



**BEFORE THE ZONING COMMISSION AND  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT**

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

**IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:**

Case No.:	16-20	Case Name:	3443 Benning LLC
Address or Square/Lot(s) of Property:	Square 5017, Lots 839, 840, 841, 842 and a portion of the public alley abutting Lots 839 and 840 (collectively, the "Property")		
Relief Requested:			

**ANC MEETING INFORMATION**

Date of ANC Public Meeting:	0	4	/	1	9	/	1	7	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Description of how notice was given:	ANC 7D Commission, in its General Meeting on Tuesday, April 11, 2017, extended the offer to Michael Guilioni of Neighborhood Corporation to call a Special Meeting on Tuesday, April 19, 2017. The announcement was made via the ANC 7D Meeting (4/11/17) and in collaboration w/ the River Terrace Community Organization, flyers, phone calls and listserv emails												
Number of members that constitutes a quorum:	4 Commissioners				Number of members present at the meeting:	4 Commissioners							

**MATERIAL SUBSTANCE**

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

ANC 7D Commission has been working with Mr. Michael Guilioni of the Neighborhood Development Corporation on Case No. 16-20 since September 2016. This project has gone through a number of modifications. Initially, ANC 7D Commission took issue with NDC's lack of community engagement and its lack of due diligence in informing the community with particular focus on residents residing on Eads Street NE, Dix Street NE, 34th and 36th Streets NE. As a result, NDC improved its community engagement. As ANC 7D began thoroughly vetting Case No. 16-20, the following issues were identified and discussed: (see next page)

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Per the ANC 7D Special Meeting on April 19, 2017, there was a unanimous vote to decline the Letter of Support for Case No. 16-20; ANC 7D is committed to continue discussion and engagement with Neighborhood Development Corporation. Issues of concerns are listed on pages 2-4 of this document.

**AUTHORIZATION**

ANC	7	D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	4-0-0
Name of the person authorized by the ANC to present the report:			Sherice A. Muhammad	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Sherice A. Muhammad	
Signature of Chairperson/ Vice-Chairperson:			Date:	5/3/17

**ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO  
11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.**

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- 1) **Rezone Request-** As filed with the District of Columbia Zoning Commission on March 8, 2017, Exhibit No. 15, we read in the Notice of Public Hearing that the *Applicant seeks a PUD-related map amendment to the MU-7 zone, where the multi-family uses would be allowed as a matter-of-right.*

ANC 7D is concerned that this request fails to meet the Zoning Commission's criteria (according to the DCOZ Zoning Handbook) of an MU-7 Zone designation, from its current zoning of R-3, in that the projected location of 3450 Eads Street NE, is ***not an arterial street, in uptown and regional centers,...*** the portion of criteria *and at rapid transit stops* would be an incredible stretch to include the River Terrace community (3450 Eads Street NE). Furthermore, by definition and bio, provided to NDC, River Terrace is a cul-de-sac neighborhood situated between Kenilworth Avenue, Benning Road and the Anacostia River. At best, the portion of River Terrace parallel to Kenilworth Avenue is currently designated as an MU-4. It is ANC 7D's understanding that requests made as a "matter of right" on the part of the Applicant should be reasonable and in compliance with the DC Zoning Codes. If relief or variance is sought, the request should be reasonable, compliant and well vetted so that it doesn't negatively impact the community.

- 2) **Site Design-** Also included in the Notice of Public Hearing, Exhibit No. 15, the Applicant seeks to obtain approval for *The Project will have a maximum height of approximately 58 feet and will include approximately 17 enclosed at-grade parking spaces.* The proposed project would be surrounded by two-story row houses. Not only is the project inconsistent with the character and height of the established businesses and residences of the River Terrace community, there is insufficient mitigation between the angular property lines and the rectilinear building structure. ANC 7D expects NDC to demonstrate better competence in either creating a method to make the two factors coalesce or choose a better sight that is in compliance with an MU-7 and building of this magnitude. Occupation of the space at 3450 Eads Street NE has to be a reasonable fit and of benefit to the community. As the

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planning has shown thus far, this property would be a burden to the community and the negative impacts would be lasting.

- 3) **Site Design | Security**- As a result of NDC's failure to demonstrate expertise in adequately matching its proposed project with suitable land use, it is overly reliant on the use of an alleyway as its primary location for loading. This is ludicrous and unacceptable. The concept of loading seniors in an alley causes immediate pause and raises the issue of safety and security. The River Terrace community is already involved in thoughtful, consistent and strategic community engagement with the Metropolitan Police Department-Sixth District to ward off and combat the crime in the area. The loading plan to this project is shameful. The idea of subjecting our seniors to an alley for any reason is unacceptable. For ANC 7D, this plan was undeniably objectionable.
- 4) **Parking**- The constituents of the River Terrace community have expressed to ANC 7D that street parking along Eads Street, Dix Street, 34<sup>th</sup> & 36<sup>th</sup> Street is insufficient and a strain on current long-standing residents. NDC has failed to competently address this issue, and has conveniently shifted its responsibility onto DDOT. It is ANC 7D's position that parking is a current issue, which demands NDC's due diligence to improve its planning, site designs, analysis and mitigation to solve the issue and thereby justifying its proposed project. In addition, there is an erroneous assumption on the part of NDC that a greater majority of the anticipated occupants in this proposed project will walk, bike, and take transit as opposed to having vehicles. This is a critical mistake in assumption where NDC demonstrates a willful carelessness in the creation of contingencies, if they are wrong.
- 5) **Traffic Mitigation**- ANC 7D is greatly concerned with the DDOT Memorandum, Exhibit 24, dated April 24, 2017 submitted by James Sebastian, Acting Associate Director. After careful review, ANC 7D is not in agreement with the following segments of Summary of DDOT Review:

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- a. Site Design- Points 1 & 2- There is over reliance on the alley and there in no mention of maintenance of such alley to maintain functionality of said alley
  - b. Travel Assumption- Background growth, mode split and trip generation assumptions are not reasonable but a stretch, and overreach at best; There is no sound methodology to this analysis, at all; Said action expected is **not** to generate a low number of new vehicle, transit, bicycle and pedestrian trips. Quite the opposite, sadly NDC has no contingency plan for the inevitable when more residents are generated **with** vehicles
  - c. Analysis- The action isn't **projected** to increase travel delay in the area. However, ANC 7D's position is, the increase in overall density, on the part of NDC, will certainly **impact** travel, parking and loading, which further proves that the land use and this project do not coalesce
  - d. Mitigations- The forerunning assumption in all of the projected mitigations is that there will not be an increase in vehicles as a result of this project. That's a heavy assumption on the part of NDC in which there is no contingency plan, if their assumptions are wrong. But of course, the impacts of this erroneous assumption is not affecting NDC, nor can they be held accountable for retrofit of the project down the road. They collect their money and they're "out the door," leaving the community to fix the mess.
- 6) **Transit Services-** There is a reliance on WMATA which has become unreliable in the past two year, especially East of the River with countless propositions to close and discontinue vital bus lines and rail stations. In the DDOT Summary Review, three of the four WMATA transit bus referenced (X1, X2, X3) run along Benning Road, where the X2 is most sustainable service throughout the day, during the week and weekend service. The X1 and X3 are limited to rush hours in the morning and afternoon only and no service on weekends. So, the incentive for a potential occupant, taking into consideration the instability of WMATA service, is to have a vehicle.