

ANC 6A Economic Development & Zoning Committee

7:00 – 9:00 pm, Wednesday, July 20, 2022

Virtual Meeting via Zoom

For those attending via Zoom: use this link:

<https://us06web.zoom.us/j/89235833627>

Call-in Number: 1 301 715 8592

Webinar ID (access code): 892 3583 3627

One tap mobile: +13126266799,,89235833627#

Public Meeting – All are welcome

7:00 pm Welcome/Introductions

7:01 pm Community Comments

1. Resolution of previously heard BZA/HPRB cases (Brad Greenfield)

New Business

2. 223 8th St NE (HPA22-329): Historic review of a plan to construct a rear three-story addition; add a partial third floor on the existing house, and renovate the existing house for a home in the Capital Hill Historic District.
3. 814 14th St NE (BZA20744): Request for Special Exception zoning relief pursuant to Subtitle C § 909.2 and Subtitle X § 901.2 from the loading requirements of Subtitle C § 901.1 and Special Exception zoning relief pursuant to Subtitle H § 910, Subtitle H § 1202, and Subtitle X § 901.2 from the design requirements of Subtitle H § 909.1 to raze three existing buildings and to construct a new, six-story with cellar and penthouse, mixed use building in the NC-15 zone.
4. 1341 H St NE (BZA19358): Request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building in the NC-14 Zone.
5. Racial Equity Analysis Tool (ZC Case 22-RT1): Consideration for ANC6 A's input as part of a public meeting to review the Zoning Commission's adopted use of a tool to evaluate all zoning actions through a racial equity lens.

For more information, please contact Brad Greenfield at brad.greenfield@gmail.com or 202-262-9365.

Brad Greenfield, Chair
Economic Development and Zoning Committee, ANC 6A

PROJECT DATA:

ADDRESS: 223 8TH ST NE
WASHINGTON, DC 20002
SQUARE: 0917 LOT: 0801
ZONE: RF-1
LOT AREA: 1872
TWO-STORY ROW DWELLING - FLAT

EXISTING GROSS SF =
PROPOSED GROSS SF =

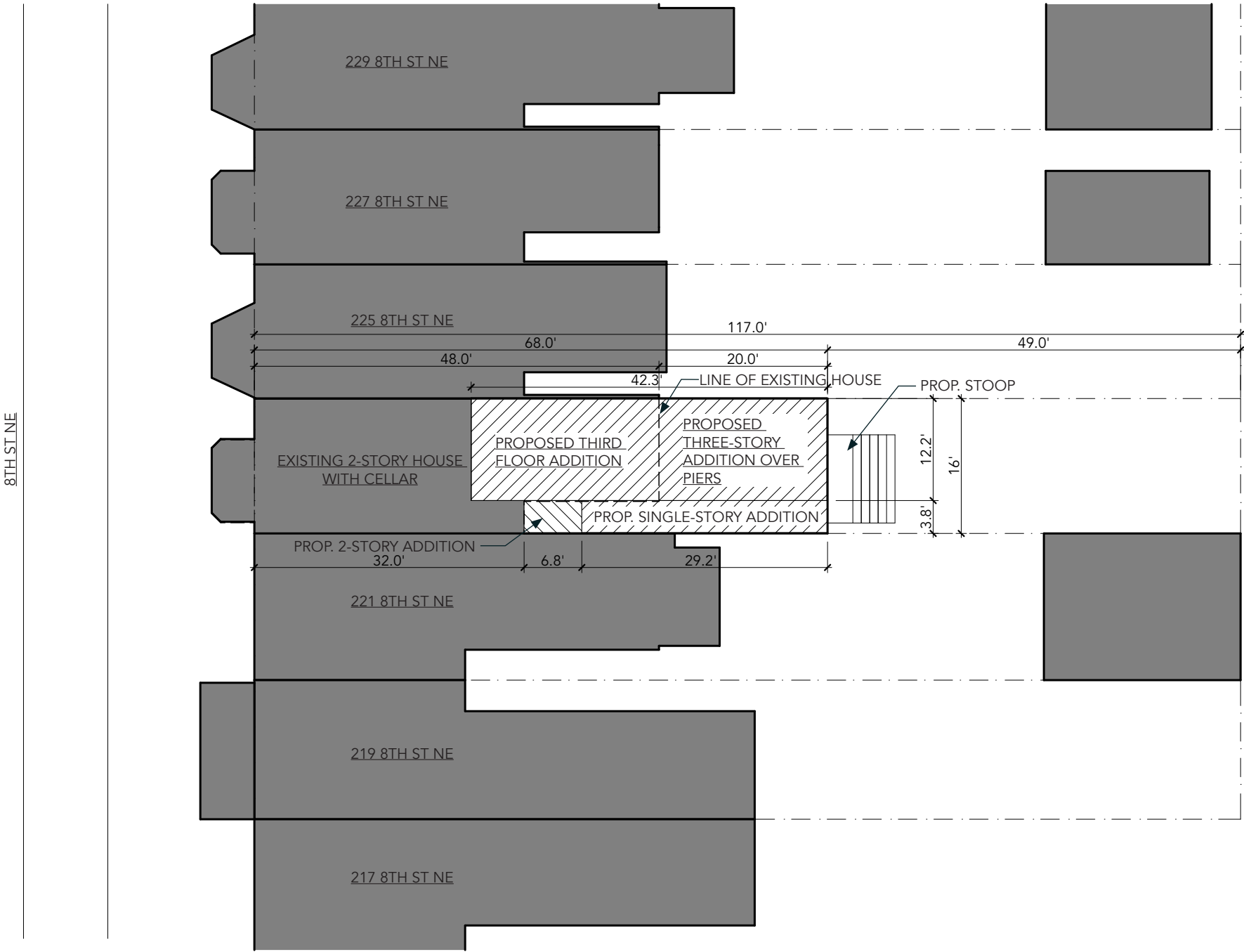
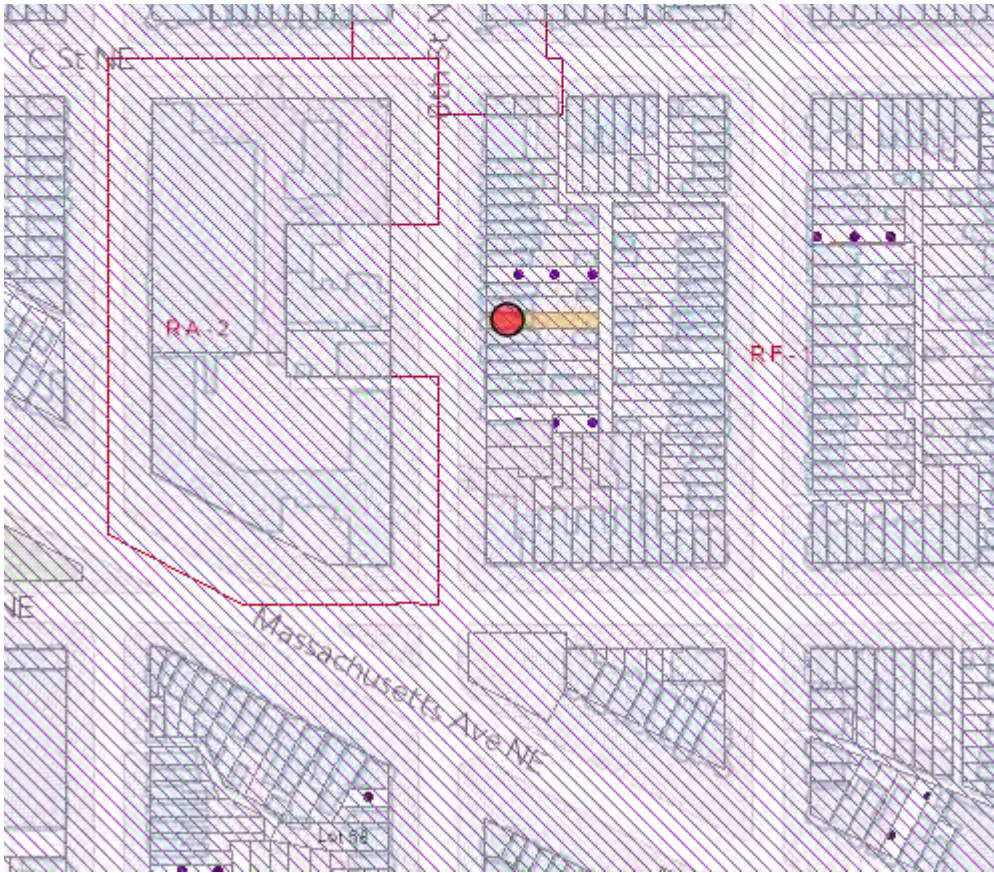
EXISTING LOT COVERAGE: 708 SF / 1872 SF = 37.8%
PROPOSED LOT COVERAGE: 1,088 SF / 1872 SF = 58.1%

EXISTING REAR YARD: 69.0'
PROPOSED REAR YARD: 49.0'

EXISTING SIDE YARD: N/A
PROPOSED SIDE YARD: N/A

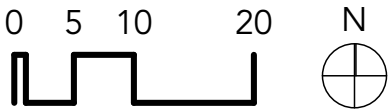
HOUSE EXISTING STORIES: TWO
HOUSE PROPOSED STORIES: THREE

EXISTING HEIGHT: 29.4'
PROPOSED HEIGHT: 34.7'



Site Plan

Scale: 1/16" = 1'-0"



Sutton Residence
223 8th St NE Washington,
DC 20002

Phase:

**Schematic
Design**

Date:

6/22/22

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EXISTING FRONT FACADE



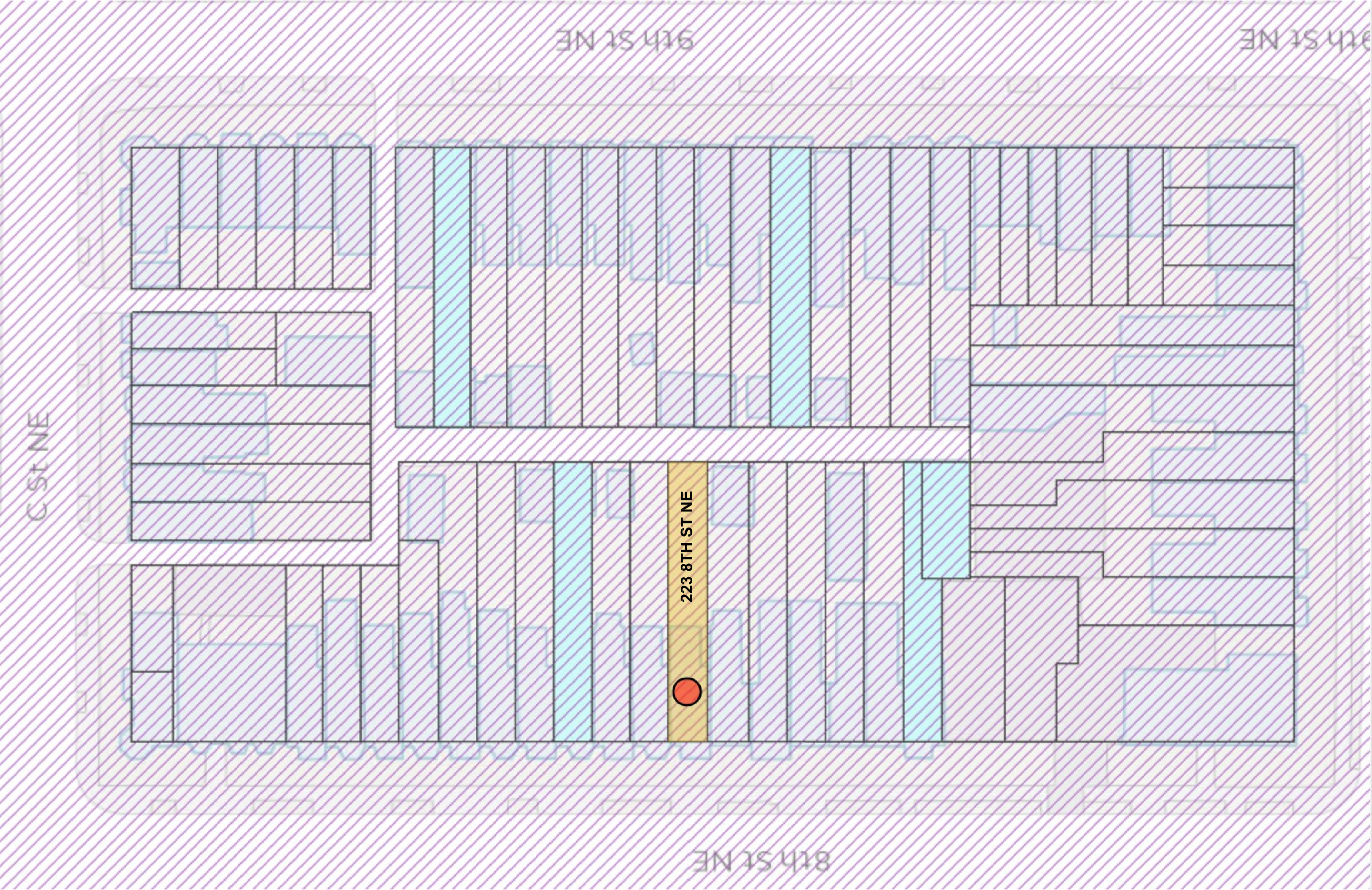
EXISTING REAR FACADE



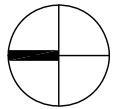
****Photos show rear of existing house as viewed from the alley. Existing 7' fence blocks view of first floor. Owner-desired roll-up car gate at rear property line will likely be taller than the existing fence and will also obscure view of the first floor level post-renovation. The Dogleg form IS proposed to remain at second floor and for the new third floor. AS PROPOSED, DOGLEG FORM WILL BE VISIBLE FROM THE ALLEY.****

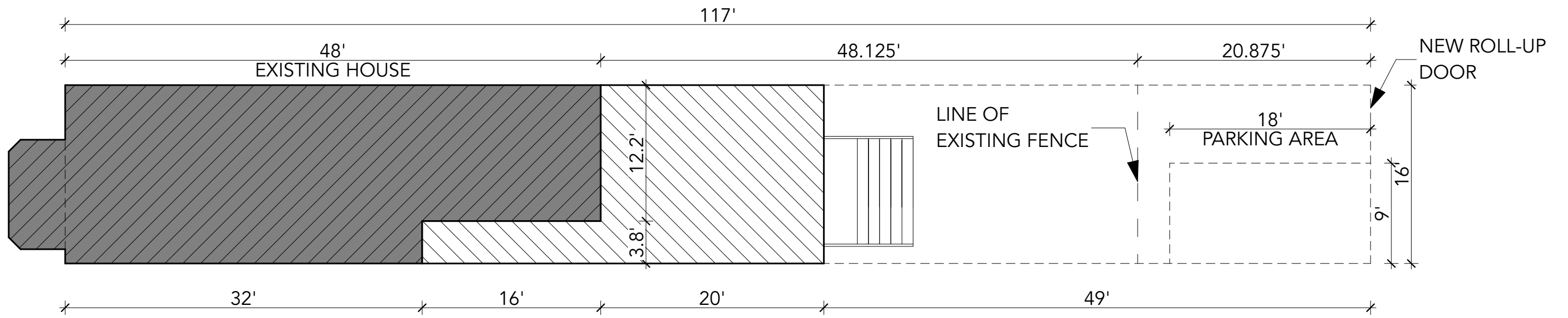


Existing Images



BLOCK PLAN
Scale: NTS





Site Plan

Scale: NOT TO SCALE



Sutton Residence

223 8th St NE Washington,
DC 20002

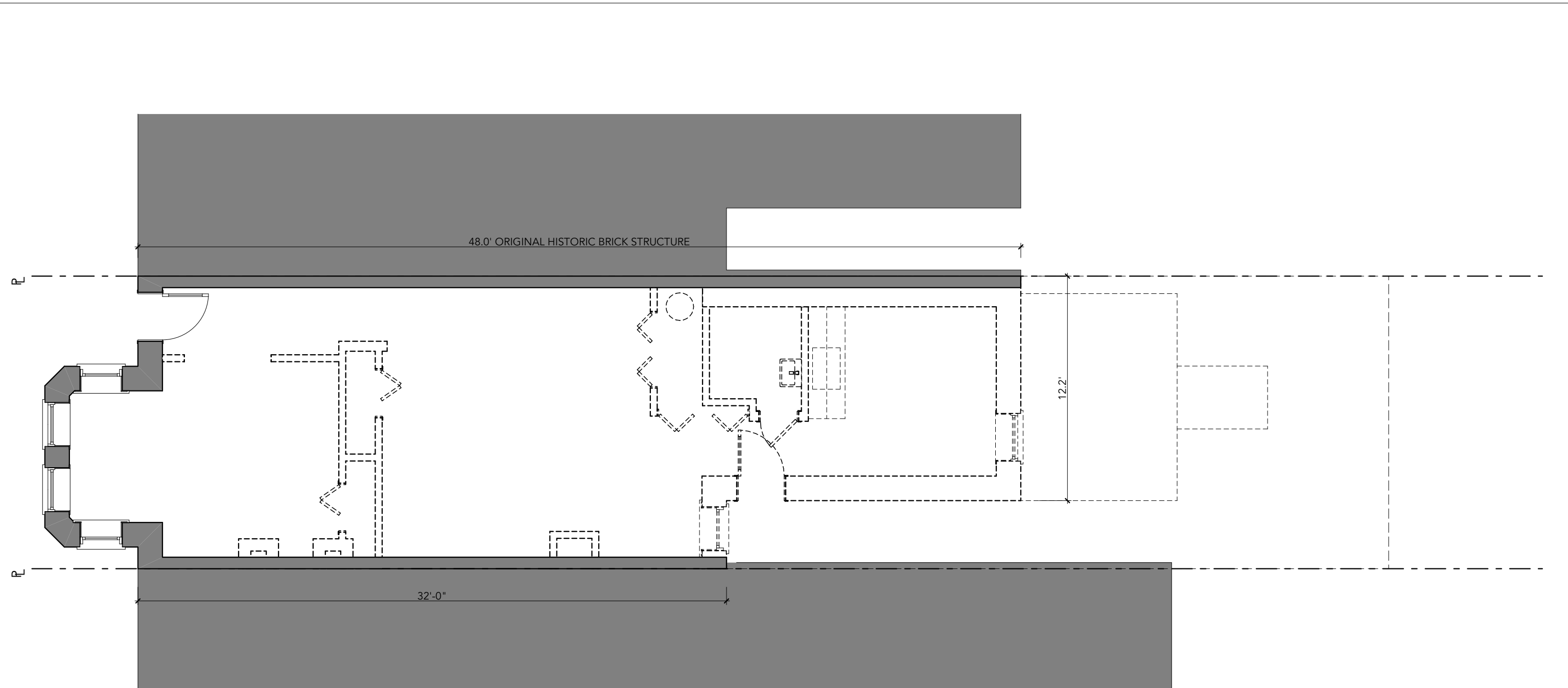
Phase:

**Schematic
Design**

Date:

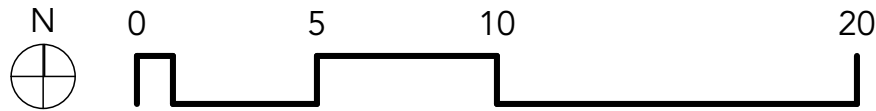
3/17/22

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Existing/Removals - Cellar

Scale: 3/16" = 1'-0"

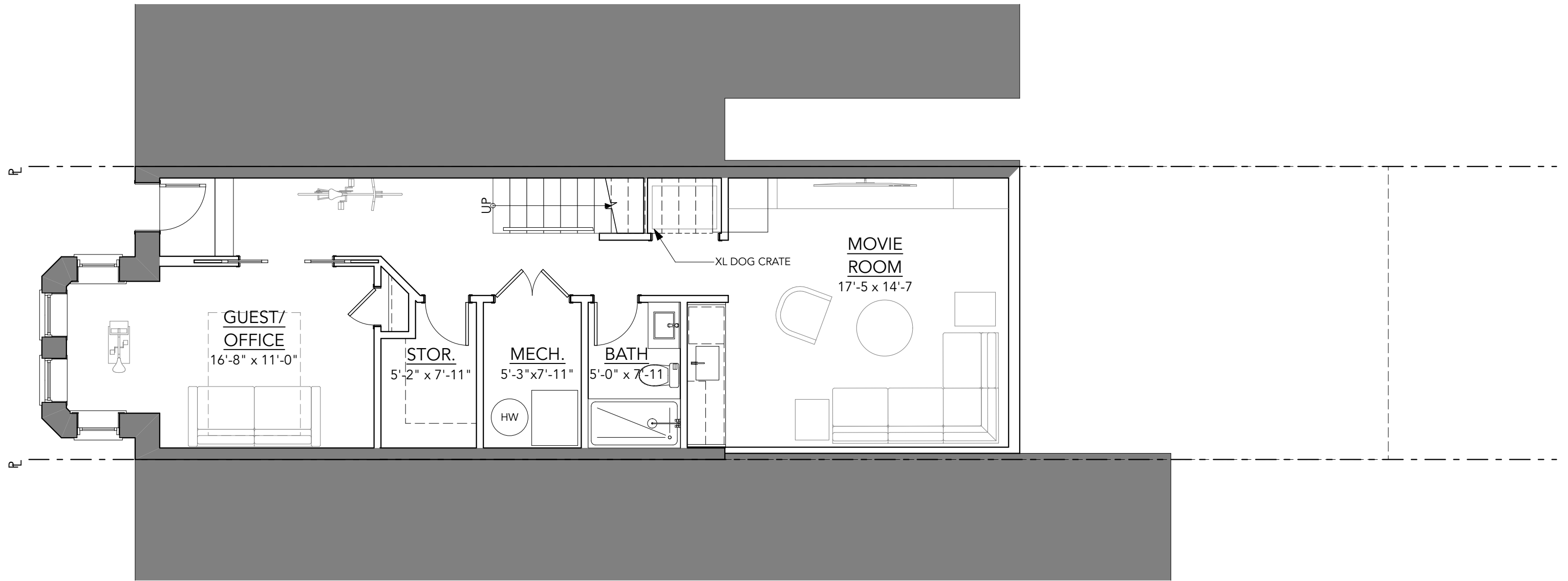


Sutton Residence
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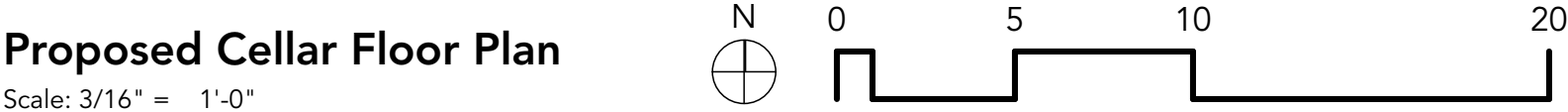
Phase:
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NOTE: GREY FILL INDICATES WALL TO REMAIN

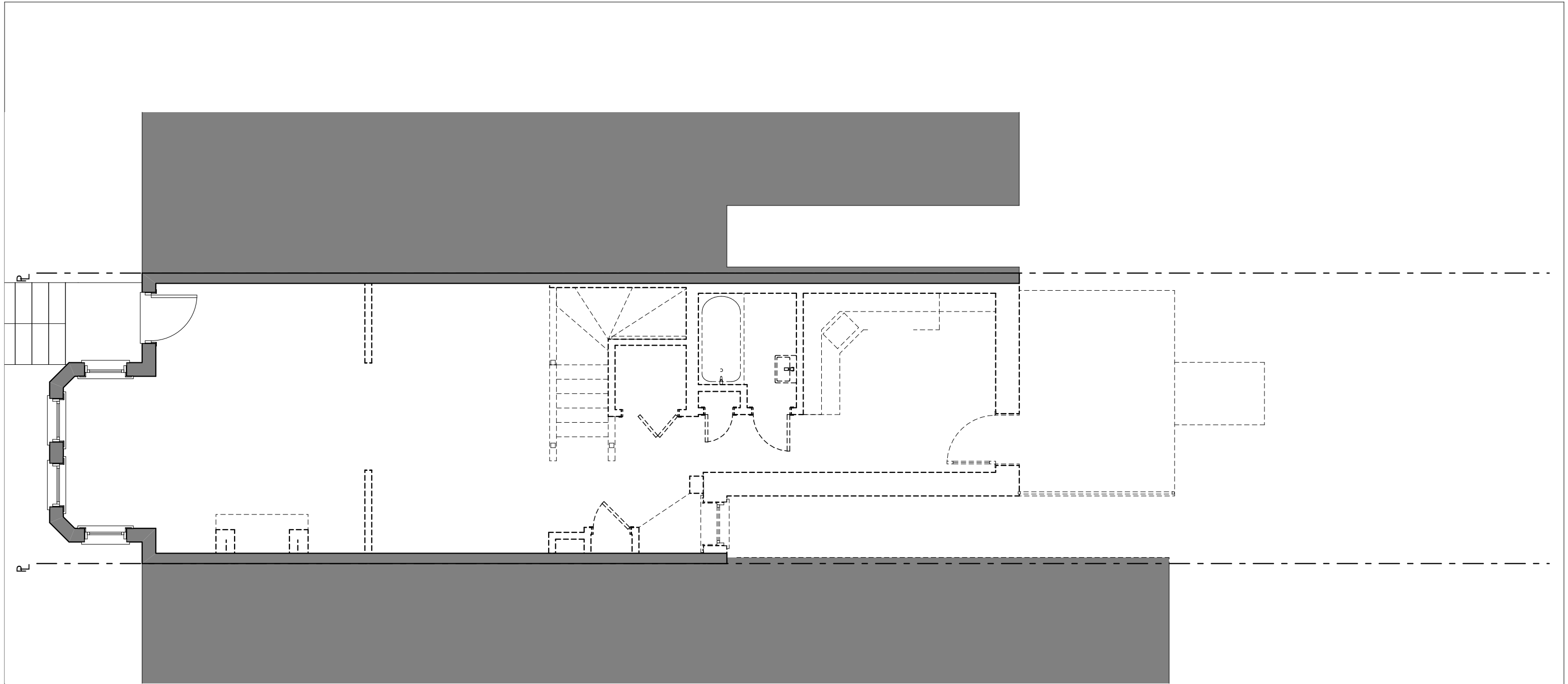


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DC 20002

Phase:
**Schematic
Design**

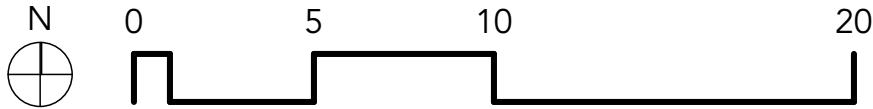
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Existing/Removals - First Floor

Scale: 3/16" = 1'-0"

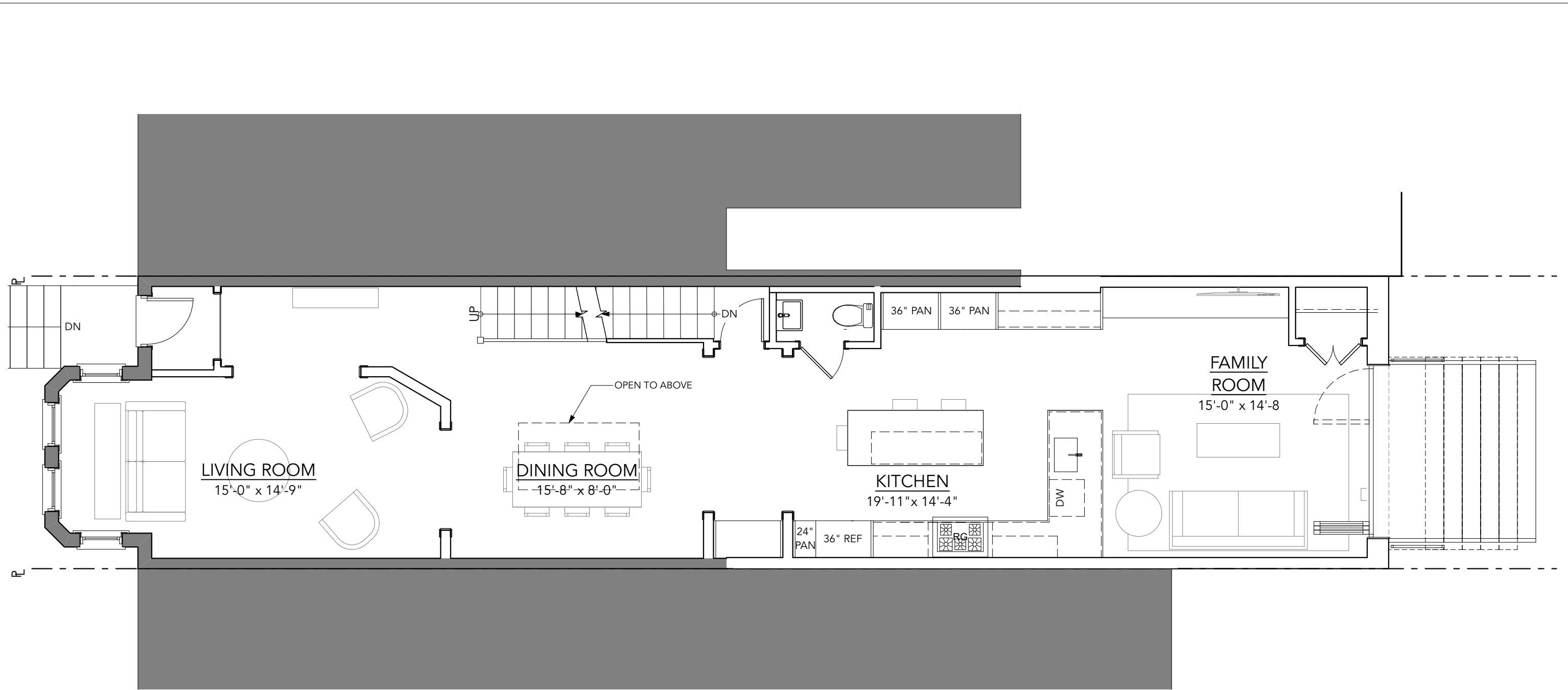


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223 8th St NE Washington,
DC 20002

Phase:
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Design**

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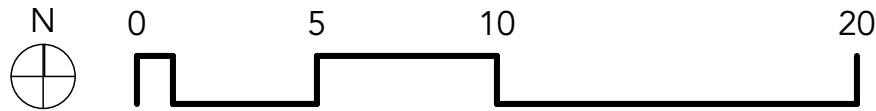
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NOTE: GREY FILL INDICATES WALL TO REMAIN

Proposed First Floor Plan

Scale: 3/16" = 1'-0"



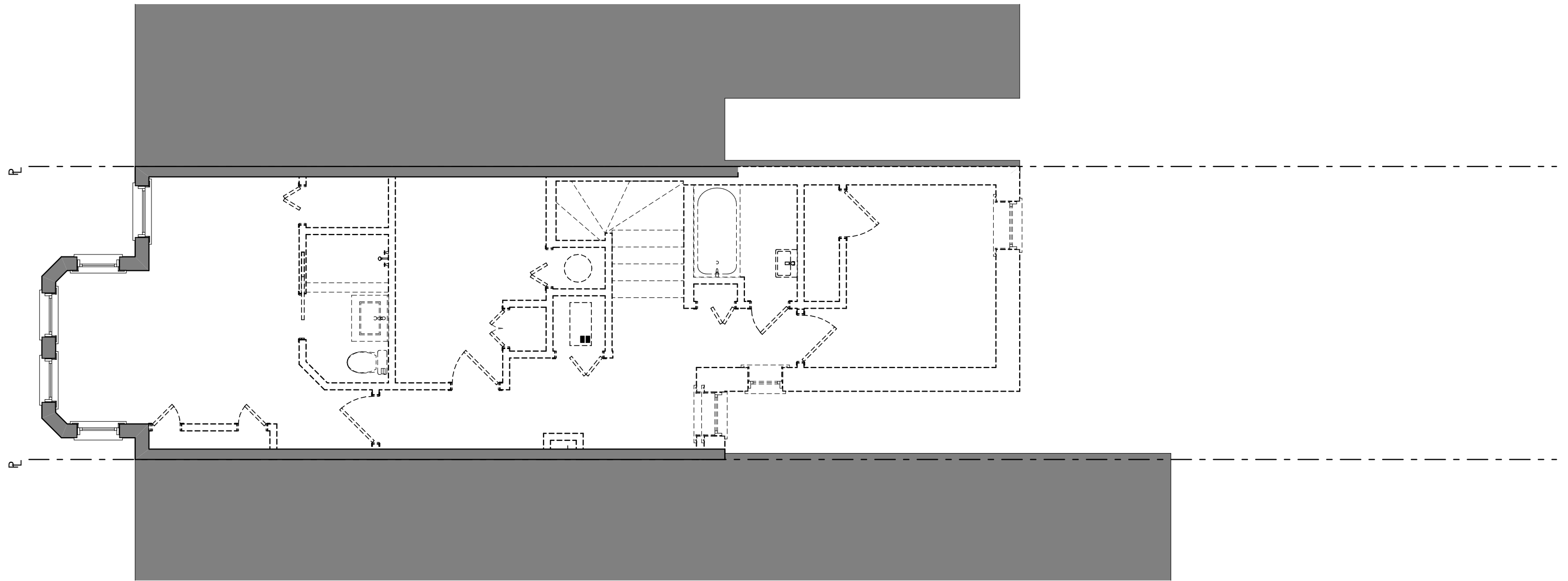
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Phase:
**Schematic
Design**

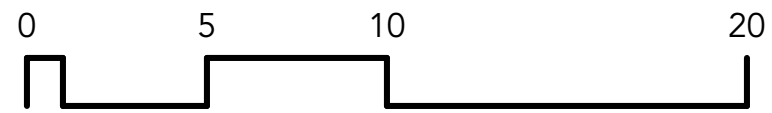
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Existing/Removals - Second Floor

Scale: 3/16" = 1'-0"



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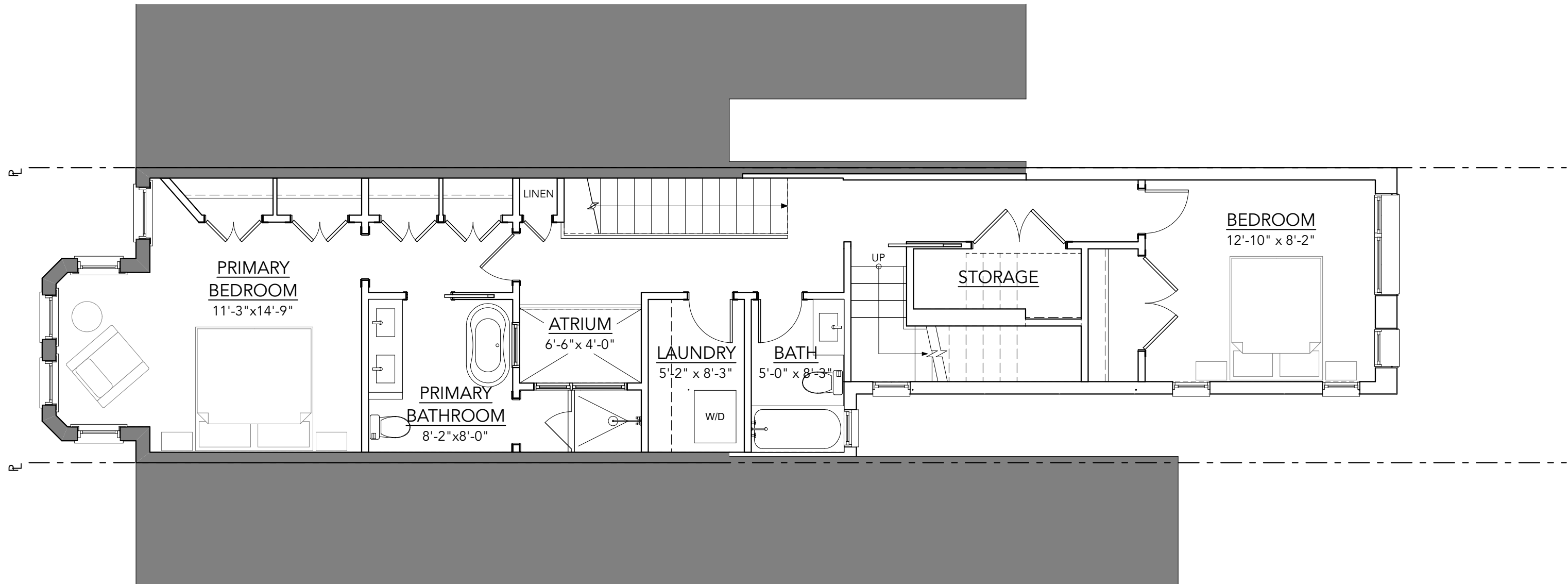
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NOTE: GREY FILL INDICATES WALL TO REMAIN

Proposed Second Floor Plan

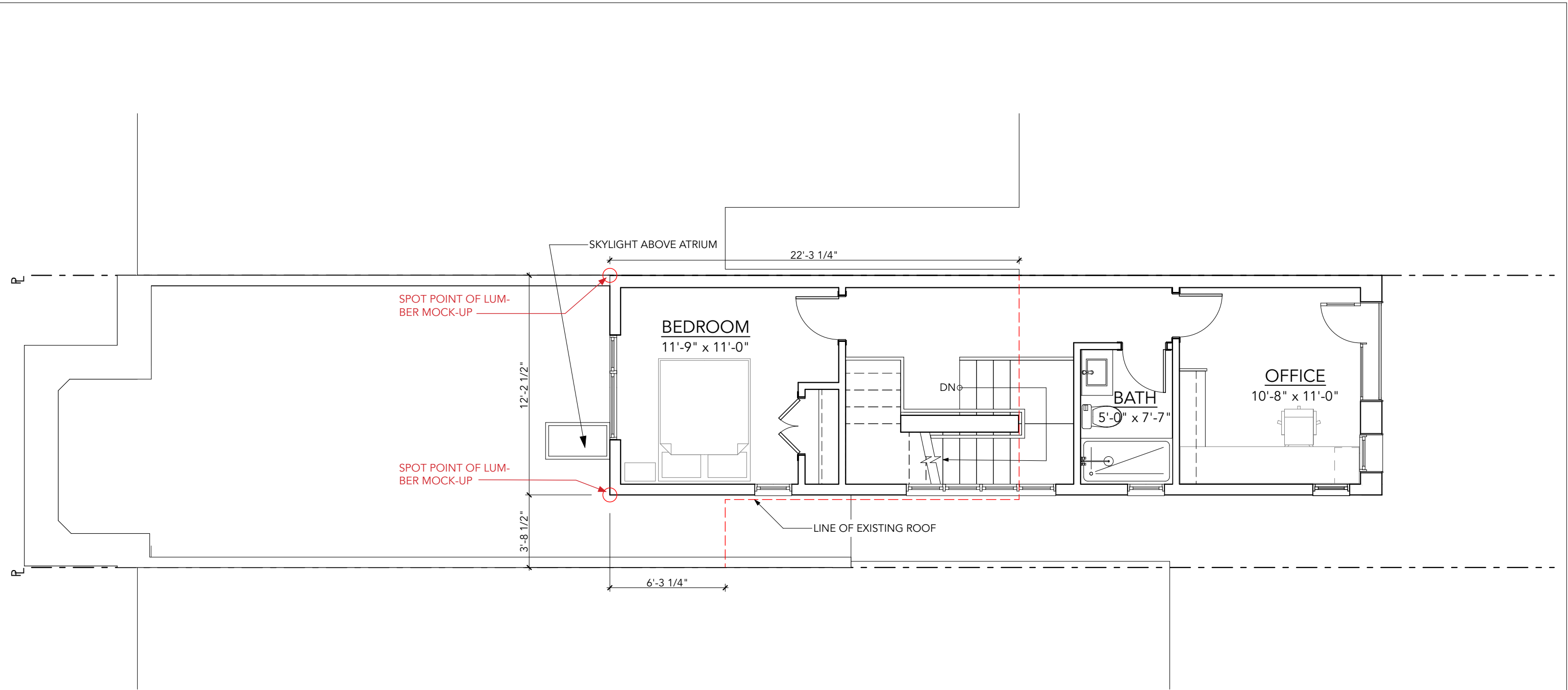
Scale: 3/16" = 1'-0"

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Phase:
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Design**

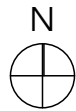
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Proposed Third Floor

Scale: 3/16" = 1'-0"

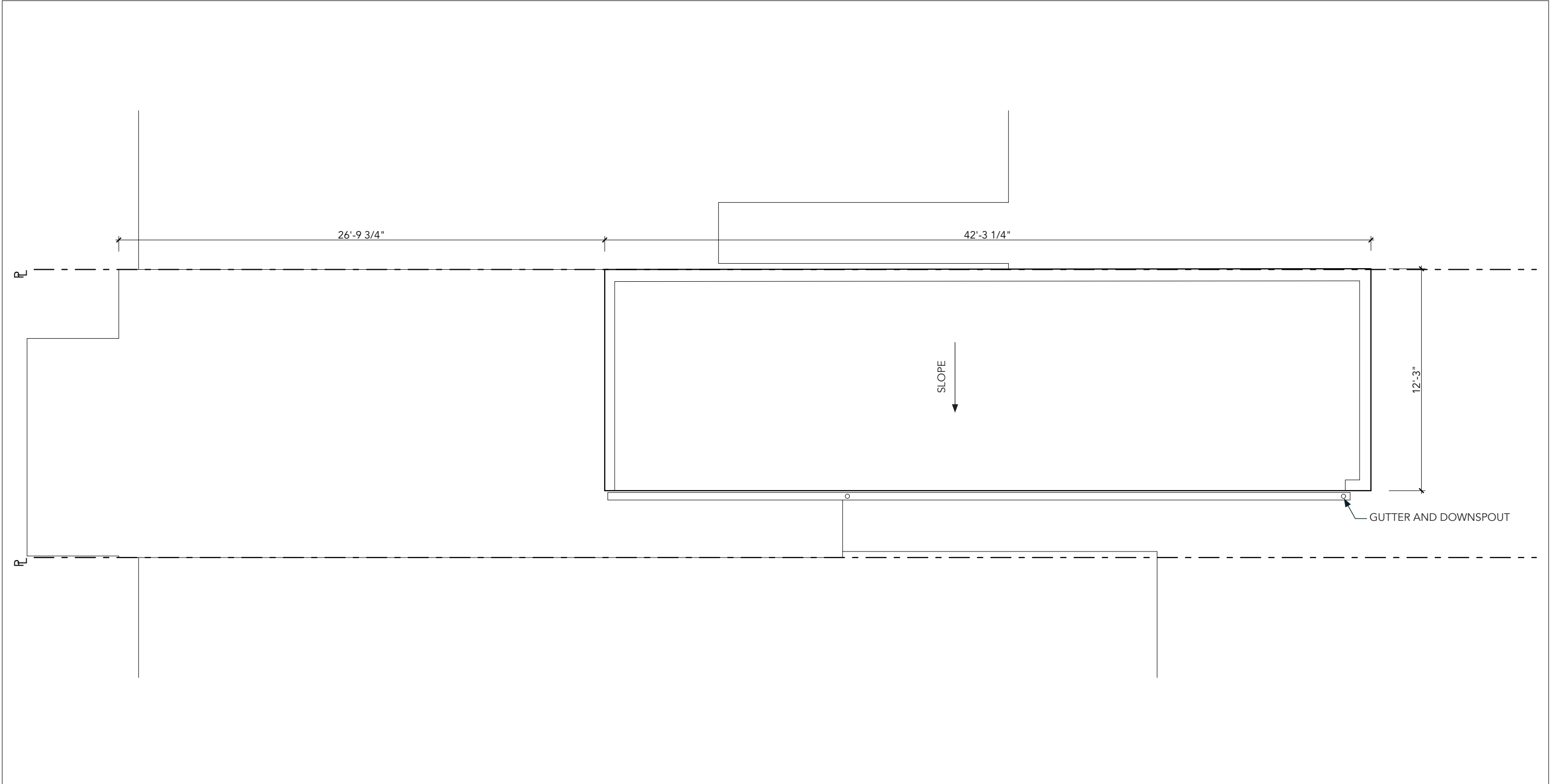


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DC 20002

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Design**

Date:
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Proposed Roof Plan

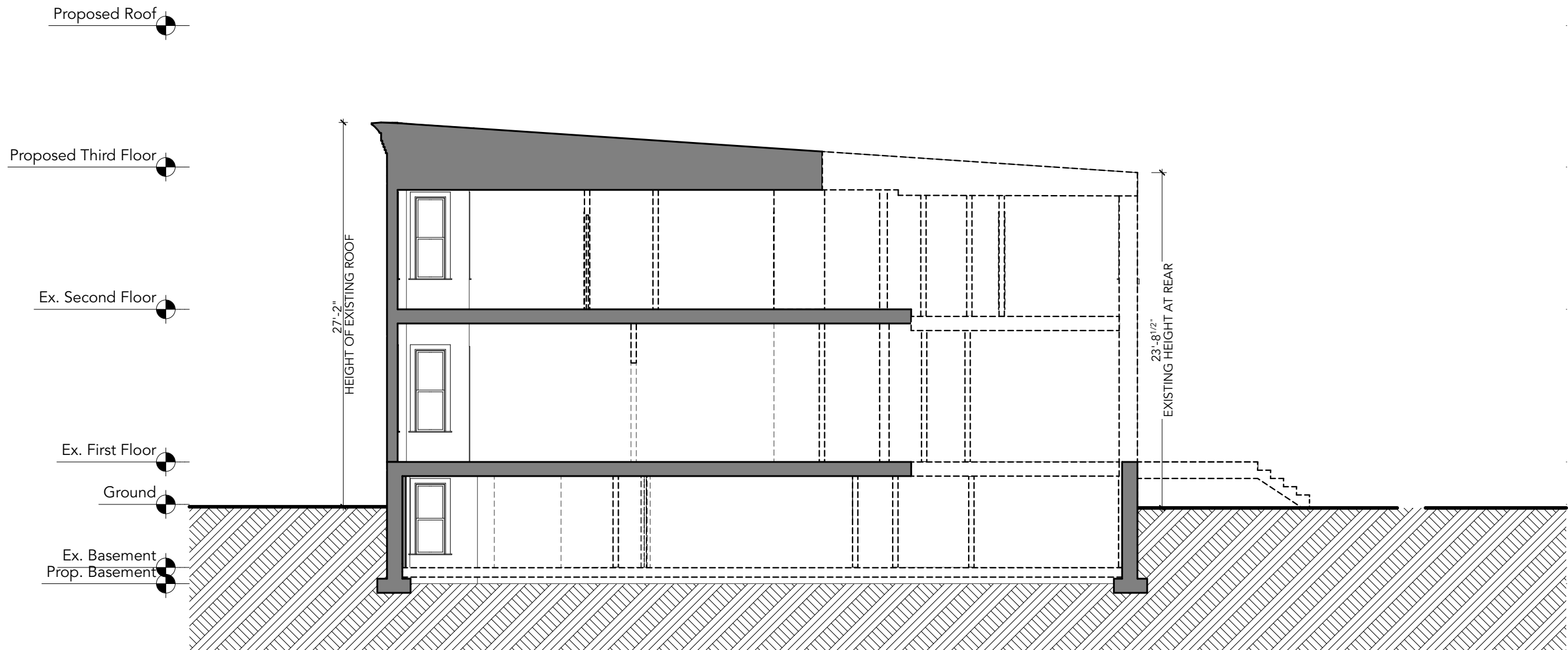
Scale: 3/16" = 1'-0"

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Existing/Removals - Building
Section

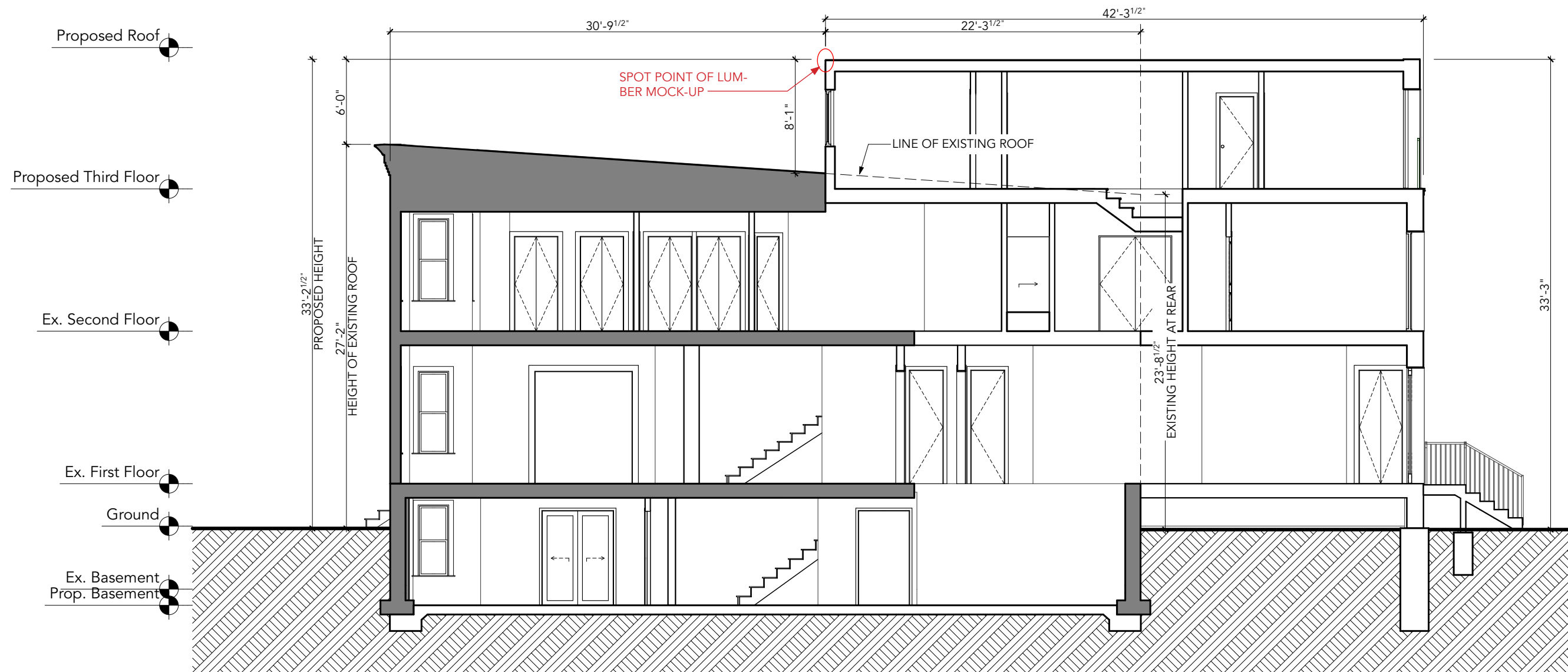
Scale: 1/8" = 1'-0"

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Proposed Building Section

Scale: 1/8" = 1'-0"

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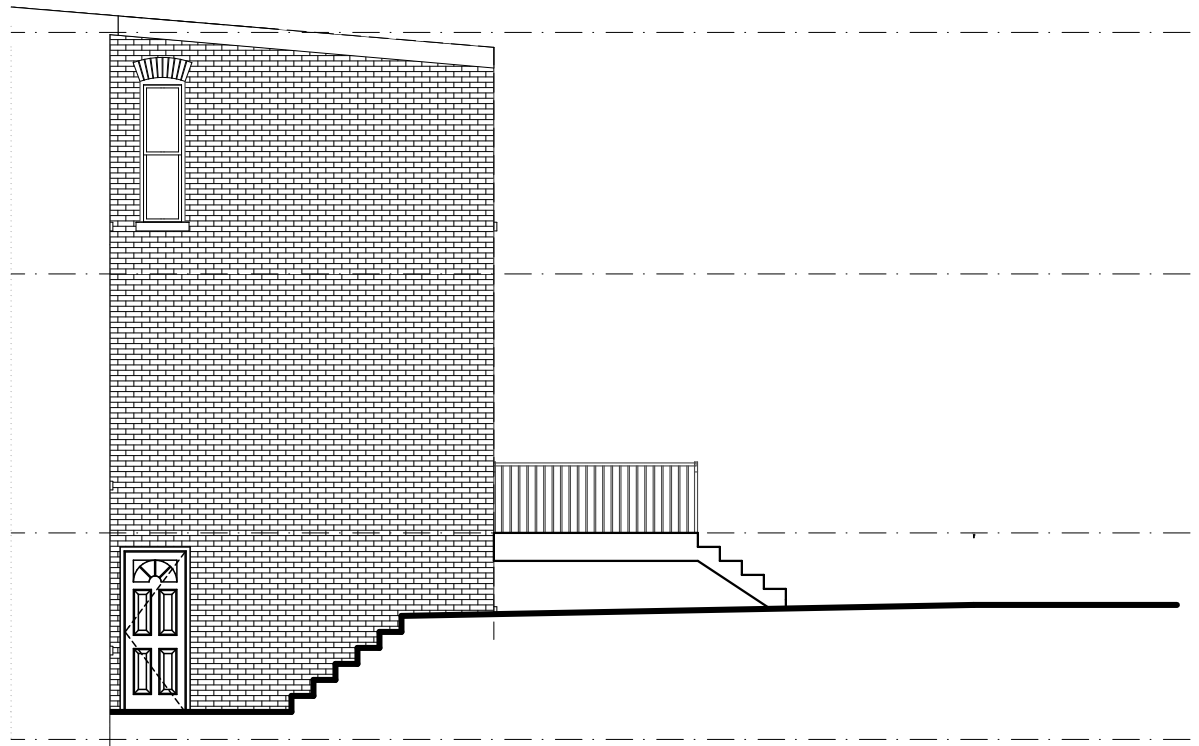
Phase:

**Schematic
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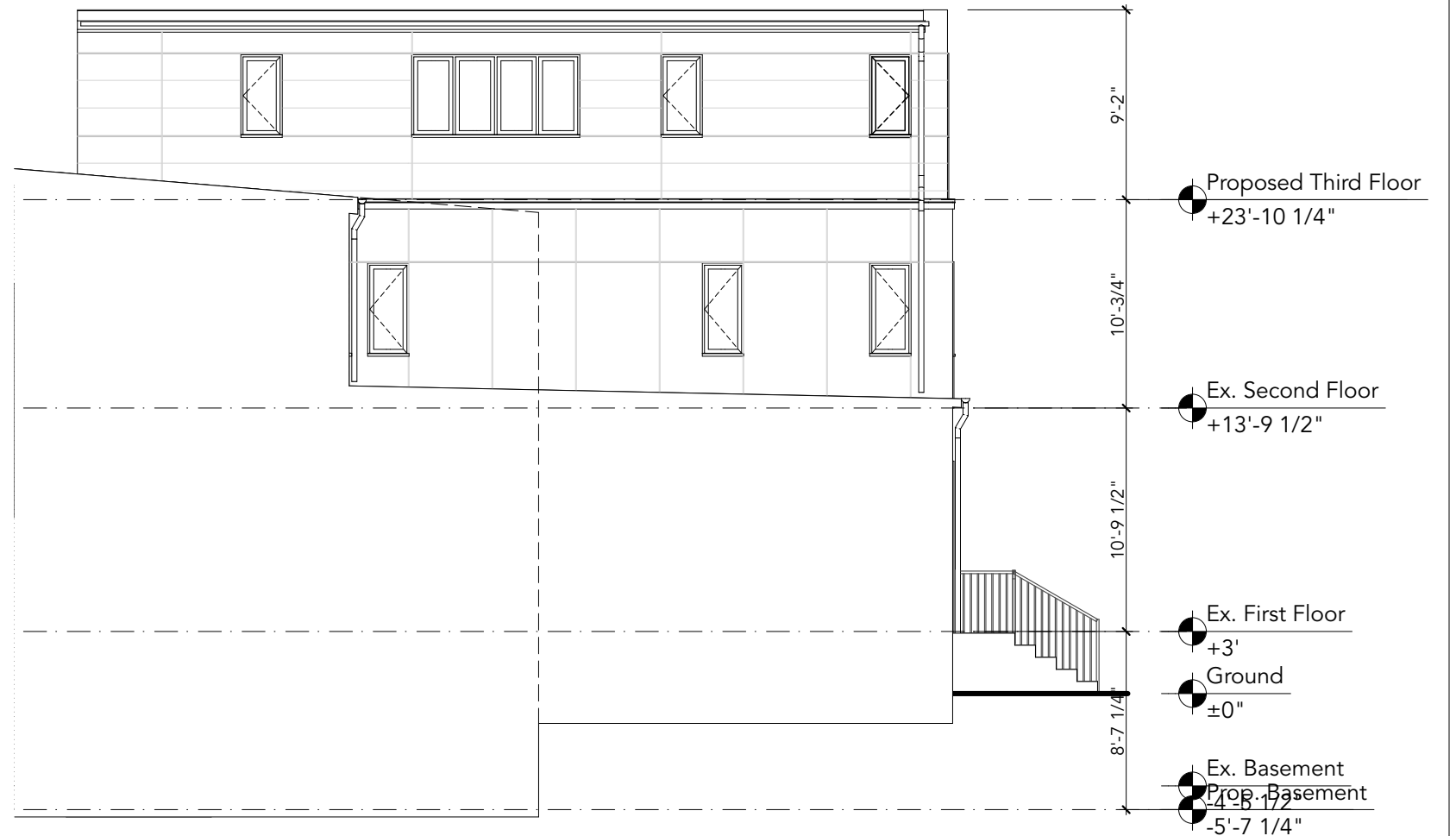
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2 Side (South) Elevation Existing
1/8" = 1'-0"



1 Side (South) Elevation Proposed
1/8" = 1'-0"

Side Elevation - Existing & Proposed

Scale: 1/8" = 1'-0"

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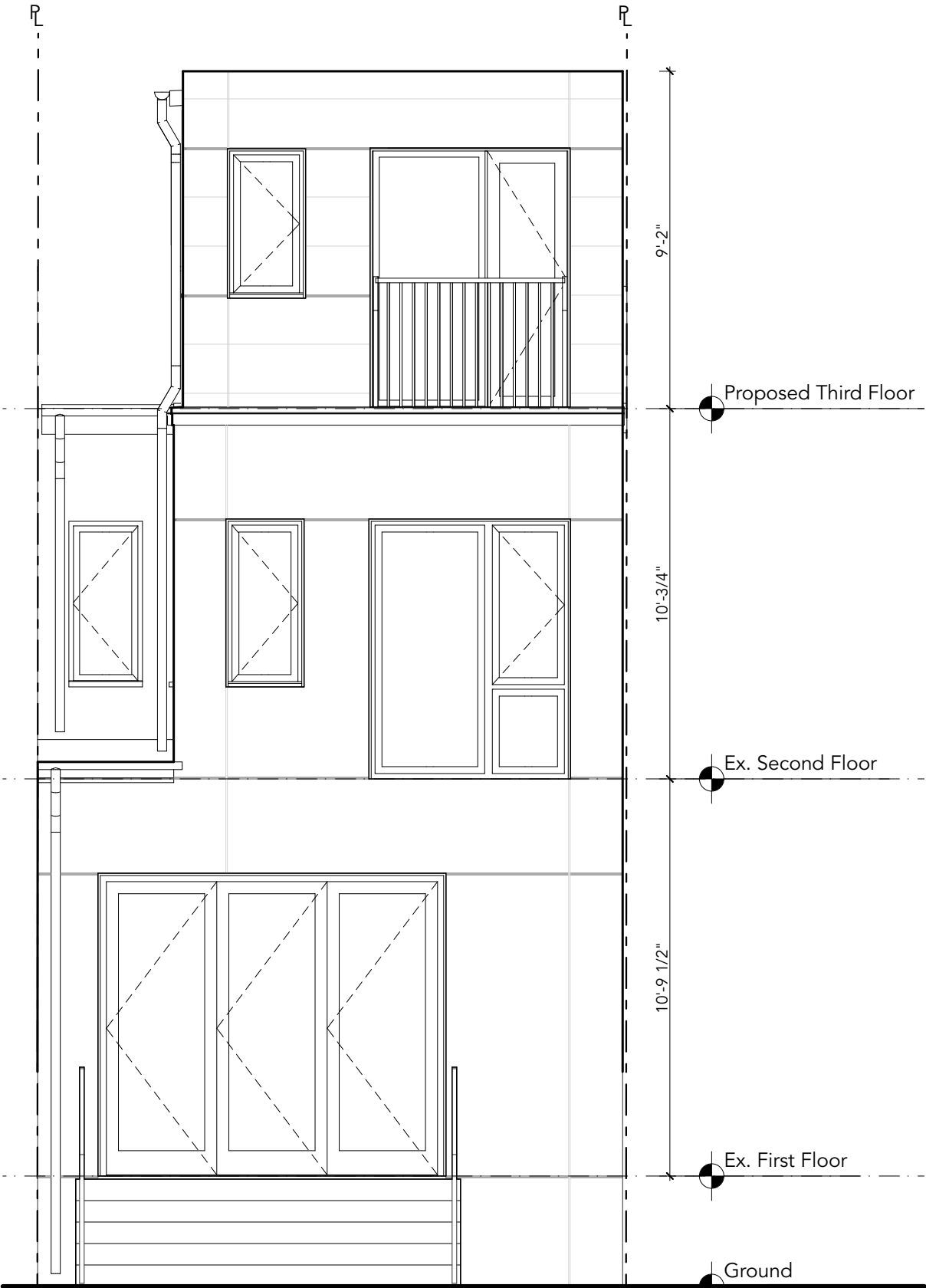
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Rear (East) Elevation - Existing & Proposed

Scale: 1/4" = 1'-0"

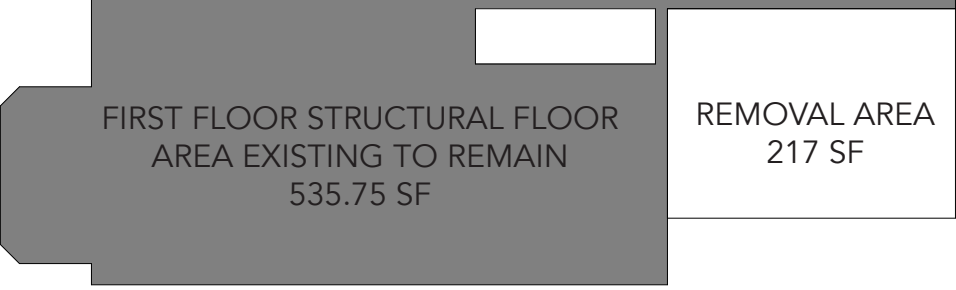
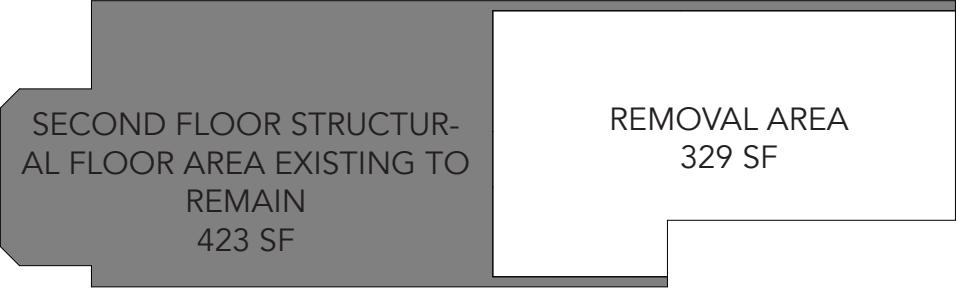
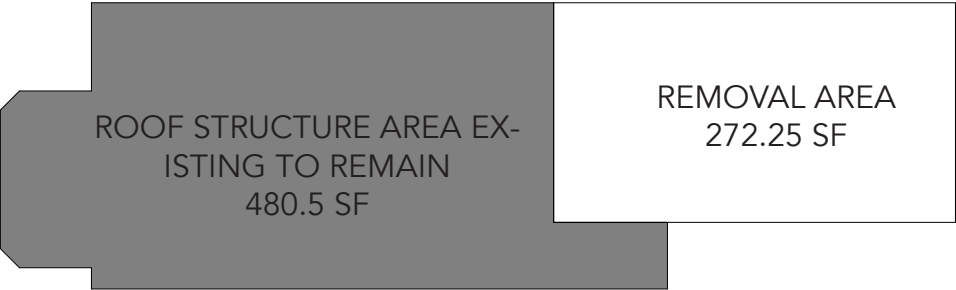


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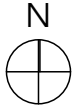
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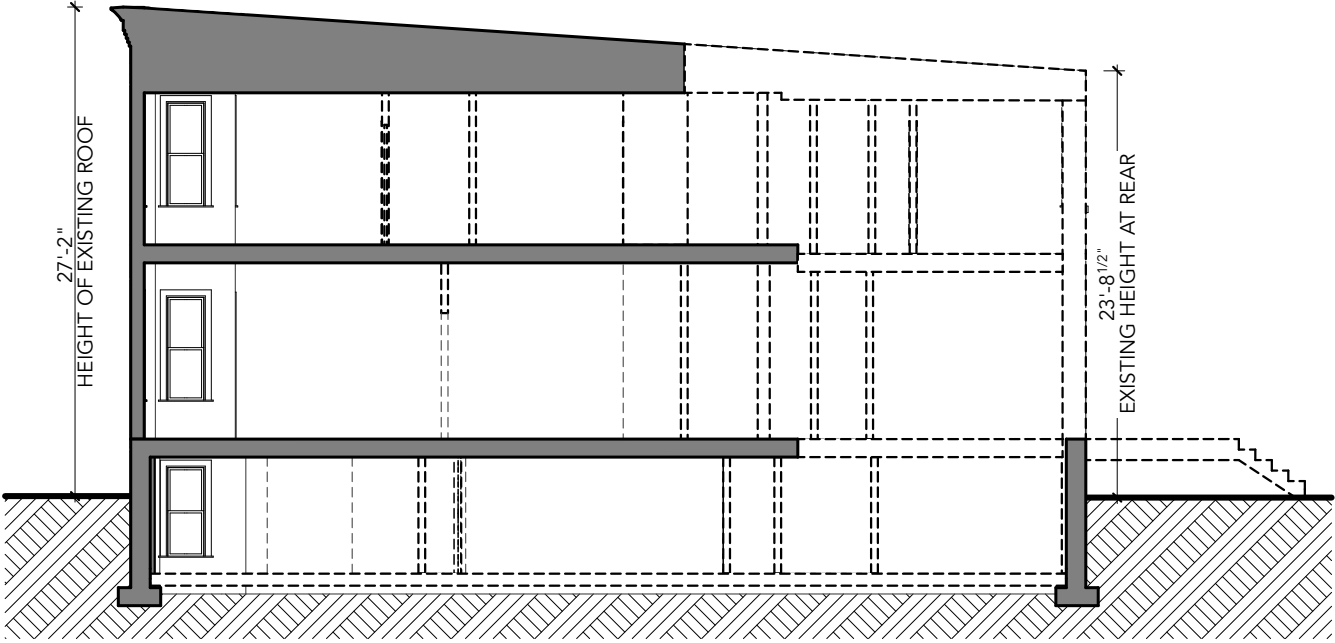


Structural Removals Diagram & Section

Scale: 3/32" = 1'-0"



	AREA OF STRUCTURAL PLANES TO REMAIN	AREA OF STRUCTURAL PLANES TO BE REMOVED
FRONT WALL	727.4 SF	
N. PARTY WALL	1291.5 SF	
S. PARTY WALL	882.4 SF	
REAR WALL 0		286.7 SF
DOGLEG WALL		506 SF
CELLAR FLOOR		753 SF
1ST FLOOR	535.75 SF	217 SF
2ND FLOOR	423 SF	329 SF
ROOF	480.5 SF	272.25 SF
TOTAL	4340.6 SF	2364.1 SF



Existing / Removals Section

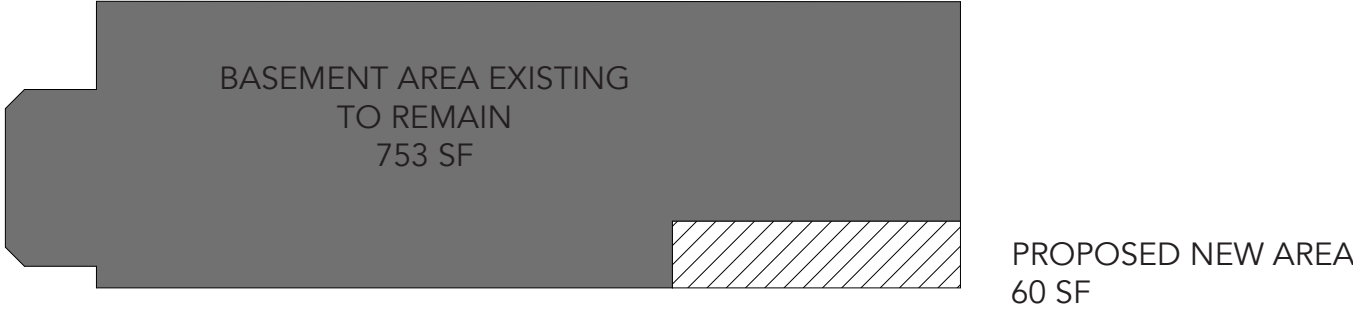
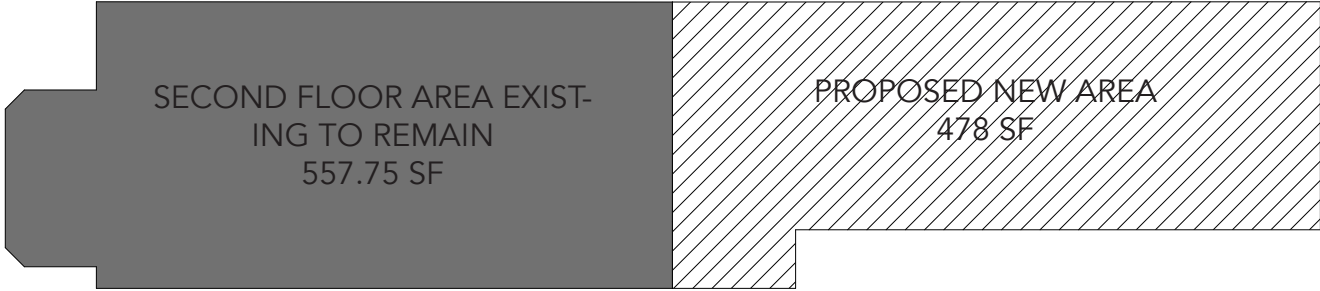
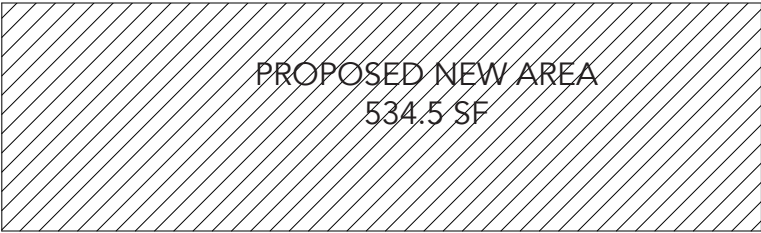
****AREA TO
REMAIN IS
SUBSTANTIALLY
GREATER THAN
AREA TO BE
REMOVED****

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Phase:
**Schematic
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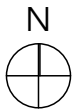
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Existing vs. New Floor Area
Diagram

Scale: 3/32" = 1'-0"



	EXISTING TO REMAIN	ADDITION
CELLAR	753 SF	60 SF
1ST FLOOR	557.75 SF	573 SF
2ND FLOOR	557.75 SF	478 SF
3RD FLOOR	0	535 SF
TOTAL	1868.5 SF	1644.25 SF

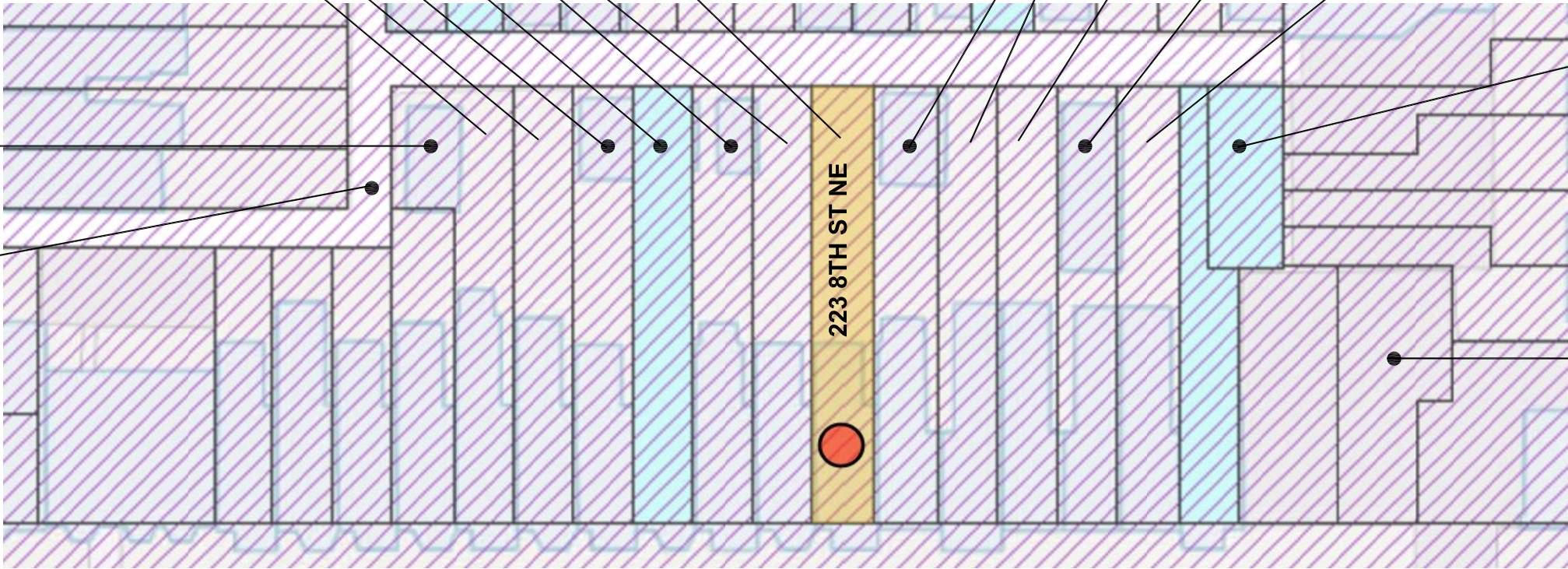
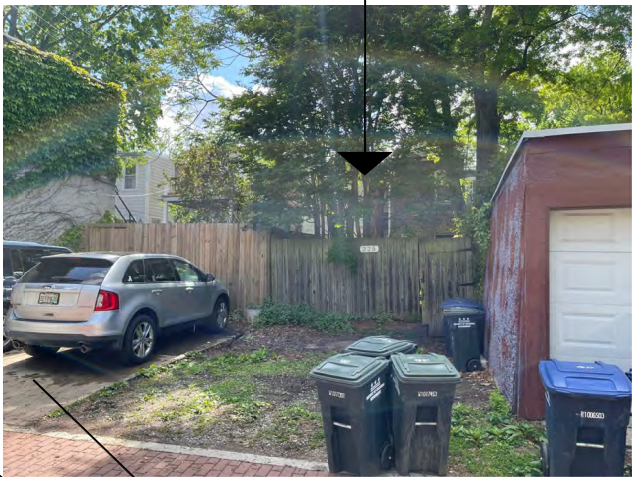
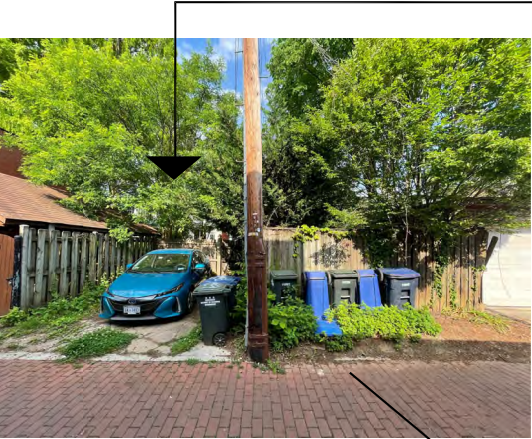
****THE PROPOSED ADDITION
IS SUBORDINATE TO THE
EXISTING HOUSE****

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223 8th St NE Washington,
DC 20002

Phase:
**Schematic
Design**

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ALLEY CONTEXT



EXIST.
REAR ADDITION



EXIST. TWO-
STORY DECK

EXIST.
REAR ADDITION

EXIST. REAR
ADDITION (BLOCKED
BY TWO-STORY
GARAGE)



EXIST.
REAR ADDITION

EXIST. REAR
ADDITION (BLOCKED
BY TREE/FENCE)

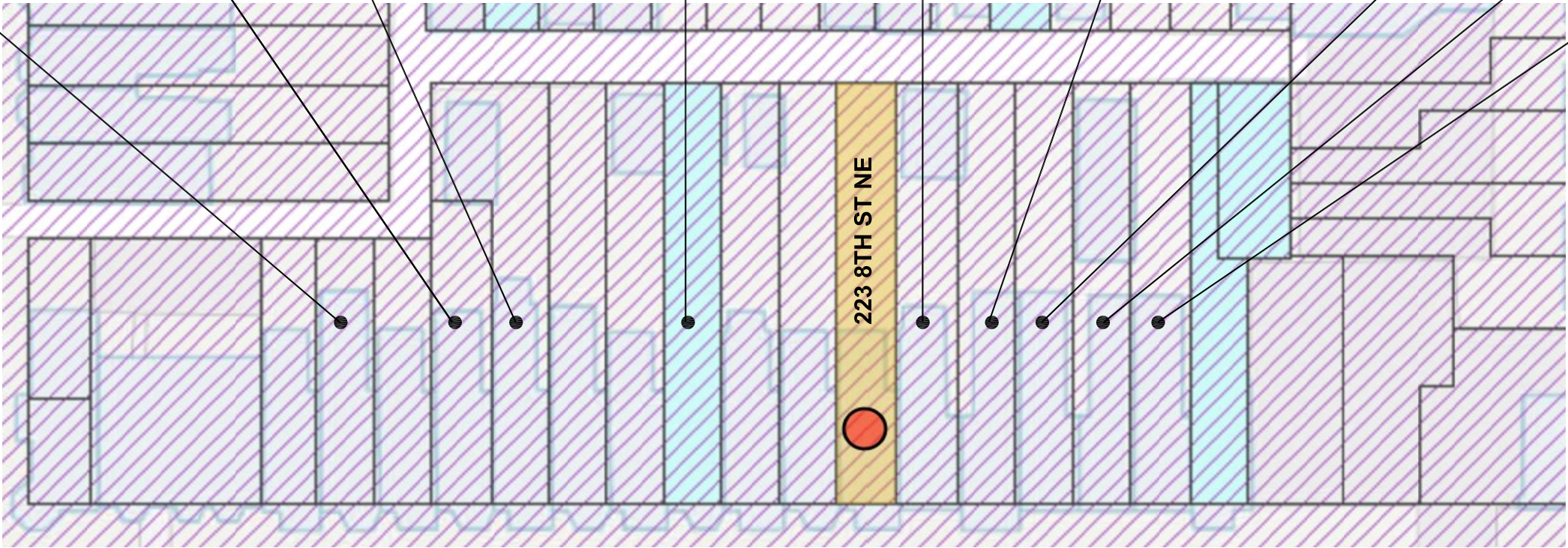


EXIST.
REAR ADDITION

EXIST.
REAR ADDITION



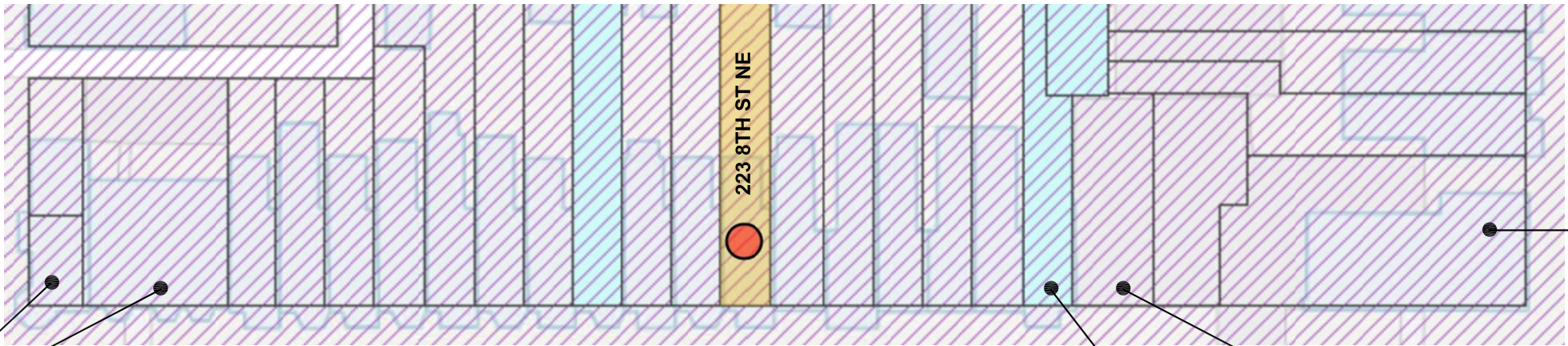
EXIST.
REAR ADDITION



REAR FACADE CONTEXT



HISTORIC ROWHOUSE



4 STORY APT. BLDG

(11) HISTORIC BAY-FRONT ROWHOUSES

(5) HISTORIC FLAT-FRONT ROWHOUSES



OLDER INFILL CONSTRUCTION



2020 INFILL CONSTRUCTION



HISTORIC ROWHOUSE



8TH ST. / FRONT
FACADE CONTEXT



STEPHEN DUPONT, JR. RA
5159 FULTON ST., NW
WASHINGTON, DC 20016

12 JUL 2022

**D.C. Board of Zoning Adjustment
Suite 210**

**441 Fourth St., NW
Washington, DC 20001**

re: Statement in Support of BZA Case # 20744 , Request for a Special Exception per Subtitle H §§ 910.1 & 1202 to build a new building on a lot larger than 6000 square feet, and a Special Exception per Subtitle C §§ 901.1, 909.1, 909.2(a), due to there being no possible way to place a loading dock.

Dear Members of the Board;

This letter is in support of the above referenced application. A description of the plans and the form of zoning relief, as well as a statement in support of the application are set forth below.

AREA & SITE DESCRIPTION

<u>Address:</u>	814 14th St., NE
<u>Legal Description:</u>	Square 1026, Lots 0066, 0173, 0177 (site per sub attached)
<u>Ward/ANC:</u>	6A06
<u>Lot Characteristics:</u>	The subject property consists lots totaling 6201 sq ft (OTR). The property fronts the west side of 14th St., NE between H St. and Florida Ave. NE.
<u>Zoning:</u>	NC-15
<u>Existing Development:</u>	Lots 0173 and 0177 are improved with connected two and three story brick structures. Lot 0066 is improved with a two story brick row home. The three structures are connected to each other.
<u>Historic District:</u>	NA
<u>Adjacent Properties:</u>	On lot 0065 to the west on Florida Ave. is another two story row home. To the south of lot 0173 is a

narrow alleylike lot of 40 square feet that separates lot 173 from lot 160. A facade with a doorway masks this alley. On lot 160 and others are several commercial row structures that face H St.

Surrounding Neighborhood Character:

One block east Florida Ave. meets Benning Rd. at the intersection of Bladensburg Rd., Maryland Av. and 15th St., NE. This complex of major streets connects several distinctly different neighborhoods. The residential properties to the northeast are being rapidly re-developed. To the northwest, Florida Ave. is largely low to moderate density residential, but it is also a major transportation thoroughfare. H Street to the south is, too, but it is more a mixed use street. Between them residential row homes mixed with apartment houses fill in. To the north of Florida Ave. is the neighborhood of Trinidad. Maryland Ave. at this end, is mostly residential rowhomes. A new six story brick apartment house has been built on the island across 14th on square 1049. There are more large apartment houses like this down 14th St. to the south. Finally, to the southeast is a low-rise apartment complex of nearly a full block called the Pentacle Apartments. Beyond is a neighborhood of row homes with schools and other institutional uses distributed within.

PROJECT DESCRIPTION IN BRIEF

Applicant:

On Fourteenth NE LLC.

Proposal:

The subject property consists of three lots totaling 6201 sq ft in the NC-15 zone. The project is to build a new 6 story mixed use building with a habitable penthouse and commercial space in the

cellar and first floors. The floors above will have 52 apartments.

ZONING REQUIREMENTS

The zoning requirements are itemized in the Self Certification form #135.

PURPOSE AND INTENT

§ 900: The purposes of the H Street Northeast Neighborhood Mixed-Use zones (NC-9 through NC-17) are to:

- Encourage the clustering of uses into unique destination sub-districts along the corridor, specifically a housing district from 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.;
- Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor;
- Encourage new construction to preserve existing façades constructed before 1958; and
- Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the NC-9 through NC-17 but not fronting H Street, N.E.

§ 909: DESIGN REQUIREMENTS - H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES

The Design Requirements that constitute the Special Conditions for this zone are listed in the Appendix on page 11.

BACKGROUND AND RELIEF SOUGHT

APPLICATION

The application [20744](#) describes the applicants' wish to build a new 6 story mixed use building with 52 apartments including a habitable penthouse and commercial space in the cellar and first floor.

- Special Exceptions will be required per the following two sections:

- Subtitle C, Chapter 9, Table 901.1 requires a loading dock for apartment houses of more than 50 apartments.
- § Subtitle H, Chapter 11, § 900 requires BZA review:
Construction of a new building, or enlargement of the gross floor area of an existing building by fifty percent (50%) or more, on a lot that has six thousand square feet (6,000 sq. ft.) or more of land area is permitted only as a special exception if approved by the Board of Zoning Adjustment,

ANALYSIS

Special Exceptions:

Subtitle C, Chapter 9, Table 901.1 - Loading Dock

§ 903.1 Except as provided in this section, all loading berths and service/delivery spaces shall be located as follows:

- (a) Within the building or structure the berths or spaces are designed to serve;
- (b) Within the rear yard of the building they are intended to serve; or
- (c) Within a court or side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to an R, RF, RA, or NC zone, the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.

[We show in the paragraphs below that it is not possible to locate a loading dock on this property as required by the § 903.1.](#)

[In addition, the frontages on Florida Ave. and 14th St. are "designated street lot lines" which per H § 100.2 \(g\) are restricted for new curb cuts. These are very active commuter routes and would be equally](#)

unsuited for a designated loading zone. Provision of supplies and removal or trash are described in the next section.

§ 904.1 All loading berths and service/delivery spaces shall be accessible at all times from a driveway meeting the requirements of Subtitle C §§ 904.2 and 904.3.

No such driveway is possible. The existing alley does not meet width requirements.

§ 904.2 A driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.), a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12%).

No such access exists.

§ 904.5 All loading berth or service/delivery space shall be located to be accessed from a public alley, where an open and improved alley of fifteen feet (15 ft.) width exists.

No such alley exists at this location for a loading dock. However, we do intend to provide service and delivery by the existing alley, although it is only 10 feet wide.

SUBTITLE X, CHAPTER 9 SPECIAL EXCEPTION REVIEW STANDARDS-

X § 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:

Subtitle C, Chapter 9, Table 901.1 - Loading Dock

Table 901.1 requires a loading dock for an apartment house of more than 50 apartments.

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The project has been carefully designed to comply with every aspect of the NC-15 guidelines and regulations and so is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Only the lack of a loading dock strays from the strict observance of the regulations, because requirements of §§ 904.2 and 904.5 cannot be met.

Delivery of supplies and removal of trash will be by the rear alley, which is too small for a Loading Dock access, but adequate for smaller vehicles. We have sufficient space in the rear yard to accommodate these functions, have adequate rear doorways and a well located trash room with truck access.

Note also, that while Subtitle C § 901 requires a loading dock for buildings with more than 50 apartments, this project only exceeds that number by 2 apartments.

A further note: it is possible that we will decrease the number of apartments even further. Since this project began a couple of years ago there have been significant changes in the marketplace and in the financing world. This building was originally conceived as offering very small apartments in a rapidly evolving, new and interesting neighborhood. That evolution proceeds apace but differently than anticipated, and now we feel that the community and the future occupants will be better served by more accommodating apartments.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The project has been carefully designed to comply with every aspect of the NC-15 guidelines and regulations; therefore by definition it will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations.

(c) Will meet such special conditions as may be specified in this title.

All Special Conditions applicable to this project have been met. Refer to the Appendix on page 11 for the special conditions in Chapter H:

§ 900.16

Defines 14th and Florida Ave. are the “Designated Street Lot Lines” (H § 100.2 (g)).

§ 909.1(a, d, g, h, i)

Buildings subject to (h) are permitted an additional five feet of building height (i).

§ 1101.1, 1101.2, 1101.3, 1101.4(f)

These sections define Matter of Right uses.

Subtitle H, Chapter 9, § 910.1 - Lot Larger Than 6000 Sq Ft

Table 910.1 requires BZA review because the lot area exceeds 6000 square feet.

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

This project only exceeds 6000 sq ft by 202 sq ft or 3.3%. Otherwise this project has been designed to comply fully with all requirements of the NC-15 zone except for the Loading Dock and so is 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

The size of the footprint is not the issue as regards neighboring properties. More significant would be the height of the building, and that is within the by-right parameter of the zone

Abutting properties west and south of this project will not be shaded by the new building. The project to the west faces north, and so will not lose the benefit of direct sun. The particular location at the confluence of Florida Ave., 14th St., H St., Maryland Ave., Benning Rd. and Bladensburg Rd. is well suited to larger buildings. This is already demonstrated by the construction on square 1049N. The deep public space at the 14th Street frontage perfectly stages this building. The design is fully in accordance with the Zoning Regulations and Zoning Maps.

Finally, this project will exchange an unoccupiable and unsuitable building that occupies 80% of the combined three lots, for a new building, an attractive public space, amenities and services that will give this corner life.

(c) Will meet such special conditions as may be specified in this title.

There are numerous Special Conditions specified in the title for new buildings in the NC-15 zone. These address the height of the ground floor, locations of commercial entrances, etc. We have met all the applicable

conditions. Please refer to the sections in the Appendix on page 11 for a comprehensive listing.

In addition to the regular requirements for a special exception as listed in Subtitle X, Chapter 9, the Chapter 12 of Subtitle H describes additional requirements that pertain to the various Neighborhood Commercial Zones about the city. These are listed below:

**SUBTITLE H, CHAPTER 12 RELIEF FROM DEVELOPMENT
STANDARDS
1200 GENERAL PROVISIONS**

1200.1 The Board of Zoning Adjustment may grant relief from the standards of this subtitle as a special exception subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

The two special exceptions addressed above are both minor in scope and impact, and so will not have any adverse affect on neighboring property. And as described above, the proposal meets all the goals of the NC-15 zone and so advances the stated purposes.

(b) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project's review by the Historic Preservation Review Board;

The intersection of Florida, 14th NE, Benning Road and Bladensburg Rd is becoming a node of newer and bigger buildings than in the surrounding blocks. The zone parameters of the NC-15 reflect the increased height and newer character of this node. This building does, too, as it should.

(c) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;

There are exceptional circumstances pertaining to the property that justify the waivers. Additionally, the scope of exception is very slight.

(d) Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;

Vehicular and pedestrian travel will have very little overlap. The vehicular access is clearly confined to the alley. Though substandard per the code, this will meet the needs of the project well. Pedestrian traffic will be largely by the streetside.

(e) Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences;

Parking and traffic conditions will not adversely affect adjacent residences. The number of parking spaces is limited and the trash removal and access by small vans and stake bed trucks is not uncommon in alleys like this.

(f) Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and

The building is largely residential. The commercial spaces are mostly open to the streetside, the rear walls being solid. Noise should not be unusual.

(g) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC zone.

Yes.

1200.2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC zone.

COMMUNITY COMMENTS/ANC

We have not yet canvassed the community. I anticipate that the best way to do this will be by presentation to the ANC. We are scheduled to present to their Econ and Zoning Committee on the 20th of July.

We will present to the Capitol Hill Restoration Society if this location falls within their region of interest.

I have reached out to both.

CONCLUSION

The requirements for these two Special Exceptions have been met. The project meets all applicable code parameters and goals.

We therefore ask your support for this application to develop this property.

Thank you for your consideration of this application;

Stephen duPont, Jr. RA

A handwritten signature in blue ink, appearing to read 'Stephen duPont, Jr.', with a long horizontal flourish extending to the right.

cc: file
On Fourteenth NE LLC

attachments: Appendix: H § 909
zoning location map;
site per subdivision (in file)
three photos

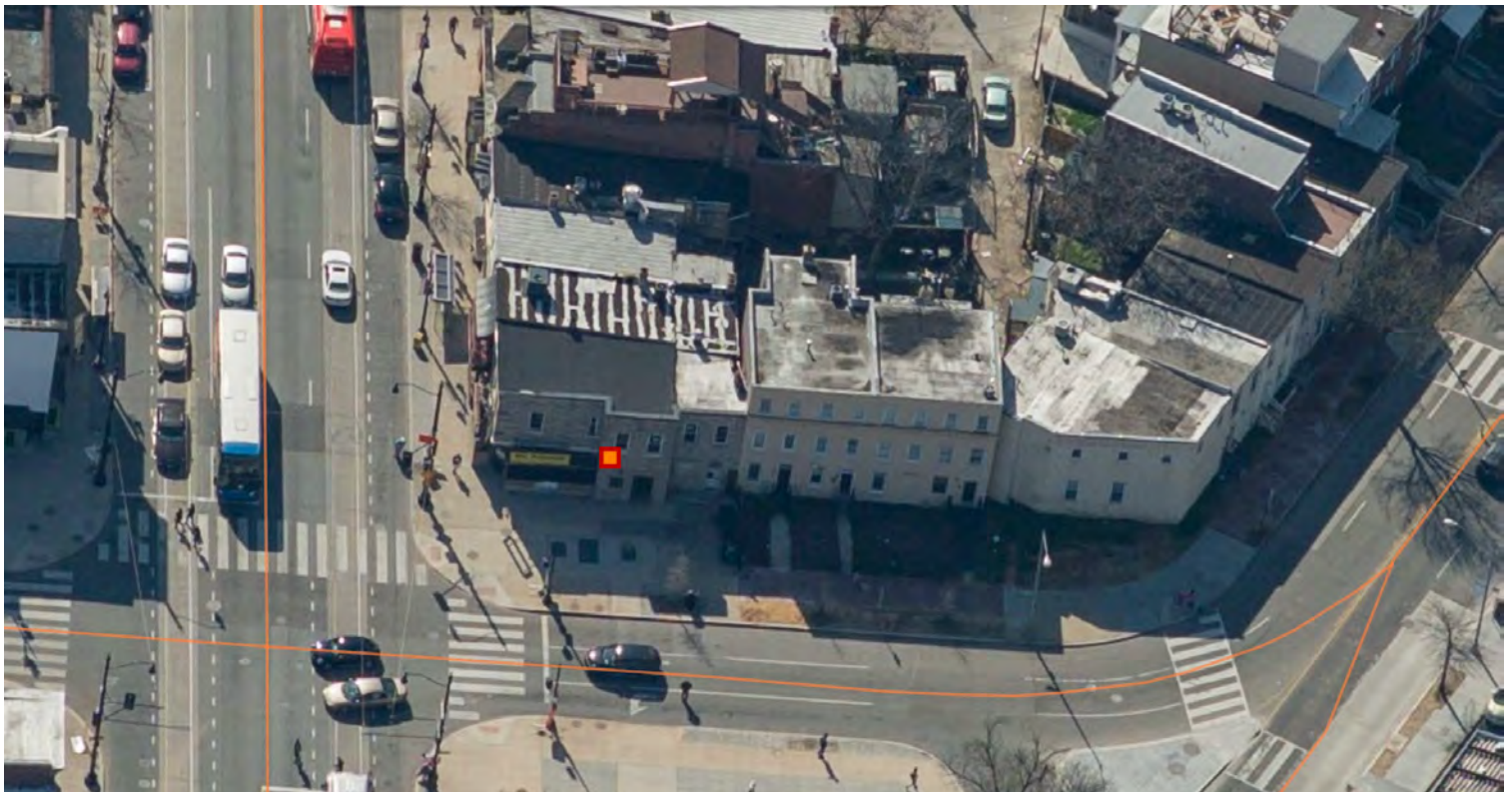
*** APPENDIX - § 909 - DESIGN REQUIREMENTS - H STREET
NORTHEAST NEIGHBORHOOD MIXED USE ZONES**

909.1 The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-Use zones:

- (a) Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) *shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets;*
- (d) Each new building on a lot that fronts on H Street N.E., Florida Avenue, N.E., Maryland Avenue N.E., 13th Street, N.E., 14th Street N.E., or 15th Street N.E. *shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows* having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building;
- (f) Each commercial use with frontage on H Street N.E., *Florida Avenue N.E.*, Maryland Avenue N.E., 13th Street N.E., *14th Street N.E.*, or 15th Street N.E. *shall have an individual public entrance directly accessible from the public sidewalk.* Multiple dwellings unit developments shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk;
- (g) *Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.), on average,* for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby;
- (h) The ground floor level of each new building or building addition *shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.)* if the building:
 - (2) *Fronts Florida Avenue N.E.*, Maryland Avenue N.E., 13th Street N.E., *14th Street N.E.*, or 15th Street N.E., and would have ground floor space occupied by one (1) or more service, retail, or office uses permitted as a matter-of-right in the underlying zone;
 - (i) *Buildings subject to Subtitle H § 909.1(h) shall be permitted an additional five feet (5 ft.) of building height over that permitted in the zone;*

re: 814 14th St NE; lots 0177, 0173, 0066







The Brown Law Firm PLLC 1750 K Street, N.W., 12th Floor Washington, D.C. 20006

Mary Carolyn Brown
202-763-7538
cbrown@BrownLaw.law

June 27, 2022

Via IZIS

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: BZA Case No. 19358 – 1341 H Street, N.E. (Sq. 1029, Lot 159)
Modification of Consequence

Dear Members of the Board:

Bearden Arts, LLC, owner of the property at 1341 H Street, N.E., (Square 1029, Lot 159)("Subject Property"), through undersigned counsel, hereby requests a modification of consequence to BZA Order No. 19358 to: (i) change the ratio of residential and nonresidential uses in the building with a slight reduction in the floor area ratio ("FAR"); (ii) reduce the size of the interior first floor of the building, and (iii) reduce the number of parking spaces from 14 to seven spaces through the elimination of the below-grade parking, while still meeting the minimum requirement of three spaces under the Zoning Regulations. The changes are necessary in order to address unforeseen high construction costs resulting from pandemic-related supply and labor shortages, and other issues. The Subject Property is located in the NC-14 District.

Background

By Order No. 19358 effective March 21, 2017, the Board of Zoning Adjustment ("BZA") granted Bearden Arts, LLC ("Applicant") a special exception under the enlargement and design requirements of Subtitle H §§ 910.1 and 1202.1, to enlarge an existing three-story plus basement commercial building at the Subject Property for residential and commercial uses. A copy of BZA Order 19358 is attached as Exhibit A. The project would add two floors above the existing building and a five-story rear addition, with a lower level devoted primarily to parking. The ground (first) floor level was designated for restaurant/retail uses; the second and third floors would accommodate office space for artist and design professionals, with a live-work unit on the third floor; and the fourth and fifth floors would be devoted to residential uses each with four units. The project met all development parameters for the NC-14 District, including height, FAR, lot occupancy, green area ratio ("GAR"), and pervious surface. However, because the Subject Property exceeds 6,000 square feet in land area, the Applicant was required to demonstrate compliance with the design criteria for the H Street Northeast Neighborhood

(Subtitle H § 909). The Applicant secured building permits for the project, but now must reconfigure the ratio of residential and commercial uses and eliminate the below-grade level to create a financially viable project.

Proposed Modifications

1. Elimination of Below-Grade Parking

The most significant cost savings for the project is the elimination of the below-grade parking garage. As originally proposed, the project would provide 14 parking spaces, which exceeded minimum of four spaces required under Subtitle C § 701.5. Eleven spaces were to be located in the below-grade garage accessed via a ramp from the rear alley, and three surface spaces would be provided behind the building. The Applicant now proposes to reduce the size of the first floor and provide seven surface spaces at the rear of the building under the second-floor overhang, as shown on Sheet A-301 of the drawings attached as Exhibit B. Based on the previous mix of uses, and applying the 50% reduction for properties located within 0.25 miles of a streetcar line (see 11-C DCMR § 702.1(b)), the Applicant was required to provide four parking spaces. Under the proposed new mix of uses, the Applicant is required to provide three spaces and is providing seven spaces. The parking calculations for the proposed project based on the reallocated mix of uses are summarized below.

Parking Use Category	Zoning Reg.	Required	Modified Plan
Eating/Drink Establ.; retail/service	C-701.5	1.33 per 1000sf in excess of 3000 sf (incl. cellar)	2886.29 sf incl cellar = 0 spaces
Office	C-701.5	0.5 per 1000sf in excess of 3000 sf	3264.68; $3264.68 - 3000 = 264.68$ = 0.5 or 1 space
Residential	C-701.5	1 per 3 units after first 4 units	20 units – 4 = 16; $16/3 = 5$ spaces
50% reduction transportation corridor	C-702.1(b)	50% reduction within 0.25 mi. of streetcar line (H Street)	$5 \times 0.5 = 2.5$ or 3 spaces total required

2. Reallocation of Residential and Commercial Uses

The previous project contemplated a total of nine residential units, one of which was designated as a live-work space located on the third floor. The other units were on the fourth and fifth floors. Under the previous plans, approximately 11,350 square feet of gross floor area (“GFA”) would be devoted to residential uses, and approximately 15,792 square feet of GFA to commercial office, retail and restaurant space.

The Applicant now proposes to reduce the amount of commercial space in the project to 7496.1 square feet of GFA and increase the residential space to 18,222 square feet of GFA. The overall density of the modified scheme would be 3.39 FAR, with 2.41 FAR devoted to residential uses and 0.99 FAR devoted to non-residential uses. The project will now provide a total of 20 residential units: two units on the second floor and six units each on floors three through five. As a result of the increase the number of units, the project will now set aside 75% of the inclusionary zoning (“IZ”) bonus density used for the project for IZ units, which equates to approximately 2,841 square feet of GFA (1,618 net square feet).

The location of the non-residential uses has also been reconfigured from the previously approved plans. The footprint of the first floor has been reduced from approximately 5,640 square feet of GFA to approximately 4,211 square feet of GFA. The project will maintain a restaurant use on the west side of the first floor, but on the east side, the previously designated restaurant space will be reallocated for retail/office uses. The size of the upper floors will not change but the uses will be modified. The second floor originally contained office space and a small restaurant seating area that was connected to the first-floor restaurant space on the west side. Under the current plan, the Applicant proposes to maintain the same restaurant seating area on the second floor, but reduce the office space and provide two residential units instead. All office space previously located on the third floor has been converted to residential use.

3. Unchanged Elements of the Building

The Applicant does not propose any other changes to the building. The H Street (front) façade will continue to be retained and reused; lot occupancy will remain at 75 percent (Subtitle H § 904); the height of the building remains at 55 feet (Subtitle H §§ 903.1 and 909.1(h) and (i)), the project will continue to meet the required 0.3 green area ratio (Subtitle H § 908); the size, height, and setbacks of the roof structure are unchanged (Subtitle H § 903.2 and Subtitle C § 1504); and the project continues to comply with the design characteristics and requirements of the H Street Arts Overlay (Subtitle H § 909). Finally, the Applicant does not propose any changes to the three conditions in BZA Order No. 19358.

Compliance with Standards for a Modification of Consequence

Pursuant to Subtitle Y § 703.2, the BZA is authorized to grant a modification of consequence for an approved BZA order without a hearing in the interest of efficiency. A “modification of consequence” is a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Subtitle Y § 703.4. Here, the Applicant is proposing a change to the architectural elements of the final design approved by the Board by (i) eliminating the below-grade garage while still provide parking spaces in excess of the zoning requirement; (ii) reducing the area of the first (ground) floor, and (iii) reconfiguring the interior spaces to devote more area to residential uses (including affordable units) and reduce the amount of non-residential space. None of these modifications affect the project’s compliance with the design elements of the H Street Northeast provision of Subtitle H § 909, nor do the modifications require any additional zoning relief. The sole need for the previous zoning relief was based on the project’s lot size of 7,576 square feet, which exceeds the threshold of 6,000 square feet, thus triggering BZA review under Subtitle H §§ 910.1 and 1202.


Through this submission, the Applicant complies with the filing requirements for a modification of consequence and is serving a copy on Advisory Neighborhood Commission 6A, the only party to the proceeding.

Conclusion

Based on the foregoing, the Applicant respectfully requests the BZA to grant the requested modification of consequence. Pursuant to Subtitle Y § 703.5, the Applicant asks that this modification request be placed on the consent calendar for consideration.

Respectfully submitted,

The Brown Law Firm PLLC

By: 
Mary Carolyn Brown

cc: Jennifer Steingasser, OP (via email: Jennifer.steingasser@dc.gov)
Joel Lawson, OP (via email: Joel.lawson@dc.gov)
Gail Montplaisir, Bearden Arts LLC (via email: gail@taurusdev.com)
Norman Smith, Norman Smith Architecture
(via email: nsmith@normansmitharchitecture.com)

Attachments:

Exhibit A BZA Order No. 19358
Exhibit B Revised Architectural Drawings

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 27, 2022, I served a copy of the foregoing request for Modification of Consequence in BZA Case No. 19358 *via email* on the following:

Advisory Neighborhood Commission 6A
P.O. Box 15020
Washington, D.C. 20003
Email: ANC6A@yahoo.com

Amber Gove, Chair, ANC 6A
1349 A Street, N.E.
Washington, D.C. 20002
Email: 6A04@anc.dc.gov

Robb Dooling, ANC 6A06
1350 Maryland Ave., N.E.
Washington, D.C. 20002
Robb.dooling@anc.dc.gov

By: 
Mary Carolyn Brown

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19358 of Bearden Arts, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building in the NC-14 Zone at premises 1341 H Street, N.E. (Square 1027, Lot 159).

HEARING DATES: September 25, November 30, and December 21, 2016¹
DECISION DATE: December 21, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report recommending approval with conditions. The report indicated that at a regularly scheduled and properly noticed public meeting on November 10, 2016, at which a quorum was present, the ANC voted 5-0 to support the application with the condition that restrictions be included in sales documents prohibiting placing anything on the H Street balconies, including hanging or displaying anything, RPP restrictions written into the sales documents, and restrictions on amplified music on the roof deck to be included in sales documents. (Exhibit 46.) Brad Greenfield, on behalf of the ANC, testified in support of the

¹ The public hearing was postponed from the hearing dates of September 25 and November 30, 2016 at the request of the ANC and the Applicant. (Exhibits 43 and 44.)

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application. The Applicant agreed to adhere to the ANC's conditions. (Transcript ("Tr.") December 21, 2016, p. 124.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application.² (Exhibit 42.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with one condition. (Exhibit 27.)

Letters of support for the application were submitted to the record. (Exhibits 37, 47-50, 52-60, and 80-81.) Mike Shaffer testified in support of the application.

Letters in opposition to the application were submitted to the record. (Exhibits 45, 61, 63, 66, 68, 70, 83, and 86.) Testimony in opposition to the application was provided by Jason Martin and Steve Lambert, owners of a bar/restaurant, the Rock and Roll Hotel, 1353 H Street, N.E., regarding their concerns that the residential project was being built in proximity of many restaurants and bars. They requested that if the project were approved that the residents of the project be required to acknowledge in the purchase contract that they are "not afforded the same level of allowable noise levels in a mixed use zone as they would be in a residential zone containing bars and restaurants." (Exhibit 86.) Testimony in opposition to the application also was provided by Sandra Bisanti and Rifaat Bisanti, owners of another, adjacent commercial use. The Bisantis testified as to their concerns regarding (1) the location of the boundary lines, (2) the impact of the party wall between the properties, (3) whether the Applicant could put windows in the party wall, and (4) potential complaints from future residents about noise from their existing business, particularly from an outdoor terrace that was approved. (Exhibit 87.) Several letters were also submitted to the record by neighbors who requested a formal agreement with the Applicant to ensure that there would not be windows at the rear of the building. (Exhibits 71-74, 76, 78.)

The Board noted that there had been discussions between the Applicant and the Bisantis and it expects that these discussions will continue in order to develop an agreement regarding these issues. Nonetheless, the Board acknowledged that several of the issues raised by the Bisantis were outside of its purview, but that those issues would be dealt with under the Building Code and by approvals of other agencies. The Board indicated that it wanted to include a discussion of a potential agreement between the Applicant and the adjacent neighbors in the order and conditioned the Board's approval on the Applicant putting language into the public offering statement that no one would be eligible for RPP, there would be no undue noise or amplified sound on the Applicant's roof terrace, and there would be an acknowledgement by and warning included in the public offering to the future residential purchasers or residents that they are

² In its report OP noted that additional relief may be needed based on its method of calculating FAR and if that additional relief were requested that OP would recommend denial of FAR relief. (Exhibit 42.) At the public hearing, the Applicant testified that it disagreed with OP's calculation and instead based its request on the Zoning Administrator's FAR calculation. OP testified that "this was something that more appropriately the Office of Planning can work with the Zoning Administrator to address..." (Tr., December 21, 2016, p. 79.)

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moving into an urban area where there are bars and restaurants that have roof terraces and that they understand and accept that there will be noise, in particular from neighboring and adjacent businesses and properties.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle H §§ 910.1 and 1202.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall include language in its public offering statement for the residential condominiums that any future residential purchaser or resident would be ineligible for RPP.
2. The Applicant shall include language in its public offering statement for the residential condominiums that there would not be any undue noise or amplified sound permitted on the Applicant's roof terrace.
3. The Applicant shall include language in its public offering statement for the residential condominiums that any future residential purchaser or resident, in perpetuity, must acknowledge that they are coming to an urban neighborhood that generates noise from area bars and restaurants, including neighboring and adjacent businesses and properties, and that the residents acknowledge and accept these circumstances.

VOTE: **3-0-2** (Carlton E. Hart, Frederick L. Hill, and Anthony J. Hood, to APPROVE;
Anita Butani D'Souza, recused, and one Board seat vacant.)

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA M. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 21, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

- 1 -
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The Architect has made every reasonable effort in interpreting the regulations and codes but does not guarantee any specific interpretation, response or action by AHJ review officials.

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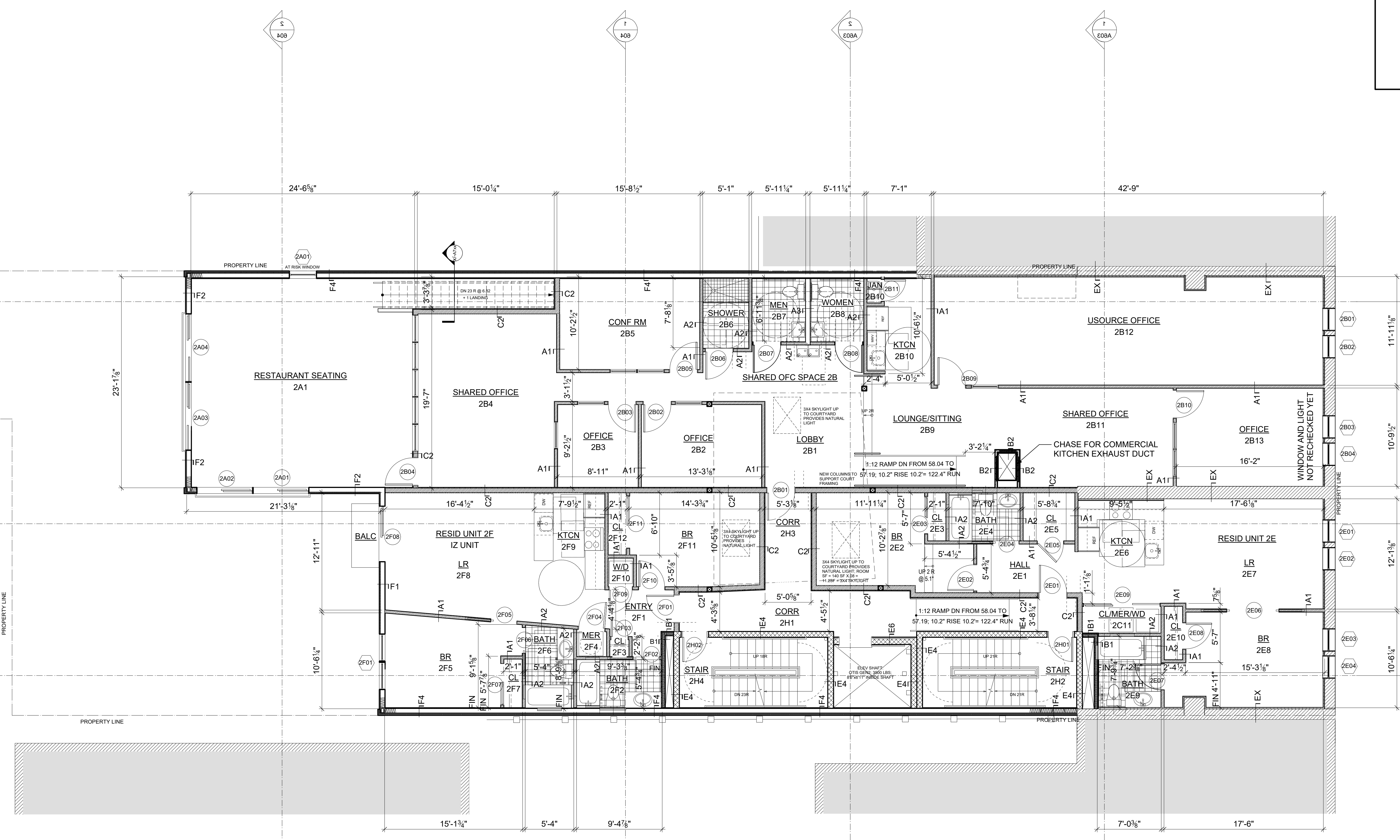
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~~BZA AMEND~~

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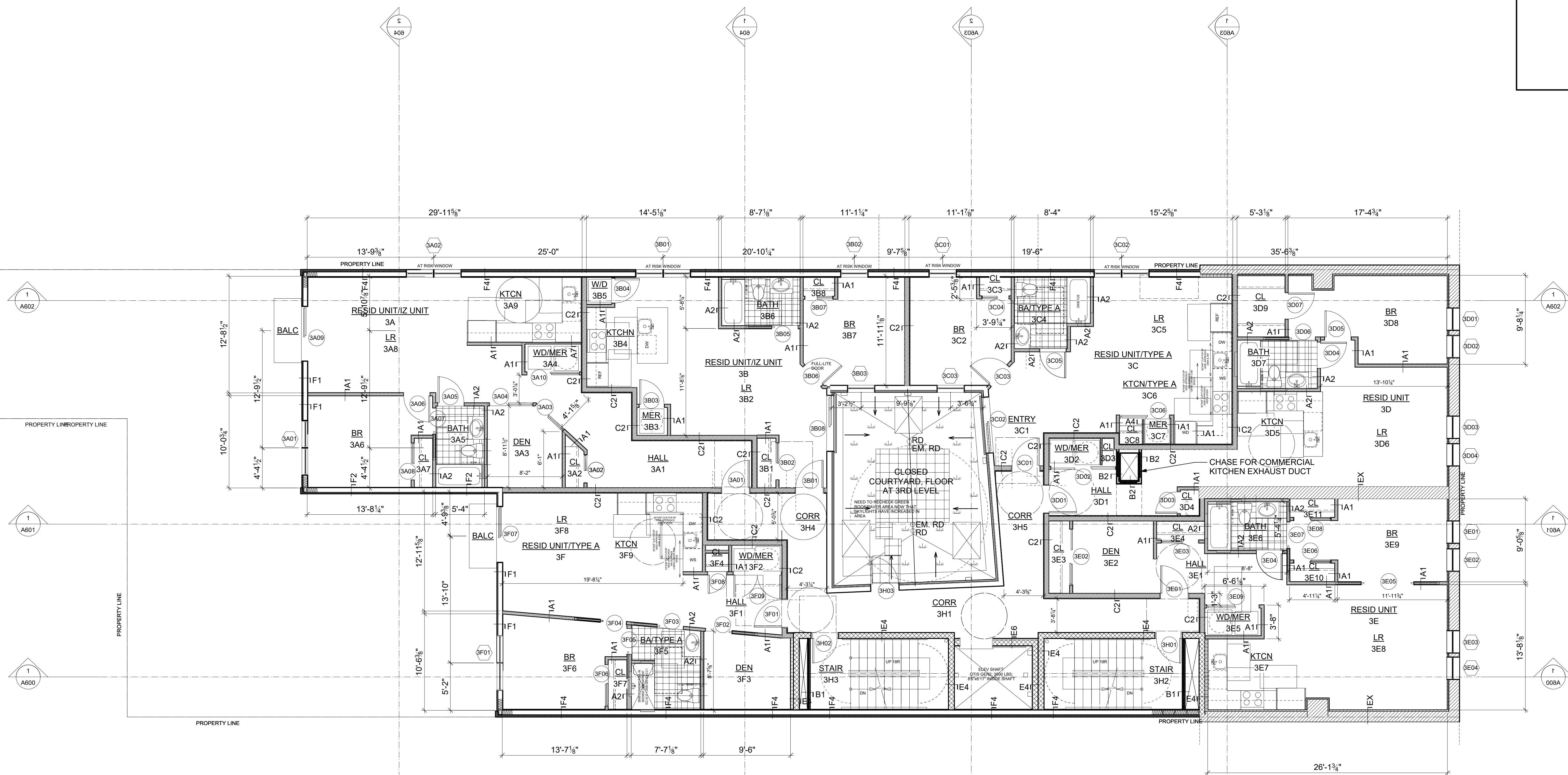
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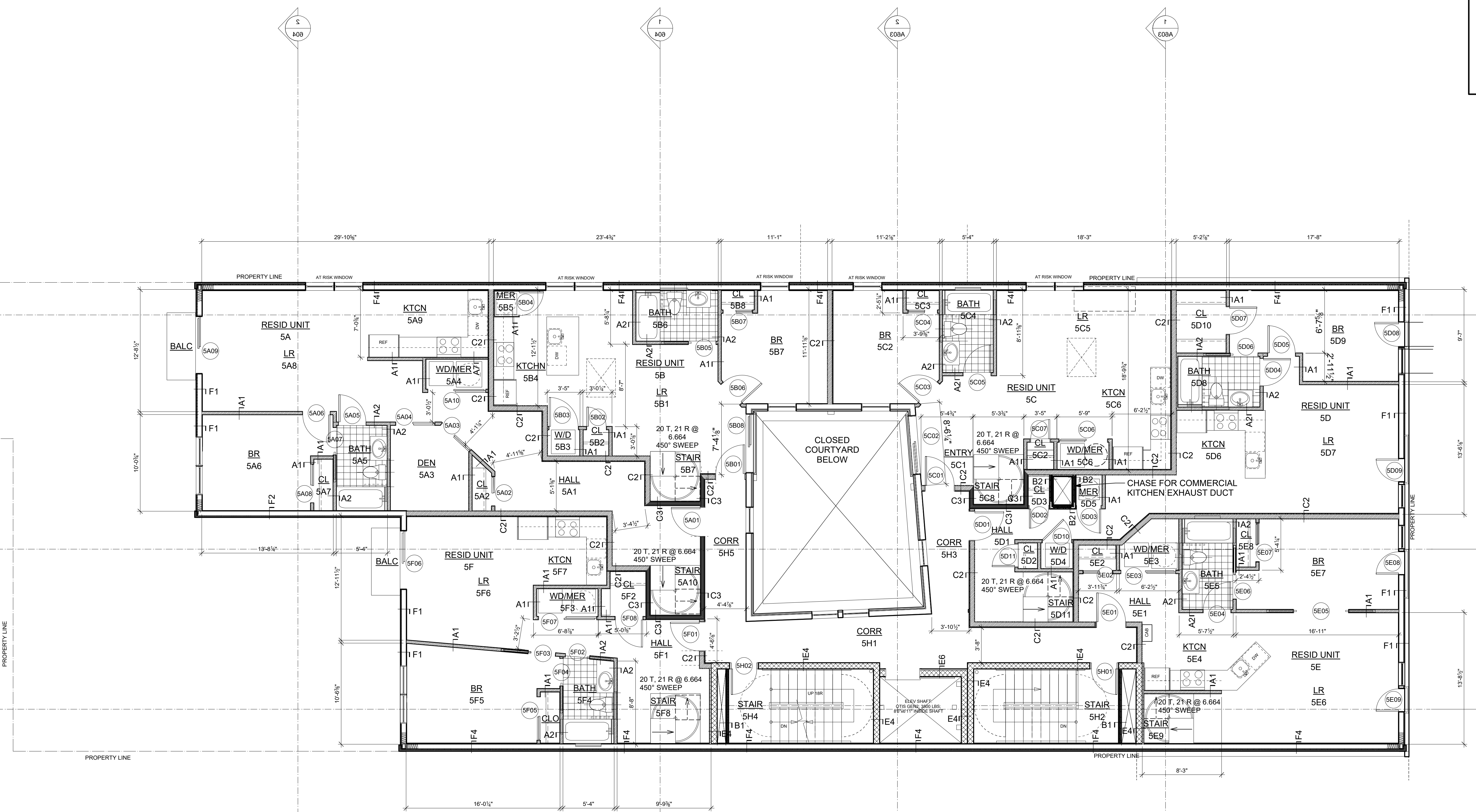


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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



Zoning Commission Notice of Public Roundtable – Z.C. Case No. 22-RT1

Washington, D.C.: The Zoning Commission for the District of Columbia (“Commission”) is holding a roundtable to hear public comment regarding its initial racial equity analysis tool:

TIME AND PLACE: **Thursday, September 22, 2022, @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC22-RT1> (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2304 588 2670 (audio participation & listen)
Via YouTube: <https://www.youtube.com/c/DCOfficeofZoning> (to watch)
Instructions: <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify>

The recent updates to the Comprehensive Plan (the “Comp Plan”) require the Commission to evaluate all zoning actions through a racial equity lens. The racial equity analysis of a zoning action is a part of the overall Comp Plan consistency analysis of a zoning action. In its deliberations on the dais and in its final written order for every zoning action where the Comp Plan is applicable, the Commission provides a Comp Plan consistency analysis, inclusive of an analysis through a racial equity lens. There are three key provisions in the Comp Plan Implementation Element that discuss the requirement that the Commission evaluate all zoning actions through a racial equity lens. (See 10-A DCMR §§ 2501.3, 2501.7, 2501.8.) In order to comply with these Comp Plan requirements more formally, the Commission released its initial racial equity analysis tool (the “tool”) on April 28, 2022 on the Office of Zoning (“OZ”) website. The Commission also announced the release of the initial tool on the dais at its public meeting of the same date.

The tool is split into two parts: Part One provides guidance regarding racial equity submissions to the zoning case record; and Part Two lists questions and themes that the Commission is using in its evaluation of zoning actions through a racial equity lens. The tool has been in use since April 28, 2022. Thus far, the Commission has found the tool’s guidance regarding racial equity submissions to result in more thorough submissions to the case record that explain the most relevant Comp Plan equity policies related to the zoning action at issue. The Commission has also found the tool’s list of evaluation questions and themes helpful in framing the potential positive impacts and negative outcomes that could result from a zoning action. And how those potential positive impacts and negative outcomes interplay with the Comp Plan policies focused on advancing equity. Still, there is certainly room for improvement. Both in the substance of the racial equity submissions to the case record, and in the depth of the Commission’s evaluation and analyses of zoning actions through a racial equity lens. See [Racial Equity Analysis Tool](#).

The information the Commission considers in its deliberations to approve or deny a zoning action is limited to the applicable Zoning Regulations; the information, data, and analyses submitted to

the case record; and the public hearing testimony (in cases requiring a public hearing). In all deliberations and final written orders, the Commission affords great weight to the written reports submitted to the case record by the Office of Planning (the “OP”); and the affected Advisory Neighborhood Commission (the “ANC”). Whilst acknowledging the limitations on the information considered by the Commission in its deliberations, the Commission is interested in community input and ideas about ways the Commission can refine the initial tool. Specifically, to potentially facilitate:

- Means to more readily identify both the potential positive impacts and the negative outcomes of a zoning action; and
- Steps and/or processes the Commission can take to make its evaluation through a racial equity lens more substantive.

Though the Commission is interested in input and ideas regarding the list immediately above, the Commission is also interested in:

- Any input and ideas about ways the Commission can refine and improve the initial tool;
- Any general feedback on the tool; and
- Any general feedback on the Commission’s use of the tool to date.

Interested parties can view recordings of previous Commission hearings and meetings where the tool was introduced, discussed, and applied at <https://www.youtube.com/c/DCOfficeofZoning>.

Ground rules will be set and strictly adhered to so as to allow everyone a chance to articulate their position. Please take the following into account:

- This roundtable **will not** focus on any specific projects due to potential future hearings. Such exchange of information could be considered *ex parte* communication.
- Time limits will be established for organization representatives, as well as individual persons. The time limits will be adhered to tightly so everyone has a chance to speak.
 - ◆ Each organization or ANC (one representative per organization/ANC) will be allotted five (5) minutes;
 - ◆ Individuals will be allotted three (3) minutes each; and
 - ◆ No ceding of time will be allowed.
- Written copies of testimony **must** be submitted at least 24 hours prior to the roundtable.
- All individuals, organizations, or associations wishing to testify at this roundtable **are strongly encouraged to sign up to testify at least 24 hours prior to the start of the roundtable** on OZ’s website at <https://dcoz.dc.gov/> or **on the day of the roundtable** by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual procedures.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, AND JOSEPH IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.



Racial Equity Tool

DC Zoning Commission

Part One: Guidance Regarding Racial Equity Submissions

The recent updates to the Comprehensive Plan require that the Zoning Commission evaluate all zoning actions through a racial equity lens. The Comprehensive Plan, Citywide and Area Elements, that explicitly focus on advancing equity are listed below. As applicable, the Zoning Commission suggests a discussion of these elements in submissions to the zoning case record that analyze zoning actions through a racial equity lens.¹

Citywide Elements	Area Elements
Land-Use	Capitol Hill
Transportation	Central Washington
Housing	Far Northeast Southeast
Economic Development	Far Southeast Southwest
Urban Design	Lower Anacostia Waterfront Near Southwest
Historic Preservation	Mid-City
Community Services and Facilities	Near Northwest
Educational Facilities	Rock Creek East
Infrastructure	Rock Creek West
Arts and Culture	Upper Northwest
Environmental Protection	
Parks Recreation and Open Space	

Part Two: Zoning Commission Evaluation of the Zoning Action through a Racial Equity Lens

The Zoning Commission will use the following questions as a baseline in evaluating consistency with the Comprehensive Plan through a racial equity lens (other themes may also be appropriate):

Zoning Commission Evaluation	
What are the expected goals of the zoning action?	
What are the anticipated positive and negative impacts and/or outcomes of the zoning action? May include the following themes and any others that also apply:	
Direct Displacement	Will the zoning action result in displacement of tenants or residents?
Housing	Will the action result in changes to: ▪ Market Rate Housing? ▪ Affordable Housing? ▪ Replacement Housing?
Physical	Will the action result in changes to the physical environment such as: ▪ Public Space Improvements? ▪ Infrastructure Improvements? ▪ Arts and Culture? ▪ Environmental Changes? ▪ Streetscape Improvements?
Access to Opportunity	Is there a change in access to opportunity? ▪ Job Training/Creation? ▪ Healthcare? ▪ Addition of Retail/Access to New Services?

¹ The Office of Planning (OP) is currently working to update the Equity Crosswalk referenced in the Comprehensive Plan, which will identify the Comprehensive Plan policies in the Citywide and Area Elements that advance equity.

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Issue: Vol 69/26 - 7/1/2022

Status: Submitted

Register Category: --- Select All ---

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	Notice ID	Status	Register Category	Agency Name	Subject	Register Issue	Action Date
	8122282	Submitted	Public Hearings	Zoning, Office of	Zoning Commission Notice of Public Roundtable: Case No. 22-RT1 (Racial Equity Analysis Tool)	Vol 69/27 7/8/2022	6/27/2022 9:10:48 AM
	8122223	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Commission Order No. 18-51D: H&A DCU JV, LLC (Parcel B Design Review @ Square 665, Lot 27)	Vol 69/26 7/1/2022	6/22/2022 11:17:22 PM
	8122222	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Commission Order No. 18-51C: H&A DCU JV, LLC (Modification of Significance of PUD @ Square 665, Lot 27)	Vol 69/26 7/1/2022	6/22/2022 11:13:20 PM
	8122216	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Adjustment, Board of - Case No. 20737 - Dr. Charles Samenow - (ANC 2B) - Order	Vol 69/26 7/1/2022	6/22/2022 9:57:29 AM
	8122215	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Adjustment, Board of - Case No. 20735 - Matthew Radomski and Erin Radomski - (ANC 1C) - Order	Vol 69/26 7/1/2022	6/22/2022 9:51:24 AM
	8122214	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Adjustment, Board of - Case No. 20732 - NY Avenue Titleholder, LLC - (ANC 2C) - Order	Vol 69/26 7/1/2022	6/22/2022 9:45:42 AM
	8122212	Submitted	Notices, Opinions, and Orders	Zoning, Office of	Zoning Adjustment, Board of - Case No. 20718 - 9 Trees, LLC - (ANC 2B) - Order	Vol 69/26 7/1/2022	6/22/2022 9:32:00 AM

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2225-2229 M Street NE

By 2229 M Street NE LLC

APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR
REVIEW AND APPROVAL OF A CONSOLIDATED PLANNED UNIT DEVELOPMENT
AND AMENDMENT TO THE ZONING MAP

May 3, 2022

DEVELOPMENT TEAM

Applicant	2229 M Street NE LLC c/o Outlier Realty Capital 7514 Wisconsin Ave., Suite 500 Bethesda, MD 20814
Architects, Engineers, and Consultants	ZDS Inc. 1416 P Street, NW, 2 nd Floor Washington, DC 20005 CAS Engineering DC, LLC 4836 MacArthur Boulevard, NW, 2 nd Floor Washington, DC 20007 Rathergeber/Goss Associates 15871 Crabbs Branch Way Rockville, MD 20855 Capital Engineering Group, LLC 1825 K Street NW, Suite 375 Washington, DC 20006 Jennifer Horn Landscape Architecture 1408 N. Fillmore Street, Suite 17 Arlington, VA 22201
Land Use Counsel	Goulston & Storrs 1999 K Street, NW, 5 th Floor Washington, DC 20006

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PREFACE

This statement and the attached documents support the application of 2229 M Street NE LLC (the “**Applicant**”), to the Zoning Commission for the consolidated approval of a Planned Unit Development (“**PUD**”) and Zoning Map Amendment (the “**Application**”) for the property known as 2225-2229 M Street NE (Square 4465, Lots 36 and 39) (the “**Property**”). The Property is located in Ward 5, near the Carver/Langston and Trinidad neighborhoods, on the south side of M Street NE, east of 21st Place NE, and north of Maryland Avenue NE. The Property is currently located in the RA-2 Zone, and the Applicant proposes to re-zone the Property to the RA-4 Zone through a PUD-related map amendment. The Applicant proposes to construct an all-affordable, senior residential development (the “**Project**”) at the Property.

This PUD application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) §100 et seq. (2006) (the “**Comprehensive Plan**”), as well as numerous goals and policies of the District of Columbia. The Project will benefit the District first and foremost through affordable housing for an underserved population, as well as through exemplary architecture, sustainable design, and attractive development. The Project will also benefit the surrounding neighborhood through a significant increase in affordable housing for a vulnerable population, which, with other benefits, are commensurate with the increase in height and density resulting from the PUD process.

Submitted in support of this Application are the required materials, including a certification of mailing and a copy of the notice of intent to file that was mailed to surrounding property owners and parties, architectural drawings, plans, and elevations of the proposed Project, and a map depicting the Zone Districts for the Property and the surrounding area. This statement and the attached documents meet the filing requirements for a PUD application under Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the District of Columbia Zoning Regulations (the “**Regulations**”).

I. INTRODUCTION

A. *Summary of Requested Action*

The Applicant requests the approval of a consolidated PUD and related Zoning Map Amendment to the RA-4 Zone for the Property to allow the construction of a new, all-affordable residential development to serve seniors in Ward 5.

The Property is located on the south side of M Street NE, east of 21st Place NE, and north of Maryland Avenue NE. The Property is otherwise bounded by the Arboretum Condominium complex to the west, a federally-owned triangular lot to the east, and an alley to the south. The Property is located at the north side of the Barry Farm neighborhood and the east side of the Trinidad neighborhood. It is one block from an X8 bus stop and within a mile of two DC Streetcar stops. The Property consists of approximately 15,068 square feet of land area, or approximately 0.35 acre. The Property is currently located in the RA-2 Zone District, but through the PUD, the Applicant seeks to rezone the Property to the RA-4 Zone District.

The Property is comprised of two separate record lots that will be subdivided as part of the Project. The existing record lots are improved with two separate buildings: Lot 39 is improved with a three and a half story child development center building, and Lot 36 is improved with a two-story residential building. The Project anticipates razing both existing structures and constructing a nine-story residential building with approximately 120 residential units, resident support space, and parking at grade. The Project will contain approximately 10 parking spaces in a surface lot, including two car-share spaces. The total gross floor area included in the Project will be approximately 75,229 square feet, for a floor area ratio (“**FAR**”) of approximately 4.99. The Project will be constructed to a building height of approximately 87 feet 6 inches and will have a lot occupancy of approximately 64%.

The Future Land Use Map (“**FLUM**”) of the Comprehensive Plan designates the Property for Medium Density Residential use. The Generalized Policy Map (“**GPM**”) of the Comprehensive Plan designates the Property as a Neighborhood Conservation Area. The Applicant will use the PUD process and the Zoning Map Amendment to obtain flexibility regarding the rear yard, parking requirements, and surface parking and loading screening on the Property, consistent with the Comprehensive Plan.

B. The Applicant

The Applicant is a joint venture effort of Outlier Realty and Goodwin Companies. Outlier Realty is a professionally managed, private real estate investment company. True to its name, Outlier prides itself on a distinct approach to value creation by investing in real estate that can be improved, repositioned, or repurposed to achieve attractive returns while enhancing the community. Goodwin Companies is a local development firm focused on housing and commercial properties in the Washington, DC region. Goodwin is committed to enhancing neighborhoods by creating attractive and environmentally friendly communities.

The Applicant plans to partner with Housing Up Development to develop and operate the Project. A letter from Housing Up describing its mission and planned partnership is attached as Exhibit J. Housing Up is a non-profit affordable and supportive housing developer and manager with a growing portfolio of properties located throughout Washington, D.C. Housing Up’s projects include mixed-income affordable housing and permanent supportive housing for low-income and formerly homeless families and seniors. Housing Up believes that people who have safe, affordable housing and genuine opportunities are empowered to transform their lives. As part of a recent joint venture, Housing Up redeveloped Hedin House Apartments, a 48-unit supportive, affordable housing community for senior and disabled residents in the Woodridge neighborhood

of Northeast D.C., approximately two miles from the Property. The proposed PUD Project will provide similar affordable housing and supportive services to low-income seniors in Northeast D.C.

C. Project Goals and Objectives and the Benefits of Using the PUD Process

Consistent with the goals of the District as outlined in the Land Use Element of the Comprehensive Plan, the Applicant intends to redevelop the Property with an all-affordable residential building for low-income seniors in an attractive and sustainable space. The Project will provide affordable housing and services for a vulnerable District population.

The PUD process outlined in Chapter 3 of Subtitle X of the Zoning Regulations serves as the appropriate means of achieving the above objectives because the PUD process provides the community and District agencies with the tools needed to ensure that the Project is well-designed, provides commensurate benefits, and best meets the needs of the community while making sure that the density and uses are appropriate and the architecture is superior and compatible with the surrounding neighborhood.

D. Development Timetable

The Applicant anticipates beginning construction in 2023 and expects construction to take approximately 18 months. The Applicant hopes to begin housing residents at the Property in 2025.

II. THE PROPOSED PUD PROJECT

A. Site Location

The Property is comprised of two record lots on the south side of M Street NE, east of 21st Place NE, and north of Maryland Avenue NE. The Property is bounded by the Arboretum Condominium complex to the west, a federally-owned triangular lot to the east, and an alley to the south and M Street NE to the north. The Property slopes down approximately 10 feet from north

to south and approximately seven feet down from west to east as it is located at the bottom of a hill on M Street NE. The highest point of the Property is at its northwest corner adjacent to the Arboretum Condominium building. The Property contains approximately 15,068 square feet of land area and is currently improved with a three and a half story child development center building and a two-story residential building.

The immediate neighborhood around the Property is generally comprised of low- to mid-rise apartment buildings in the RA-2 Zone District to the west and south as well as significant open spaces immediately adjacent to the Property. In addition to the unimproved property to its east, the National Arboretum is located immediately to the north of the Property, across M Street NE, and Langston Golf Course is located to the southeast of the Property. The Trinidad Recreation Center and Rosedale Recreation Center are also located in close proximity to the Property. The Property is approximately ½ mile from an ALDI grocery store and one mile from the stores and restaurants on the H Street Corridor.

The Property is served by the X8 bus line, which provides access to Union Station, and is located approximately ¾ mile from both the 19th and Benning and Oklahoma and Benning stops on the DC Streetcar line. It is also located west of the Anacostia Freeway (I-295), which provides access to the remainder of Washington DC, Maryland, and the Capital Beltway.

B. Project Description

The Applicant will construct a 120-unit, all-affordable senior residential building. All of the units will be reserved for those 55-years-old or older. The Applicant is still finalizing the financing for the Project, which will determine the final affordability for the Project. However, all of the units will be affordable to those making between 30% and 80% of the Median Family Income (“**MFI**”), with at least 80% of the units affordable at 60% MFI or less. As shown in the

plans included in Exhibit I (the “**Plans**”), the Project will result in a high-quality, thoughtfully-designed building that is integrated into the natural sloping topography of the Property. The resulting development will complement the existing scale and improvements already in the neighborhood while utilizing height to create a sense of place amid the open spaces characterizing much of its surroundings. The Project will also provide high-quality residences for an underserved community in the District.

The building will front on M Street NE, which serves as its main entrance area. The Project will consist of nine above-grade floors and one partially below-grade floor. There will be 10 surface parking spaces, including two car sharing spaces, located behind the building and accessed via an alley along the south edge of the Property. A loading berth will be located in the rear of the building and accessed off of the alley, and the service/delivery space will be located adjacent to the parking spaces and also be accessed off of the rear alley. The Project will also include long-term bicycle parking within the building and short-term bicycle parking outside in public space adjacent to the Property.

The Project will contain approximately 120 apartments and residential amenity space, including a fitness center and community room, as well as space for administration and supportive services for residents. The Project will include a mix of studio, one-bedroom and two-bedroom apartments and will be consistent with market demand for senior housing services. These units will be specifically designed to serve the lower income, senior population, including a higher percentage of accessible units than typically required. Additionally, all units will include significant resident amenities like in-unit washers and dryers, individual unit temperature control, and modern finishes.

The height and mass of the Project, while greater than the surrounding buildings, is sensitive to the surrounding neighborhood context and is architecturally designed to fit into the sloping topography of the Property, minimizing the mass at the Property's northwest corner adjacent to private development. The Project is well designed on all sides and provides a highly articulated building that is visually engaging from all perspectives. The building's L-shape allows ample light and air for each of the units. The Project exhibits a cohesive materials palette that is consistent with the aesthetic of the surrounding neighborhood, yet the design utilizes distinct materials and windows on the northern façade to prevent a uniform mass and create visual interest.

The Project is largely composed of medium, natural tones with framing at the northeastern corner of the building, pulling the visual focus of the building to the area adjacent to open space. Additionally, the Project changes tones at the top levels to provide visual stepping at its tallest point, creating a visual continuation of the adjacent residential materials and allowing the visual form of the building to complement the adjacent development scale. Specifically, the use of a brick base and metal and cementitious paneling will provide consistency with the surrounding neighborhood and create an attractive, articulated façade design.

The Project will also contain significant environmental and sustainability features. The Project will be designed to achieve Enterprise Green Communities Plus (“**EGC+**”) certification, which is the sustainability model for affordable projects akin to LEED Gold. The EGC+ program's most recent update in 2020 received significant collaborative support from the International Living Futures Institute, and projects pursuing the EGC+ level certification will have achieved certification to the federal Department of Energy's Zero Energy Homes (“**ZERH**”) program. ZERH is a much more progressive energy performance standard that is essentially the step between Energy Star Multifamily New Construction and PHIUS (Passive House) certifications. The ZERH

program further requires certification to the Environmental Protection Agency's Indoor airPLUS program. In contrast, LEED v4 Homes Midrise certification requires none of the additional certifications described above, all of which contribute significantly to overall building performance as well as to the health and wellbeing of the occupants. Additional sustainable features include approximately 790 square feet of green roof and 2,400 square feet of solar panels. These solar panels are expected to generate 41,080 KWh (41.08 MWh) of energy annually for the Project. The Project will also include significant landscaping, EnergyStar appliances, and energy efficient lighting features within units.

All of the units within the Project will be affordable between 30% and 80% MFI, with a least 80% of the units in the Project at 60% MFI or below. The Applicant plans to fund the Project through District and/or federal affordable housing financing.

Upon completion, the Project will be constructed to an FAR of 4.99 and a height of 87 feet 6 inches. The RA-4 District permits a maximum FAR of 5.04 and a maximum building height of 90 feet for a PUD project. Other than the limited flexibility and relief requested below, the Project will conform to the development standards for a PUD in the RA-4 Zone. The Zoning Tabulations in Exhibit I as well as the summary of development data attached as Exhibit A illustrate the development standards for the existing and proposed zoning.

C. Community Outreach and Response

The Applicant has engaged in significant outreach with the community, Advisory Neighborhood Commission ("ANC"), and government agencies prior to filing the Application. The Applicant met with the Office of Planning ("OP") on December 17, 2021 and has subsequently corresponded with OP regarding the Project's design development. The Applicant has also communicated regularly with ANC 5D and presented at the ANC's regular monthly

meeting on February 7, 2022 and at the ANC's Executive Committee meeting on April 26, 2022. The Project, and in particular the Project's mission, has been well-received at all community outreach and agency meetings. The Applicant has addressed comments received regarding the Project by:

- Refining the materials and framing of the building to create visual stepping from adjacent development;
- Concentrating the widest portion of the building adjacent to open space and away from adjacent development;
- Focusing the Applicant's civil engineer efforts on stormwater management and neighborhood flooding and water pooling issues; and
- Agreeing to incorporate cameras and general oversight to prevent future dumping at the Property and adjacent properties.

The Applicant is committed to continuing to work with the community, the ANC, and District agencies regarding the Project.

D. Flexibility and Relief Under the PUD Guidelines

Subtitle X § 303.1 gives the Zoning Commission authority to grant flexibility for any development standards as part of the PUD process. While the Project as a whole complies with all of the zoning development standards for an RA-4 PUD, the Project does require flexibility from four development standards to ensure the Project is functional, fits within the Property's shape, and serves the Project's mission. As detailed below, the Project requests flexibility to (1) provide a rear yard slightly less than required by the regulations, (2) provide less parking than would otherwise be required by the regulations, and (3) not screen the alley-accessed parking spaces and loading delivery space.

1. Flexibility from the Rear Yard Requirement

Pursuant to Subtitle X § 303.1, the Applicant requests flexibility from the minimum rear yard required under Subtitle F § 305.1, which would require a rear yard of 4 inches per foot of

height. The current design of the Project, with a rear yard of 3 inches per foot of height, enables the Applicant to maximize the number of affordable units that it can provide to seniors while still providing ample space at the rear of the building. With a height of 87 feet 6 inches, the Project would require a rear yard of 29 feet 4 inches. The Applicant requests flexibility to instead provide a rear yard of 23 feet 4 inches, 20% less than the full rear yard required.

2. Flexibility from the Parking Requirement

Additionally, pursuant to Subtitle X § 303.1, the Applicant requests flexibility from the total amount of parking required under Subtitle C § 701.5. Given the age of the population that will live at the building, the Applicant does not anticipate the need for all of the parking usually required for a typical residential development. With 120 residential units, the Project, as a publicly-financed multiple dwelling unit residential building reserved for seniors, would require 20 parking spaces. The Applicant requests relief to instead provide eight regular parking spaces and two car-share parking spaces, which each count as three spaces under Subtitle C § 708.2, for a total of 14 parking spaces.

All of the Project's 120 units are dedicated to affordable housing. Additionally, residents will be seniors who are aged 55 or older. This population is less likely to own a car and less inclined to drive as a method of transportation. Additionally, because the Project will be all-affordable, the costs of constructing unneeded spaces (e.g., an underground parking garage) would result in a trade-off of how available space is used and ultimately result in fewer affordable units. The space devoted to unneeded parking could otherwise be used for needed building programming, such as common spaces and activity areas to serve the senior residents.

3. Flexibility from Parking and Loading Screening

Additionally, pursuant to Subtitle X § 303.1, the Applicant requests flexibility from the screening otherwise required for the parking spaces and the service/delivery space accessed off of the rear alley. Subtitle C § 714 requires screening for surface parking lots with breaks only allowed for access and no more than 20 feet per break. However, the Project's parking spaces are accessed immediately off of the alley to the rear of the Property and such border screening would prevent easy access to the parking spaces and create potential hiding locations off of the alley. Further, Subtitle C § 908.2 would require the service/delivery space to be screened because, while it is located in the rear yard, it is not separated from all other property by 25 feet. However, because the service/delivery space is accessed from the alley, screening the space would be problematic for the same reasons. Finally, unscreened vehicular parking spaces is a common condition off of this alley for the neighborhood.

III. PLANNING ANALYSIS

A. Land Use Impact

As detailed in Section V below, the proposed Project is fully consistent with the goals and policies of the Comprehensive Plan. Specifically, the Project will create all-affordable residential units to serve seniors in the District. The proposed medium density residential development is the appropriate use of this land in accordance with the FLUM. The Project will create this community-serving use in a development thoughtfully designed for its context within the neighborhood. The Property is buffered on its north side by the National Arboretum and on its east side by an unimproved, federally-owned lot. The Project will be built to respect the natural grade and will be a high-quality design. The proposed rear yard, parking, and screening flexibility requests are appropriate given the anticipated demands of the residential community the Project will serve, the

quantity and quality of affordable housing provided, and the other benefits provided by the Project. Specifically, the flexibility the Project seeks is modest and will be offset by the significant number of affordable units being provided for seniors. The Project, both its use and its design, will complement the existing residential apartment complexes that make up the surrounding neighborhood.

B. Zoning Impact

As shown in the Plans attached as Exhibit I, the Applicant requests a Zoning Map Amendment for the Property to the RA-4 Zone District. This proposed zone is consistent with the Comprehensive Plan, as detailed more fully in Section V below. The FLUM of the Comprehensive Plan designates the Property for Medium Density Residential use, with which the RA-4 Zone is consistent according to the Framework Element.

Further, the proposed use is consistent with the uses otherwise allowed in the RA-2 Zone District. While the height and density allowed in the RA-4 zone district exceeds that of the existing community, the design of the building works with the existing topography to minimize its impact on adjacent properties. Further, the development parameters in the RA-4 Zone District and design elements incorporated into the Project, in addition to the nearby public and open space, will protect the light, air, privacy, and uses of the surrounding properties.

Finally, as detailed further in Section IV below, the benefits provided by the PUD are commensurate with the degree of zoning flexibility requested for the Project.

C. Environmental Impact

As more specifically detailed in the analysis included in Exhibit F, the general environmental infrastructure systems around the Property have capacity for the Project. The Project will also include significant green roof and solar panels at the Property. The Project will

be designed to achieve EGC+ certification, as further detailed above. The Project will include approximately 2,400 square feet of solar array panels on the roof, which are expected to generate 41,080 KWh (41.08 MWh) annually. The Project will also include 790 square feet of green roof. Additionally, the Project will meet the Green Area Ratio and stormwater management requirements. Thus, the Project's environmental benefits are superior to a matter-of-right development at the Property.

D. Facilities Impact

The proposed Project will not have an adverse impact on the facilities that it will rely on for service. The utility and infrastructure facilities the Project will rely on, including electricity, water, sewer, and natural gas, have the capacity for the Project's anticipated impact, as detailed further in Exhibit F. The Project will also not have an adverse impact on the school system facilities in the area. Given the age required to live at the Property, the Applicant does not expect any of the residents will have school-aged children that will reside at the Property and attend local schools. Therefore, the Project will not have an impact on these facilities.

Additionally, the transportation facilities serving the Project will not be adversely impacted. As noted, the Property is one block from an X8 bus stop and within a mile of the DC Streetcar. The Project also contains ten parking spaces (including car share spaces, resulting in the equivalent of 14 spaces) to accommodate the parking demand of residents, employees, and visitors who may choose to drive to the Project. The Applicant has engaged Gorove/Slade Associates to conduct a Comprehensive Transportation Review for the Project to ensure that there are no adverse or unmitigated impacts on the transportation infrastructure.

IV. PUD EVALUATION STANDARDS

A. Public Benefits and Project Amenities

The objective of the PUD process is to encourage high-quality development that provides public benefits and project amenities by allowing applications greater flexibility in planning and design than may be possible under matter-of-right zoning. Section 305 of Subtitle X provides categories of public benefits and project amenities for review by the Zoning Commission. The proposed Project will achieve the goals of the PUD process by providing new housing for the senior population at affordable levels. This furthers several goals set forth by the District of Columbia and will provide specific benefits and amenities identified in the Regulations.

Pursuant to Subtitle X §304.3, the Zoning Commission should “balance . . . the relative value of the public benefits and project amenities offered [with] the degree of development incentives requested and any potential adverse effects.” Here, the Project, as detailed below, will provide significant public benefits and amenities, which will outweigh the modest development incentives requested. Specifically, in addition to the Zoning Map amendment, the Project proposes a rear yard minimum decrease of 6 feet and a parking minimum decrease of six spaces compared with what would be allowed in the RA-4 Zone as a matter-of-right, in addition to flexibility from some screening requirements. Additionally, the buffering provided by the Project design, coupled with the adjacent public space around the Property, will mitigate the impacts of the Project’s construction on the surrounding community. Therefore, on balance, the public benefits and Project amenities outlined below outweigh the development flexibility requested by the Project.

1. Housing

Pursuant to Subtitle X § 305.5(f) of the Zoning Regulations, the PUD guidelines state that the production of housing in excess of what would be produced as a matter-of-right and the

production of senior housing are both public benefits that the PUD process is designed to encourage. The Project will create approximately 120 new affordable residential units for seniors. Achieving this amount of affordable housing is possible only through the PUD process and the PUD-related map amendment.

In addition to the amount of housing, the 120 units included in the Project are specifically reserved for seniors, which Section 305.5(f)(2) notes is a specifically beneficial use in the District. By providing all affordable, age-restricted apartments, the Project will provide housing in great need in the District as a significant benefit of the PUD.

2. Affordable Housing

Pursuant to Subtitle X § 305.5(g), the production of affordable housing above what is required under the Inclusionary Zoning (“IZ”) regulations is considered a public benefit of a PUD project. The provision of significant affordable housing for seniors is the dominant public benefit provided by this PUD. The Project will be entirely affordable, with at least 80% of the units offered at 60% MFI or below, and all units between 30% MFI and 80% MFI.

3. Superior Urban Design and Architecture

Subtitle X § 305.5(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown on the detailed plans, elevations, and renderings included in Exhibit I, the proposed Project exhibits many characteristics of exemplary urban design. Specifically, the Project is designed to fit into the natural topography and unique shape of the Property, including all vehicular access from the rear alley, no new curb cuts to the Project, and streetscape improvements along M Street. The Project also highlights exceptional architectural design that articulates the façade on all sides. Specifically, the Project includes openings and

material articulation on all sides and will be constructed with quality materials that will age well and are consistent with the surrounding community.

4. Streetscape Plans

Subtitle X § 305.5(l) states that streetscape plans are considered to be public benefits and project amenities of a PUD. The Project will include improvements to M Street along the Property's frontage, including the sidewalk in front of the Project, in accordance with DDOT standards.

5. Environmental and Sustainability Benefits

Section 305.5(k) of Subtitle X states that environmental benefits are considered to be public benefits and project amenities of a PUD. The Project will provide a number of environmental benefits that improve sustainability of the Property and contribute to the neighborhood's overall sustainability. The Project will fulfill EGC+ certification, which is the LEED Gold equivalent for affordable housing projects, and includes ample environmental considerations above and beyond what would be required as a matter of right. As part of this environmental and sustainability plan for the Project, the Applicant proposes to provide 2,400 square feet of solar panels, which are expected to generate up to 41,080 KWh (41.08 MWh) of energy for the Project, and 790 square feet of green roof for the Project. The Project will also include significant ground-level landscaping as well as EnergyStar appliances and energy efficient lighting features within units.

6. Uses of Special Value

Subtitle X §305.5(q) lists uses of special value to the neighborhood or the District of Columbia as a whole as public benefits and project amenities of a PUD. The proposed Project's provision of housing for a vulnerable population in the District constitutes such a use of special value. As noted above, the Regulations explicitly contemplate senior housing as a specific benefit

through a PUD given the need for senior housing in the District. Further, affordable housing for seniors, specifically at deep levels of affordability, is a use that the District and this neighborhood desperately need.

7. Comprehensive Plan

According to Section 305.5(r) of Subtitle X, public benefits and project amenities include “other ways in which the proposed planned development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the Project is consistent with and furthers many goals and policies of the Comprehensive Plan.

B. Public Benefits of the Project

Subtitle X § 305.2 requires the Applicant to demonstrate how the public benefits offered are superior in quantity and quality to typical developments of the type proposed. This application achieves the requirement of this provision by offering:

- Housing;
- Affordable housing;
- Superior urban design and architecture;
- Streetscape improvements;
- Sustainable development features, and
- Uses of special value, including affordable housing for a vulnerable District population.

For the reasons set forth above, the Project contains numerous public benefits and project amenities that are superior to typical moderate density residential developments.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD is consistent with and fosters numerous goals and policies of the Comprehensive Plan.

The purposes of the District elements of the Comprehensive Plan for the National Capital are to: (1) Define the requirements and aspirations of District residents, and accordingly

influence social, economic and physical development; (2) Guide executive and legislative decisions on matters affecting the District and its citizens; (3) Promote economic growth and jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in the conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Code § 1-306.01(b) (2006). The proposed Project significantly advances these purposes by furthering the social, physical, and economic development of the District through the development of a new all-affordable residential development with support services specifically for low-income seniors, a vulnerable population in the District that needs additional housing opportunities.

A. Citywide Elements

1. Framework Elements and Maps

The Framework Element of the Comprehensive Plan provides the groundwork for the full Comprehensive Plan, including how to read and interpret the maps within it and the overall policies of the Comprehensive Plan. The DC Council recently updated the Framework Element, pursuant to DC Act No. 23-217. The updated Framework Element provides the following guidelines in using the FLUM and GPM: “The [GPM] and the [FLUM] are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies.” 10 DCMR § 228.1.

As noted above, the Property is designated for Medium Density Residential use on the FLUM. The Framework Element notes that “this designation is used to define neighborhoods generally, but not exclusively, suited for mid-rise apartment buildings. . . . Density typically ranges from 1.8 to 4.0, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.” §227.7. Here, the proposed Map Amendment to the RA-4 Zone is consistent with this FLUM designation. While the Project

exceeds a 4.0 FAR, it is providing 120 affordable units and is bringing the District one step closer to meeting its affordable housing goals.

The Property is located in the Neighborhood Conservation Area on the GPM. The Neighborhood Conservation Areas “are generally residential in character” and “where change occurs, it will typically . . . consist primarily of infill housing.” §225.4. The Framework Element notes that “the guiding philosophy . . . is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs” and advises that “new development . . . should be compatible with the existing scale, natural features, and character of each area.” §225.5. The Project is consistent with the GPM’s designation for neighborhood conservation given its compatibility with existing neighborhood development and provision of infill housing for a population in desperate need of it.

In addition to the maps, the Project furthers several policies of the Framework Element, including:

The rising cost of housing is one of the most pressing and critical issues facing the District and the region. To achieve our goal of an inclusive city, **we must meet the challenge of providing housing for a variety of household types, including families, the elderly, and the homeless:** housing for owners and renters; housing for existing and new residents; workforce housing; and housing affordable at all income levels. Tied in with housing cost issues are deeper concerns about displacement, the impacts of gentrification, and long-term competitiveness. § 206.1

As an example, the stress of poverty, combined with substantial population growth, has created a housing affordability crisis that must be addressed. **The need for more housing, and more affordable housing, has become an important policy goal** that, if addressed and achieved, will help the city be more resilient. § 213.5

The District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process, Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. **Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities.** Equity is not the same as equality. § 213.6

The Project furthers the resiliency and equity principles of the Framework Element by providing affordable housing for seniors, a vulnerable District population. Therefore, in total, the Project is consistent with the revised Framework Element of the Comprehensive Plan.

2. Land Use Element

The Land Use Element of the Comprehensive Plan is known as the cornerstone of the Plan that guides the District's growth. The Project furthers several policies of the Land Use Element, including:

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods: Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to preserve historic resources, advance environmental and sustainability goals, and further Fair Housing. The overarching goal to create vibrant neighborhoods in all parts of the District requires an emphasis on conserving units and character in some neighborhoods and revitalization in others, including inclusive and integrated growth and meeting communities and public facility needs. All neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more. § 310.10

Policy LU-2.1.8 Explore Approaches to Additional Density in Low and Moderate-Density Neighborhoods: Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. Build upon the guidance of the April 2020 Single Family Housing Report to diversify the cost of housing available in high-opportunity, high cost low- and moderate-density neighborhoods, especially near transit. However, neighborhood planning and engagement is a condition predicate to any proposals. Infill and new development shall be compatible with the design character of existing neighborhoods. Minimize demolition of housing in good condition. § 310.15

Policy LU-2.1.11: Residential Parking Requirements: Parking requirements for residential buildings should respond to the varying levels of demand associated with different unit types, unit sizes, unit locations (including proximity to transit), and emerging transportation trends and new technology (such as the sharing economy and autonomous vehicles (AVs)). § 310.18

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

The Project adds additional density in a manner consistent with the surrounding neighborhood. Additionally, through the Project, the streetscape and overall neighborhood will be visually improved. Finally, the Project provides an adequate amount of parking for the specific population to be served by the Project.

3. Other Elements

The Project is also consistent with several other Citywide Elements of the Comprehensive Plan, including Transportation, Housing, Environmental Protection, Urban Design, and Community Services and Facilities Elements, as detailed below.

i. *Transportation Element*

The Project furthers important policies of the Transportation Element, including:

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

Policy T-2.6.1: Transportation Access: Address the transportation needs of all District residents, including those with special physical requirements and trip needs, such as access to medical centers or wellness centers. § 413.2

The Project has been designed with minimal surface parking and has no curb cuts. Additionally, the Project's focus on seniors in need of affordable housing serves a special needs population as called for by the Element.

ii. *Housing Element*

The Project furthers top priorities of the Comprehensive Plan's Housing Element, as follows:

H-1.1 Expanding Housing Supply: Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will

work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community to achieve an adequate and diverse housing supply. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. Public investment in high-quality public infrastructure, including transportation, public space, schools, and libraries, is also critical to ensuring that all neighborhoods provide a high degree of access to opportunity. Regulatory processes should encourage, not discourage, the creation of new housing. § 503.1

Policy H-1.1.1: Private Sector Support: Encourage the private sector to provide new 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 on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city 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-1.1.5: Housing Quality: Require the design of affordable housing to meet the same high-quality architectural standards required of 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, and respect the design integrity of adjacent properties and the surrounding neighborhood. § 503.7

Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority: The production and preservation of affordable housing for is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods. § 504.8

Policy H-1.2.2: Production Targets: Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. In aggregate, the supply of affordable units shall serve low-income households: 30 percent at 60 to 80 percent MFI, 30 percent at 30 to 60 percent MFI, and 40 percent at below 30 percent MFI. Set future housing production targets for market rate and affordable housing based on where gaps in supply by income occur and to reflect District goals. These targets shall acknowledge and address racial income disparities, including racially adjusted MFIs, in the District, use racially disaggregated data, and evaluate actual production of market rate and affordable housing at moderate, low, very-low, and extremely-low income levels. § 504.9

All of the housing provided by the Project will be affordable at between 30% MFI and 80% MFI, with at least 80% of the units at 60% MFI or below. Additionally, the Project provides housing for seniors where, as noted in the Element, neighborhood-based housing is greatly needed.

iii. *Environmental Protection Element*

The Project also furthers the following policies of the Environmental Protection Element:

Policy E-2.3.1: Preventing Erosion: Public and private construction activities should not result in soil erosion or the creation of unstable soil conditions. Support the use of retaining walls and other best management practices on new and existing properties that reduce erosion hazards. Erosion requirements should be implemented through building permit and plan reviews and enforced through the permitting and regulatory processes. § 607.2

Policy E-2.3.2: Grading and Vegetation Removal: Encourage the retention of natural vegetation and topography on new development sites. Prevent or require mitigation of construction practices that result in unstable soil and hillside conditions. Grading of hillside sites should be minimized and graded slopes should be quickly revegetated for stabilization. § 607.3

Policy E-3.2.6: Alternative Sustainable and Innovative Energy Sources: Support the development and application of renewable energy technologies, such as active, passive, and photovoltaic solar energy; fuel cells; and other sustainable sources such as shared solar facilities in neighborhoods and low- or zero-carbon thermal sources, such as geothermal energy or wastewater heat exchange. Such technology should be used to reduce GHGs and imported energy, provide opportunities for economic and community development, and benefit environmental quality. A key goal is the continued availability and access to unobstructed, direct sunlight for distributed energy generators and passive solar homes relying on the sun as a primary energy source. § 612.8

Policy E-3.2.7: Energy-Efficient Building and Site Planning: Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. Encourage new development to exceed minimum code requirements and contribute to energy efficiency and clean energy goals. § 612.9

Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. § 615.4

Policy E-4.2.1: Support for Green Building: Broaden the requirements for the use of green building methods in new construction and rehabilitation projects to include all building typologies, and develop green building standards for minimum performance or

continued improvement of energy use through improved operation and maintenance activities. § 616.3

As detailed above, the Project will achieve EGC+ certification through its robust environmental protection features. These features include 2,400 square feet of solar panels, 790 square feet of green roof, and significant landscaping. The Project will produce a significant amount of its power through these solar panels. Specifically, the solar panels are expected to produce 41,080 KWh (41.08 MWh) annually for the Project. Finally, the Project was designed to respect the natural topography of the site and take advantage of its unique landscaping features.

iv. *Urban Design Element*

The Project is highly designed with urban planning principles at the forefront, as called for by the Urban Design Element:

Policy UD-1.2.1: Respecting Natural Features in Development: Respect and perpetuate the natural features of Washington’s landscape. In low-density, wooded or hilly areas, new construction should preserve natural features rather than altering them to accommodate development. Density in such areas should be limited and setbacks should be provided as needed to protect natural features such as streams and wetlands. Where appropriate, clustering of development should be considered as a way to protect natural resources. § 904.3

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

The Project’s development in a manner consistent with the surrounding neighborhood directly furthers the Urban Design Element’s focus on complementing existing development. Further, the Project respects the natural features of the land and is specifically designed to take advantage of the Property’s natural slope.

v. *Community Services and Facilities Element*

The Project provides a unique synergy of needed community services in addition to the residential use, furthering the goals of the Community Services and Facilities Element’s policies:

Policy CSF-2.4.1: Senior/Older Adult Care: Develop new programming and activities at existing community facilities, including faith-based institutions, health facilities, libraries, recreation centers, and parks. Explore partnerships with District youth to increase interaction and learning across generations. Attain community input on preferences and needs for fitness and wellness. § 1109.3

Policy CSF-2.4.2: All-Inclusive Care for Seniors/Older Adults: Encourage the development of neighborhood-based, interdisciplinary, holistic models of care that promote community living and independence. § 1109.4

In providing affordable housing for seniors, the Project directly furthers the priorities of this Element.

4. Racial Equity Analysis

The Comprehensive Plan calls for any action by the Zoning Commission to be analyzed “through a racial equity lens.” §2501.8. The Comprehensive Plan defines racial equity as “the moment when ‘race can no longer be used to predict life outcomes and outcomes for all groups are improved.’” §213.8. The call to evaluate decisions through a racial equity lens is achieved by addressing structural racism, “target[ing] support to communities of color,” and “taking into account historical trauma and racism.” §213.9. The Comprehensive Plan gives specific examples of ways zoning decisions can work toward eliminating racial inequity, including “transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes.” §213.10.

The Project will further the goals around racial equity. Consistent with the Comprehensive Plan, the Project will facilitate the creation of a new development that will bring (1) modern, high-quality affordable housing to a vulnerable population and (2) sustainability features, both of which will serve the goal of creating healthy communities. First, rezoning the Property will allow for the

construction of modern residential units that are set aside for lower-income seniors. Second, the Project will be subject to enhanced sustainability requirements and involve strong environmental protection components. Therefore, the Project is not inconsistent with the Comprehensive Plan's racial equity goals, and the Commission's approval of the Project would further actions that would increase racial equity.

B. Compliance with Area Element

The Property is located within the Upper Northeast Area Element. The Project furthers the following policies of the Area Element:

Policy UNE-1.1.1: Neighborhood Conservation: Encourage growth while enhancing the neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond-Riggs, and Arboretum. The residential character of these areas should be preserved while allowing new housing opportunities for all incomes. Places of historic significance, gateways, parks, and important cultural and social places should likewise be preserved and enhanced. § 2408.2

Policy UNE-1.1.2: Compatible Infill: Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially- zoned properties exist. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low-income, as well as those of moderate and higher incomes. § 2408.3

The Project is compatible with the surrounding moderate density residential uses. Further, the Project was designed with the natural topography of the Property in mind and flows with the natural land. Finally, the Project serves a specific, vulnerable population of Ward 5 by providing quality, affordable permanent housing for low-income seniors.

VI. CONCLUSION

For the foregoing reasons, the Applicant submits that the enclosed application meets the standards of Chapter 3 of Subtitle X and Chapter 3 of Subtitle Z of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the

health, welfare, safety, and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of the included application; will provide significant public benefits; and will advance important goals and policies of the District of Columbia. Therefore, the PUD application and the related Zoning Map Amendment should be approved.

Accordingly, the Applicant respectfully requests that the Zoning Commission set the PUD application and related Zoning Map Amendment down for a public hearing at the earliest possible date.

Respectfully submitted,

GOULSTON & STORRS, PC

_____/s/_____

Christine Roddy

_____/s/_____

Meghan Hottel-Cox

_____/s/_____

Jennifer Bisgaier

Date: May 3, 2022

Z.C. 21-21: Midici Road

Zoning Map Amendment

MU-3A to MU-4

June 2, 2022

About Medici Road

Medici Road operates as a Washington, D.C. *Community Development non-profit*. Our role is to use a racial equity lens in creating opportunities, policies, products, and programs that help people transition out of poverty and climb the economic ladder.



Evaluation/Research

Analyzing successes to curtail waste and bolster productivity



Policy

Writing policy from the community viewpoint through a racial equity lens



Program Design

Turning data into programs that people can use



Concept Development

Bringing ideas to life

Focus Areas



Black Homeownership



Classroom Trauma



Community Based Evaluation



Equitable Neighborhood
Planning



Design Thinking w/ a
Racial Equity Lens



Substance Abuse
Prevention



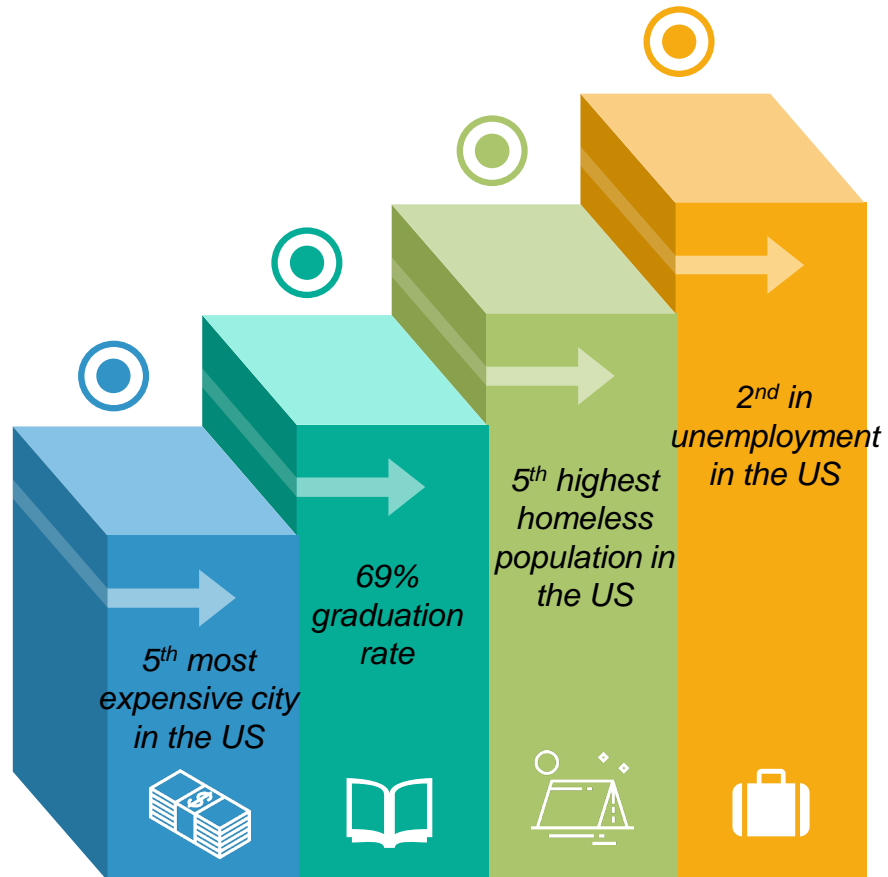
Prison Pipeline Initiatives



Wealth Building Strategies

Why It Matters

The Poverty Cycle is real in DC



EXISTING & PROPOSED ZONING



STANDARD OF REVIEW

- Comprehensive Plan
- Other Adopted Policies and Programs
- Zoning Act

COMPARISON OF EXISTING AND PROPOSED ZONING

	Existing MU-3A	Proposed MU-4	Difference
Purpose	Permit low-density mixed-use development.	Permit moderate-density mixed-use development.	
Uses	Sub. U, Ch. 5 (MU Use Group D)	Sub. U, Ch. 5 (MU Use Group E)	
FAR (Overall)	1.0 (1.2 w/ IZ)	2.5 (3.0 w/ IZ)	+1.5 (+1.8 w/IZ)
FAR (Non-Residential)	1.0	1.5	+0.5
Height	40 ft. (3 stories)	50 ft.	+10 ft.
Penthouse Height	12 ft. (habitable) / 15 ft. (mechanical)	12 ft. (habitable) / 15 ft. (mechanical)	
Lot Occupancy (Residential)	60%	60% (75% w/ IZ)	-- (+15% w/IZ)
Rear Yard	20 ft. min.	15 ft. min.	-5 ft.
Side Yard	None required; 5 ft. min. if provided	None required; 5 ft. min. if provided	
Green Area Ratio	0.3	0.3	

EQUITY AND THE COMPREHENSIVE PLAN

- The District seeks to create and support an equitable and inclusive city. Like resilience, **equity is both an outcome and a process**. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. 10A DCMR 213.6.
 - **As a process**, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color. 10A DCMR 213.9
 - **As an outcome**, the District achieves racial equity when race no longer determines one's socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. 10A DCMR 213.9
- Zoning Commission shall “evaluate all actions through a racial equity lens **as part of its Comprehensive Plan consistency analysis**.” 10A DCMR 2501.8

ZONING COMMISSION RACIAL EQUITY TOOL

- Part I – Discussion of applicable Comprehensive Plan Citywide and Area Elements.

Citywide Elements	Area Elements
Land-Use Transportation Housing Economic Development Urban Design Environmental Protection	Far Northeast Southeast

- Part II – Evaluation of anticipated positive and negative impacts and/or outcomes.

Direct Displacement	Will the zoning action result in displacement of tenants or residents?
Housing	Will the action result in changes to: ▪ Market Rate Housing? ▪ Affordable Housing? ▪ Replacement Housing?
Physical	Will the action result in changes to the physical environment such as: ▪ Public Space Improvements? ▪ Infrastructure Improvements? ▪ Arts and Culture? ▪ Environmental Changes? ▪ Streetscape Improvements?
Access to Opportunity	Is there a change in access to opportunity? ▪ Job Training/Creation? ▪ Healthcare? ▪ Addition of Retail/Access to New Services?

GENERALIZED POLICY MAP: NEIGHBORHOOD ENHANCEMENT AREA

Neighborhood Enhancement Area:

- Substantial amounts of vacant and underutilized land.
- Present opportunities for compatible infill development.
- Guiding philosophy is to ensure that new development responds to the existing character, natural features, and existing/planned infrastructure capacity.
- New housing should be encouraged to improve the neighborhood and must be consistent with the land-use designation on the [FLUM] and with Comprehensive Plan policies.



FUTURE LAND USE MAP:

MIXED USE (LOW DENSITY COMMERCIAL / MODERATE DENSITY RESIDENTIAL)

Mixed Use

- Mixing of two or more land uses encouraged.
- Established at pedestrian-oriented corridors that include housing with ground floor retail or office uses.
- Density and intensity determined by mix of uses shown.
- If desired outcome is to emphasize one use over the other, the [FLUM] may note the dominant use by showing it at a slightly higher density.
- Guidance provided by Area Elements



FUTURE LAND USE MAP:

MIXED USE (LOW DENSITY COMMERCIAL / MODERATE DENSITY RESIDENTIAL)

Framework Element Guidance

Low Density Commercial

- Typical [MOR]: Up to 2.5 FAR (+ w/ IZ & PUD)
- MU-3 (1.0 FAR (1.0 FAR non-residential) / 1.2 FAR w/ IZ, 40 ft)
- **MU-4 (2.5 FAR (1.5 FAR non-residential) / 3.0 FAR w/ IZ, 50 ft)**

Moderate Density Residential

- Typical [MOR]: Up to 1.8 FAR (+ w/ IZ & PUD)
- RA-2 (1.8 FAR / 2.16 FAR w/ IZ, 50 ft)

The MU-4 zone is intended to:

- Permit moderate-density mixed-use development;**
- Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.



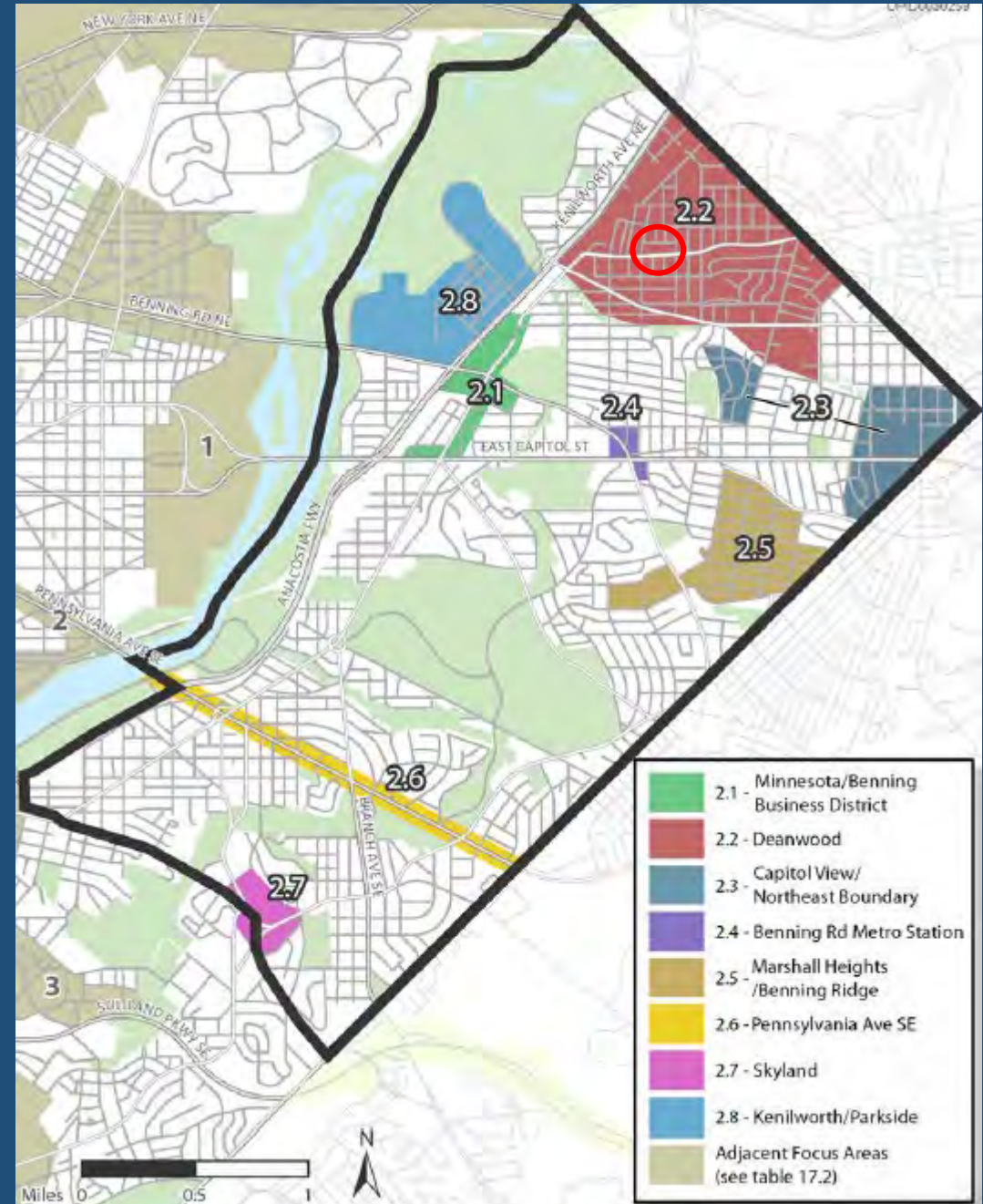
FAR NORTHEAST / SOUTHEAST PLANNING AREA

DEANWOOD POLICY FOCUS AREA

Policy FNS-2.2.1: Deanwood's Residential Character

Strongly encourage infill development on vacant lots in the Deanwood community. Where designated on the Future Land Use Map, development should respect and perpetuate the low-density, single-family character of the neighborhood, with new one-, two-, three-, and four-bedroom family homes that complement existing architectural traditions and community character. 10A DCMR 1712.10

Policy FNS-2.2.5: Neighborhood-Serving Commercial Uses - Encourage the development of a variety of neighborhood-serving commercial uses along Nannie Helen Burroughs Avenue, Sherriff Road, and Minnesota Avenue to create and invest into community-owned small businesses, adding and creating jobs for District residents and establish retail and service uses that support the surrounding residential community. Commercial uses in these locations should provide infrastructure that is attractive to drivers, pedestrians, and cyclists; supply adequate on-site parking and access to public transit, and especially busses; and create an active street environment that helps to reinvigorate the commercial corridors. Medium-density development is appropriate, particularly near the intersection of Nannie Helen Burroughs and Minnesota Avenues. 10A DCMR 1712.14



EVALUATION OF EQUITABLE DEVELOPMENT INDICATORS

Indicator	Measure	Outcome / CBA Commitments
Displacement		
Physical	Displacement due to redevelopment.	No physical displacement of residents.
Economic	Displacement due to housing cost increases.	IZ+ development (20% residential GFA or 95% of IZ bonus density used) Range of affordability levels (30% – 80% MFI)
Cultural	Loss of sense of belonging or shared identity in neighborhood.	Co-working space. Monthly events outside grocery store.
Housing		
	Number of new market rate and dedicated affordable units.	Approx. 30 new, for-sale dwelling units @ 30% - 80% MFI
	Larger size dwelling units.	2- and 3-bedroom units.
	Housing assistance	Focused listing for Deanwood residents, educators, and first responders. Down payment programs (DC Open Doors, DC4ME, HPAP, Mortgage Credit Certificate). Initial funding for HOA fee emergency fund for 30 - 50% MFI buyers.
Transportation		
Access to Transit	Proximity to transit and other modes of public transportation.	Site is located 0.3 miles to Metrorail and near priority bus lines.
Transportation Improvements / Pedestrian Safety	Safety and completeness of pedestrian network. Quality of pedestrian facilities (crosswalks, lighting, seating, etc.).	Reconstruction of adjacent streetscape / public space. Infrastructure upgrades, as necessary.
Employment		
New Employment	Creation of short-term and long-term employment. Workforce development opportunities.	“Franchise model” grocery store (entrepreneurial opportunities). Coffee shop.
Access to Employment	Immediate access to employment opportunities. Increased mobility to access employment.	Hospitality and food industry training program and scholarship opportunities. Enrollment and hiring into Medici Road policy writing program.
Education / Healthcare / Wellness	Access to quality public services. Access to safe, clean public gathering spaces, open spaces, and recreation. Healthy natural environment.	Fresh food access. Homeownership opportunities. Smoke cessation program / smoke-free common and commercial areas.
Environmental	LEED rating. Use of renewable energy sources. Storm water management. Placement of unwanted / high-impact land uses	Enterprise Green Communities certified development. Construction under Green Construction Code and DC Green Buildings Act. Storm water retention/reuse. Rooftop solar
Access to Amenities	Availability of building amenities. Proximity/availability of uses that meet day-to-day needs (grocery, retail, service, eating and drinking).	Grocery store. Coffee shop Low cost co-working space

POTENTIAL COMPREHENSIVE PLAN INCONSISTENCIES

Potential Inconsistency	Outweighing Policies / Considerations
<ul style="list-style-type: none">• Transitions in Building Intensity (UD-2.2.4)• Infill Development (UD-2.2.5)	<ul style="list-style-type: none">• GPM designation• FLUM designation• Low- and Moderate-Income Housing Production as a Civic Priority (H-1.2.1)• Housing for Larger Households (H-1.3.1)• Development of New Housing (FNS-1.1.2)• Mayor's Order on Housing / Housing Equity Report• Community support for proposed map amendment

ZONING ACT CONSISTENCY

Purpose	Assessment
Congestion	<ul style="list-style-type: none">• Transit accessible location.• Improved neighborhood walkability to neighborhood-serving retail and service uses
Health, Welfare, and Safety	<ul style="list-style-type: none">• Better utilization of site.• Additional housing and retail.• Affordable housing.• Job training.
Light and Air	<ul style="list-style-type: none">• North: R-2 zoning, separated by public alley and rear yards.• South: MU-3 zoning, comparable height, separated by Sheriff Road.• East: MU-3 zoning, comparable height, and consistent side yard requirement.• West: MU-3 zoning, comparable height, and consistent side yard requirement.
Overcrowding of Land	<ul style="list-style-type: none">• Efficient use of land near transit.
Distribution of Uses	<ul style="list-style-type: none">• Within 0.5 miles to Metrorail and proximity to priority bus route(s).• Location within mixed-use node on the FLUM.• New affordable housing integrated with neighborhood-serving retail.• Uses that will serve daily neighborhood needs.

CONCLUSION

- Not inconsistent with the Comprehensive Plan (when evaluated through a racial equity lens).
- Any potential inconsistencies with individual Comprehensive Plan policies are outweighed by:
 - Consistency with the FLUM and GPM.
 - Consistency with other competing Comprehensive Plan priorities relating to housing and economic development.
- Consistent with the Zoning Act and will create conditions that are favorable to public health, safety, welfare, and convenience.