

EXHIBIT A

**MCF 1400 MONTANA LLC AND
MCFI MONTANA LP
1400 MONTANA AVENUE NE
BZA CASE #19960**

LAND USE & PLANNING SUMMARY

**Stephen Varga
Director of Planning Services
Cozen O'Connor
April 3, 2019**

PROPERTY INFORMATION

- Address: 1400 Montana Ave. NE
- Square/Lot: Sq. 4023, Lot 1
- Existing split-zoned site:
 - MU-4 portion – one-story drive-through bank currently used as a church and surface parking lot
 - RA-1 portion – under-utilized open area
- Proposed: New multi-family apartment building (the “Project”)
- Historic District: N/A
- Property size: 38,926 sq. ft.



Figure 1: Zoning map of Property

I. ZONING

The Property is a split-zoned lot, with a portion in the MU-4 zone and a portion in the RA-1 zone. The Project proposes to raze the existing one-story drive-through bank building to construct a 108-unit multi-family apartment building with surface parking. Lot 1 in Square 4023 has been in single ownership since the Property was subdivided in 1967 based on my research and review of information available on the Recorder of Deeds website and Office of the Surveyor. The Project seeks three forms of special exception relief pursuant to 11 DCMR Subtitle X § 901.2:

- 1) Subtitle A § 207.2: for approval of a 35-foot adjustment of the boundary line allowing the bulk regulations of the MU-4 zone to extend to a portion of the Property zoned RA-1;
- 2) Subtitle U § 421.1: to construct a new multi-family residential apartment building in the RA-1 Zone District; and
- 3) Subtitle C § 714.3: to have a 24-foot wide gap in the screening of a surface parking lot.

Under Subtitle 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:

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

A. The relief is harmonious with the general purpose and intent of the Zoning Regulations.

In general, the Zoning Regulations set forth the minimum requirements for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of District residents.

Subtitle A § 101.2 sets out the considerations that provide the framework of the zone classifications contained in the Zoning Regulations and Maps. These considerations take into account the:

- Character of the respective zones; (Subtitle A § 101.2(a))
- Suitability of each zone for the uses permitted in each zone under this title; (Subtitle A § 101.2(b))
- Encouragement of the stability of zones and of land values in those zones; and (Subtitle A § 101.2(c))
- Requirement that zoning shall not be inconsistent with the Comprehensive Plan for the National Capital. (Subtitle A § 101.2(d))

As appropriate, the General Provisions and Purpose and Intent sections for each zone incorporate the considerations outlined in Subtitle A § 101.2, above. The “character”, “suitability”, and “stability of land values” referenced in Subtitle A § 101.2 are implicitly reflected in each zone’s General Provisions and Purpose and Intent sections, including the MU-4 and RA-1 zones, as listed below. Therefore, as the development standards and use permissions of the RA-1 and MU-4 zones emanate from the General Provisions and Purpose and Intent sections of their respective zone, a project’s satisfaction of the development standards of the applicable zone and its harmony with the General Purpose and Intent sections of that zone, mean that such project (including any associated special exception relief requested) inherently satisfies Subtitle A § 101.2.

Accordingly, consideration of Subtitle A § 101.2 in evaluating the relief requested in this Application is not appropriate. As such, the Opposition’s argument that the relief requested should be evaluated under Subtitle A § 101.2 is unreasonable. Rather, I find the Office of Planning’s (“OP”) review of the requested relief pursuant to Subtitle X § 901 and the specific conditions of each special exception under Subtitle A § 207.2, Subtitle U § 421.1, and Subtitle C § 714.3 to be reasonable and appropriate. While OP’s report does not explicitly comment on the Project and requested relief’s satisfaction of the general purposes and intent of the MU-4 and RA-1 zones, based on my experience at OP, a determination indicating support for a project’s relief request and

a finding(s) that the relief meets the applicable special exception conditions, is an implicit finding that the project and associated relief satisfy the general intent and purpose sections of the applicable zone(s). Therefore, OP's determination of support for this Project and the special exception relief requested is an implicit finding that the relief requested satisfies the general exception conditions under Subtitle X § 901.2.

Based on my review of the Project and requested relief as evaluated under the applicable Zoning Regulations, I concur with OP's review and find its subsequent support of the Project and requested relief appropriate and reasonable. Below, I outline my review and the reasons for my concurrence with OP's determination of support. Pursuant to Subtitle X § 901.2, my review is based on a consideration of the Project and requested relief in relationship to its harmony with the General Intent and Purpose sections of the MU-4 and RA-1 zones, a review of the surrounding neighborhood and consideration of any potential adverse impacts on the use of neighboring properties, and the specific special exception conditions under Subtitle A § 207.2, Subtitle U § 421.1, and Subtitle C § 714.3. As part of my zoning review, I relied on the Zoning Regulations of 2016 and 1958 (as applicable) as well as public records regarding the property and legislative intent, plus applicable articles and policy statements as identified herein.

RA Zones

In my review of the requested relief, I considered the Project's conformance with the general RA zone (Residential Apartment Zones) plan which includes the purpose, general provisions, objectives, and use permissions of the zone:

- Permit flexibility by allowing all types of residential development; (Subtitle F § 100.3(b))
- Promote stable residential areas while permitting a variety of types of urban residential neighborhoods; (Subtitle F § 100.3(c))
- Promote a walkable living environment; (Subtitle F § 100.3(d))
- Encourage compatibility between the location of new buildings or construction and the existing neighborhood; (Subtitle F § 100.3(f))

The purpose of the RA-1 zone in particular is to:

- Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; (Subtitle F § 300.1(a))
- Provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments (Subtitle F § 300.2)

MU Zones

In my review of the requested relief, I considered the Project's conformance with the general MU zone (Mixed-Use Zones) plan which includes the purpose, general provisions, objectives, and use permissions of the zone:

- Provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. (Subtitle G § 100.1)
- Provide facilities for housing, shopping, and business needs, including residential, office, service, and employment centers. (Subtitle G § 100.2)
- Provide for the orderly development and use of land and structures in the MU zones, characterized by a mixture of land uses; (Subtitle G § 100.3(a))
- Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city; (Subtitle G § 100.3(b))
- Reflect a variety of building types, including, but not limited to, shop-front buildings which may include a vertical mixture of residential and nonresidential uses, buildings made up entirely of residential uses, and buildings made up entirely of non-residential uses; (Subtitle G § 100.3(c))
- Encourage safe and efficient conditions for pedestrian and motor vehicle movement; (Subtitle G § 100.3(d))
- Ensure that infill development is compatible with the prevailing development pattern within the zone and surrounding areas; (Subtitle G § 100.3(e))
- Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle G § 100.3(g))
- In the MU zones, buildings may be entirely residential, or may be a mixture of non-residential and residential uses (Subtitle G § 100.4)

The purpose of the MU-4 zone in particular is to:

- Be applied throughout the city consistent with the density designation of the Comprehensive Plan. (Subtitle G § 400.1)
- Permit moderate-density mixed-use development (Subtitle G § 400.3(a))
- 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 (Subtitle G § 400.3(b))
- 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. (Subtitle G § 400.3(c))

The relief is in harmony with the MU-4 and RA-1 Zones

Based on my analysis and review, OP’s implicit finding that the Project and requested relief are in harmony with the MU-4 and RA-1 zones is reasonable and appropriate. The Project and requested relief directly align with the intent of both zones because the Project and requested relief are a moderate-density residential use. The MU-4 zone permits the construction of an apartment building as a matter of right, and the RA-1 zone permits it by special exception. Transforming an under-utilized lot into a 108-unit apartment building housing is a contextually-appropriate, permitted use and meets the goals of the RA-1 and MU-4 zones.

The Project is in harmony with the RA-1 zone and MU-4 zone, and so the requested relief is compatible with the existing neighborhood and prevailing development patterns. As noted, the Property is an island, surrounded by public space on all sides. The Project will front upon Montana Ave. NE, across from a three-story apartment building. The Project is located over 100 feet from the single-family dwellings across Saratoga Avenue NE to the east and the three-story apartment building across Montana Avenue NE to the southwest. Various retail businesses and services are located to the north and northwest of the Property and several apartment buildings and a recreation center and club house are located to the south. The bulk of the building will be in the MU-4 portion of the lot, oriented away from the existing single-family homes to the east. The portion of the building located in the RA-1 zone steps down to three stories where it abuts Saratoga Ave. NE. In this way, it serves as a buffer to the R-1-B zoned property to the east. Further, a wide swath of screening is proposed to the northeastern extent of the site. Notably only approximately one-third of the Saratoga Avenue NE frontage will be developed, which will further serve to harmonize the Project with the surrounding neighborhood..

In reviewing the neighborhood, I found the Project's height, architectural design, and massing complement the existing variety of housing types in the neighborhood. The Project is handsomely-designed and scaled-appropriately so as to be compatible with the existing neighborhood, as it conforms to the height, density, and area requirements established for the RA-1 zone and MU-4 zone. No bulk-related relief is requested. For these reasons, it is reasonable that OP supports the relief given that the Project and requested relief are compatible with the prevailing development pattern of the surrounding area.

Also, the Project promotes a walkable living environment and encourages safe and efficient conditions for pedestrian and motor vehicle movement. The Project's single curb cut fosters a safe and walkable sidewalk condition with reduced breaks from the existing two curb cuts at the Property today. Further, the Project proposes to complete the public sidewalk system surrounding the subject property to DDOT and ADA standards and install the crosswalks and curb ramps with detectable warnings, subject to approval by the Public Space Committee and improving the pedestrian experience. These site improvements promote access to, and active use of numerous public transportation options along nearby Rhode Island Avenue NE, as directed in the RA-1 and MU-4 General Provisions and Purpose and Intent statements For these reasons, it is reasonable that OP supports the relief given that the Project and requested relief aligns with the goals of the applicable zone plans.

B. The relief does not adversely affect the uses of the neighboring properties

In reviewing the Project plans and requested relief, I found the Project's proposed height and massing to be consistent with and within the zone's design standards for each applicable portion of the lot and to be designed with the intention of minimizing impacts to neighboring property. The use of neighboring properties includes multiple retail, service, and restaurant uses along Rhode Island Avenue NE, as well as a recreation center and numerous apartment buildings and residential homes of varying sizes in the immediate area. The Property abuts no other property and proposes expansive landscaping around the perimeter of the site, thereby limiting possible impacts to neighboring property. Further, the Project conforms with the applicable bulk provisions of the applicable zones and the bulk is oriented toward Rhode Island Avenue NE. The portion of the

Project located in the RA-1-zoned portion of the Property tapers down to three stories in height, serving as a transition to the existing housing to the east. Further, as all properties are over 100 feet away, it is reasonable to find that there will be no undue impacts to the light and air of neighboring properties. For these reasons, it is appropriate that OP concluded that neighboring property would not be adversely affected.

The provision of 108 dwelling units on the lot will not result in an undue concentration of population and overcrowding of land. In the early 20th century, zoning regulations throughout the country were adopted to prevent the undue concentration of land. The main tool implemented by jurisdictions, including the District, to ensure that the health, safety, and welfare of residents were



Figure 2: Satellite view of Property

upheld was the establishment of minimum lot sizes and limitations on the number of dwelling units per lot via zoning regulations.¹ In this case, the Property satisfies the minimum lot size requirements for the MU-4 and RA-1 Districts. Further, there is no limit on the number of dwelling units permitted in the MU-4 and RA-1 zones, so long as the applicable development and building code standards are met. As a result, in my professional opinion, the Project and associated relief do not constitute an undue concentration of population as intended under the Zoning Regulations because the Project's lot size and density limits are conforming.

¹ American Society of Planning Officials, Advisory Planning Service Information Report #37, 1952.

In harmony with the intent of the MU-4 zone, the Project will create conditions favorable to an enjoyable urban atmosphere by locating housing near Rhode Island Avenue NE, a major public transportation route, thereby encouraging the use of efficient public services.

Lastly, the Project will displace zero DC residents, as there are no dwelling units currently on the under-utilized site. The creation of 108 new units adds to the supply, thereby helping to drive down prices.² Importantly, increasing housing options means that existing housing stock is not threatened by new prospective buyers.

C. Specific Conditions for the Special Exception Relief

Subtitle A § 207.2 Zone Boundary Line Crossing a Lot

Relief allowing the extension of a less restrictive zone boundary on a split-zoned lot has been permitted by special exception since at least 1958.³ This form of special exception relief allows the regulations that apply to the use, height, and bulk of structures on the portion of a lot located in a lesser restrictive zone to extend 35 feet into the portion of a lot in a more restrictive zone. Due to the unique design of the L'Enfant Plan featuring intercardinal state streets like Rhode Island Avenue NE, there are instances where commercially-zoned districts bisect oddly-shaped lots like



Figure 3: Rendering of Project

the Property. In these cases, different portions of the lot are subject to the limitations of the different zones. Such circumstances can complicate the design of buildings running across the

² If You Want Less Displacement, Build More Housing: <https://www.citylab.com/equity/2018/08/if-you-want-less-displacement-build-more-housing/568714/>

Yes, You Can Build Your Way to Affordable Housing (Sightline Institute):

<https://www.sightline.org/2017/09/21/yes-you-can-build-your-way-to-affordable-housing/>

The End of the Housing Supply Debate (maybe): <http://cityobservatory.org/the-end-of-the-housing-supply-debate-maybe/>

White House Housing Development Toolkit, 2016

³In ZR58 (final edition) - Section 2514; ZR58 (1973 edition) – Section 7514.1

zone boundary, particularly in instances where the use – in this case an apartment building – is permitted in both zones. In my professional opinion, it is reasonable to assume that the special exception flexibility available under Subtitle A § 207.2 provides an outlet for the efficient design of buildings and use of land under such circumstances unique to the District. Further, the limit of 35 feet presumably serves to ensure that a portion of the remaining lot functions to allow a step down between two zones in the interest of transitioning between districts. Notably, the relief related to Subtitle A § 207.2 does not constitute a zone change. It is important to note that, if demolished, the portion of the lot developed to the MU-4 bulk would revert back to the RA-1 controls. The zone boundary line extension permitted under Subtitle A § 207.2 is specific to the project requesting relief, not to the land itself. Zoning map amendment changes are regulated under Subtitle X § 500, and these cases are heard by the Zoning Commission, not BZA. Though not directly determinative in this circumstance, this area of relief has been granted by the Board nine times based on available Office of Zoning (“OZ”) records.

Based on my review, it is reasonable that the Office of Planning found the Project and requested relief to satisfy all the special conditions pursuant to Subtitle A § 207.2. In particular:

- The applicant requests to extend the zone boundary line of the MU-4 zone, the lesser restrictive zone, 35 feet into the RA-1 zone (Subtitle A § 207.1(a))
- The portion of the Property fronting Saratoga Avenue NE would continue to satisfy the RA-1 bulk regulations, for a depth of approximately 65 feet from Saratoga Avenue. The RA-1 would continue to act as a buffer between the MU-4 area and the one-family detached dwellings in the R-1-B zone across Saratoga Avenue NE. The Project is proposed to primarily front Montana Avenue NE, facing a three-story apartment building. The lower portion of the building at three-stories steps down, as it approaches the one-family detached dwellings on the southeast side of Saratoga Street. On-site parking requirements are satisfied.
- OP made no recommendations for design, appearance, screening, location of structures or lighting in their report. (Subtitle A § 207.1(d))

Subtitle U § 421.1 New Residential Development Conditions

Relief relating to the construction of new residential developments in the RA-1 zone has been permitted by special exception since at least 1958.⁴ Notably, the relief related to Subtitle U § 421.1 does not constitute a zone change.⁵ Though not directly determinative in this circumstance, this area of relief has been granted by the Board 18 times based on OZ records. I have reviewed all 18 cases and found in each instance that the OP has consistently conducted a thorough review of the applicable standards. In my opinion, the same can be said for the requested relief in this case.

For these reasons and based on the information below, it is reasonable that OP found the Project and requested relief to satisfy all the special conditions pursuant to Subtitle U § 421.1. In particular:

- Nearby schools and roads have sufficient capacity: school enrollment, capacity utilization and projection data for the 2016-2017 school year has been provided (Subtitle U § 421.1(a))

⁴In ZR58 (final edition) - Section 353; ZR58 (1973 edition) – Section 3105.42

⁵ Zoning map amendment changes are regulated under Subtitle X § 500.

- The application was referred to the appropriate agencies for review. The site plans depict a fitness room on the ground floor, with passive recreation areas on the fourth floor of the building, including indoor and outdoor areas. The site is also located one-half mile from the Noyes Recreation Center. No comments were submitted from DPR as of the date of this report. (Subtitle U § 421.1(b))
- As a professional planner, I understand that OP, upon referral, reviews the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed Project to public plans and projects. By recommending support for the Project, OP finds that the standard is met. (Subtitle U § 421.3)
- Floorplans, site plans, grading plans, and landscaping plans have been submitted. No new rights of way or easements are proposed (Subtitle U § 421.4)

Subtitle C § 714.3 Screening Requirements for Surface Parking

Relief relating to the screening requirements for surface parking lots has been permitted by special exception since 2013.⁶ The legislative intent of the text amendment included requiring certain landscaping and screening requirements to combat the heat island effect and separating out the various parking screening and landscaping standards in the interest of clarity.⁷ Therefore, satisfying the screening and landscaping for surface parking lots required under Subtitle C §§ 714 and 715 inherently combats the heat island effect and indicates that the Project does not adversely contribute to the heat island effect. Accordingly, as this Project anticipates fully satisfying all landscaping⁸ requirements, and the special exception request is for one 24 ft. gap in the screening rather than two 20 ft. (40 ft. in total) gaps in the screening, which will result in fewer gaps in the screening than permitted as a matter-of-right, it is reasonable and appropriate for OP to conclude that the Project will not be adversely impacting neighbors by contributing to the heat island effect.

Based on my review, it is reasonable that the Office of Planning found the Project and requested relief to satisfy all the special conditions pursuant to Subtitle C § 714.3. In particular:

- The Project will greatly improve the pedestrian environment within adjacent streets, sidewalks and other public areas. The Project proposes to complete the public sidewalk system surrounding the subject property to DDOT and ADA standards and install crosswalks and curb ramps with detectable warnings, subject to approval by the Public Space Committee and improving the pedestrian experience. (Subtitle C § 714.3(a))
- The application conforms to the screening requirements for parking lots, with the exception of a 24-foot wide break in the parking lot screening, in excess of the maximum 20-foot wide break permitted. The additional four-feet would allow the applicant to consolidate all vehicular ingress and egress to the site to one entrance, instead of two (which would result

⁶In ZR58 (final edition) - Section 2111 (Surface Parking Lots Landscaping Requirements); approved under ZC 12-10 (2013).

⁷ See ZC testimony from the Zoning Commission Public Hearing of 7-31-08 (ZC 08-06).

⁸ According to an MIT Technology Review article⁸, in particular it is recommended to plant deciduous trees such as the Project proposes to do because they can provide many benefits such as more shade in the summer and not blocking warmth in winter. See. Rosenfield, Arthur, Joseph Romm, Hashem Akbari, and Alana Lloyd. "Painting the Town White – and Green." MIT Technology Review. N.p., 14 07 1997. Web. 31 Mar 2019.

in a total 40-foot gap), thereby increasing the total screening provided on the site by 16 feet and minimizing the number of conflicts with adjacent streets and sidewalks. (Subtitle C § 714.3(b))

- The Project is thoughtfully designed to minimize traffic impacts. The proposed 24-foot wide driveway and resulting break in the screening of the parking lot is to allow for the consolidation of automobile and truck traffic serving the site into one ingress/egress point, minimizing the number of curb cuts and pedestrian conflicts necessary to service the site to one. (Subtitle C § 714.3(c-d))



Figure 4: Property as viewed from Montana Ave. NE

II. COMPREHENSIVE PLAN – MAPS

Though the Board is not directed to consider the recommendations of the Comprehensive Plan when evaluating a case, it can provide context regarding the Project and neighborhood in relation to the relief being sought. Under Subtitle A § 101.2(d), “The regulations in this title and the Zoning Maps are designed with consideration of the Requirement that zoning shall not be inconsistent with the Comprehensive Plan.” In short, the text of the Comprehensive Plan can be used to assist in interpretation of the Zoning Regulations.

- Future Land Use Map:
 - In mixed use Moderate Density Residential and Moderate Density Commercial
 - In Low Density Residential
- Generalized Policy Map:
 - MU-4 portion in Main Street Mixed Use Corridor
 - RA-1 portion in Neighborhood Conservation Area

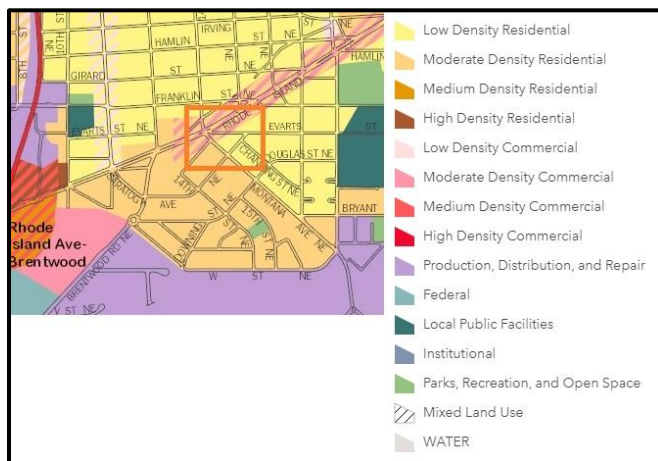
The requested zoning relief and the Project is not inconsistent with the Future Land Use Map designation as follows:

A. MU-4 portion of the Property:

Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4 (RF-1), R-5-A (RA-1) Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B (RA-2) district and other zones may also apply. 225.4

Moderate Density Commercial: This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A (MU-4), C-2-B (MU-5A), and C-3-A (MU-7), although other districts may apply. 225.9

B. RA-1 Portion of the Property



Low Density Residential: This designation is used to define the District’s single-family neighborhoods. Single-family detached and semi-detached housing units with front, back, and side yards are the predominant uses. The R-1-A, R-1-B, and R-2 Zone Districts are generally consistent with the Low Density Residential land use category, although other zones may apply (10A DCMR § 225.3).

The FLUM is intended to be interpreted broadly. Its categories do not specify allowable uses or dimensional standards (10A DCMR 226(a)). The apartment building use puts mostly under-utilized open area to a residential use, as permitted in the zone. The design is modest in scale, is sited comfortably upon a large lot, and does not threaten abutting properties. Further, the Project is proximate to Rhode Island Avenue NE and directly faces Moderate Density Residential designated land.

C. Generalized Policy Map

The requested zoning relief and Project is not inconsistent with the Generalized Policy Map designation as follows:

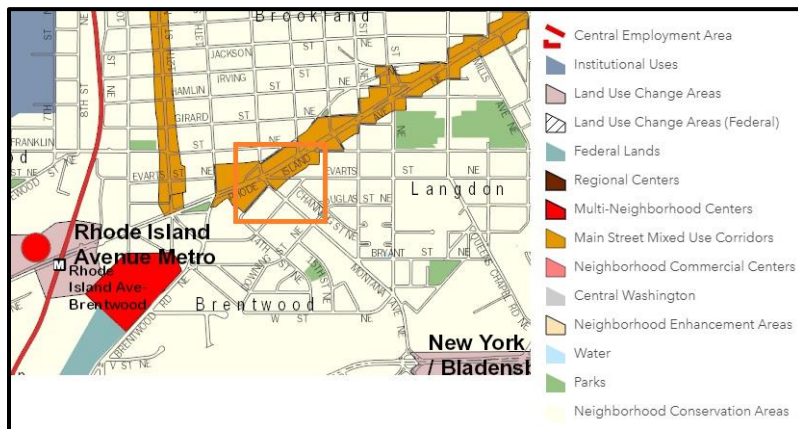


Figure 6: Property location on GPM

Main Street Mixed Use

Corridors: These are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature

is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 223.14

Neighborhood Conservation Area: Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated (10A DCMR § 223.4).

As noted, the apartment building use will be residential in nature, as the Neighborhood Conservation Area designation specifies. Further, the Project is modest in scale as it relates to the Property and adjacent uses. Crucially, the Project fulfills an important role for the District’s residents, by providing dwelling units (including IZ units) thereby addressing the District’s housing shortage.

D. Relevant Elements From The Comprehensive Plan

The requested zoning relief and the Project are not inconsistent with several key planning objectives detailed in the Comprehensive Plan, as follows:

Framework Element

- Promoting redevelopment and infill opportunities, particularly along corridors (Managing Growth and Change: Guiding Principles, 10A DCMR § 217.6)
- Maintaining and enhancing the District’s mix of housing types
- Producing new affordable housing to avoid a deepening of racial and economic divides in the city (the Project will be subject to the District’s Inclusionary Zoning requirements)

Land Use Element (Integrates all District policies and objectives and balances competing demands, and so is given greater weight)

- Providing housing choices for renters and owners and a range of units that meet the different needs of the community (What Makes a Great Neighborhood? 309.6, pg. 3-24)
- Balancing goals to increase the housing supply with the parallel goal to protect neighborhood character (Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods 309.8, pg. 3-26)

Housing Element

- Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods (H-1.1 Expanding Housing Supply 503, pg. 5-7)

Upper Northeast Area Element

- Conserving (and expanding) existing housing stock – a “high priority”. (Planning and Development Priorities 2407, pg. 24-8)
- Creating additional dwelling units for residents of Upper Northeast who are “feeling the pressure of escalating housing costs.” (Planning and Development Priorities 2407, pg. 24-9)
- Encouraging compatible infill throughout Upper Northeast neighborhoods.” (2408.2, pg. 24-12)
- Providing “New and rehabilitated housing that meets 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, pg. 24-12)

E. Relevant Elements From Small Area Plans

The requested zoning relief and Project fulfills several key planning objectives detailed in applicable small area plans:

Rhode Island Avenue Diamond in the District Plan (2012)

- “The successful realization of this plan depends heavily upon the ability to construct new housing at greater densities. The retail uses which community residents prefer will only appear following the creation of new “rooftops” or new units of housing. An increase in the amount of new housing plays a critical role. While the existing neighborhoods are generally stable and well-positioned for a variety of improvements, building new housing in higher density, multifamily apartment/condominium buildings and stacked townhomes along the Avenue is very important to generating the foot traffic to make the retail viable. As this plan specifically focuses on commercially-zoned properties which contain no housing, this plan does not encourage or support displacement of any existing residents. The development community should be mindful, though, that new development inspires concerns from existing residents about unit sizes and affordability. Developers are strongly

encouraged to take advantage of available financial assistance throughout the varied housing financing agencies in the District and Federal Government to produce units which are affordable to individuals, couples and families at tiered levels of the Washington area and neighborhood median income levels.” (pg. 5)

- “This plan is meant to provide guidance for the eventual reinvestment in and / or redevelopment of privately owned land on the Avenue. More specifically, this plan provides specific recommendations for over 22 sites or properties which are considered under-utilized or under-developed and general recommendations for vacant structures which should be adaptively re-used.” (pg. 12)
- Subarea 2 (13th Street to 16th Streets NE): “Supports pedestrian oriented mixed use and moderate density.” (pg. 12)
- “Rezone B and C from C-2-A (MU-4) to C-2-B (MU-5A) to encourage development of more housing to support attraction of new and better retail if developers agree to include 15% set aside for locally owned retail and to fund burying overhead utilities.” (pg. 19)

The Project proposes to construct between 108 new dwelling units in a moderately-dense, multi-family apartment building on an under-utilized site, thereby satisfying important goals of the SAP, as stated above. The Project will assist in generating the foot traffic needed to make the retail along Rhode Island Avenue NE successful. The Project also will contain eleven IZ units to contribute to affordability.

Draft Sustainable DC 2.0 Plan

To reflect changes in city policies, programs, and technologies since the initial release of the Sustainable DC plan in 2013, DOEE has launched a collaborative community engagement process to shape the District’s plan update. The draft 2.0 plan update includes language that promotes housing residents along transit-rich corridors such as Rhode Island Avenue NE.

- “Increasing the number of residents living near public transportation can reduce congestion and create quality neighborhoods.” (pg. 15)

The Property’s location near Rhode Island Avenue NE will allow future residents to utilize several bus routes, thereby decreasing residents’ reliance on automobile use and reducing the likelihood of congestion.

White House Housing Development Toolkit

The Toolkit, released under President Obama’s Administration in September 2016, notes that significant benefits come with promoting a healthy, responsive, affordable, high-opportunity housing market that provides for, among other things, inclusionary zoning and multi-family housing options. In summary, these benefits include:

- Protecting homeowners and home values while maintaining housing affordability.
- Allowing housing development to meet local needs.
- Optimizing transportation system use, reduces commute times, and increases use of public transit, biking and walking.

- Reducing economic and racial segregation, as recent research shows that strict land use regulations drive income segregation of wealthy residents.

The Project proposes to construct between 108 new dwelling units in a moderately-dense, multi-family apartment building on an under-utilized site, thereby conforming to the recommendations in the Toolkit, as stated above. The granting of the requested relief will allow new housing to be constructed, thereby protecting homeowners and home values while maintaining housing affordability for existing residents and new residents alike. Further, transportation system use is optimized, as Rhode Island Avenue NE (0.1 miles away) features several bus routes that will reduce residents' reliance on automobile use and ownership and promotes alternate modes of transportation.

III. SUMMARY

In summary, I found the Office of Planning's review of the Project and requested relief to be rigorous, appropriate and properly conducted. As a result, in my professional opinion, it is reasonable that the Office of Planning found the Project to be harmonious with the general purpose and intent of the Zoning Regulations in general, and the MU-4 and RA-1 zone plans in particular. Additionally, it is reasonable that the Office of Planning determined the requested zoning relief would not serve to adversely impact neighboring properties but instead would fulfill the crucial objective of providing additional housing to District residents (including several Inclusionary Zoning units). Therefore, I concur with the Office of Planning and urge the Board to approve the case.