

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director
Elisa Vitale, Development Review Specialist
DATE: May 12, 2022
SUBJECT: OP Report for ZC #22-08, Voluntary Design Review for NRP Properties, LLC (Square 5085, Lots 40 and 61)

Late Report Request:

The following report concerning Zoning Commission Case 22-08 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.

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the Voluntary Design Review, requested pursuant to 11 DCMR Subtitle X § 601.2, for Lots 40 and 61 in Square 5085 subject to the Applicant providing the following to the record:

- Proposed design flexibility language;
- Proposed plan for public art, including efforts to secure a local DC artist;
- Proposed signage for pick-up / drop-off spaces;
- Revised penthouse to reduce the height from 19-20 feet, to 18 feet 6 inches to conform to the penthouse height limits; and
- Color and materials board.

OP also recommends approval of NRP Properties LLC's (the Applicant) request for the following flexibility:

- Building height, pursuant to Subtitle X § 603.3, up to that permitted for a Planned Unit Development (PUD);
- Additional 5% of building height, pursuant to Subtitle X § 303.10; and
- Rear yard, as required by Subtitle G § 405.3.

OP recommends approval of the Applicant's requests for special exception relief pursuant to C § 703.2 from the minimum parking requirements at C § 703.1 and from the parking location requirements pursuant to C § 710.3 from C § 710.2 to locate parking spaces between the front building façade and the front lot line.

OP would not recommend approval of relief for additional penthouse height pursuant to Subtitle X § 303.18.

II. SITE AND AREA DESCRIPTION

The subject property (Property) is located along the Benning Road Corridor at 4401 – 4435 Benning Road NE and consists of Lots 40 and 61 in Square 5085. The property is bounded by Benning Road NE to the north, a 20-foot wide unimproved alley to the south, and adjoining properties to the east and west.

The surrounding neighborhood features a mix of residential and commercial properties with the Benning Road Metrorail Station to the east across Benning Road. The subject property is zoned MU-7B, along with properties to the east. The RA-1 zone wraps around the south and west of the site.



Figure 1: Lot Diagram

The property is comprised of two lots measuring 25,925 square feet in land area. Lot 61 is improved with a one-story commercial building that is proposed to be demolished. Lot 40 is unimproved. Two curb cuts provide access from Benning Road NE to the existing surface parking on Lot 61.

The developable area of the property is limited by the following: a Building Restriction Line (BRL) on Benning Road, NE; two WMATA vent shafts on the northwestern portion of the property; a WMATA underground tunnel easement along the front of the property; and a WMATA utility easement cutting through the center of the property. See Sheet A-08 of Exhibit 13A1.

III. PROJECT DESCRIPTION

The Applicant is proposing to develop a 9-story, plus penthouse, residential building. The project would provide 109 dwelling units, all of which would be at or below 80% Median Family Income (MFI), with 22 units available at 30% MFI, 65 units available at 50% MFI, and 22 units available at 80% MFI. The project would include a range of unit types from studio to three-bedrooms. The Applicant is proposing 27 two-bedroom units and 22 three-bedroom units.

The ground level would include the residential lobby, management offices, a conference room, along with an internal garage providing 13 parking spaces, a loading berth and platform and a service delivery space, long-term bicycle parking, trash room, and mechanical space (Sheet A-10, Exhibit 13A1). The second level would have 11 residential units, along with an approximately 1,038 square foot fitness center space, and a 654 square-foot training and education space (Sheet A-12, Exhibit 13A1). Floors three through nine would be entirely residential, with 13 units on each floor (Sheet A-13, Exhibit 13A1). The penthouse level would include seven units. The Applicant is proposing a green roof feature at the 9th floor roof and at the penthouse roof level. See Sheet A-15, A-15A, and A-15B, Exhibit 13A1. The second penthouse level would include mechanical equipment, with screening, an elevator overrun and solar panels (Sheet A-16, Exhibit 13A1).

IV. ZONING ANALYSIS

The Property is zoned MU-7B, which permits medium-density mixed-use development located on arterial streets, in uptown and regional centers, and at rapid transit stops.

Table 1: Zoning Tabulation

Item	MU-7B	Proposed ¹	Relief
Lot Area	N/A	25,979 sq. ft.	None required
Res. Units		109	None required
FAR G § 402.1	4.0/4.8 (IZ) 2.5 max. non-res	4.51	None required
Height G § 403.1	65 ft. max. 90 ft. max. (PUD)	91 ft. 2 in. Bldg.	Flexibility Requested
Penthouse Height G § 403.3	12 ft. max./1 story 18 ft. 6 in. max for mech./2 nd story	12 ft. habitable 19-20 ft. mechanical	Flexibility Required
Lot Occ. G § 404.1	75% max. 80% max. (IZ)	50%	None required
Side Yard G § 406.1	None req.; 2 in./ft. of height or 5 ft. min., if provided (8 ft. 4 in.)	None provided	None required
Rear Yard G § 405.1	2.5 in./1 ft. of vertical distance from mean fin. grade at middle rear of structure to highest point of the main roof or parapet, but not less than 12 ft. min. (23 feet min. required)	0 ft.	Flexibility Requested
Courts G § 202.1	Open 4 in./ft. of height of court (10 ft. min. height)	33 ft. 4 in. height	None required
Parking C § 701	Residential – 1/3 du in excess of 4 units (18 spaces required)	Residential 13 spaces	SE Requested
Loading C § 901	Residential – 1 12 ft. x 30 ft. loading berth with 100 sq. ft. platform 1 10 ft. x 20 ft. service/delivery space	Residential 1 30 ft. berth with platform 1 20 ft. service/delivery space	None required

¹ Information provided by Applicant, Sheet A-05, Exhibit 13A1.

Item	MU-7B	Proposed ¹	Relief
Bicycle Parking C § 801	Residential 1/3 du long term (36 spaces) 1/20 du short term (5 spaces)	Residential long term 46 spaces short term 5 spaces	None required
Green Area Ratio G § 407.1	0.25 min.	0.25	None required

The Applicant has not requested design flexibility and should provide proposed language prior to the hearing if any is anticipated.

V. DESIGN REVIEW STANDARDS

The subject property meets the requirements for a Voluntary Design Review found at Subtitle X § 601.3.

601.3 A proposed Voluntary Design Review development application shall include no more than one (1) zone and have a minimum area, including the area of public streets or alleys proposed to be closed, as follows:

- (a) A total of two (2) acres for a development to be located in any R, RF, or RA zone; and*
- (b) No minimum area required for a development in any other zone.*

Lots 40 and 61 are contiguous and zoned MU-7B. There is no minimum land area requirement for a Voluntary Design Review in a Mixed Use zone.

Subtitle X § 603 provides for Design Review Flexibility.

603.1 As part of the Design Review process, the Zoning Commission may grant relief from the development standards for height, setbacks, yards, lot occupancy, courts, and building transitions; as well as any specific design standards of a specific zone. Except as allowed pursuant to Subtitle X § 603.2, the Design Review process shall not be used to vary other building development standards including FAR, Inclusionary Zoning, or Green Area Ratio.

The Applicant has requested flexibility from the rear yard and building height provisions of the MU-7B zone.

Rear Yard

The Applicant is requesting flexibility to provide no rear yard. Due to the existing easements along Benning Road NE, providing the required 23-foot deep rear yard would significantly constrain the buildable area of the site. Rear yard flexibility would allow the Applicant to maximize the buildable portion of the lot in an efficient manner. Granting the requested rear yard flexibility should not affect adversely the neighboring properties. The adjoining residential development to the south is separated from the subject property by the unimproved 15-foot alley and a surface parking lot, is in the RA-1 zone and would have a required rear yard of 20 feet along the same undeveloped alley. The proposed building would be 79 feet 10 inches, at the closest, and 96 feet, at the most distant, from the apartments to the south.

Height

See the discussion under Section 603.3, below.

603.2 The FAR of all buildings within a Voluntary Design Review (VDR) boundary shall not exceed the aggregate of the FARs as permitted in the zone included within the VDR boundary.

The Applicant is proposing an all-affordable development and would not exceed the maximum permitted FAR for an inclusionary development in the zone. The property is zoned MU-7B and the Applicant is proposing a Floor Area Ratio (FAR) of 4.51, where a FAR of 4.8, with Inclusionary Zoning, would be permitted.

603.3 Except for height, the amount of relief from the standards authorized by Subtitle X § 603.1 is at the discretion of the Zoning Commission, provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604. The Zoning Commission may grant no greater height than that permitted if the application were for a PUD.

Height

The Applicant is proposing a 91-foot 2-inch tall building with 9 stories. While the maximum permitted building height in the MU-7B zone is 65 feet per Subtitle G § 403.1, a Planned Unit Development (PUD) in the MU-7 zone can go up to 90 feet in height per Subtitle X § 303.7.

Subtitle X § 303.10 permits the Zoning Commission to authorize an increase of not more than 5% in the maximum building height provided that the increase is essential to the successful functioning of the project. The Applicant states that the 5% flexibility is necessary for the essential functioning of the building by allowing for a 15-foot floor-to-ceiling height on the ground level. Furthermore, the existing encumbrances on the property limit the Applicant's ability to construct below-grade improvements or develop a larger portion of the site at a lower height.

Penthouse Height

The Applicant is proposing a 12-foot habitable penthouse with an additional 8 feet of mechanical space, whereas the MU-7B zone limits penthouse height to a total of 18 feet 6 inches. OP does not believe the PUD penthouse or rooftop structure height and story flexibility called out in Subtitle X § 303.18 extends to Voluntary Design Review applications as it is not referenced in Subtitle X § 603. The Applicant should revise the penthouse to reduce the overall height to comply with the 18-foot 6-inch limit.

603.4 An application for a special exception or variance that would otherwise require the approval of the Board of Zoning Adjustment may be heard simultaneously with a Design Review application, and shall be subject to all applicable special exception criteria and variance standards and the payment of all applicable fees.

The Applicant has requested two areas of special exception relief related to parking, which are analyzed below.

- a. Special exception relief pursuant to Subtitle C § 703.2 from the Parking Requirements of Subtitle C § 701.5

The Applicant is proposing to provide 13 parking spaces where 18 spaces would be required.

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:

The Applicant particularly satisfies criteria (b) and (f).

...

- (b) *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

The property is particularly well served by mass transit. The site is located less than one block from the Benning Road Metro Station, which provides access to the Blue and Silver lines.

...

- (f) *All or a significant proportion of dwelling units are dedicated as affordable housing units;*

The Applicant is proposing an all-affordable development with 109 residential units at deeper levels of affordability than required by IZ. The Applicant is proposing 22 units available at 30% MFI, 65 units available at 50% MFI, and 22 units available at 80% MFI.

...

703.3 *Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:*

- (a) *Proportionate to the reduction in parking demand demonstrated by the applicant;*
- (b) *Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and*
- (c) *Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.*

The provision of additional parking spaces is not feasible given the site constraints. The Applicant is providing 13 spaces on the ground floor of the building. Site encumbrances limit the ability to provide below-grade parking, and restrict development on the front portion of the site. The Applicant has designed the ground floor to accommodate parking and loading, along with the required bike parking, utility and other service-related spaces, office, lobby, and residential amenity space.

703.4 *Any request for a reduction of more than four (4) spaces from the required number of parking spaces shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The Applicant has prepared a TDM plan, which is outlined in the Comprehensive Transportation Review (CTR) at Exhibit 12A, dated April 12, 2022.

- b. *Special exception relief pursuant to Subtitle C § 710.3 from the Parking Requirements of Subtitle C § 710.2(c)*

The Applicant is requesting relief to locate two parking spaces between the front building façade and Benning Road NE.

710.3 *The Board of Zoning Adjustment may grant full or partial relief from the requirements of this section to locate surface parking spaces anywhere on the lot upon which the building or structure is located if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to:*

- (a) *The applicant's demonstration to the Board's satisfaction that:*
- (1) *It is not practical to locate the spaces in accordance with Subtitle C § 710.2 for the following reasons:*
 - (A) *Unusual topography, grades, shape, size, or dimensions of the lot;*
 - (B) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*
 - (C) *Traffic hazards caused by unusual street grades; or*
 - (D) *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties; and*
 - (2) *The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve; and*
 - (3) *The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.*

As previously described, the encumbrances along the property's frontage limit the developable area to the rear portion of the site. Additionally, the property is wedge shaped and narrows at the rear property line adjacent to the unimproved alley. These factors combine to limit the side and rear yard area and result in limited opportunities to site the proposed Pick-Up/Drop-Off (PUDO) spaces.

The two proposed spaces would be located off the drive aisle from Benning Road to provide quick site access from the street. The Applicant proposes to provide a walkway directly adjacent to the parking spaces that would provide access to the residential lobby. The spaces should serve to limit vehicles stopping along the Benning Road frontage, which could result in traffic conflicts. Locating the spaces off the primary drive aisle also minimizes the need for a second curb cut that would be required to provide a pull-through at the property. A lay-by on Benning Road was also considered but not desired given the potential future extension of the streetcar line on Benning Road NE.

The Applicant is proposing landscaping to screen the two spaces and should provide signage indicating that they are not long term spaces.

c. General special exception criteria pursuant to Subtitle X § 901.2

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
- (b) *Will not tend to affect adversely, the use of neighboring property in accordance*

with the Zoning Regulations and Zoning Maps; and

(c) Subject in specific cases to the special conditions specified in this title.

The proposed development is an all-affordable residential development in the MU-7B zone, which is a permitted use. The property is well-served by transit and is in close proximity to the Benning Road Metro Station and the future streetcar extension. Therefore, a reduction in the parking provided should not affect adversely the use of neighboring properties.

The Applicant is proposing to provide two PUDO spaces in front of the building. The spaces could not reasonable be located elsewhere on the lot, would be screened by landscaping, signed for limited use, and should prevent vehicles from stopping on Benning Road NE and blocking traffic. Based on the above, the Applicant meets the general special exception criteria for the requested relief.

Subtitle X § 604 outlines the standards by which the Zoning Commission should evaluate a Design Review application.

604.1 The Zoning Commission will evaluate and approve or disapprove a design review application according to the standards of this section and, if applicable to the zone, standards set forth in Subtitle K.

An analysis of the subject project against the standards of this section follows. The Property is zoned MU-7B; therefore, the standards set forth in Subtitle K are not applicable.

604.2 For non-voluntary design review, the application must also meet the requirements of the provisions that mandated Zoning Commission approval.

The subject application is for Voluntary Design Review.

604.3 The applicant shall have the burden of proof to justify the granting of the application according to these standards.

Through the provision of the additional information requested, as well as a refinement of the proposed penthouse, the burden of proof to justify granting the application may be met.

604.4 The applicant shall not be relieved of the responsibility of proving the case by a preponderance of the evidence, even if no evidence or arguments are presented in opposition to the case.

The Applicant, through its original and amended submittals, has presented its case. (See Exhibits 1, 2, and 3 – 3F2, dated February 14, 2022; Exhibits 11 – 12B, dated April 12, 2022; and Exhibit 13 – 13A3, dated April 26, 2022.)

604.5 The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

The proposed Voluntary Design Review application must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (Subtitle X § 604.5). The recently adopted Framework Element states: In its decision-making, the Zoning Commission must make a finding of “*not inconsistent with the Comprehensive Plan.*” To do so, the Zoning Commission must consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan, along with the various uses, development

standards and requirements of the zone districts. It is the responsibility of the Zoning Commission to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale.

Equity Lens

The Implementation Element calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.*”^{2501.8} The scope of evaluation of “all actions through a racial equity lens” will vary depending on the type of zoning action before the Commission. The subject application is a Voluntary Design Review, to which the racial equity lens can be applied.

Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where avoiding displacement of existing residents, the provision of affordable housing and creating access to opportunity is a priority.

The proposed development would provide a new residential building with units targeted at low- and moderate-income families. The property is currently improved with a one-story office building at 4435 Benning Road NE (Square 5085, Lot 0061) and a vacant property at 4401 Benning Road NE (Square 5085, Lot 0040). The office building is currently vacant but served most recently as a dental office. Based on the above, the proposed development would not result in the displacement of any existing residents.

The proposed development would provide 109 new residential units including 87 units at or below 50% MFI. The project would include family-sized units with 27 two-bedroom units and 22 three-bedroom units. The Marshall Heights Community Development Organization (MHCDO) is a partner in the application and would provide training and educational programming through a Resident Resource Center, in a range of topics that could include financial planning, workforce development skills, environmental, health and wellness, community-building, and others.

In the Far Northeast and Southeast Planning Area, 38.9% of the population has no vehicle available as compared to 34.9% in the District as a whole. The average median income in the planning area is \$47,003 as compared to \$92,266 District-wide. Finally, the unemployment rate in the planning area is 14.6% versus 8.2% in the District. See Attachment 3 for DC Data Hub Demographic Data Summary Graphics for the Planning Area and the District.

The proposed development would provide affordable housing, with wrap-up education and employment training services provided by MHCDO in close proximity to Metro and would be located along the proposed Benning Road extension of the streetcar line. The provision of new affordable housing units on a vacant site would also support existing and proposed commercial development along the Benning Road corridor.

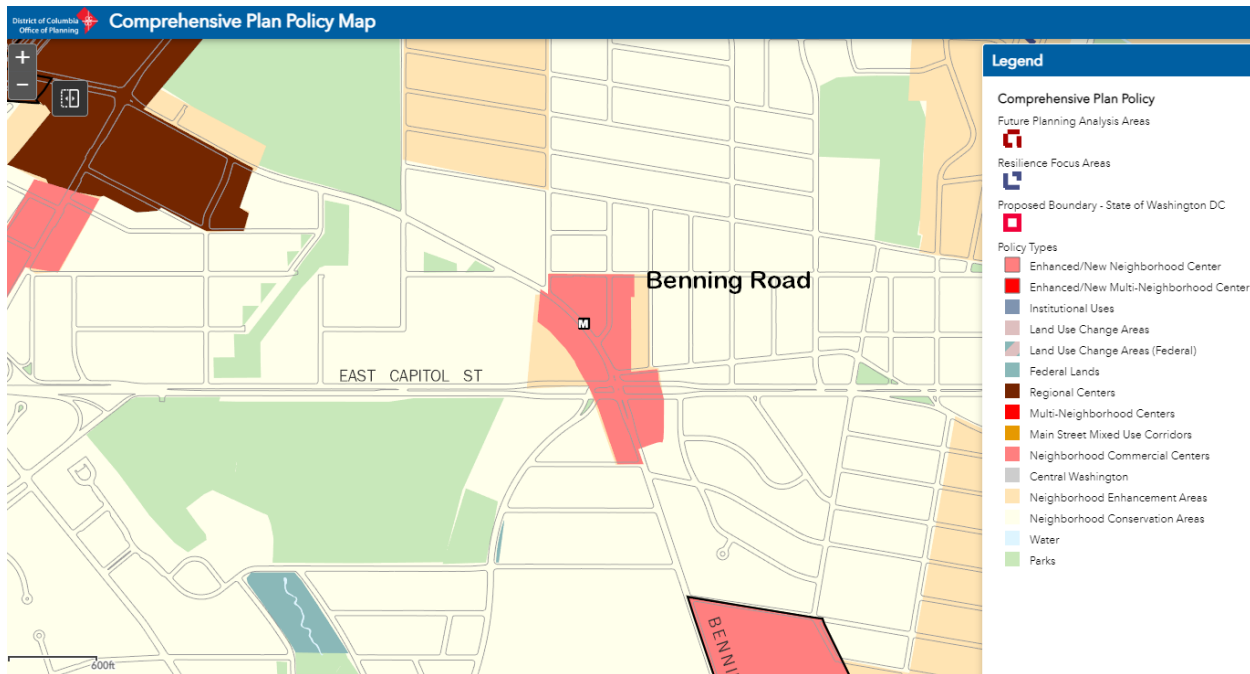
Comprehensive Plan Maps

The property is designated as an Enhanced Neighborhood Center on the General Policy Map.

Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the adjacent neighborhoods. The area served by a Neighborhood Commercial Center is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, haircutting, and childcare. Office space for small businesses, such as local real estate and insurance offices, doctors and

dentists, and similar uses, also may be found in such locations. Many buildings have upper-story residential uses. New development and redevelopment with in Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses.

The Applicant is proposing a residential building that would provide 109 residential units with residential amenity and training / education space in the building. The proposed development of the property would bring new residential tenants to a site in close proximity to the Benning Road Metro station. The new residential density in the area would help support existing and new businesses.



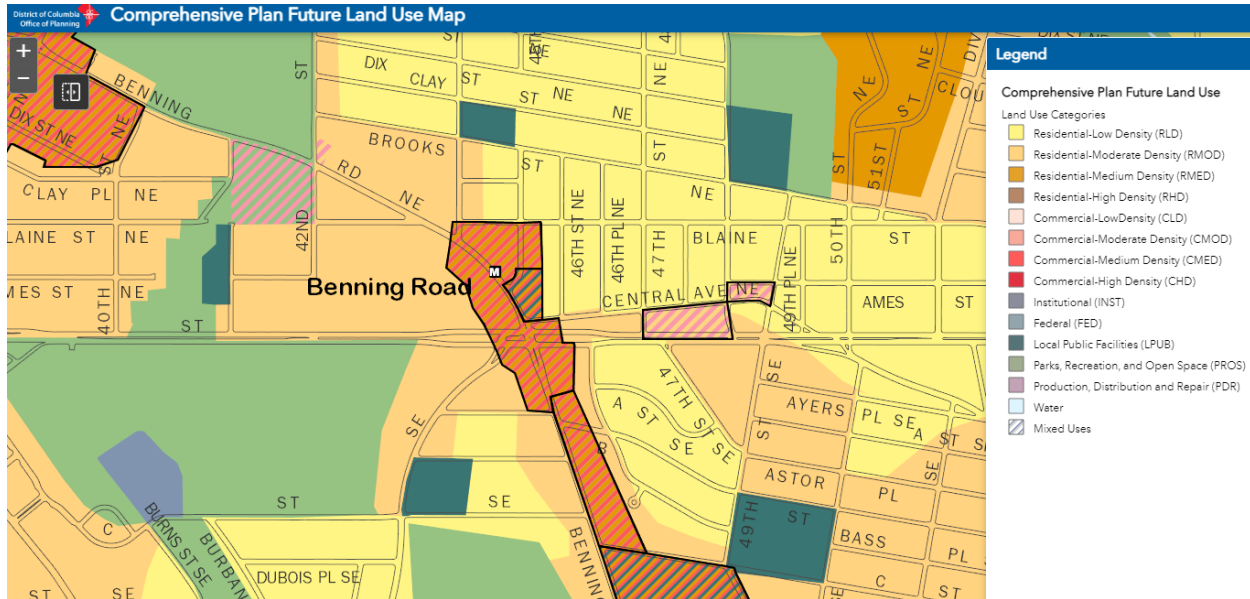
The property is designated for Medium Density Commercial and Medium Density Residential land use on the Future Land Use Map (FLUM).

Medium Density Commercial – Defines shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas.

Medium Density Residential – Defines neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas.

The proposed building is consistent with the medium density commercial and medium density residential designation on the FLUM. While the Applicant could provide ground floor commercial

uses in a mixed-use development, the nine story all affordable residential building would provide housing in close proximity to the Benning Road Metrorail Station and would serve to support existing and future commercial development in the area.



The proposed project is not inconsistent with the General Policy Map and FLUM contained in the Comprehensive Plan. The Medium Density Residential land use designation may apply to taller residential buildings surrounded by areas of permanent open space. Furthermore, the Project is not inconsistent with the Medium Density Commercial definition that states that residential uses are a common feature of these areas. The Project would include a nine-story residential building, with a large open space area at the front of the building, which would be appropriate for a Medium Density Residential and Medium Density Commercial area.

The densities within a given area on the FLUM reflect contiguous properties on a block – individual buildings may be higher or lower than the ranges within each area. The residential building proposed would not be inconsistent with the FLUM as it is part of the larger block (Square 5085) that is comprised of a range of residential and commercial buildings including the one-story retail to the east of the subject property (7-11 and Denny’s), as well as significant areas that cannot be developed due to easements.

The application is within the FAR contemplated and would not exceed lot occupancy. The building height would not exceed that anticipated in a PUD and the height flexibility requested is driven by site constraints, while being offset by a large landscaped open space at the front of the building.

Additional Comprehensive Plan analysis related to the Citywide and Area Elements can be found in Attachment 2.

604.6 The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.

The proposed development consists of one residential building set back approximately 80 feet from the back of curb from Benning Road NE due to a Building Restriction Line (BRL) and existing WMATA easements and restrictions for the nearby Benning Road Metro Station. The

Property is generally level with an approximately 15-foot wide unimproved alley at the rear of the lot. To the west and south are multi-unit residential buildings in the RA-1 zone, while the properties to the north and east are zoned MU-7B. Across Benning Road NE to the north is the Conway Center, a So Others Might Eat (SOME) facility with affordable housing, training, and health facilities, and to the east are low-scale commercial buildings with surface parking lots, including the 7-11 at 4443 Benning Road NE and Denny's at 4445 Benning Road NE.

While the proposed height and massing of the building are greater than the RA-1 residential development to the south and west, the project would not be out of character with the MU-7B zone and the Medium-Density Commercial and Medium-Density Residential designations on the FLUM, which contemplate a greater density of development in close proximity to the Benning Road Metrorail Station. Therefore, the proposed project should not unduly affect the use of neighboring properties.

The general special exception criteria of Subtitle X, Chapter 9 state that the Project:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

The proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The Applicant is proposing an all-affordable building with service/educational/amenity space for the building residents. The proposed residential development is consistent with the purposes of the MU-7B zone, which include permitting medium-density mixed-use development located on arterial streets, in uptown and regional centers, and at rapid transit stops, and is not inconsistent with the Comprehensive Plan. The proposed project should not adversely affect the use of neighboring properties. The scale of the proposed development would relate to the surrounding neighborhood context given the adjacency to the Benning Road Metro Station.

An analysis of the project's conformance to the Voluntary Design Review criteria is below.

604.7 The Zoning Commission shall review the urban design of the site and the building for the following criteria:

- (a) *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*
 - (1) *Multiple pedestrian entrances for large developments;*
 - (2) *Direct driveway or garage access to the street is discouraged;*
 - (3) *Commercial ground floors contain active uses with clear, inviting windows;*
 - (4) *Blank facades are prevented or minimized; and*
 - (5) *Wide sidewalks are provided;*

Key Pedestrian Entrances

The building would feature one primary residential entry on the front façade, that would be accessed via a pedestrian path leading from the Benning Road sidewalk to the main residential entry. The Applicant should ensure that the pedestrian access responds to the desired path from

the Metro to the building entry. The Applicant should provide an elevation showing how the fencing and gates at the edge of the open space would appear from the street.

Garage Access

The proposed redevelopment would result in the closure of one curb cut on Benning Road NE and vehicular garage access would be provided via one curb cut from Benning Road NE at the eastern edge of the property.

Ground Floor Windows and Facades

The residential building would front on Benning Road NE, although it would be set back from the street. The ground floor features window openings on the north and west facades, including office space, the main residential entry, and the entry to the bike room; however, the east end of the front façade features the garage entrance and other back of house functions. The Applicant has endeavored to screen the service areas with a seating area backed by decorative metal panels and a trellis above (Sheets A-44 and A-45, Exhibit 13A2).

Sidewalks and Walkways

The Applicant is providing a wide sidewalk at the Benning Road NE frontage of the project but should specify the exact sidewalk width on the plan sheets. The Applicant is proposing to provide two connections from Benning Road to the project – one path would arc from the sidewalk to the seating area and bike room entrance and one path would provide a direct connection from Benning Road to the residential entry. A walkway would run along the front façade connecting the two paths (Sheet L100, Exhibit 13A2). The Applicant should specify the widths of the connecting paths and should ensure that the paths respond to pedestrian desired paths of travel, particularly from the Metro.

- (b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*
- (1) *Where neighborhood open space is lacking;*
 - (2) *Near transit stations or hubs; and*
 - (3) *When they can enhance existing parks and the waterfront;*

The Applicant is proposing to provide a variety of private gathering spaces in the open space between the sidewalk and the front façade. The outdoor amenity spaces would include lawn, play areas, seating areas, public art, and a dog relief area (Sheets L101 – L 106, Exhibit 13A3). The Applicant should consider how the public would interact with the wide private open space at the front of the building. The Applicant should ensure that the proposed piece of public art is viewable from the sidewalk and not obstructed by landscaping.

The front façade is articulated and forms a U-shape that opens to the green area along Benning Road. Units facing the central portion of the building would have views to green roof below. The Applicant is proposing to provide private balconies for a majority of the units. The penthouse units also would have views to green roof.

- (c) *New development respects the historic character of Washington's neighborhoods, including:*
- (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*

- (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places;*

The subject property sits between the RA-1 multi-unit residential development to the west and south and the mixed-use commercial corridor to the north and east on Benning Road NE. The unimproved alley, along with a change in grade down to East Capitol Street NE, at the rear of the property provides separation from the RA-1 zoned properties. The proposed development would respond to the Conway Center across Benning Road NE and begins to establish the density and character of the Benning Road NE corridor at the Metro Station.

The proposed project respects the existing adjoining development and provides an appropriate transition with a residential building that provides an appropriate height and density in proximity to transit.

- (d) *Buildings strive for attractive and inspired façade design, including:*
 - (1) *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
 - (2) *Incorporate contextual and quality building materials and fenestration;*

The Applicant is proposing a 9-story residential building with a dark brick base with metal panel and Nichiha panel (a type of fiber cement paneling) cladding the upper stories. The Applicant should have a materials board for the public hearing, to show the range of colors and materials proposed for the building exterior. The renderings show a range of reds in the Nichiha panel (Sheets A60 – A64, Exhibit 13A2) while the sample shown in the material detail is monochromatic (Sheets A40 – A 43, Exhibit 13A2).

The proposed building would form a u-shape with a central courtyard at the upper levels. The balcony recesses and gray banding at the 5th, 7th, and 8th floors provide visual interest on the upper stories of the building. The Applicant has proposed large window openings at the lobby and residential amenity space, as well as windows to the long-term bike storage room. The back-of-house functions adjacent to the garage entry are proposed to be screened by landscaping and decorative metal panels.

The Applicant should ensure that the finish of the metal panels relates to the architectural detailing of the building.

- (e) *Sites are designed with sustainable landscaping; and*

The project Green Area Ratio (GAR) score of 0.25 meets the minimum requirement of 0.25 and is achieved through landscaped areas, plantings, and vegetated or green roof. The Applicant is proposing solar above the green roof on top of the penthouse.

The Applicant is proposing to design the project to meet Enterprise Green Communities plus (EGC+). The Applicant is proposing native plants for the landscaping (Sheets L107 – L108, Exhibit 13A3) and should explore the possibility of retaining stormwater for landscape watering.

The Applicant is proposing to screen the proposed transformers located adjacent to the PUDO spaces and should provide a comparable level of screening for the vaults located behind the sidewalk along the properties Benning Road frontage.

(f) *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

(1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*

The project provides internal and external connections, including two new paths from Benning Road to the proposed project.

(2) *The development incorporates transit and bicycle facilities and amenities;*

The Benning Road Metro Station is approximately one block to the east of the subject property. Residents of the proposed building would have a direct connection from the property to the Metro.

The Applicant is proposing long-term bicycle parking in a ground floor bike storage room that would provide electric bike charging and would accommodate a variety of bike styles, including larger cargo bikes.

The Applicant proposes the following Transportation Demand Management (TDM) measures.

- Identify a Transportation Coordinator for the planning, construction, and operations phases of development;
 - The Transportation Coordinator will act as the point of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;
- Develop, distribute, and market various transportation alternatives and options to residents, including promoting transportation events (e.g., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications;
- Direct the Transportation Coordinator to subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;
- Provide welcome packets to all new residents that will, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map;
- Post all transportation and TDM commitments on the building website, publicize availability, and allow the public to see what has been promised;
- Offer a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident;
- Provide at least six (6) short- and 45 long-term bicycle parking spaces, exceeding ZR16 minimum requirements for at least five (5) short- and 36 long-term bicycle parking space;
- Accommodate non-traditional sized bikes including cargo, tandem, and kids bikes in the long-term bicycle storage room, with a minimum 5% of spaces (two spaces) that will be designed for longer cargo/tandem bikes, and a minimum of 10% of spaces (five spaces) that will be designed with electrical outlets for the charging of electric bikes and scooters; and there will be no fee to building employees or residents for usage of the bicycle storage room; and
- Install a minimum of one (1) electric vehicle (EV) charging station, per DDOT recommendations of a minimum of one (1) out of every 50 vehicle parking spaces being served by an EV charging station.

- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*

The Application would reduce the number of curb cuts along the Benning Road frontage from two to one and provide a large private open space along Benning Road. The open space that would front Benning Road would serve building residents and provide seating and play areas, along with two paths providing site access from the Benning Road sidewalk.

The Applicant is proposing a piece of public art and the sculpture would be located outside of the fence that would separate the private space from the public space. The Applicant should provide a narrative describing the approach for identifying the artist to design the public art and should endeavor to work with a local DC artist.

- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*

The approximately 26,000 square-foot site would be connected to the surrounding community and nearby transit.

- (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

Not applicable.

604.8 The Zoning Commission shall find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.

The proposed project would result in a development that would be superior to a matter-of-right development on the site. The Applicant is proposing to provide an all-affordable residential development in close proximity to the Benning Road Metro Station.

The Voluntary Design Review results in a project that strives to provide greater affordable housing than a matter-of-right development.

VI. COMMUNITY COMMENTS

The property is located in ANC 7D. Comments from ANC 7D had not been filed to the record at the time this report was drafted.

VII. DISTRICT AGENCY COMMENTS

OP held an interagency meeting on April 19, 2022. The following agencies participated in the meeting:

- Department of Public Works (DPW);
- Department of Housing and Community Development (DHCD);
- Fire and Emergency Medical Services Department (FEMS);
- District Department of Transportation (DDOT);
- Department of Parks and Recreation (DPR); and
- District Department of Energy and Environment (DOEE).

DHCD provided comments via e-mail stating that, “since the development is proposed as all affordable in perpetuity, DHCD has no objections.”

DOEE provided written comment, which are included at Attachment 4.

A DDOT report is provided at Exhibit 14.

VIII. ATTACHMENTS

1. Comprehensive Plan Analysis
2. DC Data Hub Demographic Data Summary Graphic
3. DOEE Comments

JLS/emv

ATTACHMENT 2
COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
Citywide Elements		
<i>Land Use Element</i>		
<p><i>Policy LU-1.4.1: Station Areas as Neighborhood Centers</i> Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasize affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 307.9</p>	<p>The Project is not inconsistent with the above policies because it will transform one underutilized parcel and another long-vacant parcel into a new all-affordable residential building. The Project’s proximity to the Benning Road Metrorail Station offers residents excellent access to public transportation and furthers a number of policies that call for affordable housing near metro stations and in commercial centers. The Project will greatly improve the existing site conditions with exemplary architecture and inviting green space and landscaping.</p>	<p>The Applicant is proposing a 109-unit all-affordable residential development less than one block from the Benning Road Metro Station. The site is currently vacant and this infill development would activate the site with a well-designed building, landscaping, and public art.</p> <p>The project will further a multitude of Land Use policies listed in the left column.</p>
<p><i>Policy LU-1.4.2: Development Around Metrorail Stations</i> In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 307.10</p>		
<p><i>Policy LU-1.4.3: Housing Around Metrorail Stations</i> Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. 307.11</p>		

Comprehensive Plan Policy	Applicant's Analysis	OP Comment
<p><i>Policy LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations</i> Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.120</p>		
<p><i>Policy LU-1.4.5: Design to Encourage Transit Use</i> Require architectural and site-planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort, and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include sidewalks, bicycle lanes, lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots or low-density housing. 307.13</p>		
<p><i>Action LU-1.4.C: Metro Station and Inclusionary Zoning</i> Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. 307.21</p>		
<p><i>Policy LU-1.5.1: Infill Development</i> Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create gaps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. 308.6</p>		
<p><i>Policy LU-1.5.2: Long-Term Vacant Sites</i> Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints. 308.7</p>		

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p><i>Policy LU-2.1.10: Multi-Family Neighborhoods</i> Maintain the multi-family residential character of the District’s medium- and high-density residential areas. Limit the encroachment of large-scale, incompatible commercial uses into these areas. Make these areas more attractive, pedestrian-friendly, and transit accessible, and explore opportunities for compatible commercial development which provides jobs for nearby residents. 310.17</p>		
<p><i>Policy LU-2.2.4: Neighborhood Beautification</i> Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations. 311.5</p>		
<p><i>Policy LU-2.4.1: Promotion of Commercial Centers</i> Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC’s role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial development in underserved areas to provide equitable access and options to meet the needs of nearby communities. 313.9</p>		
<p>Transportation Element</p>		
<p><i>Policy T-1.1.4: Transit-Oriented Development</i> Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10</p>	<p>The Property’s location provides excellent access to public transportation options. In particular, the Property is less than a block from the Benning Road Metro station. The Project is designed to encourage alternative transportation methods by limiting the number of on-site vehicular parking spaces and providing more long-term bicycle parking than required by zoning. As</p>	<p>The Applicant is proposing:</p> <ul style="list-style-type: none"> • The provision of housing in close proximity to the Metro. Future improvements in the area include the extension of the streetcar line along Benning Road, for which final design is underway; • A reduced number of on-site parking spaces. The Applicant is providing long-term bike parking in excess of the requirement, along with electric bike charging and storage for
<p><i>Policy T-1.1.8: Minimize Off-Street Parking</i> An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this, excessive off-street vehicle parking should be discouraged. 403.14</p>		

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p><i>Policy T-1.2.3: Discouraging Auto-Oriented Uses</i> Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.6</p>	<p>part of the Project, the Applicant is also consolidating the number of curb cuts on site in order to improve surrounding public space and walkability in the neighborhood.</p>	<p>cargo bikes;</p> <ul style="list-style-type: none"> • A reduction in the number of curb cuts on Benning Road and siting two PUDO spaces on the property to ensure the free flow of traffic on Benning Road; • Loading in the building with head-in/head-out movements; and • Extensive landscaping, public art, and other improvements that would improve the pedestrian experience on Benning Road.
<p><i>Housing Element</i></p>		
<p><i>Policy H-1.1.1: Private Sector Support</i> Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3</p>	<p>As a private development, NRP and MHCDO are experienced, committed developers providing affordable housing. The Project will offer 109 affordable units in a neighborhood commercial center. There will be 49 family-sized units with two- and three-bedrooms. The units will be reserved for families with incomes at or below 80% AMI, including 22 units available at 30% AMI and 65 units available at 50% AMI.</p>	<p>The Applicant is proposing an all-affordable development with 109 dwelling units, all of which would be affordable to income levels at or below 80% MFI. The Applicant proposes:</p> <ul style="list-style-type: none"> • 22 units available at 30% MFI, • 65 units available at 50% MFI, and • 22 units available at 80% MFI. <p>The project would feature a range of unit types from studio to three-bedrooms. The Applicant is proposing to provide 27 two-bedroom units and 22 three-bedroom units.</p> <p>The Applicant is seeking Housing Production Trust Fund financing for the project.</p> <p>The Marshall Heights Community Development Organization (MHCDO) would provide a Resident Resource Center with a wide range of services tailored to residents’ needs. Planned services and offerings would include training and educational programming in topics such as financial planning, workforce development skills, environmental, health and wellness, community-building, and more.</p> <p>The Housing Equity Report notes that the Far</p>
<p><i>Policy H-1.1.3: Balanced Growth</i> Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. 503.5</p>		
<p><i>Policy H-1.1.4: Mixed-Use Development</i> Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. 503.6</p>		
<p><i>Policy H-1.1.5: Housing Quality</i> Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. 503.7</p>		

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p><i>Policy H-1.1.9: Housing for Families</i> Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District’s most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. 503.11</p>		<p>Northeast and Southeast Planning Area provides 9,690 of the District existing 51,960 existing dedicated affordable units. The Planning Area has a goal of providing 490 additional dedicated affordable housing units. The proposed project would help achieve this goal.</p>
<p><i>Policy H-1.3.1: Housing for Larger Households</i> Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8</p>		
<p><i>Environmental Protection Element</i></p>	<p><i>The Applicant did not address the Environmental Protection Element.</i></p>	<p>The Applicant intends to obtain Enterprise Green Communities (EGC) Plus certification for the project using the 2020 EGC version.</p> <p>Projects that earn the 2020 EGC certification will automatically be awarded certification to the WELL Building Standard, the benchmark standard for measuring how buildings impact occupant health and wellbeing.</p> <p>Projects pursuing the Green Communities Plus level certification will have also achieved at minimum, certification to DOE’s Zero Energy Homes (ZERH) program. ZERH represents a significant elevation in energy performance that</p>


Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
		is essentially the mid-point between Energy Star Multifamily New Construction and PHIUS (Passive House) certifications.
<i>Urban Design Element</i>		
<p><i>Policy UD-2.1.6: Minimize Mid-Block Vehicular Curb Cuts</i> Curb cuts should be avoided on streets with heavy pedestrian usage and minimized on all other streets. Where feasible, alleys should be used in lieu of curb cuts for parking and loading access to buildings. Curb cuts for individual residences should only be allowed if there is a predominant pattern of curb cuts and driveways on the block face. 908.8</p>	<p>The Project will transform an underutilized parcel with a new, high-quality residential development that will add new residents to the Benning commercial corridor. The Project’s substantial setback allows the massing to complement existing buildings in the area. Further, the front half of the Property along Benning Road will be greatly improved with new landscaping and seating for residents. The reduction of curb cuts and improvement to public sidewalks will encourage walkability.</p>	<p>The proposed infill development would employ high quality materials and thoughtful design of the open space at the front of the property.</p>
<p><i>Policy UD-2.2.1: Neighborhood Character and Identity</i> Strengthen the visual qualities of Washington, DC’s neighborhoods as infill development and building renovations occur by encouraging the use of high-quality and high-performance architectural designs and materials. In neighborhoods with diverse housing types, or when introducing more diverse infill housing types, use design measures to create visual and spatial compatibility. 909.5</p>		
<p><i>Policy UD-2.2.5: Infill Development</i> New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10</p>		
<p><i>Policy UD-2.2.7: Preservation of Neighborhood Open Space</i> Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to minimize the loss of sunlight and maximize the usability of neighborhood parks and plazas. Buildings adjacent to parks or natural areas should orient their entrances or other community-serving functions toward these shared resources. 909.13</p>		

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
Area Elements		
<i>Far Northeast and Southeast Area Element</i>		
<p><i>Policy FNS-1.1.2: Development of New Housing</i> Encourage new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites along the area’s major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast and seek to ensure that the housing remains affordable for current and future residents. 1708.3</p>	<p>The Project will provide over 100 new housing units within a block of the Benning Road Metro Station on previously underused and vacant land. The pedestrian-oriented goals for the neighborhood will be furthered with new residents that can support the expansion of commercial options in the future. The Project’s massing is consistent with the new Conway Center across Benning Road.</p>	<p>The project would provide new residential development on a vacant lot. The addition of new residential units would support existing and proposed development in the area and would support future development around the Benning Road Metro Station.</p>
<p><i>Policy FNS-2.4.1: Benning Road Station Area Development</i> Support development of the Benning Road Metro station area as a pedestrian-oriented, mixed-use area, including moderate-density housing, retail, service uses, and public spaces and amenities that serve adjacent neighborhoods. Future development should recognize and provide appropriate, well-designed transitions to the low-density residential character of the adjacent neighborhoods. 1714.3</p>		
Small Area Plan		
<i>Benning Road Corridor Redevelopment Framework</i>		
<p>The Redevelopment Framework was enacted in 2008 to guide the revitalization of the Benning Road corridor from Maryland Avenue NE to Southern Avenue SE. The Redevelopment Framework provides broad policy guidelines for issues such as housing, shopping and business, and transportation as well as specific redevelopment goals for study areas. Study Area 3 sets forth goals for the neighborhood around the Benning Metro Station, including the Property, and calls for “increased density” in that location due, in part, to being “the only clear transit oriented redevelopment potential in the entire corridor.” See Redevelopment Framework, Page 55-56. The Redevelopment Framework identifies the Property as an “opportunity site” that can be developed with either retail or residential uses. See Redevelopment Framework, Page 58.</p>	<p>The Project is consistent with the Redevelopment Framework because the Property is identified as a target site for a residential redevelopment due to its transit-oriented location near the Benning Road Metro Station. The Redevelopment Framework also anticipates the Project’s small increase in density over matter-of-right standards through permitted flexibility in the design review process.</p>	<p>The Benning Road Corridor Redevelopment Framework (Resolution 17-0879) considers the Benning Road Metro Station Area an opportunity site for redevelopment, including transit-oriented redevelopment and contemplates that the subject site could support retail and residential use. The Applicant’s proposal for a residential development is consistent with this vision.</p>

ATTACHMENT 2

DC DATA HUB DEMOGRAPHIC DATA SUMMARY GRAPHICS

District of Columbia Profiles
Far Northeast and Southeast

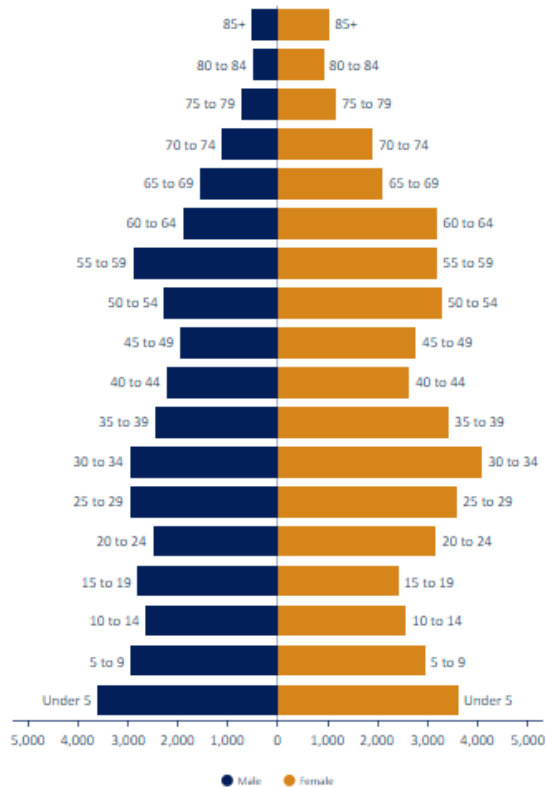


District of Columbia
Office of Planning

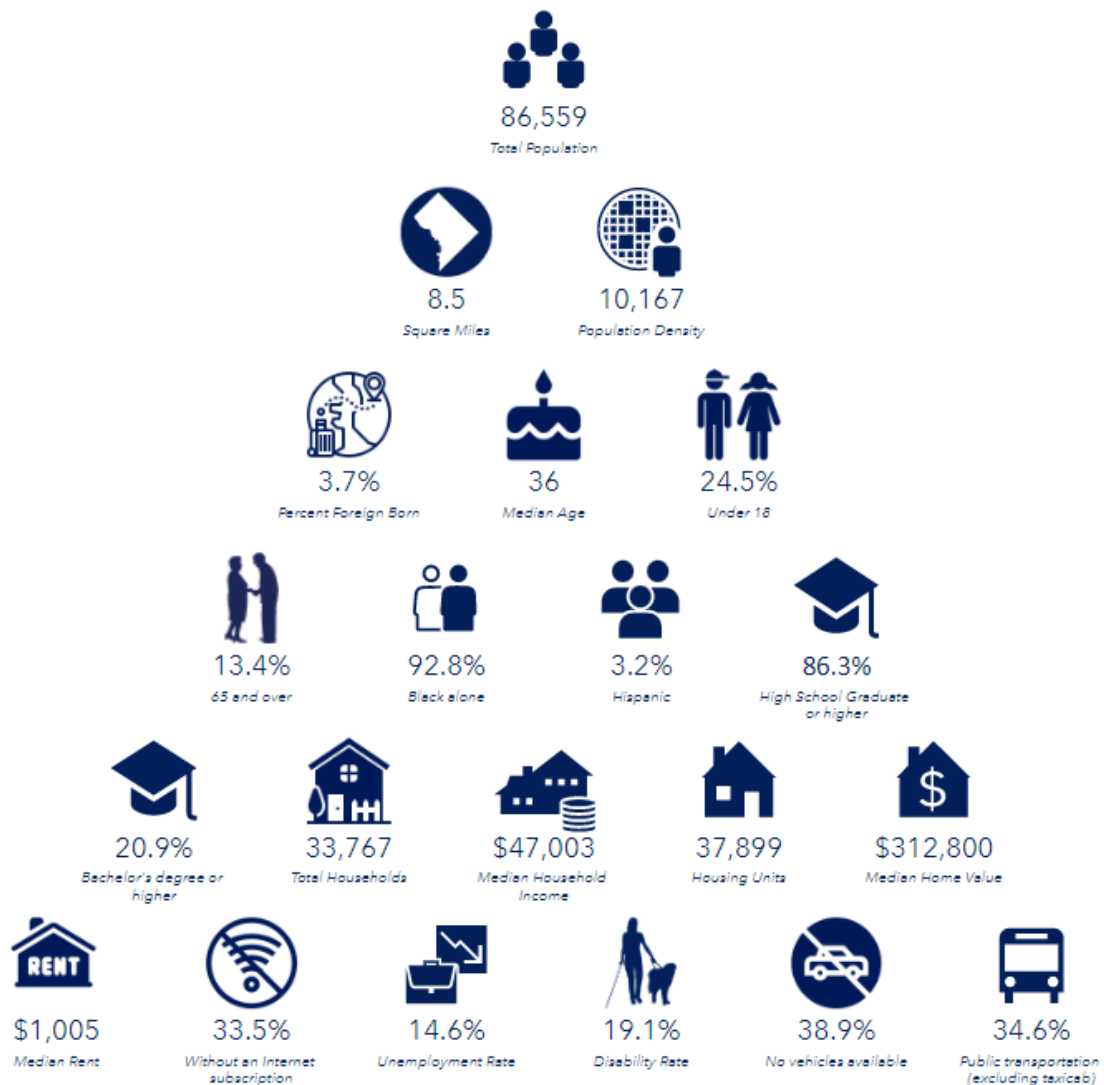
Data Analysis & Visualization Unit
 DC Office of Planning
 1100 4th St SW
 Washington, DC 20024
 (202) 442 - 7600
 dataviz.dc.gov

Source: U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019

Population Distribution by Age & Gender



Key Indicators



District of Columbia Profiles

District of Columbia
 District of Columbia (11)
 Geography: State

Prepared by Esri

District of Columbia Profiles
Washington, DC

District of Columbia
 Office of Planning

Data Analysis & Visualization Unit
 DC Office of Planning
 1100 4th St SW
 Washington, DC 20024
 (202) 442-7600
 dataviz.dc.gov

Source: U.S. Census Bureau, American Community Survey 2019; Environmental Systems Research Institute (ESRI), Living Atlas

Population



Income



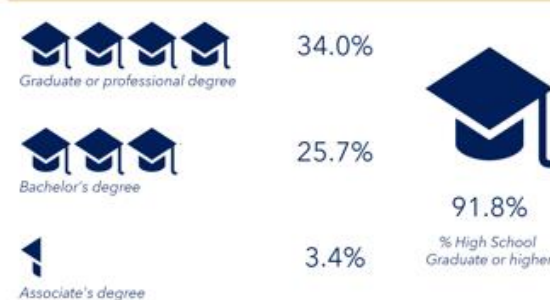
Race & Ethnicity



Households



Education



Population Distribution by Age & Gender



At-Risk Populations



Housing




District of Columbia Profiles

District of Columbia
 District of Columbia (11)
 Geography: State

Prepared by Esri

District of Columbia Profiles

Washington, DC

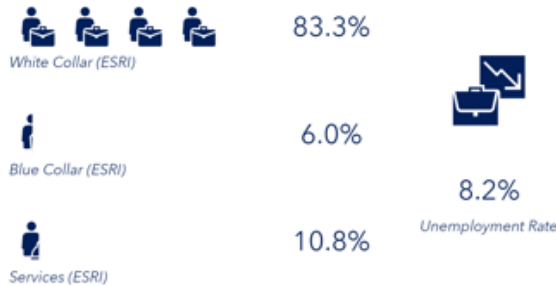


District of Columbia
Office of Planning

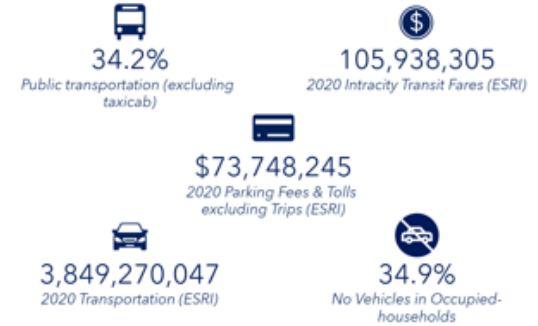
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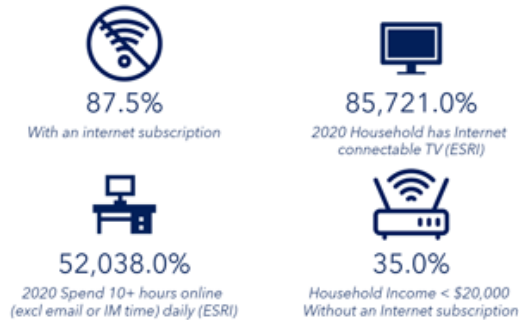
Employment



Vehicles & Commuting to Work



Internet Access



Annual Household Spending



Annual Lifestyle Spending



Pets



Business & Revenue



Land & Density



ATTACHMENT 3

DOEE COMMENTS

DOEE Development Review Comments
ZC 22-08: Benning Road Metro Affordable

DOEE applauds the applicant for pursuing certification under the 2020 Enterprise Green Communities rating system at the new plus-level of certification (EGC+). This rating system caters specifically to affordable housing projects and incorporates building standards that will benefit future tenants. The EGC+ level of certification is reserved for projects that go above and beyond the base-level certification to achieve net-zero energy or near-net-zero energy, by achieving, at minimum, certification under DOE's Zero Energy Ready Homes (ZERH) program.

DOEE encourages the applicant to pursue environmental benefits beyond the EGC rating system. The following recommendations are intended to assist the applicant with incorporating sustainable design and construction strategies that will yield higher EGC scores and minimize the project's impact on the environment.

Many of these strategies can be financed with no upfront cost through [DC PACE](#). The [DC Green Bank](#) and the [DC Sustainable Energy Utility](#) (DCSEU) also offer innovative financial products and technical assistance to help projects gain access to capital. To learn about project-specific financing options, contact Crystal McDonald at cmcdonald1@dcseu.com or complete DCSEU's [Custom Rebate Form](#).

Energy Performance and Electrification

DOEE applauds the applicant's current energy efficiency and renewable energy strategies and encourages the applicant to continue exploring options to reduce the project's energy consumption and increase its energy generation. Maximizing energy efficiency at the time of construction will more cost effectively assist in meeting [Building Energy Performance Standards](#) (BEPS) in the future. The BEPS program was established in Title III of the Clean Energy DC Omnibus Act of 2018. The Act states that starting in 2021, owners of buildings over 50,000 square feet that are below a specific energy performance threshold will be required to improve their energy efficiency over the next 5 years. Projects below the performance threshold will be able to choose between a performance pathway, which requires that they document a 20% reduction in energy usage over the 5-year compliance period, or a prescriptive list of required energy efficiency measures. The next BEPS will be established in 2027 and again every six years, and the compliance threshold will increase each cycle. New projects are encouraged to maximize energy efficiency during the initial design and construction in order to meet BEPS upon completion.

In line with the District's goal of carbon neutrality and the objectives of the [Sustainable DC 2.0](#) and [Clean Energy DC](#) plans to reduce greenhouse gas emissions, DOEE previously recommended that the applicant design the project to be fully electric (i.e., no on-site combustion of fossil fuels). At an interagency meeting on April 19, 2022, the applicant informed DOEE that they intend for the building to be all-electric, except for the building's backup generator. DOEE appreciates the applicant's effort, in this regard. DOEE and DCRA are evaluating options to include building electrification requirements in future code updates. Building electrification involves powering all building appliances and systems (e.g., domestic hot water, heating equipment, cooking equipment) with electricity rather than fossil fuels (e.g., natural gas or fuel oil). Efficient electric systems reduce indoor air pollution caused by combustion equipment and can save on operating costs, especially when coupled with solar energy. All-electric buildings can also save on construction costs by avoiding the need to install gas piping. It's easier and more cost-effective for new construction to be designed with electric systems than it is to retrofit buildings later, so DOEE strongly encourages projects to evaluate electric options as part of their initial energy modeling exercises. For more information about building electrification in the District, visit [this resource page](#) created by the Building Innovation Hub.



Net-Zero Energy

Clean Energy DC, the District's detailed plan to reduce greenhouse gas emissions, calls for net-zero energy (NZE) building codes by 2026. DOEE encourages the project to explore net-zero energy construction/certification ahead of this planned code requirement. An NZE building is a highly energy-efficient building that generates enough on-site, or procures acceptable offsite, renewable energy to meet or exceed the annual energy consumption of its operations. NZE buildings can benefit both owners and tenants through significantly lower operating costs, improved occupant comfort and improved indoor air quality. Under the [2017 District of Columbia Energy Conservation Code](#), projects can use Appendix Z as an alternative compliance pathway, which provides a working definition and guidance for NZE.

DOEE has published a *Net-Zero Energy Project Guide*, a *Multifamily Guide*, and an *Integrated Design Charrette Toolkit* to assist project teams with planning, designing, constructing and operating NZE buildings. These and other resources can be found at doee.dc.gov/service/greenbuilding.

For the past few years, DOEE has offered grants to projects exploring NZE design and other innovative green building approaches. Case studies and final reports from some of these projects are available at [here](#).

If the applicant is interested in NZE construction, either on this project or future projects, DOEE can be of assistance. Please reach out to Connor Rattey at connor.rattey@dc.gov for more information.

Solar

DOEE applauds the applicant's efforts to maximize the project's rooftop solar energy generation capacity and commends the applicant for combining the solar array into the project's green roof. DOEE has issued guidance on how to successfully incorporate solar into green roofs on pages 41 & 42 of the [2020 Stormwater Management Guidebook](#). Maximizing solar energy production contributes to achieving the District's goals to rely on 100% renewable electricity by 2032 and increase local solar generation to 10% of total electricity by 2041.

Climate Resilience

In order to prepare for the impacts of climate change, including increased flooding and extreme heat, DOEE encourages the team to assess how climate change will affect the project and to incorporate resilient design strategies. As part of the [Climate Ready DC Plan](#), DOEE released [Resilient Design Guidelines](#) to assist project teams considering climate resilient design. Additional DOEE Climate Adaptation and Preparedness resources are available at doee.dc.gov/climateready.

Green Area Ratio and Stormwater Management

DOEE encourages the applicant to exceed the minimum GAR and stormwater requirements. This project is located in an area of the District that has a municipal separated storm sewer system (MS4), which means that stormwater runoff is discharged, untreated, into local water bodies. Stormwater from this project site is discharged into the Anacostia River. Stormwater management strategies used by projects located in the MS4 are more environmentally beneficial than those used by projects in the combined sewer system (CSS). Additional on-site stormwater retention can earn the project Stormwater Retention Credits (SRCs) that can be sold through DOEE's Credit Trading Program. SRCs can be sold directly to DOEE through the SRC Price Lock Program (for projects located in the [MS4 Sewer System](#) only) or sold on the open market. For more information, please visit doee.dc.gov/src or email Matt Johnson at src.trading@dc.gov.

DOEE is prepared to meet with the project team to discuss GAR and stormwater opportunities on the project site. To set up a review meeting with the stormwater team at DOEE, please contact Ayende Thomas at ayende.thomas@dc.gov.

Deconstruction, Reuse, and Embodied Carbon Reduction

DOEE encourages the applicant to conduct a simple life-cycle analysis (LCA) to measure and reduce the impacts from the proposed project's structural and envelope design. An LCA is an effective tool to measure the embodied carbon, or global warming potential (GWP), of a building and its materials. An LCA can inform

decisions about the selection and quantity of materials used, and can assist with dematerialization (i.e., reducing the amount of a given material). Dematerialization reduces environmental harm and saves money.

Embodied carbon is the sum of all greenhouse gas emissions resulting from the construction of buildings, including materials and construction activities. It is estimated that 23% of the world's GHG emissions result from construction. Most of these embodied emissions are associated with the production and use of concrete and steel, common structural elements. The energy savings of a high-performance building can take decades to offset the impacts of the building's construction.

DOEE recently funded two grant projects focused on reducing embodied carbon through LCAs. The lessons learned by these grantees may help the applicant identify simple ways to reduce the project's embodied carbon and understand how to conduct a basic LCA. The reports from these projects are available here: [LCA for St. Elizabeth's Building 2 Commercial Office by Hickok Cole](#) and [Embodied Carbon Life Cycle Assessment Assistance for Southeast Neighborhood Library by Quinn Evans](#).

Wherever possible, DOEE encourages the reuse of existing buildings and materials because the demolition of these buildings and construction of entirely new buildings is very carbon intensive. Given that this project involves razing the existing structure on-site, DOEE encourages the applicant to explore options for deconstruction and reuse or salvage of materials from the existing structure. In 2018, construction and demolition (C&D) activities in the US generated 600 million tons of waste. The reuse and rehabilitation of existing buildings can reduce waste and embodied carbon. When reuse is not possible, deconstruction or pre-demolition salvage can divert waste from landfill and incineration and allow for reuse of building materials. Destruction is the process of carefully and intentionally dismantling a building rather than demolishing it. While this process is more time consuming than demolition, reusing salvaged materials can reduce construction costs, and the sale of salvaged or recyclable materials can generate additional revenue. Organizations like [Community Forklift](#) collect donations of unwanted and salvaged building materials throughout the DC region. DOEE is also working to develop a Donation and Reuse program and may have additional resources and information available at the time of project construction. The applicant is encouraged to reach out to Connor Rattey at connor.rattey@dc.gov encouraged if they are interested in deconstruction of existing structures or donation and reuse of building materials.