ 309.16)***: Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.
- ***Policy LU-2.2.4 Neighborhood Beautification (§ 310.5)***: Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

First, the Land Use Element encourages development around Metrorail stations and infill development more generally. Here, the Project’s proximity to the Minnesota Avenue Metrorail station and four Priority Corridor Network Metrobus Routes, the extension of the streetcar, and the infill location in an established neighborhood advance Policies LU-1.3, 1.4.1, and 1.4.2.

Second, the residential use at the Project meets the goals of maintaining a variety of neighborhood types and enhancing and revitalizing neighborhoods. The River Terrace neighborhood, though largely single-family in nature, has a strong backbone of multi-family residential dwellings along its perimeter, which dwellings serve as a buffer from the adjacent arterial roadways. The Project continues this neighborhood feature. In addition, the Project’s overall massing respects the existing setback line of the rowhouse neighborhood while providing

a natural transition to the existing to the developing Benning Road, NE corridor to the north. The Project's location is therefore consistent with Policies LU-2.1.1, 2.1.3.

Third and finally, the Land Use Element encourages creative parking management to respond to the level of demand and mitigate congestion as well as projects that enhance the overall aesthetic quality of existing neighborhoods. Here the Project meets the objectives of the Land Use Element by offering an appropriate amount of below-grade parking for residents, removing a vacant lot, and providing attractive architecture and landscaping in a manner consistent with Policies LU-2.1.11 and 2.2.4.

### 3. Other Elements

This PUD application is also consistent with policies in the Transportation, Housing, Environmental Protection, and Urban Design Elements of the Comprehensive Plan, including:

- ***T-1.1 Land Use—Transportation Coordination (§ 403.2)***: Although the District has already developed walkable, transit-oriented neighborhoods, future opportunities will arise to strengthen the linkage between land use and transportation as new development takes place. Design features play an important role in this equation. Residential communities should be developed so that services such as shopping are accessible on foot, transit, or bicycle and not just by car.
- ***Policy T-1.2.3 Discouraging Auto-Oriented Uses (§ 404.8)***: 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.
- ***Policy T-1.3 Regional Smart Growth Solutions (§ 405.3)***: A regional strategy of promoting infill, mixed-use and transit-oriented development in urbanized areas is needed to ensure transportation efficiency both in the District and the region.
- ***Policy T-2.4.1 Pedestrian Network (§410.5)***: Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city.
- ***H-1.1 Expanding Housing Supply (§ 503.1)***: Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and

rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.

- ***Policy H-1.1.1 Private Sector Support (§ 503.2)***: Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.
- ***Policy H-1.1.3 Balanced Growth (§ 503.4)***: Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city 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.
- ***Policy H-1.1.5 Housing Quality (§ 503.6)***: Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.
- ***Policy E-1.1.1 Street Tree Planting and Maintenance (§ 603.4)***: Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District’s neighborhoods.
- ***Policy E-1.1.2 Tree Requirements in New Development (§ 603.5)***: Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance.
- ***Policy E-1.1.3 Landscaping (§ 603.6)***: Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.
- ***Policy E-1.3.1 Preventing Erosion (§ 605.2)***: Ensure that public and private construction activities do not result in soil erosion or the creation of unstable soil conditions. Support the use of retaining walls and other “best management practices” that reduce erosion hazards. Erosion requirements should be implemented through building permit and plan reviews, and enforced through the permitting and regulatory processes.
- ***Policy E-2.2.1 Energy Efficiency (§ 610.3)***: Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees.
- ***Policy E-2.2.3 Reducing Home Heating and Cooling Costs (§ 610.5)***: Encourage the use of energy-efficient systems and methods for home insulation, heating, and cooling, both to conserve natural resources and also to reduce energy costs for those members of the community who are least able to afford them.

- ***Policy E-3.1.1 Maximizing Permeable Surfaces (§ 613.2)***: Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff.
- ***Policy E-3.1.2 Using Landscaping and Green Roofs to Reduce Runoff (§ 613.3)***: Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.
- ***Policy E-3.2.1 Support for Green Building (§ 614.2)***: Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.
- ***Policy UD-2.2.5 Creating Attractive Facades (§ 910.12)***: Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.
- ***Policy UD-2.2.7 Infill Development (§ 910.15)***: Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.

The Transportation Element encourages pedestrian-oriented development around transit stations and discourages auto-oriented uses such as “drive-through” business, and large surface parking lots. The Project is a model transit-oriented development and adds none of the auto-oriented features the Comprehensive Plan seeks to discourage. As discussed, the Project is located in close proximity to the existing Minnesota Avenue Metrorail station, the future extension of the One City Line of the DC Streetcar system, as well as multiple nearby Priority Corridor Network Metrobus Routes. Therefore, the Project site encourages residents, students, and employees to utilize public transit based on the convenient proximity and opportunity to do so. Further, the Project will provide below-grade parking at the Property, but will not employ any auto-oriented uses such as large surface parking lots. This enables the Project to account for traffic generated by the Project, while still encouraging pedestrian access to the site, thus furthering the Transportation Element’s policies T-1.1, 1-2-3, 1-3, and 2.4.1, among others.

By virtue of the Project’s program as an entirely affordable residential development, the Project also substantially promotes the Housing Element. The Housing Element generally

encourages expanding the housing supply, encouraging such growth on vacant or underutilized land and establishing high-quality housing. The Project advances these and other policies of the Housing Element without removing any existing housing units.

The Project also advances numerous objectives of the Environmental Protection Element that seek to ensure new trees and landscaping are added as part of new developments, avoid environmental impacts such as erosion, and encourage construction of buildings with “green” (i.e., energy-efficient and water-efficient) technology and green roofs. The Project goes far and beyond the ordinary degree of environmental sustainability and will exceed the minimum requirements under the Green Communities rating system.

Finally, the Project advances certain elements of the Urban Design Element. Notably, the Urban Design Element encourages creation of attractive facades and construction on infill sites, both of which the Project achieves.

In sum, the Project affirmatively advances a number of policy objectives of the Comprehensive Plan and is otherwise not inconsistent with such Plan.

#### ***B. Compliance with Area Elements***

The Property is within the Far Northeast and Southeast Area Element. The Project affirmatively advances the following policies of this Element:

- ***Policy FNS-1.1.2 Development of New Housing (§ 1708.3)***: Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area’s major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.
- ***Policy FNS-1.1.8 Buffering (§ 1708.9)***: Improve the interface between the I-295 Freeway/rail corridor and adjacent residential uses, especially in the Fairlawn, Greenway, and Twining neighborhoods. These improvements should protect the neighborhoods from noise, odor, vibration, and other freeway impacts while also providing a more positive visual impression of the community from the highway itself.



- ***Policy FNS-2.1.3 Minnesota Avenue Station Area Mixed Use Development (§1711.6)***: Encourage mixed use development including medium density multi-family housing around the Minnesota Avenue Metro station, recognizing the opportunity for “transit-oriented” development that boosts neighborhood businesses, reduces the need for auto commuting, and enhances the quality of the pedestrian environment along Minnesota Avenue.

This Element encourages the kind of vacant-lot/infill development advanced by the Project. The Area Element encourages buffering the existing lower density residential neighborhoods from nearby highways while creating a positive visual statement from such highways. Likewise, the Element encourages development that can leverage existing transit-oriented development opportunities around the Minnesota Avenue Metrorail station. The Project achieves each of these objectives. Overall, the Project is exactly the type of compatible infill development encouraged by the Comprehensive Plan.

### ***C. Compliance with Other Adopted Public Policies and Active Programs***

The Property is within the boundaries of the “Benning Road Corridor Redevelopment Framework Plan,” prepared by OP and approved by the DC Council on July 15, 2008 (“**Corridor Plan**”), the “Far Northeast Livability Study,” prepared by DDOT and finalized in October 2011 (“**Livability Study**”), and the “Minnesota Avenue-Benning Road Great Streets Initiative,” led by OP and established on July 1, 2013 (“**Great Streets**” and together with the Corridor Plan and the Livability Study, the “**Area Plans**”). The Project affirmatively advances elements and objectives of the Area Plans as set forth below.

#### **1. Corridor Plan**

The Corridor Plan “gives a clear and concise outline for how development can and should happen on Benning Road.” Plan at 3. The Property is located within “Opportunity Site 2C” in the Corridor Plan, and is identified as appropriate for, among other possible uses, mixed-income housing. The proposed development of the Project is therefore consistent with this identification

in the Corridor Plan. Other general policy objectives of the Corridor Plan include stated desires to:

- Encourage construction of new, mixed-income housing along the corridor, and improve living conditions for existing residents without causing displacement;
- Establish visual consistency and a strong sense of community identity along the Benning Road corridor;
- Create transit oriented development [and] mixed use opportunities around the Benning Metro to promote walkability;
- Ensure transportation options are efficient, pleasant and readily available;
- Create pleasant, barrier-free streets that reinforce the comfort, convenience, safety and visual interest of pedestrians;
- Support safe, diverse mixed-use opportunities including a variety of housing choices, a variety of land uses (residential, commercial, employment uses) and visually and physically accessible civic spaces (schools and parks and plazas);
- Ensure new development is high quality and compatible with other new development along H Street and Minnesota Avenue NE;
- Involve neighborhood communities in the development process to recognize and reward design excellence.

The Project directly advances each of these objectives. Specifically, the Project adds transit-oriented housing without causing any displacement, improves the streetscape, and is high quality relative to many other housing options in the area. Because the Project is among the few new developments along this portion of Benning Road, it has been designed to ensure future development can adopt certain design and architectural elements in order to establish a corridor-scale visual identity. Finally, the Applicant has taken significant steps to involve neighbors in the development process. Accordingly, the Project is consistent with the Corridor Plan.

## 2. Livability Study

The overarching goals of the Livability Study are to “create safe passages, support sustainable living, and promote prosperous places.” Livability Study at 3. The Property is within the overall “Far Northeast Study Area” of the Livability Study and is near the 34<sup>th</sup> Street, NE-Benning Road, NE “Study Intersection.” The Study Intersection nearest the Property does not have any specifically identified recommendations in the Livability Study, and the Project does

not affect the geometry or safety of any public streets. The Project's removal of an existing curb cut and the lack of surface parking or on-street loading will help increase pedestrian safety along Eads Street, NE in a manner not inconsistent with the broad policy objectives of the Livability Study.

### 3. Great Streets

The Property is also within the Minnesota Avenue, NE-Benning Road, NE Great Streets Initiative Area. The Great Streets program is designed to support existing small businesses, attract new businesses, increase the District's tax base, create new job opportunities for the District residents, and transform emerging corridors into thriving and inviting neighborhood centers that are magnets for private investment.

The Project advances the objectives of this initiative by embodying the type of private investment desired for the targeted neighborhoods. Although the Project is exclusively residential in use, its residents will patronize the shops and services that the Great Streets initiatives seek to attract and foster. Accordingly, the Project is not inconsistent with and advances the objectives of the Great Streets initiatives.

In sum, the Project affirmatively advances and is not inconsistent with the objectives of other adopted public policies relating to the Property.

## **VI. CONCLUSION**

For the foregoing reasons, the Applicant submits that the enclosed applications meet the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of the included applications; provide significant public benefits; and

advance important goals and policies of the District of Columbia. Therefore, the PUD application and the related Zoning Map Amendment should be approved and adopted by the Zoning Commission.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the PUD applications down for a public hearing at the earliest possible date.

Respectfully submitted,

GOULSTON & STORRS, PC

/s/ David M. Avitabile  
David M. Avitabile

/s/ David A. Lewis  
David A. Lewis

Date: September 13, 2016