Government of the District of Columbia
Advisory Neighborhood Commission 4B

DRAFT RESOLUTION #4B-23-0901

Supporting Application for a Planned Unit Development for Elm Gardens, 7050 Eastern Avenue, NW (ZC Case #23-19)
Adopted September 26, 2023

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Advisory Neighborhood Commission 4B (Commission) takes note of the following:

- The Elm Gardens Tenants Association has selected NHP Foundation, Inc., a not-for-profit affordable housing developer, to exercise their rights under the Tenant Opportunity to Purchase Act – a District law allowing tenants to purchase apartment buildings when the building they reside in is offered for sale – to redevelop the existing multifamily residential property and surface parking lot at 7050 Eastern Avenue, NW (Lot 12 in Square 3351). Constructed in 1966, 7050 Eastern Avenue, NW currently consists of a 36-unit, rent-controlled apartment building that has become more affordable through age and deterioration, and an underutilized 36-space surface parking lot. The property is located within Advisory Neighborhood Commission 4B, Single Member District 4B04 and the Takoma Park Historic District.

- Representatives from NHP Foundation and the Elm Gardens Tenants Association presented at Advisory Neighborhood Commission 4B's September 28, 2022, June 26, 2023, and September 26, 2023 meetings, as well as Advisory Neighborhood Commission 4B's Housing Justice Committee's October 5, 2022, and August 9, 2023 meetings.

- NHP Foundation originally proposed a map amendment under Zoning Commission Case 22-33 that would have allowed a 110-unit affordable housing development on the lot, including 11 permanent supportive housing units. The Commission strongly supported this proposal before both the Zoning Commission and the Historic Preservation Review Board. *See* Resolution 4B-22-1007, Supporting Construction of an Apartment Building at 7050 Eastern Avenue, NW (HPA 22-487) (Oct. 24, 2022); Resolution 4B-22-1006, Supporting Application for Map Amendment for Elm Gardens, 7050 Eastern Avenue, NW (Oct. 24, 2022).

- The Historic Preservation Review Board determined the architectural design for 7050 Eastern Avenue, NW presented as part of the map amendment proposal was compatible with the Takoma Park Historic District.

- Neighbors at the Eastmont Cooperative, located adjacent to 7050 Eastern Avenue, NW, opposed the project on issues of light, air and space. NHP Foundation met multiple times with Eastmont Cooperative leadership and offered multiple plan revisions in attempt to find agreement on the architectural plans – including increased side yard setbacks and lowered building heights. Advisory Neighborhood Commission 4B opposed these modifications as it "opposes any design changes … that will reduce the number of units in this project." Resolution 4B-22-1007, Supporting Construction of an Apartment Building at 7050 Eastern Avenue, NW (HPA 22-487) (Oct. 24, 2022). Eastmont rejected all of NHP Foundation's proposed modifications.

- The Zoning Commission recommended that the NHP Foundation return with a planned unit development application on the belief that such an application would allow the Commission to consider the full community benefits package. Advisory Neighborhood Commission 4B opposed this effort, stating it "believes the planned unit development process is inappropriate and unnecessary due to the site's small size and inability to proffer additional amenities." Resolution 4B-22-1007 Supporting Application for Map Amendment for Elm Gardens, 7050 Eastern Avenue, NW (Oct. 24, 2022).

- NHP Foundation now proposes to replace the existing naturally-affordable 36-unit apartment building and underutilized 36-space surface parking lot with an approximately 80-unit dedicated affordable apartment building, a 23-vehicle and 31-bike space subterranean parking garage, and a voluntary ten-foot side yard between the proposed building and Eastmont Cooperative. This proposal – as compared to the previously proposed 110-unit affordable housing development with 11 permanent supportive housing units – represents a significant loss of potential affordable and deeply affordable housing to our community.

- The Historic Preservation Review Board has determined the current architectural proposal for 7050 Eastern Avenue, NW under the planned unit development process is compatible with the Takoma Park Historic District.

- Despite the substantially lower height and additional voluntary side yard, Eastmont Cooperative has informed the Commission of their opposition to this Planned Unit Development application.

- The Comprehensive Plan's Framework Element identifies the "production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that

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exist on-site," "preservation of housing units made affordable through subsidy, covenant, or rent control, or replacement of such units at the same affordability level and similar household size," and "the right of existing residents of a redevelopment site to return to new on-site units at affordability levels similar to or greater than existing units" as "high-priority public benefits in the evaluation of residential [planned unit developments]."

- In addition, Policy LU-1.4.3 of the Comprehensive Plan's Land Use Element calls for "[b]uild[ing] housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production."

- 7050 Eastern Avenue, NW, is currently in the RA-1 zone (a low- to moderate-density residential zone allowing for detached dwellings, rowhouses, and low-rise apartments) and the MU-4 zone(a moderate density mixed-use zone allowing for commercial, institutional, and residential buildings), and NHP Foundation seeks to amend the zoning map with a planned unit development for the site to the RA-2 zone (a moderate-density residential zone) to facilitate the construction of the currently proposed 80-unit dedicated affordable apartment building.

- The Comprehensive Plan's Future Land Use Map classifies 7050 Eastern Avenue, NW as suitable for moderate- and medium-density residential uses. The RA-2 zone is consistent with the Moderate Density Residential category on the Future Land Use Map.

- The currently proposed approximately 80-unit dedicated affordable apartment building will be 90-95% affordable with an average Median Family Income of 60% and 8 permanent supportive housing units for neighbors formerly without homes. The proposal also includes an on-site service provider to support those residents living in permanent supportive housing. All non-income-restricted units will accommodate current over-income tenants and will revert to being income-restricted affordable units if vacated.

- The proposed development at 7050 Eastern Avenue, NW, is designed to prevent displacement. All current residents have a right of return, assistance securing temporary housing during construction, and rent increase caps for the life of their stay in the new building.

- The proposed development at 7050 Eastern Avenue, NW, includes amenities that are less common in affordable housing developments, including a fitness center, a community space and roof deck. The new building will include a higher percentage of larger two-bedroom units than the extant building and larger unit sizes.

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- The proposed development at 7050 Eastern Avenue, NW, is located adjacent to the Takoma Metrorail Station and is well-served by both bus and rail transit, aiding in reducing the carbon impact of new residents and increasing the likelihood of non-vehicular modes of transportation.

- The proposed development at 7050 Eastern Avenue, NW, will meet DC green building and stormwater requirements through on-site mitigation and solar panels. Additionally, it will substantially improve the pedestrian experience along Eastern Avenue, NW, an important pedestrian route for access to the Takoma Metrorail Station.

- Advisory Neighborhood Commission 4B believes housing is a human right, and all District residents are entitled to safe, stable, and secure housing. *See* Letter Supporting Affordable Housing in High-Needs Areas Tax Abatement for Takoma Metro Station Development (May 23, 2022); Letter re: Advisory Neighborhood Commission 4B FY2023 Budget Priorities (Apr. 25, 2022); Letter re: Advisory Neighborhood Commission 4B Fiscal Year 2022 Budget Priorities (Mar. 22, 2021).

- To that end, Advisory Neighborhood Commission 4B has formed a Housing Justice Committee to assist "in doing our fair share regarding deeply affordable housing within our Commission boundaries" and with an explicit goal to "maximize affordable housing" within the Commission area. Resolution 4B-22-0104, Reauthorizing Advisory Neighborhood Commission 4B's Housing Justice Committee (Jan. 24, 2022); Resolution 4B-20-0205, Establishing Housing Justice Committee (Feb. 24, 2020); *see also* Resolution 4B-20-1107, Supporting the Preliminary Design for 6928 Maple Street, NW (Nov. 23, 2020).

- Advisory Neighborhood Commission 4B also believes "that the affordable housing crisis requires the District to use every tool available to ensure affordable housing" such as public housing, social housing, and permanent supportive housing and that "the increased supply of housing – while important – will not alone solve the affordable housing crisis, particularly as related to extremely-low and very low-income households, and must be accompanied by active and robust City goals and policies to ensure affordability, including affordability for extremely low- and very low-income households, in relation to increased supply." Resolution 4B-20-0104, Providing Feedback on Proposed Changes to the Comprehensive Plan (Jan. 27, 2020).

- Advisory Neighborhood Commission 4B has supported numerous efforts to bring new housing to transit accessible areas, including adjacent to the Takoma Metrorail Station. *See* Letter Providing Feedback on the Proposed Planned Unit Development at the Takoma Metro Station (June 27, 2022); Resolution 4B-19-0606, Supporting Proposed Design for 218 Cedar Street NW (June 24, 2019); Resolution 4B-20-0410, Supporting Proposed Design for 300-308 Carroll Street NW (Apr. 27, 2020); Resolution 4B-20-0905, Supporting the Provision of DHCD Funding for

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218 Vine Street NW (Sept. 28, 2020); Resolution 4B-20-1107, Supporting the Preliminary Design for 6928 Maple Street, NW (Nov. 23, 2020).

- Advisory Neighborhood Commission 4B has previously provided feedback on the land use of this area through the District's revisions to the Comprehensive Plan, stating: "the Commission generally supports increased density around the Takoma Metro Station and other high-quality transit corridors, in part because individuals of all income levels should have access to robust public transit options. The Commission believes that any effort to increase density, particularly on publicly-owned land, should maximize affordable housing, including deeply affordable housing, including through affordable housing set-asides that capture a significant portion of the value provided through any re-zoning." Resolution 4B-20-0104, Providing Feedback on Proposed Changes to the Comprehensive Plan (Jan. 27, 2020).

- The District of Columbia government, through Mayor's Order 2019-036, has set a goal of 36,000 new housing units by 2025, of which 12,000 are to be affordable to households earning below 80 percent of area median income. The Rock Creek East planning area includes a goal of 1,500 new affordable housing units and has only produced 70.1% of that goal so far. This project would substantially advance of the remaining goal for the Rock Creek East planning area.

RESOLVED:

- That Advisory Neighborhood Commission 4B strongly supports the proposed planned unit development and map amendment to the zoning map for 7050 Eastern Avenue, NW (Lot 12 in Square 3351) and encourages the Zoning Commission to approve the application.

- That Advisory Neighborhood Commission 4B believes the NHP Foundation's dedicated affordable apartment building provides substantial community benefits by avoiding displacement, providing substantial new affordable housing and deeply affordable housing, and preserving existing affordable housing, all of which are "high-priority" benefits under the Comprehensive Plan and significant such that they meet the balancing test for a proposed planned unit development.

- That Advisory Neighborhood Commission 4B recognizes that the proposal for 7050 Eastern Avenue, NW contains additional public benefits, including a non-required side yard and on-site stormwater mitigation where none currently exist.

- That Advisory Neighborhood Commission 4B expresses disappointment in the Zoning Commission's failure to approve the prior map amendment and the resulting substantial loss of affordable units when comparing the current planned unit development proposal to the previous map amendment proposal, as the previous proposal was a uniquely beneficial

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project rarely, if ever, presented to Commissions in its non-displacement of current tenants and creation of deeply affordable housing. While the Commission supports the current proposal and strongly believes it substantially benefits the neighborhood, the loss of approximately 30 affordable housing units is notable and negative as the District seeks to end chronic homelessness and expand affordable housing options.

FURTHER RESOLVED:

That the Commission designates Commissioner Evan Yeats, ANC 4B04, Commissioner Erin Palmer, ANC 4B02, and Commissioner Alison Brooks, ANC 4B08, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of X members was present) on September 26, 2023, by a vote of X yes, X no, X abstentions.

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