

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

A. Summary of Requested Action

This is a petition to rezone property located at 632, 633, 740, 744, 748, 752, 756, 760, 764, and 822 Howard Road SE (Lots 97, 1025-1031, 1036, and 1037 in Square 5860, and Lot 991 in Square 5861) (the “**RBBR Property**”), as well as 701 Howard Road SE (Lot 89 in Square 5861) (the “**School Property**” and together with the RBBR Property, the “**Property**”). The petition is being brought by the owner of the RBBR Property, Poplar Point RBBR LLC (the “**Applicant**”). The Property is located on Howard Road SE in Ward 8, within the jurisdiction of Advisory Neighborhood Commission (“**ANC**”) 8A and 8C. The Property is located on either side of Howard Road SE and in between Interstate 295 and South Capitol Street SE. The Property is near the Anacostia River waterfront in Ward 8 and consists of approximately 348,737 square feet, or approximately 8 acres, of land area. The RBBR Property is currently largely unimproved or improved with small buildings. The School Property is improved with a three-story school building.

The Property is currently located in the MU-14 Zone District (Exhibit C). The Future Land Use Map of the Comprehensive Plan locates the Property in the Mixed Use High Density Residential/High Density Commercial, as well as Institutional, land use categories (Exhibit D). The Property is also within the Central Employment Area (Exhibit E). The Applicant seeks to rezone the Property to the Northern Howard Road (“**NHR**”) Zone District. The Applicant is petitioning to rezone the Property to make it consistent with the Comprehensive Plan. The Map Amendment is consistent with the Comprehensive Plan and the overall goals and policies of the District of Columbia Zoning Regulations. The owner of the School Property has consented to the Map Amendment petition.

B. Summary of the Zoning Map Amendment

The MU-14 Zone District permits a height of 90 feet (100 feet with Inclusionary Zoning). The MU-14 Zone District permits a maximum Floor Area Ratio (“FAR”) of 6.0 (7.2 with Inclusionary Zoning) for residential uses. Commercial FAR is limited to 5.0. The MU-14 Zone District permits a maximum lot occupancy of 75% (80% with Inclusionary Zoning). Under current zoning, retail and commercial uses limited to lower levels of density, which is inconsistent with the High Density Commercial land use designation.

Amendments to the Zoning Map are permitted, provided that the new zone category is “not inconsistent with the Comprehensive Plan.” D.C. Code Sec. 6-641.02. We strongly believe that in this case a map amendment is appropriate. Consistent with the Comprehensive Plan’s designation for the Property, the Applicant is petitioning to rezone the Property to the NHR Zone District. The NHR Zone District is appropriate for the Mixed Use: High Density Residential/High Density Commercial Land Use designation in the Central Employment Area because it is intended to permit high-density development in this area along Howard Road. After rezoning, a potential project under the NHR Zone District would be permitted a height of 130 feet, a FAR of 9.0, and 100% lot occupancy.

Further, the NHR Zone District has an enhanced Inclusionary Zoning (“IZ”) requirement over MU-14, including 10% of any residential development be devoted to IZ units, with 75% of those units set aside for households earning no more than 60% of the Washington, DC Median Family Income (“MFI”) and 25% set aside for households earning no more than 50% of the MFI. As noted above and discussed further below, the Property is designated as Mixed Use: High Density Residential/High Density Commercial Land Use category, as well as Institutional, on the Comprehensive Plan’s Future Land Use Map. The current zoning is inconsistent with the

Comprehensive Plan’s designation due to its lower height and density restrictions and its restrictions on commercial density. Such height and density restrictions, especially with respect to commercial density, do not allow high density commercial uses at the Property. The proposed rezoning would serve to bring the Zone Map into consistency with the Comprehensive Plan designation.

C. The Petitioner and Petition Process

There are two property owners involved with this petition: the Applicant (owner of the RBBR Property) and Cedar Tree Academy Public Charter School (owner of the School Property). The Applicant is managed and controlled by an affiliate of the principals of Redbrick LMD. Redbrick LMD is a diversified real estate investment management and development firm headquartered in Washington, DC. The firm specializes in the development of large scale mixed-use projects with a focus on the Washington D.C. metro market and selectively invests and develops in other markets. Redbrick LMD’s leadership team has significant experience in the acquisition and repositioning of existing projects, the entitlement and ground-up development of large scale planned developments, and the financial and legal structuring of transactions to optimize outcomes while mitigating risks for all parties.

This case is being brought as a rulemaking case pursuant to Subtitle Z § 201.7(b)(1), §304 and Chapter 5 of Subtitle X of the District of Columbia Zoning Regulations. By definition, rulemaking cases are legislative in nature and involve issues affecting more than one person or property. As stated above, there are multiple lots with two different property owners.

D. Compliance with the Comprehensive Plan

This petition is not inconsistent with the Comprehensive Plan and satisfies the Citywide Elements and the Area Element as follows:

a. Framework Element: The rezoning of the Property and the Project is consistent with the following policies of the Framework Element of the Comprehensive Plan:

Definition of High Density Residential: This designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. (§225.6)

Definition of High Density Commercial: This designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height. (§225.11)

Institutional: This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. (§225.16)

Guideline 226(c): The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block.

Mixed Use Categories: The Future Land Use Map indicates where the mixing of two or more land uses is encouraged. The Mixed Use category generally applies in (a) established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses; [and] (b) commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing. . . .” (§228.18)

Rezoning the property consistent with the Future Land Use Map because the Property is in the exact kind designation for which re-zoning of the Property to the NHR Zone District (which is analogous to the Comprehensive Plan’s mention of the C-4 Zone District¹ in major development standards) is appropriate and contemplated by the Future Land Use Map. The rezoning will create an opportunity for office, retail, and residential use in high densities in close proximity to a major Metrorail station in accordance with the overall vision of the Future Land Use Map.

¹ The C-4 Zone District is analogous to the MU-30 Zone District under the 2016 Zoning Regulations.

On the Generalized Policy Map, the Property is designated as a “Land Use Change Area.” Land Use Change Areas “are areas where change to a different land use from what exists today is anticipated.” § 223.9. These areas “include many of the city’s large development opportunity sites.” § 223.10. The Framework Element specifically notes that the Lower Anacostia Waterfront/Near Southwest Area, where the Property is located, is predicted to house 16.5% of the District’s household growth and 20.3% of its job growth. §215.19. The proposed Rezoning of the Property would allow a Land Use Change Area development.

b. Land Use: The petition to rezone the Property and the Project is consistent with the following policies of the Land Use Element of the Comprehensive Plan:

Policy LU-1.1.3: Central Employment Area: Continue the joint federal/District designation of a “Central Employment Area” (CEA) within the District of Columbia. The CEA shall include existing “core” federal facilities such as the US Capitol Building, the White House, and the Supreme Court, and most of the legislative, judicial, and executive administrative headquarters of the United States Government. Additionally, the CEA shall include the greatest concentration of the city’s private office development, and higher density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses. Given federally-imposed height limits, the scarcity of vacant land in the core of the city, and the importance of protecting historic resources, the CEA may include additional land necessary to support economic growth and federal expansion. The CEA may be used to guide the District’s economic development initiatives, and may be incorporated in its planning and building standards (for example, parking requirements) to reinforce urban character. The CEA is also important because it is part of the “point system” used by the General Services Administration to establish federal leases.

Policy LU-1.1.5: Urban Mixed Use Neighborhoods: Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas: . . . 5. Near Southeast/Navy Yard. . . . The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements. Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture.

LU-1.3: Transit Oriented and Corridor Development: Certain principles should be applied to the management of land around all of the District’s neighborhood stations, include[ing]: a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses.

Policy LU-1.3.6: Parking Near Metro Stations: Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all day commuters.

Policy LU-2.1.11: Residential Parking Requirements: Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.

Policy LU-2.1.10: Multi-Family Neighborhoods: Maintain the multi-family residential character of the District's Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.

Policy LU-2.4.8: Addressing Commercial Parking Impacts: Ensure that the District's zoning regulations consider the traffic and parking impacts of different commercial activities, and include provisions to mitigate the parking demand and congestion problems that may result as new development occurs, especially as related to loading and goods delivery.

Rezoning this site will not only allow for an increase in the District's housing supply, but it will also provide consistency between the Property's zoning designation and its use. In this case, the rezoning acknowledges and addresses an existing disparity and allows for high-density commercial use consistent with the Comprehensive Plan designation. The rezoning will also provide the encouraged mixed use around a Metrorail station.

c. Transportation The petition to rezone the Property is consistent with the following policy of the Transportation Element of the Comprehensive Plan:

Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.

Policy T-1.3.1: Transit-Accessible Employment: Work closely with the federal government and suburban jurisdictions to support transit-oriented and transit-accessible employment throughout the region. This would maximize the use of major transit

investments such as Metrorail, and enhance the efficiency of the regional transportation system

The Property is strategically located adjacent to the Anacostia Metrorail station.

Enabling the development of the Property with high mixed-use density is consistent with smart development and centering density in key transit areas.

d. Housing: The petition to rezone the Property and the Project are consistent with the following policies of the Housing Element of the Comprehensive Plan:

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. 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.

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.

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.

Policy H-1.1.4: Mixed Use Development. Promote mixed use development, including housing, on commercial zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

Policy H-1.2.7: Density Bonuses for Affordable Housing. Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed.

Policy H-2.2.1: Housing Conversion: Discourage the conversion of viable, quality housing units to non-residential uses such as offices and hotels. Ensure that zoning regulations provide sufficient protection to avoid the loss of housing in this manner.

The NHR Zone District appropriately allows and encourages additional housing at the Property. Additionally, the rezoning will require additional affordable housing at lower levels of affordability than would otherwise be required.

e. Area Element: Lower Anacostia/Near Southwest: The petition to rezone the Property is consistent with the following policies of the Area Element for the Lower Anacostia Waterfront/Near Southwest area:

Policy AW-1.1.2: New Waterfront Neighborhoods: Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, Southeast Federal Center and Carrollsburg areas. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, and Kenilworth-Parkside. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs.

Policy AW-1.1.3: Waterfront Area Commercial Development: Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metrorail stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops.

Policy AW-2.4.3: Poplar Point Mixed Use Neighborhood: Create a new transit-oriented mixed use neighborhood oriented around the Poplar Point Park, linked to the Anacostia Metrorail station and new Anacostia streetcar line. The neighborhood should include a significant component of affordable housing, and should also include retail and civic uses that benefit the adjacent communities east of I-295. Within the overall mix of uses, allow segments of the future development to be devoted entirely to office use to encourage location of Federal office space and other office space supportive of Federal government agencies to occupy new buildings at Poplar Point. This should be particularly targeted to office space related to the Department of Homeland Security consolidation at the St. Elizabeths site. To minimize the loss of useable open space, development should utilize the land recovered after the realignment and reconstruction of the Frederick Douglass Bridge.

Policy AW-2.4.5: Scale of Development at Poplar Point: Provide a scale and pattern of development in Poplar Point that recognizes the area's proximity to a Metrorail station and other major surface arterials and that the area is physically separated from

surrounding neighborhoods and, therefore, may accommodate buildings and site plans unlike but compatible with the fine-grained pattern found in nearby Historic Anacostia. Development should be pedestrian-oriented and should include active ground floor uses. The massing, height, and bulk of buildings and related features such as parking also should respect adjacent park uses and environmentally sensitive areas.

Policy AW-2.4.6: Poplar Point Vista and View Preservation: Ensure that the design of Poplar Point capitalizes on significant views to the river and U.S. Capitol. The New Jersey Avenue axis is particularly important, as it provides a clear line of sight to the Capitol dome from Poplar Point's prominent river bend.

Policy AW-2.4.7: Poplar Point as an Economic Catalyst: Use development at Poplar Point to bring economic development opportunities to adjacent neighborhoods, particularly Barry Farms and Historic Anacostia. Activities at Poplar Point should foster the success of existing businesses in Historic Anacostia, provide job opportunities, and create cultural, educational, and institutional uses that benefit East of the River communities. 1914.13

The petition to rezone the Property is consistent with the Lower Anacostia

Waterfront/Near Southwest Area Element by encouraging a high-density mixed use with a focus on federal office use, affordable housing, retail and civic uses at the property. Further, the rezoning will provide new housing units for DC residents adjacent to a Metrorail station.

E. Exhibits

Exhibit A	Petition Form
Exhibit B	Authorization Letter
Exhibit C	Zone Map Excerpt and Proposed Change of Zoning
Exhibit D	Comprehensive Plan's Future Land Use Map Excerpt
Exhibit E	Central Employment Area Map Excerpt
Exhibit F	Compliance with Regulations
Exhibit G	List of Publicly Available Information
Exhibit H	Surveyor's Plat

F. Conclusion

For the foregoing reasons, we respectfully request that the Zoning Commission approve this petition to rezone the Property.

Respectfully,


John T. Epting


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