

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

APPLICATION FOR VOLUNTARY DESIGN REVIEW

**4401-4435 Benning Road NE
Washington, DC 20019
Lots 40 and 61, Square 5085**

February 14, 2022

I. INTRODUCTION

This statement and the enclosed documents support the application (the “Application”) of NRP Properties LLC (the “Applicant”) to the D.C. Zoning Commission for voluntary design review and approval of an all-affordable residential project at 4401-4435 Benning Road NE (Lots 40 and 61, Square 5085) (the “Property”). The Property is located in the MU-7B zone and is within the jurisdiction of Advisory Neighborhood Commission 7D (“ANC 7D”).

The Applicant proposes to demolish the existing one-story building at the Property and construct a new apartment building (the “Project”) with 109 all-affordable residential units. The ground level will feature residential amenity space as well as a parking garage for 13 spaces. The Project will be nine stories plus penthouse with a maximum building height of 93’6” and lot occupancy of 50%. The Project will include 46 long-term bicycle parking spaces and the required loading facilities.

The Applicant submits this Application pursuant to Subtitle X § 601.2 of the Zoning Regulations, which allows for voluntary design review before the Zoning Commission. As permitted by Subtitle X § 603.1, the Applicant seeks flexibility from the standards for building height and rear yard. The Applicant also requests special exception relief from the requirements for vehicular parking pursuant to Subtitle X § 603.4.

II. THE APPLICANT

The Applicant is an affiliate of The NRP Group (“NRP”), a real estate development company that has been developing and managing properties across the country for over 25 years. NRP’s mission is to create exceptional rental opportunities for individuals and families, regardless of income. As measured by the number of units closed per year, NRP is the second-ranked affordable housing developer in the country; the third-ranked multifamily developer; and the third-ranked multifamily general contractor. NRP has a diversified portfolio of projects in 15 states and the District of Columbia, including market rate and affordable multi-family housing, senior housing, student housing and single-family housing.

NRP is co-developing the Property with the Marshall Heights Community Development Organization (“MHCDO”). MHCDO is the largest and oldest African American community-based development organization in the District of Columbia. MHCDO provides services designed to increase affordable housing opportunities, expand economic opportunities, and improve the quality of life for individuals and families. MHCDO has five components that comprise its economic development model: Health, Education, and Wellness; Small Business Development; Housing; Real Estate Development; and Workforce Development Training.

The Applicant is the contract purchaser of the Property, and has enclosed letters of authorization from the two existing owners at [Exhibit A](#).

III. THE PROPERTY & EXISTING CONDITIONS

The Property is comprised of two lots totaling 25,925 sq. ft. of land area. The Property is an interior lot with frontage on Benning Road NE and a 20-foot-wide unimproved alley to the rear.

The buildable area on the Property is restricted by several encumbrances, including a building restriction line along Benning Road. There are two WMATA vent shafts associated with the nearby Benning Road station that are located on the northwestern side of the Property. WMATA also holds an underground tunnel easement along the front of the Property and a utility easement cutting through the center of the Property (the building restriction line, WMATA vent shafts, tunnel easement and utility easement shall be collectively referenced as the “Encumbrances”). As explained in the Project description, the Encumbrances restrict the Project’s buildable area to the southern half of the Property.

Lot 61 – the larger of the two lots comprising the Property - is improved with a one-story building that is currently vacant, but was most recently used as a dental office. However, the one-story building occupies a small portion of Lot 61, with the remainder dedicated to a parking lot associated with the office building. There are two curb cuts off Benning Road that service the parking lot. Lot 40 – located to the west of Lot 61 – is unimproved and open green area.

The Property is located to the north of East Capitol Street and is approximately one mile to the east of the Anacostia River. The Benning Road Metrorail Station is one-half block from the Property. Directly across Benning Road from the Property is the Conway Center, a new residential building providing housing to the homeless and low-income residents. Although the Property is part of a small swath of MU-zoned property, much of the surrounding area is residential in nature, with lower-density apartment buildings and single-family homes. The nearby commercial lots are primarily improved with one-story buildings, including several gas stations. Fort Mahan Park and Fort Chaplin Park are both within two blocks of the Property.

IV. THE PROJECT

The Applicant proposes to subdivide the two existing lots, raze the office building and construct a new, 9-story plus penthouse, all residential building at the Property. The Architectural Plans are enclosed at **Exhibit F**. The Project will have 109 dwelling units, all of which will be affordable to income levels at or below 80% AMI. The Applicant proposes to make 22 units available at 30% AMI, 65 units available at 50% AMI and 22 units available at 80% AMI. The Project features a range of unit types from studio to three-bedrooms. There are a substantial number of “family-sized” units to include 27 two-bedroom units and 22 three-bedroom units.

The Project’s ground level will consist of the residential lobby, management offices, a conference room, long-term bicycle parking, the trash room, and mechanical space. The ground level also has an internal garage with 13 parking spaces, a loading berth and platform and a service-delivery space. The second level will have 11 residential units along with an approximately 1,038 sq. ft. fitness center space and a 654 sq. ft. training and education space. Floors three through nine will be entirely residential, with 13 units on each floor. The penthouse level will have seven units. There will be a green roof feature about the 9th floor roof as well as the penthouse level roof. The penthouse is 12 feet in height and complies with all required setbacks. The second penthouse level is mechanical equipment with screening, an elevator overrun and solar panels.

Due to the Encumbrances, the Project will be sited on the southwestern half of the Property, leaving a large amount of open green space on the Property’s frontage. To provide residents with an inviting and walkable area, the Applicant proposes substantial landscaping and hardscaping

improvements as part of the Project. The entire frontage will be sodded with new grass with the exception of the two new walkway features and the driveway to the garage. The Applicant will incorporate a number of new landscaping features, including new sidewalks, trees, and shrubs.¹ The Applicant also intends to bring adjacent public sidewalks up to current DDOT standards and to decrease the number of curb cuts from two to one.

Architecturally, the Project's façade is designed to create visual interest through the use of different materials and angular dimensions. The ground level will feature large amounts of glazing with brick and metal cladding in order to promote connectivity between the building and the surrounding neighborhood. The eastern side of the ground level incorporates a unique "green wall" as well. Above the second floor, the façade's architectural style shifts to a more angular design. The primary material is a Fiber Cement Panel 'Nichia' that will have tonal variables of 'red' coloring. There is a series of horizontal gray bands that interrupt the red coloring to create an appearance of movement within the façade. In addition to color and materiality, the Project takes on a c-shaped design over a green roof feature beginning at the second level. Balconies have been incorporated on every unit, further adding to visual interest while giving each resident private outdoor space. The Project will have a green roof and solar panels as well.

Overall, the Project proposes 117,114 sq. ft. of gross floor area with an FAR of 4.51. As such, the Project's FAR is well within the maximum 4.8 FAR permitted in the MU-7B zone with Inclusionary Zoning ("IZ"). The proposed building height will be 93'6" and requires flexibility pursuant to the Commission's authority under Subtitle X § 603.1 and 603.3.² The Project will have a lot occupancy of 50%, with up to 80% permitted in the MU-7B zone with IZ. The Project will have no rear yard where a 19.5-foot rear yard would be required; thus, the Applicant is also requesting flexibility from the rear yard standards. The Project will not have side yards but none are required in the MU-7B zone. The Project will meet the green-area-ratio requirement of 0.25 in the MU-7B zone.

In terms of parking, a residential apartment with 109 units must provide 35 vehicular parking spaces. The Project's parking requirement is entitled to the 50% transit reduction due to proximity to the Benning Road Metro Station. As such, the Project's parking requirement is 18 spaces. However, the Project will only provide 13 vehicular parking spaces and the Applicant requests special exception relief herein. The Project will provide one loading berth and one service-delivery space, meeting the requirements in the Zoning Regulations. For bicycle parking, the requirement is 36 long-term spaces (1 per 3 units) and 5 short-term spaces (1 per 20 units). The Project will meet these requirements by providing 46 long-term bicycle spaces in a room on the ground level as well as 5 short-term spaces in front of the building.

¹ Due to the WMATA vent shafts, the Project's landscaping plan is subject to WMATA review and approval.

² Under Subtitle X § 603.3, the Commission may grant flexibility for building height up to that permitted for a PUD in the subject zone. In the MU-7B zone, a PUD may reach a building height of 90 feet pursuant to Subtitle X § 303.7, but the Zoning Commission can grant an additional 5% of building height pursuant to Subtitle X § 303.10. As such, a PUD with a building height of 93'6" is permitted in the MU-7B zone.

V. THE APPLICATION SATISFIES THE BURDEN FOR VOLUNTARY DESIGN REVIEW

To approve a voluntary design review application, the Zoning Commission must find the application meets the requirements of Subtitle X § 604.³ The subject Application meets these requirements as follows:

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

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

i. Framework Element and Maps

a. *Future Land Use Map*

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

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

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

³ As required by Subtitle X § 601.3-.4, the Property is only in one zone - the MU-7B zone – and the two lots comprising the Property are contiguous. There is no minimum lot area requirement to qualify for design review because the Property is not within the R, RF or RA zones.

b. *Generalized Policy Map*

The Comprehensive Plan's Generalized Policy Map ("GPM") identifies the Property as a "Neighborhood Commercial Center." These areas are intended to provide both residential and commercial uses that meet the day-to-day needs of residents and workers in the adjacent neighborhoods. 10A DCMR § 225.15. Additionally, "new development and redevelopment within Neighborhood Commercial Centers must be managed to conserve the economic viability of these areas while allowing additional development, including residential, that complements existing uses." 10A DCMR § 225.16.

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

ii. Land Use Element

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

Policy LU-1.4.1: Station Areas as Neighborhood Centers

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

Policy LU-1.4.2: Development Around Metrorail Stations

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

Policy LU-1.4.3: Housing Around Metrorail Stations

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

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

Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.12.

Policy LU-1.4.5: Design to Encourage Transit Use

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

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

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

Policy LU-1.5.1: Infill Development

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

Policy LU-1.5.2: Long-Term Vacant Sites

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

Policy LU-2.1.10: Multi-Family Neighborhoods

Maintain the multi-family residential character of the District's medium- and high-density residential areas. Limit the encroachment of large-scale, incompatible commercial uses into these areas. Make these areas more attractive, pedestrian-friendly, and transit

accessible, and explore opportunities for compatible commercial development which provides jobs for nearby residents. 310.17.

Policy LU-2.2.4: Neighborhood Beautification

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

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC's role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial development in underserved areas to provide equitable access and options to meet the needs of nearby communities. 313.9.

The Project is not inconsistent with the above policies because it will transform one under-utilized parcel and another long-vacant parcel into a new all-affordable residential building. The Project's 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.

iii. Transportation Element

Policy T-1.1.4: Transit-Oriented Development

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

Policy T-1.1.8: Minimize Off-Street Parking

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

Policy T-1.2.3: Discouraging Auto-Oriented Uses

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

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

iv. Housing Element

Policy H-1.1.1: Private Sector Support

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

Policy H-1.1.3: Balanced Growth

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

Policy H-1.1.4: Mixed-Use Development

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

Policy H-1.1.5: Housing Quality

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

Policy H-1.1.9: Housing for Families

Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District's most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial

feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. 503.11.

Policy H-1.3.1: Housing for Larger Households

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

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

v. Urban Design Element

Policy UD 2.1.6: Minimize Mid-Block Vehicular Curb Cuts

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

Policy UD-2.2.1: Neighborhood Character and Identity

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

Policy UD-2.2.5: Infill Development

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

Policy UD-2.2.7: Preservation of Neighborhood Open Space

Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to minimize the loss of sunlight and maximize the usability of neighborhood parks and plazas. Buildings adjacent to parks or

natural areas should orient their entrances or other community-serving functions toward these shared resources. 909.13.

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

vi. Far Northeast and Southeast Area Element

Policy FNS-1.1.2: Development of New Housing

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

Policy FNS-2.4.1: Benning Road Station Area Development

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

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

vii. Benning Road Corridor Redevelopment Framework

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

Accordingly, the Project is consistent with the Redevelopment Framework because the Property is identified as a target site for a residential redevelopment due to its transit-oriented

location near the Benning Road Metro Station. The Redevelopment Framework also anticipates the Project's small increase in density over matter-of-right standards through permitted flexibility in the design review process.

B. The Project will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9 (Subtitle X § 604.6)

The Project meets the general special exception criteria under Subtitle X, Chapter 9. The Project will not adversely affect the use of neighboring property because it has been designed to comply with the by-right development standards in the MU-7B zone, with the exception of height and rear yard.

The requested flexibility from height and rear yard is mitigated by factors including the Project's limited lot coverage and siting on the Property. The Project's lot occupancy of 50% means the building's footprint will cover less than half of the Property and is well under the maximum 80% lot occupancy permitted in the MU-7B zone. The Project provides a large, landscaped setback of almost 47 feet from the property line on Benning Road thereby allowing light and air to flow through the Property.

The Property abuts a one-story commercial building used as a 7-Eleven convenience store to the south. That commercial building is setback considerably from Benning Road and the shared lot line with the Property. To the west of the Property are garden-style apartments called the Fort Chaplin Park Apartments. These apartments that are setback approximately 27 feet from the Property's western lot line. The setback coupled with the Project's 41-foot 8-inch substantial front setback will further limit any adverse effects. To the southwest (rear) of the Project is a 20-foot-wide unimproved alley and a parking lot associated with the East Capitol Gardens apartments, which is a four-story apartment complex fronting on East Capitol Street. With the unimproved alley and parking lot, the actual apartment buildings range from 90 feet to 79 feet 10 inches from the Project's rear façade. Additionally, East Capitol Street is at a higher elevation than the Property, which further limits any impacts of the building height and rear yard flexibility.

The Project is harmonious with the purpose and intent of the Zoning Regulations and Maps. The MU-7 zone is intended for medium-density, mixed-use development that is located near rapid transit stops. *See* Subtitle G § 400.6. Although the Project will not incorporate a mix of uses, it is a medium-density development that will feature all-affordable residential units and is located near the Benning Road Metrorail Station. The Project is consistent with most by-right development standards in the MU-7B zone, including FAR and lot occupancy. The building height of 93'6" is permitted as part of the voluntary design review process, which allows the Zoning Commission to grant flexibility for building height up to that permitted for a PUD in the subject zone. *See* Subtitle X § 603.3. The flexibility allows the Applicant to provide more affordable and family-sized units in the Project.

C. The Project is Consistent with the Commission’s Standards for Urban Design (Subtitle X § 604.7)

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.*

The Project’s frontage on Benning Road is designed to be safe, comfortable and encourage pedestrian activity through improved walking connectivity around the Property and in public space. The Project proposes two 50-foot-wide walkways from public space to the building entrance that will allow building residents and visitors to travel to and from either corners or the Property. The walkways will be buttressed by landscaping and green space to promote a safe and inviting pedestrian area. The Project will incorporate large glass windows on the ground level to further activate the Property’s frontage. The Project will greatly improve the existing conditions on site, which is currently a parking lot that provides no connectivity to the neighborhood.

The Applicant also intends to bring the surrounding public space, including the sidewalks, up to current DDOT standards. While the Project must incorporate a driveway to access parking and loading, the Applicant has reduced the number of curb cuts on-site from two to one. The Applicant has begun engagement with DDOT to discuss surrounding public space, including the proposed curb cut.

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.*

While the Project will not have a public gathering place, it will feature approximately 12,960 sq. ft. of landscaping and open space along the Property’s frontage. The Project’s landscaping features will include a large swath of new grassed area, trees and shrubs. The substantial open green space and landscaping will provide a recreation area for residents and improve the overall aesthetics and connectivity of the Property to the broader neighborhood.

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.*

There is a variety of architectural character in the surrounding neighborhood. The recently-constructed Conway Center is a seven-story residential building directly across Benning Road from the Property. The Conway Center features a modern design that is similar in nature to the proposed Project, including large amounts of glazing and the use of angular lines to accentuate architectural features.

The other nearby apartment buildings are generally lower-density apartments that were constructed decades ago. While the Project will employ a more modern aesthetic, the Project is designed to preserve a large amount of open green space similar to the layout of the older apartment buildings. Additionally, the Project's façade will largely consist of red brick, which is a color and materiality seen on many of the nearby apartments. As such, the Project will employ elements of both modern and traditional design in the neighborhood.

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 Project adds visual interest to the neighborhood using creative and attractive design features and high-quality materials. The façade of the first and second levels is large glazing framed by brick and metallic cladding. The glass features coupled with the landscaping in front of the Project reinforce the inviting pedestrian nature of the Project. To add visual interest, the Project will incorporate a green wall on the eastern side of the ground level next to the garage entrance. Due to the bay projections on floors three and above, the first and second levels are further distinguished from the rest of the Project.

The Project's attractive design is further reinforced by the c-shape building above the ground level with a courtyard in the center. The Project's front façade features different materiality as well as angled features to differentiate certain floors from others. Every unit in the Project will have a balcony, further contributing to the front façade's visual interest.

Sites are designed with sustainable landscaping; and

The Project's frontage will be designed with extensive, sustainable landscaping features, including new grass, shrubs, trees and other plantings.

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;*
- (2) *The development incorporates transit and bicycle facilities and amenities;*
- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*

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

As noted above, the Project is designed to promote connectivity and walkability in the surrounding neighborhood through the substantial improvements to the frontage along Benning Road. The open green area is designed as a safe and inviting space for residents that will reintegrate the site within the broader area. The Project will incorporate 46 long-term bicycle parking spaces, exceeding the required 36 spaces, as well as five short-term spaces at the Property's frontage. The bicycle parking will further encourage multi-modal transportation options for residents of the Property.

VI. ZONING FLEXIBILITY

As part of this Application, the Applicant requests zoning flexibility for a building height of 93'6" and for the Project to have no rear yard. Pursuant to Subtitle X § 603.1, the Zoning Commission is authorized to grant flexibility "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." As such, the Applicant's flexibility requests are within the Zoning Commission's authority.

Further, "[e]xcept 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." For building height, the Commission "may grant no greater height than that permitted if the application were for a PUD." In the MU-7B zone, a PUD may have a building height of 93'6" pursuant to Subtitle X §§ 303.7 and 303.10.

The flexibility requests are driven by the Encumbrances that restrict the building's siting to the rear of the Property. As noted above, there is a building restriction line, two WMATA vents, and a sewer utility easement on the front of the Property. As a result of the Encumbrances, the Applicant has no ability to construct the Project on the front 47 ft. of the Property. Therefore, the Project's footprint covers half of the Property for a lot occupancy of 50% where up to 80% is permitted in the MU-7B zone.

The flexibility from height and rear yard allows the Project to recapture lost square footage from these encumbrance limitations. With respect to building height, the flexibility allows for approximately two additional floors over the 65-foot height permitted by-right in the MU-7B zone. Thus, the height flexibility results in an additional 26 affordable dwelling units, including six 3-bedroom units. In this respect, the height flexibility achieves the goals of the Comprehensive Plan and other adopted public policies to encourage the creation of new and affordable housing in the District.

With respect to the rear yard, the requested flexibility to provide no rear yard will significantly improve the site plan and building design. A compliant rear yard would greatly restrict the size and functionality of the Project by squeezing the building between the rear yard and the encumbrances at the front of the Property. Without rear yard flexibility, the Project would occupy an even smaller footprint on the Property, which has already been limited to a 50% lot

occupancy where 80% is permitted. This would result in an awkward and inefficient design, and would require the elimination of most, if not all, parking and loading and units on floors two and above. Instead, the rear yard flexibility allows the Applicant to maximize the buildable portion of the lot and provide the appropriate uses on the ground level, including the residential lobby, bicycle parking room, and parking and loading garage.

Nonetheless, the requested flexibility will not adversely impact neighboring properties. Benning Road is an 80-foot-wide right-of-way that supports the Project's proposed height. The Project abuts an unimproved 20-foot-wide alley to the rear and all three abutting properties have substantial setbacks adjacent to the Project. The apartments associated with the East Capital Gardens complex are also separated from the Project by a large parking lot. The closest portions of the East Capital Gardens buildings that face the Property do not have windows. The Project's substantial amount of open green space along its frontage will further maintain light and air for neighboring properties.

Accordingly, flexibility from the standards for building height and rear yard are warranted as they will result in a greater number of affordable units in the Project, better building design and site planning, and have limited impact, if any, on neighboring properties.

VII. SPECIAL EXCEPTION RELIEF FROM PARKING REQUIREMENTS

The Applicant requests special exception relief from the vehicular parking requirements pursuant to Subtitle C § 703.2. The Project proposes 15 vehicular parking spaces in the garage on the ground level. Under Subtitle C § 701.5, a multi-dwelling residential use must provide 1 space per 3 units in excess of 4 units. This standard would require 35 spaces for the Project's 109 units. However, the Project is entitled to a 50% transit reduction due to its proximity within ½ mile of the Benning Road Metro Station. *See* Subtitle C § 702.1(a). After applying the transit reduction, the Project is required to have 18 parking spaces. Therefore, special exception relief is needed because the Project only has 13 parking spaces.

A. The Relief Meets the General Special Exception Standards of Subtitle X § 901.2

The requested parking relief is in harmony with the purpose and intent of the Zoning Regulations and will not adversely impact the use of neighboring properties. The Applicant is providing as many spaces as possible without significantly impacting the Project's programming and site plan. The limited building footprint leaves a relatively small area for parking on the ground level. The proposed parking spaces span the entire width of the lot at the rear of the Property. To provide more spaces would require either the loss of usable square footage on the ground floor or the provision of parking on the Property's frontage, which is not permitted by the Zoning Regulations.

The Project is only five spaces short of meeting the requirement and, thus, will not adversely impact neighboring properties. The 13 spaces being provided will be sufficient to meet the needs of residents. The Property's adjacency to the Benning Road Metro Station will provide residents with easy access to Metrorail. There are also several bus stops within a block of the

Property providing access to Lines V7, V8 and 96. These alternative transportation options will discourage residents from having personal automobiles and limit demand for parking.

B. The Relief Meets the Special Conditions of Subtitle C § 703

In addition to the general special exception standard, a request for parking relief must meet the special conditions under Subtitle C § 703. The Project meets these special conditions as follows:

Subtitle C § 703.2 - The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

The Applicant meets subsections (b) and (f) under Subtitle C § 703.2.

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

The Project is particularly well served by mass transit and bicycle facilities. As noted, the Project is half-a-block from the Benning Road Metrorail Station, providing excellent access to that public transit option. As an alternative, there are several bus stops within a block of the Property that provide access to at least three bus lines. In terms of bicycle facilities, there is a Capital Bikeshare station at the Benning Road Metro. A second Capital Bikeshare station is located at the Benning Neighborhood Library approximately ½ mile from the Property. The Project will provide 46 long-term bicycle spaces that will further encourage the use of bicycle transportation.

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

The Project will have 109 affordable housing units at deeper levels of affordability than required by IZ. The Applicant proposes to make 22 units available at 30% AMI, 65 units available at 50% AMI and 22 units available at 80% AMI. As such, the Applicant has met this sub-condition.

Subtitle C § 703.3 - Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The Project is physically unable to provide the required 18 parking spaces on the Property. The parking arrangement in the garage will have an uninterrupted row of 13 parking spaces along the rear lot line. This row of parking spaces spans the entire width of the Property. Due to the required access and turning radius, there is no physical room for additional parking spaces in the garage, as designed.

As described herein, the Project's floorplate is small due to the Encumbrances on the Property. Since the Project's floorplate cannot be expanded, the Applicant would have to redesign

the Project and remove programming on the first level to incorporate more parking. However, this would lead to the reduction in important amenities, such as the lobby, bicycle parking room, or mechanical space that is needed to operate the building.

Further, due to the Encumbrances, providing a new below-grade level for parking would be challenging and is not desirable for three additional spaces in an all-affordable project. Parking also cannot be located between the Project's front façade and front lot line pursuant to Subtitle C § 710.2(c)(2). As such, the Applicant is physically unable to provide additional parking for the Project.

Subtitle C § 703.4 - Any request for a reduction in the minimum required parking 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.

Upon filing the application, the Applicant will engage with the Department of Transportation to develop a transportation demand management plan for the Project.

In sum, the Applicant meets the burden for special exception relief from the vehicular parking requirements pursuant to Subtitle X § 901.2 and Subtitle C § 703.

VIII. EXHIBITS

Tab A: Application Form

Tab B: Agent Authorization Letter

Tab C: 200-Footer List

Tab D: Certificate of Notice

Tab E: Office of the Surveyor Plat

Tab F: Architectural Plans, Sections, Elevations, and Renderings/View Analyses;
Photographs of the Property

IX. CONCLUSION

In conclusion, this Application and the Project meet the Zoning Commission's standards for voluntary design review approval. We thank you for your attention to this Application and look forward to presenting the Application and Project to the Zoning Commission at a public hearing.

Sincerely,
COZEN O'CONNOR



Meridith H. Moldenhauer



Eric J. DeBear