

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: April 25, 2017
SUBJECT: Zoning Commission Case 16-20, Waiver of Rules for Late Submittal of a Report pertaining to the proposed development of a multi-family residential building at 3450 Eads Street NE.

The attached report concerning Zoning Commission Case 16-20 is being submitted less than 10 days prior to the Zoning Commission's Public Meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

JS/kt
Karen Thomas - Case Manager:

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JLS
Jennifer Steingasser, Deputy Director, Development Review
DATE: April 25, 2017
SUBJECT: ZC 16-20 - Final Report (3450 Eads Street N.E.)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the application of 3443 Benning Road, LLC (the “Applicant”) for a planned unit development (PUD) to permit development of a multi-family residential building at 3450 Eads Street NE. The application is for a consolidated PUD & related map amendment from R-3 to MU-7 (formerly the C-3-A zone district¹); with a floor area ratio of 3.81, a height of 5 stories at 57 feet 11 inches.

The building will house 70 residential units, with 60% of the units (42 units) dedicated to seniors at 50% and 30% MFI; seventeen (17) vehicle parking spaces (8 full-sized, 9 compact) and twenty (20) long term and eight (8) short term bicycle spaces will be provided.

The application includes flexibility through a consolidated PUD and related map amendment from the R-3 District to the MU-7 District and requests the following:

- A minimum rear yard of 12 feet in lieu of the required 20 feet;
- A minimum side yard of 5 feet in lieu of the required 8 feet;
- A reduced vertical clearance for loading of 12 feet in lieu of the required 14 feet;
- A reduced loading facility with a 30 ft. loading berth and no service delivery space;
- A reduced parking entrance less than 12 feet from the alley centerline in two locations at 10 ft. 7 inches and 11 feet 2 inches;
- To not provide the continuous screening for roof structures as required; and
- To provide affordable units at 50% MFI for the life of the LITHC financing, provided that the level of affordability would revert to the required 8% of GFA at 80% MFI.

The application is not inconsistent with the Comprehensive Plan, is consistent with the purpose of the PUD process and result in a positive contribution to the affordable housing stock in the District.

Concurrent with this application is an alley closing for the 1,264 square foot alley to the east between Lots 840 and 839, as shown in the submitted plat. Key elements of the proposal are highlighted in the narrative of [Section V](#) of this report.

¹ This case was reviewed under the 2016 zoning regulations.

II. LOCATION AND SITE DESCRIPTION

Legal Description	Square 5017, Lots 839, 840, 841, 842 and 1,264 square feet of an alley between Lots 839 and 840, which is proposed for closure.
Ward / ANC	Ward 7; ANC 7D
Lot Characteristics	The 17,863 square foot property is comprised of three combined lots and the referenced alley. The generally flat and rectangular lot abuts a 20-foot wide alley at its rear to the north and to the west of the lot.
Existing Development	The fenced lot is asphalt-paved and vacant.
Adjacent Properties and surrounding neighborhood character.	The property is located in the River Terrace neighborhood, characteristic of semi-detached single-family row homes bounded by Kenilworth Avenue to the east and the Anacostia River to the west. The lot fronts Eads Street to the south and is bound to the west and north by a 20-foot wide public alley. Subject to the alley closure, the east the property line would abut a vacant District-owned lot. To the north of the property are vacant and commercial lots, which front Benning Road, in the MU-4 District. To the south and west, across Eads Street are two-story attached homes in the R-3 District.



ZONING and LOCATION MAP

III. COMMISSION CONCERNS

At the November 14, 2016 public meeting, the Zoning Commission set the application down for a public hearing. The Applicant subsequently submitted its Pre-Hearing Statement (March 2, 2017) and revised plans (Exhibits 12, 21), which responds to the Commission’s and OP’s comments and concerns.

Zoning Commission Comments	Applicant’s Response²	OP Analysis
Reconsider Hardieplank material and color, cohesive with design and study the details for cementitious panels and material use.	The Applicant provided additional information regarding the proposed building materials on Sheet A- 3.4, A-3.5 of the 03-23-2017 submittal. All facades would be brick, with a base of red brick, projecting bays of a darker gray brick and lighter beige brick for the entrance and for the uppermost story.	OP is satisfied that the variety of materials originally presented was reconsidered including a consistent palette and material selection. A materials board should be provided at the public hearing.
Provide an annotated roof plan including roof top elements, screening and setbacks.	An annotated roof plan is included in the current version of the plan dated 03-23-2017 (A-1.6, A-4.1). Residential amenities would not be provided on the roof.	OP is satisfied that the applicant provided a revised plan set including the requested information. Some flexibility is requested as discussed in the following section.
Provide additional information on affordability.	Of the 70 units that are proposed: - 20% of the units (14 units) would be set aside for households earning no more than 30% MFI - The remaining 56 units would be set aside for households earning no more than 50% MFI.	OP supports the level of affordability proposed in this proposal. See the OP analysis in Section V of this report
Provide additional information regarding the benefits and amenities package.	The Applicant’s March 2, 2017 submittal provides additional information regarding the proposed benefits and amenities package for the project.	See the OP analysis in Section V of this report.
Provide additional information on commitments to Employment Agreements	The Applicant will participate in the District’s Small Business Enterprise program and enter into a First Source Agreement with the Department of Employment Service (DES)	OP supports this effort and commitment from the applicant.

² See Applicant’s Pre-Hearing Statement, dated March 2, 2017 Exhibit12.

IV. ZONING

The project's development data as provided by the applicant is tabulated and compared with the existing zone and proposed PUD-related map amendment.

Regulation	D §	R-3	G §	MU-7 PUD	Proposed	Relief
		Requirement		Requirement		
Height	303.1	40 ft. max./ 3 stories	403.1	65 ft. (70 ft. max by Height Act)	57 ft. 11ins.	None*
Lot Width	302.1	40 ft.	N/A	N/A	86.21 ft. (max.)	None*
Lot Area	302.1	4,000 sq. ft. min.	N/A	N/A	17,863 sq. ft.	None*
FAR	402	None prescribed (1.2 effective – for all other structures)	402.1	4.0/4.8(IZ)	3.81	None*
Gross FA		21,435.6		102,890 sf	68,052	
Lot Occupancy	304.2	60% attached, 40 % all other structures.	404.2	75%/ 80% IZ	80 %	None*
Rear Yard	306	20 ft. min.	405	2.5"/ft. ht.; not less than 12 ft.	Variable 1 ft. – 5 ft.	Requested
Side Yard	405	8 ft. min.	406	2"/ft.ht; not less than 5 ft.	5 ft.	Requested
Pervious surface	308.3	20%	407(GAR)	0.25	0.304	None
Loading	C§901.1 C§905.2	1 loading berth, 1 service delivery vertical clearance 14 ft. (min.)		1 loading berth, 1 service delivery vertical clearance 14 ft. (min.)	No service delivery space 12 ft.	Requested
Parking	C§ 701	1space/6 du (seniors) 1 space/3 du	16	16	17	None
Penthouse	C§ 1500.6	All penthouses and mechanical equipment shall be placed in one (1) enclosure		All penthouses and mechanical equipment shall be placed in one (1) enclosure	None	Requested

* No relief is requested under the proposed MU-7 zone; however the MU-7 zone is a PUD-related map amendment and is considered part of the overall flexibility requested through the PUD pursuant to Subtitle X § 303.12

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

The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. The [MU-7 Zone](#) is a medium density mixed-use zone intended to be applied throughout the city consistent with the density

designation of the Comprehensive Plan. A zone may be applied to more than one density designation.

The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.

Flexibility

Rear Yard

The rear yard does not comply with the minimum 13 feet setback from the rear property line. Due to the lot's shape and the building's proposed projections at the rear, the rear yard is variable as measured to the property line (Sheet A-0.7 dated 03-23-2017). In an effort to create a more efficient footprint with a functional front yard for landscaping and handicap ramps within the property line, the rear yard would be adversely impacted on this narrow and irregularly shaped lot. However, there would be no projections into public space in the alley and it should not have an adverse impact on traffic through the alley. OP supports the requested flexibility from the minimum rear yard requirement.

Side Yard

The side yard proposed to the west, closet to the existing residential home would be setback 5 feet 8 inches from the property line. There would be no side yard setback to the east as the future development is anticipated on the District-owned property. Maximizing the use of the side yard would enable a more efficient footprint and interior, including more living units greater than 500 square feet. The reduced side yard should not adversely impact truck-turning movement into the loading dock, due to the alley's width. OP supports the requested flexibility from the minimum side yard requirement.

Loading - Vertical Clearance; loading berth

The provision of a vertical clearance of 14 feet in the loading area would create a practical difficulty for the project by potentially affecting the floor to ceiling heights for units above. The project proposes to provide a 12-foot clearance.

The project also requires flexibility to not provide a service/delivery space. Provision of the service delivery space would adversely impact the provision of residential space at the front of the building, essentially eliminating two units on the ground floor. It may also impact the provision of parking spaces at the rear, placing the truck maneuvering at the junction of the north/south and east/west alley. Therefore, only a loading berth would be possible that could be shared with service/delivery activity when not in use for move-in / move-out activity.

OP supports the requested flexibility to allow a 12-foot clearance in the loading area in lieu of the required 14 feet clearance as well as from the requirement to provide a service delivery area.

Parking Access

Subtitle C § 711.7 requires a parking entrance to be located at least 12 feet from the alley centerline. At two locations the entrances do not satisfy this requirement due to the angle the property line forms with the alley for two of the proposed spaces. As such, one space would be at 10 feet 7 inches and another would be at 11 feet two inches from the centerline. OP does not object to the requested flexibility.

Roof Structures – Continuous Screening

OP does not object to the lack of continuous screening, as the apparent massing on the roof would be reduced. The air-handling units should not be visible from the street due to their height and setback from the roof's edges as shown in the plan. Therefore, it would be unnecessary to enclose these smaller structures within an enclosure for the taller stairwell and elevator override. OP supports flexibility from this requirement.

Inclusionary Zoning Exemption

IZ would require a set aside of 8% of the gross floor area at 80% MFI for the proposed zone. The applicant has proposed -

- 20% at 30% MFI
- 80% at 50% MFI
- **0% at 80% MFI**

In order to avoid conflict at the permitting stage, the applicant has requested flexibility – Since the project would be LITHC financed, to the extent that the project would be otherwise required to set aside any units at 80% MFI, the applicant is proposing an all affordable project at 50% MFI.

OP has confirmed with DHCD staff that this is possible, stating the following:

....If the project were to receive federal or DC funds, it is “IZ Exempt”, which means it must set aside at least the square footage required by IZ, but the pricing and other requirements are dictated by the funding for the duration of the funding. Upon termination of the funding, the IZ requirements take effect. During the building permit process, (one) would be required to complete a Certificate of Inclusionary Zoning Compliance, DHCD would issue a letter regarding the exemption to the Zoning Administrator and there would be an Exemption Covenant recorded against the property, in addition to any other covenants required by the funding.

OP supports the flexibility with the condition provided by DHCD’s comment above.

V. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

The purpose and standards for Planned Unit Developments (“PUD”) are outlined in 11 DCMR, Subtitle X § 300 which states, “ *The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the project offers a commendable number or quality of meaningful public benefits and that it protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan*”

A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD (§ 303.12). The requested PUD and related map amendment would allow approximately 18 feet of additional building height above the R-3 limits, a density increase of 2.61 FAR or 46,662.43 sf and lot occupancy of 80%, where a maximum of 40% is permitted as a matter of right, resulting in an additional 7,324 sf of footprint.

The Applicant has offered that the following amenities and benefits balance the additional development gained through the application process:

- (a) *Superior urban design and architecture*

Urban Design

The infill project would improve the current pedestrian realm by continuing development along the streetscape and by activating the street through the ground floor design and streetscape elements.

Building Design and Architecture

In response to the Commission’s comments, the building’s color palette was made more responsive to the prevailing neighborhood, as well as including brick materials on all facades. The base is shown as red brick which would be characteristic of the neighborhood’s homes. A lighter beige brick would highlight the entrance and reduce the visual massing of the fifth floor.

Thus, the building design as articulated through the use of brick masonry on all facades, metal-framed windows, and canopies would help establish a comfortable pedestrian-scale. The ground floor uses include an identified lobby, leasing and amenity area within the 5-story portion of the building. The four-story wing to the west would have stair entrances to the front with areaways below. The lobby level would include a 1,200 sf community room, which would be directly accessible to assigned community members.

At the western edge of the development, as viewed from existing two-story row houses, the building is designed as four (4) stories, approximately 48 feet above grade as measured from the center of the building. This section accommodates two multi-level units each, with two separate entrances units. Thereafter, continuing eastward, the fifth story is setback approximately 46 feet to the east at a maximum height of 57 feet 11 inches. Units accessed from the lobby would have interior entrances from a double-loaded corridor served by a single bank of elevators.

The rear elevation is designed in recognition of its visibility from Benning Road and the eastern elevation anticipates future development on the adjacent lot. A penthouse is proposed for rooftop staircase access and an elevator overrun with a maximum height of approximately 5 feet 8 inches above the roof. An annotated roof plan is shown on page A-16 of Exhibit

OP considers the architecture and use of materials an improvement over the original submission but would not consider the architecture of superior urban design.

Streetscape Elements:

The building is set back a maximum of 12 feet from the street frontage to provide a landscaped area and the appearance of open space. A 6-foot wide sidewalk would extend the pedestrian way along Eads Street, which would be bordered by tree boxes and tree plantings. Along the Eads Street frontage a vegetated bio-retention area is intended to enhance the building's and sidewalk's visual aesthetic while functioning as a stormwater retention area.

Informal comments by DDOT did not include concerns with the treatment of public space, including the sidewalk width or other features. OP anticipates DDOT's detailed report to the record, which was not complete at the writing of this report.

Transportation – Parking, Loading, TDM

No new curb cuts are proposed. The proposed alley closing would remove an existing curb cut and parking would be accessed via the existing public alley north of the site. The at-grade loading bay will provide a single loading berth and platform, via the north/south alley west of the site.

At-grade parking at the rear would accommodate 17 vehicle parking spaces and 20 long-term bicycle spaces and would be enclosed by automated garage doors. The loading entrance would also include an automated door, which would mitigate noise and impacts to neighbors while providing security for the building's residents. The applicant's traffic report states that there are Capital Bike stations within a block of the site, including one at the intersection of Anacostia Avenue and Benning Road. Twenty bicycle parking spaces would be provided, satisfying the zoning requirements for the residential component.

Trash facilities would be located adjacent to the loading area and pick-up would occur in the west alley where trash bins would be rolled out for pick-up along the alley. Truck routing to and from the site would be directed to and from Benning Road, which is 0.3 miles from the site.

TDM measures proposed:

- Unbundling of the cost of residential parking from the cost of lease or purchase of a unit;
- TDM Leaders (for planning, construction, and daily operations);
- New residents would be provided information on TDM measures in the Residential Welcome Package materials;
- Installation of an electronic transit screen within the residential lobby;
- To the first tenant of each unit - a one-time annual car sharing membership, a one-time annual Capitol Bikeshare membership, or credits for use on Bridj commuter shuttles to help alleviate the reliance on personal vehicles.
- To each initial tenant and employee, a one-time \$50 SmarTrip card to encourage non-auto mode usage; and provision of a bicycle repair station.

The required number of parking spaces would be provided and the project would provide the required TDM measures based on DDOT's requirements. This is satisfactory but does not exceed measures beyond required mitigation.

(b) *Superior Landscaping or Creation or Preservation of Open Space*

The landscaping would introduce an improved streetscape to Eads Street, consistent with DDOT's development standards throughout the city. There are several passive and active recreation opportunities, with access to the District's trails, including an access point to the Anacostia River Walk Trail, approximately 0.25 miles west of the site. This trail also connects to the Kenilworth Aquatic Garden to the north and would eventually connect to the planned trail system along the Anacostia River. The improved landscaping at DDOT's standards would be considered a benefit of the PUD.

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

The proposal would maximize use of an underutilized site located near multiple transit options, including within 0.8 miles walking distance to the Minnesota Avenue Metro station. Four bus lines serve River Terrace, accessible along 34th Street, Minnesota Avenue and Benning Road. The project will provide 20 long-term and 8 short-term bicycle parking spaces, where none currently exists.

According to the applicant's traffic review:

"The site is situated in an area with good bike scores due to its proximity to bike facilities and flat topography. The good transit score was based on the proximity to the Minnesota Avenue Metrorail station, car share, and multiple bus lines. Overall, the River – Terrace Lily Ponds - Mayfair neighborhood has good transit and good bike scores. Additionally, other planned developments and roadway improvements will help increase the walk and bike scores in the neighborhood."

The project location has a walk score of 64 (which is considered "Somewhat Walkable"), a transit score of 69 (which is considered "Good Transit"), and a bike score of 68 (which is considered "Bikeable") (Exhibit 17, page 7). The site's location advances the Sustainable DC Plan's goal for transportation, which is to increase the use of public transit, biking and walking to 75% of all commuter trips.

(d) *Housing that:*

- (1) *Exceeds the amount that would have been required through matter-of-right development under existing zoning;*
- (2) *Includes senior housing; or*
- (3) *Provides units with three (3) or more bedrooms;*

The number of units that would be provided would exceed the number of residential row units that could have been developed as a matter-of-right, which the applicant projects as a maximum of ten (10)

units or 32,153 square feet of housing. Under the proposed PUD, an additional 35,899 square feet of housing would be gained and would all be affordable. The excess housing that would be provided would be considered a project benefit.

(e) *Affordable housing;*

The Applicant proposes to provide 68,052 square feet of residential use. The minimum IZ requirement of 8% of the residential GFA would be 5,444 sf with units set aside for households earning no more than 80% of the MFI. The applicant proposes a minimum of 20% of the units (14 units) would be set aside for households earning no more than 30% of the MFI. The remaining 80% of the units would be dedicated for households earning no more than 50% of the MFI.

OP considers the IZ benefit beyond the minimum IZ requirement a benefit of the PUD.

The Applicant proposes a 100% affordable project through LIHTC financing. Further, the project sets aside 80% of the unit count to seniors, consistent with the federal requirement of 80%. The applicant has stated the level of affordability would be consistent with the MFI levels proposed, i.e., a mix of 50% and 30% MFI levels. OP considers this a commendable level of affordability for District seniors and a benefit of this project.

(f) *Employment and training opportunities*

The Applicant will participate in the District's Small Business Enterprise program and enter into a First Source Agreement with the Department of Employment Service (DES)

OP supports this as a benefit of the PUD.

(g) *Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to:*

(1) *Storm water runoff controls in excess of those required by Stormwater Management Regulations;*

The applicant provided OP the following information:

"The project will meet the sustainability and stormwater requirements for the Anacostia Waterfront Development Zone (AWDZ), as the project site is within this zone. While designing to the Green Communities standard, the project will be able to achieve energy efficiency at a minimum of 30% over ASHRAE 2007 standards, and also be able to achieve the stormwater requirements of the AWDZ."

Given the minimum standard that would be applied, OP would not consider this element a public benefit as anticipated by this section.

(2) *Use of natural design techniques that store, infiltrate, evaporate, treat, and detain runoff in close proximity to where the runoff is generated;*

The lot is currently asphalt-paved with no observable or known stormwater controls. The project would definitely be an improvement in this regard as stormwater retention would be built-into the project through 640 square feet of bio-retention and through the provision of 4,200 square feet of continuous green roof. OP would consider these features public benefit to the neighborhood and to the District's goals for stormwater management and treatment.

(3) *Garden(s) or on-site food production through permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as*

applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment;

This feature is not applicable to this project.

(4) *Total green area ratio scores that exceed requirements by at least one-tenth (0.1); and;*

While the total GAR for this project is stated as 0.258, where 0.25 is the minimum required for the MU-7 District, the marginal increase does not rise to the level of an environmental benefit as anticipated by this section.

(5) *Meeting the minimum standards for Leadership in Energy and Environmental Design (LEED) Gold certification. The project does not have to achieve actual LEED certification; however, the developer must include the LEED checklist and documentation in the application, approved by a LEED Accredited Professional (LEED-AP) that shows that the project will comply with LEED requirements;*

The project is being designed and certified to exceed the requirements of the 2015 Enterprise Green Communities (EGC) criteria. ([Exhibit 12E2, Sheet GC-1.1](#)). However, DOEE commented to OP that this does not rise to the level of LEED Gold. The EGC is a pass/fail system rating for affordable housing and the level provided by this proposal allows the project to comply with but not exceed the requirements.

Additionally, with respect to energy use the provision of condenser systems as shown on the roof would not be the most energy efficient system. Residential new construction may, if the project is a District-financed project that receives public financing for the purpose of assisting in the new construction, apply the Green Communities standards as an alternative to LEED for the affordable units within the project; provided, that the project shall achieve the ENERGY STAR label and be 30% more energy efficient than required by ASHRAE 90.1 2004, or a later standard adopted by the Mayor³.

OP acknowledges the efforts being made by the project to achieve the Enterprise Green Communities standards. However, OP would not consider this aspect a project benefit or amenity as anticipated by this section.

(h) *Streetscape plans, subject to approval by the Department of Transportation Public Space Committee including implementation and maintenance of the streetscape for the duration of the project for areas where there are no design standards;*

Streetscape plans would include pedestrian facilities such as improved sidewalks with buffer widths designed to satisfy DDOT's requirements. The site has a well-connected pedestrian network but there are some barriers creating limited connectivity to the east (Anacostia Freeway) and the Anacostia River to the west. The improved streetscape would be considered a public benefit and a project amenity, enhancing connectivity to public park amenities in the immediate and surrounding neighborhood.

(i) *Uses of special value to the neighborhood or the District of Columbia as a whole.*
The project would provide affordable rental housing for a majority of senior tenants.

In response to the question of participation in the DSLBD programs to hire locally and to use local support services, the applicant is committed as part of the project's financing to participate in the

³ <https://beta.code.dccouncil.us/dc/council/code/sections/2-1226.35.html>

District's Small Business Enterprise program and the First Source Agreement with the Department of Employment Services. The project team of the Neighborhood Development Company (NDC) is also a certified business enterprise in the District.

The applicant also includes the following as public benefits and amenities of the project:

- A 1,200 sf community room accessible to delegated community members;
- Provision of \$47,000 to the River Terrace Organization to support ongoing community beautification and community gathering activities. (*Additional information regarding the disbursement and management of funds must be detailed and provided at the hearing*).

OP considers the affordable rental, and application of the First Source Agreement as a benefit and amenity to the community. The use of the community room would also be a public benefit and amenity of the project.

Other Community Agreements

- The applicant has agreed to perform site geo-technical studies to assess existing conditions and establish pre-construction conditions of adjacent residential structures;
- The applicant has agreed to implement a monitoring plan during construction (in accordance with DC Building Codes).

The above would be considered commendable agreements between the applicant and the community. However, such agreements are not enforceable through the PUD process.

VI. COMPREHENSIVE PLAN

The proposed PUD and related map amendment must both be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan. In Chapter 1 Introduction and Chapter 2 Framework Element, the Comprehensive Plan provides important instruction for how the various parts of the Comprehensive Plan, including the Citywide Elements, and the individual Area Elements, with Policy Focus Areas, are to be read and balanced, as well as how to incorporate additional direction provided in Council approved small area plans and other plans. In addition, these chapters of the Comprehensive Plan provide guidance for the use of the Generalized Policy Map and Future Land Use Map, and how they are intended to be balanced with other planning priorities and initiatives.

Chapter 1, Introduction

The Three "Tiers" of Planning:

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- Citywide policies*
- Ward-level policies*
- Small area policies.* 104.1

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound "Small Area Plans" for particular neighborhoods and business districts. As specified in the city's municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2

Citywide and Area Elements - *Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city.* 104.6

Small Area Plans - *As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations.* 104.8

Chapter 2, Framework

Comprehensive Plan Guiding Principles:

4. *The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income.* 217.4
6. *Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs.* 217.6
7. *Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality.* 217.7

Mixed Use Categories

The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. ... 225.18

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. 225.21

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

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation

- a. *The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.*

- b. *The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- c. *The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.*
- d. *The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. ... 226.1*

Future Land Use Map

Medium Density Commercial and Moderate Density Residential

Moderate Density Residential: *This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.*⁴ 225.4



Medium Density Commercial: *This designation is used to define shopping and serviced areas that are somewhat more intense in scale and character than the moderate density commercial areas. Retail, office and service businesses are the predominant uses. Areas with this designation usually draw from a city-wide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories. The corresponding zone districts are generally C-2-A, C-2-C, C-3-A and C-3B, although other districts may apply.* 225.10

The split designation of the subject site indicates portions where “[t]he general density and intensity of development ... is determined by the specific mix of uses shown.” (255.19) The proposed map amendment to MU-7 would be not inconsistent with the greater density of land use designations when read together with the Policy Map direction and policies discussed below, and as further supported by the direct language in the Council approved Small Area Plan for this specific site, which encourages development on this site at a medium density commercial / moderate density residential level.

In balance, the project will be moderate density in scale, with the 4-story portion of the building within the moderate density residential portion of the site and the 5-story portion predominantly within the medium density commercial area of the map, where the corresponding zone districts are generally within the MU-7 zone category (formerly C-3-A 1958 Regulations).

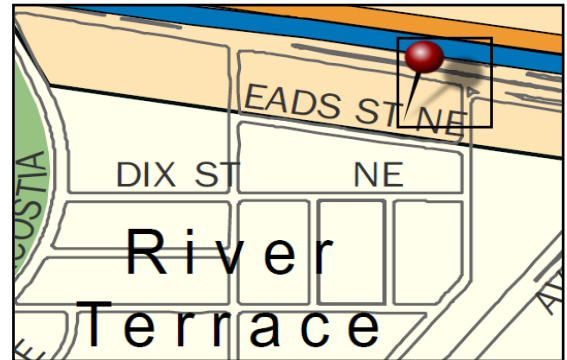
⁴ Corresponding ZR16 zone names are R 3=R-3, R-4=RF-1, R-5-A=RA-1 and R-5-B=RA-2

Generalized Policy Map

Neighborhood Enhancement Area

Neighborhood Enhancement areas have very little vacant or underutilized land. They are primarily residential in character. These areas present opportunities for compatible small-scale in-fill development including town homes and other density types of housing.

The diversity of land uses and building types in these areas should be maintained. New development and alterations should be compatible with the existing scale and architectural character of each area.



The proposed infill of five-story apartment building on combined parcels would not be incompatible with the neighborhood, as portions of the property could be developed commercially in the predominantly residential neighborhood on the south side of Eads Street.

Far Northeast and Southeast Area Elements (FNS)

Far northeast and southeast is known for its stable, attractive neighborhoods and its diverse mix of housing. It includes ... row house and semi-detached housing neighborhoods such as Twining, River Terrace, and Fairlawn; The area has an excellent transportation network, including the Minnesota Avenue, Benning Road, and Deanwood Metrorail stations, Interstate 295, and several major avenues linking neighborhoods east of the Anacostia River to Central Washington.

Policy FNS-1.1.2: Development of New Housing 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. 1708.3

Citywide Guiding Principles

Land Use Element

LU-1.4 Neighborhood Infill Development 307 *There are hundreds of small vacant lots across the District of Columbia located away from transit stations and off of the major boulevards...Most of the sites were less than one acre in size. Some of this land may not be developable to the limits allowed by zoning due to site constraints such as poor access, awkward parcel shapes, and steep topography.* 307.1.

In residential areas, infill sites present some of the best opportunities in the city for "family" housing and low-to-moderate-density development.

Policy LU-1.4.1: Infill Development: 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. 307.5.

H-1.2 Ensuring Housing Affordability 504

Policy H-1.2.1: Affordable Housing Production as a Civic Priority Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. 504.6

Policy H-1.2.6: Non-Profit Involvement: Actively involve and coordinate with the non-profit development sector, increasing their capacity to produce affordable housing. Enter into partnerships with the non-profit sector so that public funding can be used to leverage the creation of affordable units. 504.13

H-2.1 Preservation of Affordable Housing 509 Looking to the future, the city will need new programs to preserve its affordable stock, particularly its subsidized rental units. Rental housing comprises almost 60 percent of the housing stock and is the main housing option for those just entering the workforce and those without the initial resources to purchase a home. Low-income renters are already more likely to pay more than half of their incomes on housing than any other group.

Policy H-2.1.1: Protecting Affordable Rental Housing: Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units. 509.5

Policy H-2.1.5: Long-Term Affordability Restrictions: Ensure that affordable housing units that are created or preserved with public financing are protected by long-term affordability restrictions and are monitored to prevent their transfer to non-qualifying households. Except where precluded by federal programs, affordable units should remain affordable for the life of the building, with equity and asset build up opportunities provided for ownership units. 509.9

Urban Design Goal 901

The overarching goal for urban design in the District is: *Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.* 901.1

UD-2.2 Designing for Successful Neighborhoods 910 *Regardless of neighborhood identity, overpowering contrasts in scale, height, and density should be avoided as infill development occurs. High quality materials that are durable and rich in texture and details should be encouraged. Firmly established building forms and landscape elements should be reinforced. These guidelines may seem self-evident, but they have not been consistently followed in the past.*

Policy UD-2.2.7: Infill Development *Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.* 910.15

Environmental Element

Policy E-1.1.1 Street Tree Planting and Maintenance: 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.

603.4

Policy E-1.1.2 Tree Requirements in New Development: 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. 603.5

Policy E-1.1.3 Landscaping: *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 603.6*

SMALL AREA PLAN - Benning Road Corridor Redevelopment Plan (OP-Council Adopted July, 2008);

The project site is identified directly as Opportunity Site 2C in the Benning Road Plan and its development is anticipated to satisfy the combined goals, including to:

- Create a transit-oriented development ... around the Benning Metro to promote walkability;
- Create a pleasant, barrier-free street that reinforce the comfort, convenience, safety and visual interest of pedestrians;
- Support safe, diverse ... opportunities including a variety of housing choices, a variety of land uses (residential, commercial, employment uses) ...;
- Involve neighborhood communities in the development process to recognize and reward design excellence.

Study Area 2 Anacostia Avenue to 42nd Street NE

Table 4.3- Study Area 2 Opportunity Sites Matrix

	Address	Owner	Parcel Size (sqf)	Current Zoning	Current Land Use	Proposed Use	Proposed Development Scale	Redevelopment Timeframe
STUDY AREA 2	2A 3401 Benning Road NE, 3423-3435 Benning Road NE	1915 New York Ave LP & Boulevard Housing Corporation	40,250	C-2-A	Commercial	Potential development of mixed-income housing with small retail and services to support the existing residential community	The current zoning will accommodate different types of residential and commercial use.	10-15 years
	2B 3355 - 3399 Benning Road NE, 0502 - 0506 34th Street NE	Washington Benning Road LTD & Margaret A Femberon	90,750	C-2-A	Commercial	Potential development of mixed-income housing with small retail and services to support the existing residential community	The current zoning will accommodate different types of residential and commercial use.	10-15 years
	2C 3443 - 3461 Benning Road NE, Eads Street NE	Seresa Coleman, Byong K Choi, Maurice Jones, & District of Columbia	65,000	C-2-A & R-3	Commercial	Potential development of mixed-income housing with small retail and services to support the existing residential community	The current zoning will accommodate different types of residential and commercial use.	10-15 years
	2D 3621 Benning Road NE	3621 Benning Road LP	121,000	C-M-1	Commercial	Potential development of mixed-income housing with small retail and services to support the existing residential community	A zoning change from current light industrial uses to support low-moderate density mixed use development is recommended.	10-15 years
	2E 3919 Benning Road NE	East River Park LP	391,256	C-3-A	Commercial	Proposed transit-oriented development with civic, shopping, and entertainment uses and associated parking.	The existing zoning is sufficient to achieve the stated goals; however some additional height and density may be considered through the public process of a Planned Unit Development within the existing zoning.	5-15 years
	2F 0110-4103 42nd Street NE	US of America & the District of Columbia	49,000	GOV & R-2	Commercial	The existing Boys & Girls Club could benefit from new facilities or community uses could co-locate with MPD next door.	A zoning change to support low-moderate density mixed use will be required to expand community uses or add minimal retail or office uses. The current zoning allows for outdoor recreation and low-density residential use.	5-15 years
	2G 4202 Benning Road NE	Howard Mabry	7,600	R-5-A	Commercial	Potential for small retail development with associated parking	A zoning change to support low-moderate density mixed use will be required to accommodate the proposed retail use.	5-15 years

This table summarizes the development opportunities for each of the opportunity sites in the study area within the context of a redevelopment framework timeline. Existing onsite and surrounding land uses were analyzed along with existing and projected trends for population, housing, offices, and retail and a proposed land use for each of the opportunity sites was developed. In addition, market analysis was used to prioritize the redevelopment potential, based on a time frame of development, for each of the opportunity sites within the study area.

Each opportunity site combines numerous parcels to form a larger lot for redevelopment purposes. Detailed information in terms of ownership, zoning, size, and address is available upon request for each of the parcels; however, for ease of discussion, the information has been combined in the adjacent table according to individual opportunity site boundaries. GIS data provided by DCOP (Dec 2006) has been used to gather ownership, size, and zoning information for each parcel.



VI. Analysis

The project would be consistent with the Far Northeast and Southeast Area element, which includes River Terrace, where new affordable housing is encouraged for vacant lots in proximity to Metro stations. The infill development proposed massing, height and density attempts to respect the existing single-family row homes. The building's four-story elevation, across the 20-foot wide alley is at a slightly lower elevation than the established homes west of the alley. The articulation of the Eads Street façade, including bays attempts to mimic the row pattern in its scale. The project site is not an interior lot among smaller scaled residential homes. Thus, the apartment building would be located closer to the entrance of Eads Street, abutting another vacant lot, which may be similarly developed in the future, based on its current land use designation in the Comprehensive Plan's Future Land Use Map.

The small area plan, as specified in the DC Code, would supplement the Comprehensive Plan by providing detailed direction for the identified area. The Plan's guidance highlighted above directs the action in achieving redevelopment of the site, which includes supporting a variety of housing choices, creating a transit-oriented development and involving the community in the process. From prior discussion the project would satisfy the goals of providing diversity in housing choice within a transit accessible neighborhood. The applicant also documented its community involvement through its meetings and contacts with the community throughout the design process. The applicant stated to OP that the neighborhood provided input regarding the provision of housing for seniors, which is reflected in the revised proposal, where a desirable mix in the level of affordability (at 30% and 50% MFI) would be provided for seniors. As a LITHC financed project, the applicant has requested flexibility to allow the project to remain within a maximum level of 50% of MFI, for the life of the LITHC funding. OP is supportive of this level of affordability since it is a deeper level of affordability than IZ requires (8% at 80% MFI). However, upon expiration of the funding, the project would remain affordable at the IZ requirement at 80% MFI, as stipulated by DHCD.

The project is anticipated by the land-use elements and policies described above. The development would provide additional street trees and landscaping along the public space of the bare/vacant lot. In addition, the proposed green roof area would be a substantial improvement to mitigate and control runoff into the Anacostia. The property is located in the Anacostia Development Waterfront Zone (AWDZ) where mitigation and runoff control is a requirement of new development and to which the proposal would conform.

The proposed project is timely, as anticipated by the redevelopment timeframe of the Plan, and supports the Comprehensive Plan's direction for vacant and infill sites in Neighborhood Enhancement Areas.

VIII. COMMENTS OF OTHER DISTRICT AGENCIES

The Office of Planning invited comments from the following agencies:-

- Department of Transportation (DDOT);
- Department of the Environment (DDOE);
- Department of Housing and Community Development (DHCD); and
- DC Water.

DDOT - The applicant submitted a Comprehensive Transportation Study (CTR) to DDOT noted as Exhibit 17 of the record. As of the writing of this report, comments from DDOT were not included in the record. DDOT's report on the applicant's CTR would be submitted under separate cover.

DDOE - DDOE's full comments would be provided to the record.

DHCD - Via email to OP on 3/21/2017, DHCD's staff commented on the project's level of affordability:

“.....the developer is saying all units will be below 50% of AMI and approximately 20% of the units below 50% of AMI meet the stricter standard of below 30% of AMI. This project will apply for DHCD funding and we currently require all units in a newly constructed property to be below 50% of AMI⁵ and then depending on the receipt of operating funding some proportion will be below 30%.”

Comments were also forwarded from DHCD on the issue of the applicant’s proposal to exempt the project from IZ for the life of the LIHTC funding as stated prior on page 13 of this report. The agency’s report will be filed separately to the record.

DC Water - Via email to OP on 4/4/2017, staff commented that *“the plan seems feasible and DC Water does not see any particular issue with the proposal at this time.”*

IX. COMMUNITY COMMENTS

The ANC 7D discussed the project at their ANC meeting on April 11, 2017. However, the ANC has deferred comments until the River Terrace Organization provides comments on the proposal at a later date in April. The applicant outlined outreach efforts on page 3 of [Exhibit 2](#), Statement in Support. The applicant also met with the River Terrace Organization (RTO) to obtain feedback on the project’s design and its relationship to the neighborhood.

X. OP COMMENTS

The proposed development is modest in scale and would provide desired contemporary and affordable housing for the neighborhood. OP is satisfied that the proposal is balanced when the proposed density and scale is weighed against what could be achieved under the PUD. It is consistent with the Comprehensive Plan Elements, the Future Land Use Map, Generalized Policy Map and the Small Area Plan⁶, which in sum provides supporting language in its development direction for the vacant site. The Office of Planning recommends approval.

⁵AMI (Average Family Income) has been changed to MFI (Median Family Income) in the last revisions to the inclusionary zoning regulations which will become effective in June 2017.

⁶ Identified as Opportunity Site 2C of the Benning Road Corridor Plan Redevelopment Framework Plan