

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JLS
Jennifer Steingasser, Deputy Director, Development Review
DATE: November 4, 2016
SUBJECT: ZC 16-20 - OP Setdown Report (3450 Eads Street N.E.)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **setdown** of the application of 3443 Benning Road, LLC (the “Applicant”) for a consolidated PUD & related map amendment from R-3 to MU-7 (formerly the C-3-A zone district) to facilitate development of a multi-family residential building at 3450 Eads Street NE.

The application is generally not inconsistent with the Comprehensive Plan (as outlined in [Section III](#) of this report), is consistent with the purpose of the PUD process, and is generally ready for a public hearing to be scheduled with supporting information to be provided prior to the public hearing as requested by OP ([Section VIII](#) of this report) and the Commission at setdown.

This case is being processed under the 2016 zoning regulations.

II. LOCATION AND SITE DESCRIPTION

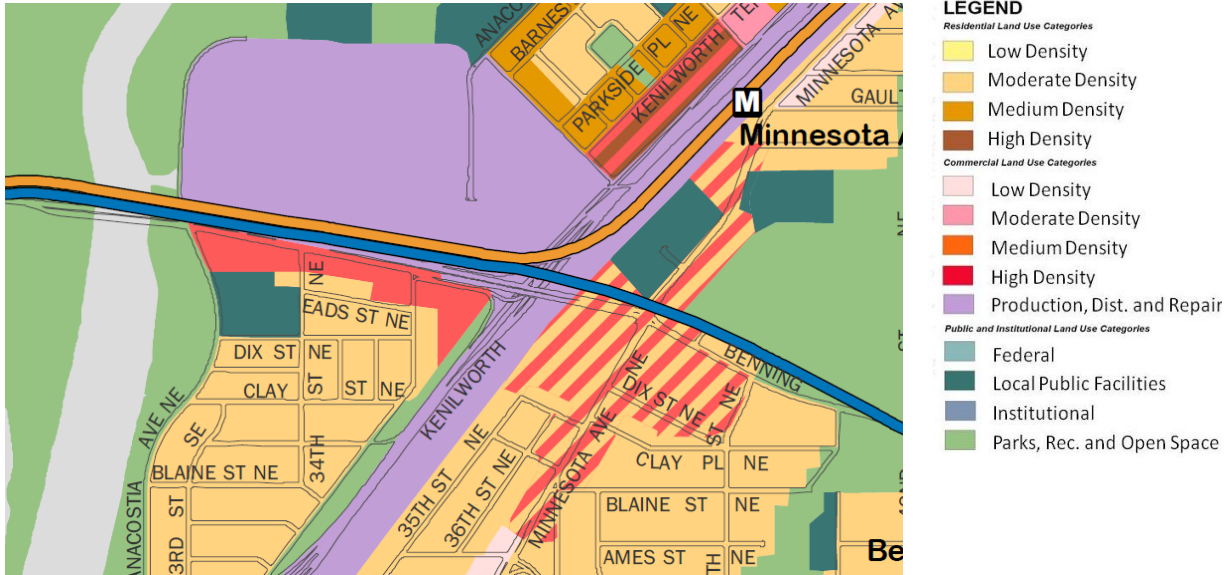
Address	3450 Eads Street N.E.
Applicant:	3443 Benning Road, LLC
Legal Description	Square 5017, Lots 839, 840, 841, 842 and 1,264 square feet of an alley between Lots 839 and 840, which is proposed to be closed.
Ward / ANC	Ward 7; ANC 7D
Current Zone/Map Amend.	R-3 to MU-7
Lot Characteristics	The 17,863 square foot property is comprised of three combined lots and the referenced alley. The generally flat and rectangular lot abuts a 20-foot wide alley at its rear to the north and to the west of the lot.
Existing Development	The fenced lot is asphalt-paved and vacant.
Adjacent Properties	The lot fronts Eads Street to the south and is bound to the west and north by a 20-foot wide public alley. Subject to the alley closure, the east the property line would abut a vacant District-owned lot. To the north of the property are vacant and commercial lots, which front Benning Road, in the MU-4 District. To the south and west, across Eads Street are two-story attached homes in the R-3 District.
Surrounding Neighborhood Character	The property is located in the River Terrace neighborhood, characteristic of semi-detached single-family row homes bounded by Kenilworth Avenue to the east and the Anacostia River to the west.
PROPOSAL	The lot is would be developed with a five-story, multi-family building of 56 units, with 22 below-grade parking spaces and 23 bicycle parking spaces. The applicant has proposed a map amendment from the existing R-3 District to the MU-7 District, in order to gain an additional 16 feet in height (2 stories) beyond the matter-of-right permitted in the R-3 District. Concurrent with this application is an alley closing for the 1,264 square foot alley to the east between Lots 840 and 839, as shown in the submitted plat. Key elements of the proposal are highlighted in the narrative of Section V of this report.
Relief and Flexibility	The applicant seeks: <ol style="list-style-type: none"> 1. A consolidated PUD and related map amendment from the R-3 District to the MU-7 District; 2. Flexibility from the lot occupancy – 80% maximum permitted – 81% proposed; 3. Flexibility from the minimum rear yard requirement of 12 feet; 4. Flexibility from the minimum side yard requirement of 5 feet. Flexibility from the continuous screening requirement for roof structures. <i>The areas of requested flexibility will be reviewed in OP’s final report.</i>
Project Timeline	Construction is anticipated in late 2018 and expected completion would be in the 4 th quarter of 2019.

III. COMPREHENSIVE PLAN

The proposed PUD and related map amendment must both be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies.

FUTURE LAND USE MAP

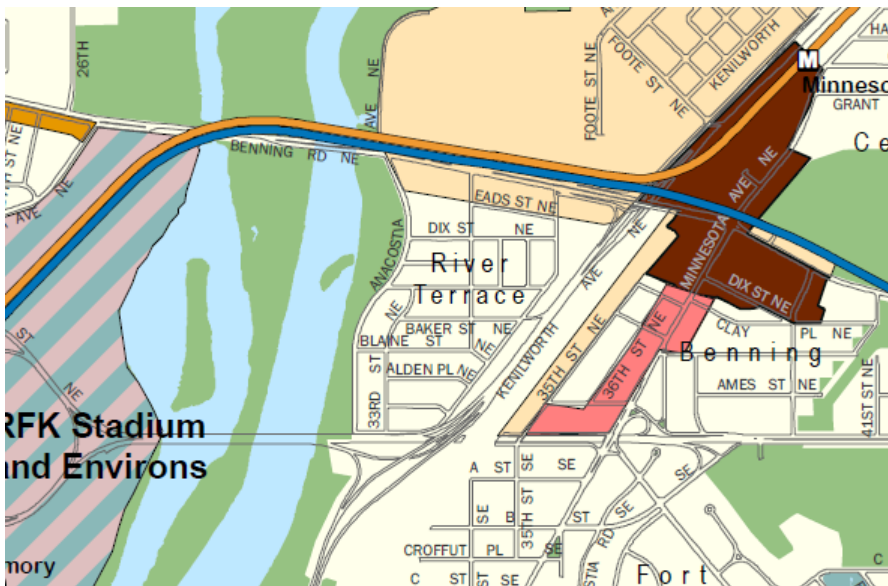
Medium Density Commercial and Moderate Density Residential



This designation defines the district's row house neighborhoods, as well as low-rise garden apartment complexes.

GENERALIZED POLICY MAP

Neighborhood Conservation Area



Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Limited development and redevelopment opportunities do exist within these areas but they are small in scale.

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

character of each area. Density in Neighborhood Conservation Areas is guided by the Future Land Use Map.

FAR NORTHEAST and SOUTHEAST AREA ELEMENT (FNS)

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

Policy FNS-1.1.2: Development of New Housing *Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.* 1708.3

The project would be a moderate density residential building, not inconsistent with the Future Land Use Map. It would also be consistent with the Far Northeast and Southeast Area element, which includes River Terrace, where new affordable housing is encouraged for vacant lots in proximity to Metro stations.

Citywide Guiding Principles

Land Use Element LU-1.4 Neighborhood Infill Development 307

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

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

Policy LU-1.4.1: Infill Development: *Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.* 307.5.

H-1.2 Ensuring Housing Affordability 504

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

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

H-2.1 Preservation of Affordable Housing 509

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

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

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

The proposed all-affordable infill project is anticipated by the land-use elements and policies described above. The applicant should provide information regarding the project's financing and its long-term affordability, i.e. whether the rentals would be affordable for the life of the project.

Urban Design Goal 901

The overarching goal for urban design in the District is:

Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces. 901.1

UD-2.2 Designing for Successful Neighborhoods 910

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

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

The infill development attempts to respect the existing single-family row homes, through the project's proposed massing, height and density. The building's three-story elevation to the west respects the homes across the 20-foot wide alley, which is at a slightly lower elevation than the established homes. The articulation of the Eads Street façade, including bays attempts to mimic the row pattern in its scale.

Environmental Element

Policy E-1.1.1 Street Tree Planting and Maintenance: *Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. 603.4*

Policy E-1.1.2 Tree Requirements in New Development: *Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance. 603.5*

Policy E-1.1.3 Landscaping: *Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity 603.6*

The development would provide these important features for the neighborhood on a vacant lot where none currently exists.

OTHER PLANS

- The Benning Road Corridor Redevelopment Plan (OP- Council Adopted July, 2008);
- The Far Northeast Livability Study (DDOT- October, 2011);

The project site is identified directly and indirectly in each of the above plans and its development is anticipated to satisfy the combined goals of the plans, including to:

- Create transit-oriented development [and] mixed use opportunities around the Benning Metro to promote walkability;
- Ensure transportation options are efficient, pleasant and readily available;
- Create pleasant, barrier-free streets that reinforce the comfort, convenience, safety and visual interest of pedestrians;

- Support safe, diverse mixed-use opportunities including a variety of housing choices, a variety of land uses (residential, commercial, employment uses) and visually and physically accessible civic spaces (schools and parks and plazas);
- Involve neighborhood communities in the development process to recognize and reward design excellence.

IV. ZONING

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

Regulation	D §	R-3	G §	Proposed MU-7 PUD	Proposed	Relief
Height	303.1	40 ft. max./ 3 stories	403.1	65 ft.	56 ft.	None*
Lot Width	302.1	40 ft.	N/A	N/A	86.21 ft. (max.)	None*
Lot Area	302.1	4,000 sq. ft. min.	N/A	N/A	17,863 sq. ft.	None*
FAR	402	None prescribed (1.2 effective – for all other structures)	402.1	4.0/4.8(IZ)	3.81	None
Gross FA				102,890 sf	67,971	
Lot Occupancy	304.2	60% attached, 40 % all other structures.	404.2	75%/80% IZ	81 %	Requested
Rear Yard	306	20 ft. min.	405	2.5”/ft. ht.; not less than 12 ft.	Variable 1 ft. – 5 ft.	Requested
Side Yard	405	ft. min.	406	2”/ft.ht; not less than 5 ft.	Variable ft.	Requested
Pervious surface	308.3	20%	407(GAR)	0.25	0.258	None

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

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

The Mixed-Use (MU) zones provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. The [MU-7 Zone](#) is a mixed-use zone that is intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than 1 density designation.

V. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

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

A PUD-related zoning map amendment shall be considered flexibility against which the Zoning Commission shall weigh the benefits of the PUD (§ 303.12). The requested PUD and related map amendment would allow approximately 16 feet of additional building height above the R-3 limits, as well as a density increase of 2.01 FAR or 35,904 sf.

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

(a) *Superior urban design and architecture*

Urban Design

In terms of urban design, the infill project would improve the current pedestrian realm from its current state through the ground floor building design and the streetscape elements.

Ground Floor Building Design

The building design is articulated through the use of masonry, metal-framed windows, and canopies that help establish a comfortable pedestrian-scale. The ground floor uses include an identified lobby, leasing and amenity area at the main 5-story portion of the building. The three-story units would have stair entrances to the front of the units with areaways below. While there would be multiple entrances, *it would be helpful to understand the type of amenities proposed/indicated at the lobby level.*

Streetscape Elements:

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

Architecture

At the western edge of the development, as viewed from existing two-story row houses, the building is designed as three (3) stories, approximately 35 feet above grade as measured from the center of the building. This section accommodates two multi-level units each, with two separate entrances units. Thereafter, continuing to eastward, the building rises to five (5)

stories at a maximum overall height of 56 feet. These units have interior entrances from a double-loaded corridor served by a single bank of elevators.

The rear elevation is designed in recognition of its visibility from Benning Road and the eastern elevation anticipates future development on the adjacent lot. A penthouse is proposed for rooftop staircase access and an elevator overrun with a maximum height of approximately 5 feet 8 inches above the roof. *A well-annotated roof plan should be included in the public hearing plans.*

Parking and Loading

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

The below-grade garage will contain 22 vehicle parking spaces and 20 long-term bicycle spaces, and the garage and loading entrances each include an automated door intended to mitigate noise and impacts for neighbors while providing security for future residents.

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

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

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

The proposal would maximize use of an underutilized site located near multiple transit options, including within 0.8 miles walking distance to the Minnesota Avenue Metro station. Four bus lines serve River Terrace, accessible along 34th Street, Minnesota Avenue and Benning Road. The project will provide 23 bicycle parking spaces, with off-site bike parking shown in public space, where none currently exists.

(d) *Housing that:*

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

The number of units that would be provided would exceed the number of residential row units that could have been developed as a matter-of-right, which the applicant projects as a maximum of 10 units or 32,153 square feet of housing. Under the proposed scenario of 59 units of all affordable housing, an additional 35,818 square feet of housing would be gained.

(e) *Affordable housing;*

The Applicant proposes to provide 67,971 square feet of residential use. The minimum IZ requirement of 8% of the residential GFA would be 5,445 sf with units at 80% AMI. The

Applicant proposes 100% of the residential GFA, at 50% AMI. OP considers the IZ benefit beyond the minimum IZ requirement a benefit of the PUD.

(f) *Employment and training opportunities*

The Applicant has not provided this information.

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

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

The lot is currently asphalt-paved with no observable or known stormwater controls. The project would definitely be an improvement in this regard as stormwater retention would be built-into the project through 640 square feet of bio-retention and through the provision of 4,200 square feet of green roof.

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

As previously stated in (1) above.

(3) *Garden(s) or on-site food production through permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment;*

This feature would not be applied in this project.

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

The total GAR for this project is stated as 0.258, where 0.25 is the minimum required for the MU-7 District.

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

The project is being designed and certified to exceed the requirements of the 2015 Enterprise Green Communities criteria. ([Exhibit 2J6, Sheet GC-1.3 -1.4](#))

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

OP anticipates that the streetscape plans would be submitted to DDOT for review prior to the public hearing.

- (i) *Uses of special value to the neighborhood or the District of Columbia as a whole.*
The project would provide affordable rental housing, which has become scarce in District neighborhoods. OP encourages the Applicant to participate in the DSLBD programs to hire locally and to use local support services, wherever possible.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

If this application is set down for a public hearing, the Office of Planning will refer it to the following government agencies for review and comment:

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

VII. COMMUNITY COMMENTS

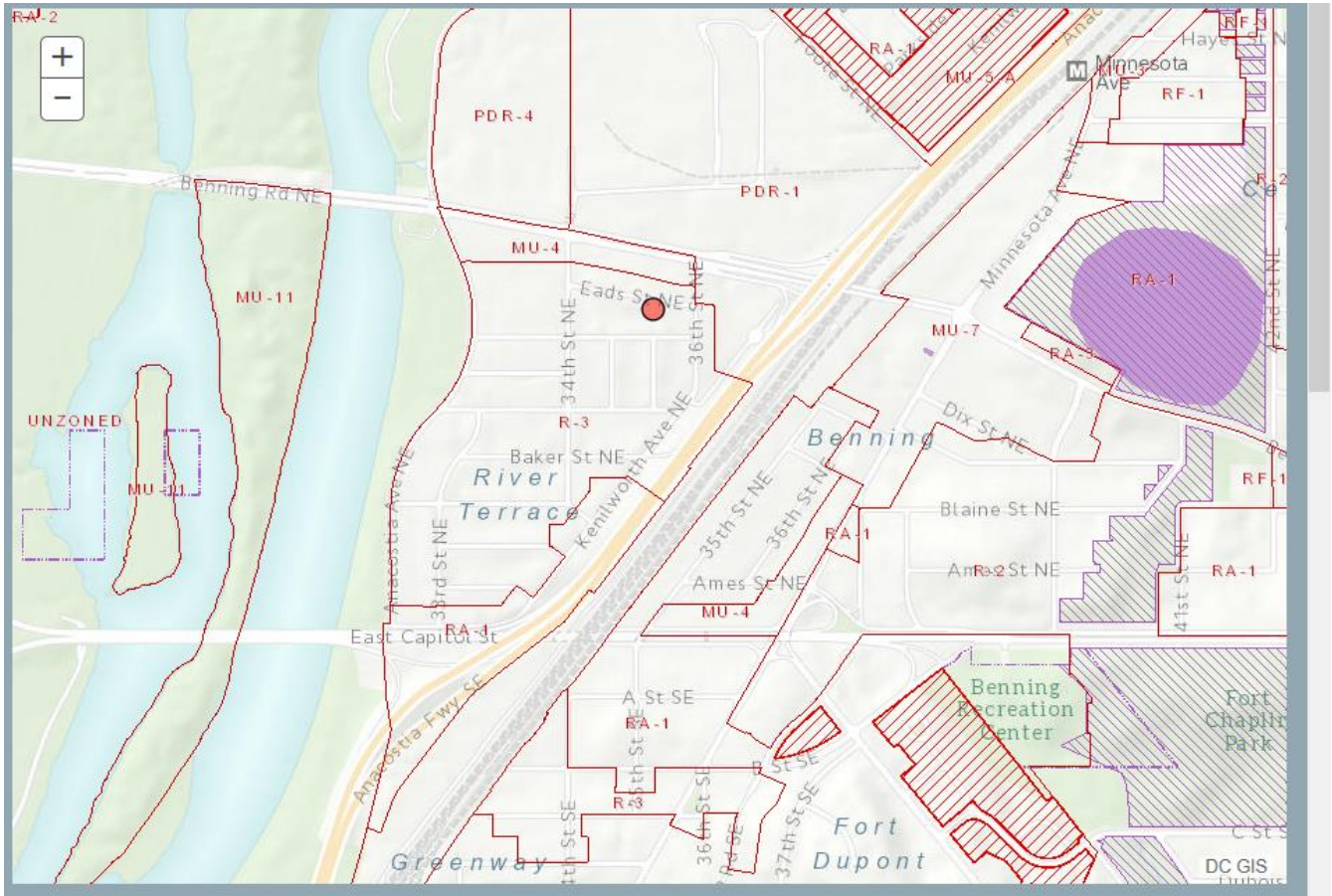
The site is located in ANC 7F and the applicant outlined outreach efforts on page 3 of [Exhibit 2](#), Statement in Support. The applicant also met with the River Terrace Organization (RTO) to obtain feedback on the project's design and its relationship to the neighborhood. The applicant is continuing its efforts to finalize a public benefits package prior to the public hearing.

VIII. OP COMMENTS

The applicant met with OP and the community over several meetings to discuss the building's design and architecture. OP recommends the following additional information prior to the public hearing:

- Roof structure setbacks, a rooftop plan and residential amenities proposed for the roof;
- Information on the length of affordability for the rentals (OP would expect the affordability to be for the life of the project);
- Material composition and discussion about the variety in the façade materials;
- Further discussion of benefits and amenities.

Attachment: Location Map



LOCATION AND ZONING MAP

