

**Before the Zoning Commission  
For the District of Columbia**

**Application for Zoning Map Amendment  
for Square 3848, Lot 817**

**Statement in Support and  
Prehearing Statement Filed By**

**Israel Manor Inc. on behalf of  
Brentwood Outlots LLC, the Applicant**

**May 1, 2007**

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D.C. OFFICE OF ZONING

FILED

ZONING COMMISSION  
District of Columbia

CASE NO. 07-14  
ZONING COMMISSION  
District of Columbia  
EXHIBIT NO. 4  
CASE NO. 07-14  
EXHIBIT NO. 4

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**CERTIFICATION OF COMPLIANCE**  
**WITH SECTION 3013 OF THE ZONING REGULATIONS**

The Applicant hereby certifies that this application, one original and twenty copies of which were filed with the Zoning Commission on May 1, 2007, complies with the provisions of Section 3013 of the Zoning Regulations as set forth below, that the application is complete.

<b><u>Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page</u></b>
3013.1(b)	List of Witnesses	Exhibit H
3013.1(c)	Summary of Testimony of Applicant's Witnesses	Exhibit I
3013.1(f)	List of Maps, Plans or other Documents Readily Available Which Will Be Offered Into Evidence	Exhibit J
3013.1(g)	Estimated Time Required for Presentation of Applicant's Case	Exhibit H
3013.3	Name and Address of the owner of the Property to be Rezoned	Exhibit K
3013.6(a)	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property	Exhibit L

The undersigned HEREBY CERTIFIES that all of the requirements of Section 3013 of the Zoning Regulations have been complied with. In accordance with Section 3013.8, this application will not be modified less than twenty days prior to the public hearing.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: \_\_\_\_\_

Kyrus L. Freeman

## **I.**

### **INTRODUCTION**

This statement and the attached documents are submitted in support of the application of Israel Manor Inc., on behalf of Brentwood Outlots LLC, owner of the Subject Property (collectively referred to hereinafter as the "Applicant") to the District of Columbia Zoning Commission to amend the Zoning Map of the District of Columbia to change the zoning of Lot 817 in Square 3848 (the "Subject Property" or "the Site") from M and C-M-2 to C-2-B.

Brentwood Outlets LLC, the owner of the Subject Property, is a single-purpose entity formed by the developer of the 22-acre Rhode Island Place Shopping Center (the "Shopping Center"). The Subject Property was part of the collection of parcels acquired by the developer for the Shopping Center, but was not necessary for the development of the Shopping Center. Israel Manor, Inc. is affiliated with Israel Baptist Church, which is located adjacent to the northeast corner of the Shopping Center, at 1251 Saratoga Avenue, N.E.. Israel Manor, Inc. is the contract purchaser of the Subject Property, and intends to construct approximately 33 units of low-income or affordable senior housing in a single, four-story building on the Site as a matter-of-right under the proposed C-2-B zoning designation.

The Subject Property contains approximately 22,961 square feet of land area and is currently unimproved. Rezoning the Subject Property to the C-2-B zoning classification would not be inconsistent with the Comprehensive Plan; would allow retail and residential uses, such as multiple dwellings, to be constructed on the site; would create no adverse impacts on surrounding property; and would be

advantageous to the District of Columbia. The existing M and C-M-2 zoning is, by contrast, inconsistent with the recently adopted amendments to the Comprehensive Plan, the District of Columbia Comprehensive Plan Future Land Use Map, and the District of Columbia Comprehensive Plan Generalized Land Use Policy Map.

## **II.**

### **EXHIBITS IN SUPPORT**

The Applicant submits the following exhibits in support of the application and this statement:

<b>Exhibit</b>	<b>Description</b>
A	A plat and metes and bounds description of Lot 817 in Square 3848 prepared by a certified D.C. Surveyor;
B	A copy of a portion of the Baist Atlas plat showing the Subject Property (Volume 4, Sheet 6);
C	Copies of portions of the Sanborn Atlas plats showing the Subject Property;
D	An aerial photograph showing the Subject Property and the surrounding area;
E	A copy of a portion of the Zoning Map of the District of Columbia, effective May 12, 1958, containing amendments through January 1, 2003, showing the Subject Property and the surrounding area
F	A portion of the District of Columbia Comprehensive Plan Future Land Use Map showing the Subject Property and the surrounding area;
G	A portion of the District of Columbia Comprehensive Plan Generalized Land Use Policy Map showing the Subject Property and the surrounding area;
H	List of Witnesses and Estimated Time Required for Presentation of Applicant's Case;

I	Summary of Testimony of Applicant's Witnesses;
J	List of Maps, Plans or other Documents Readily Available That May Be Offered Into Evidence;
K	Name and Mailing Address of the Owner of the Property to Be Rezoned; and
L	List of Names and Addresses of All Property Owners Within 200 Feet of the Subject Property.

### III. **DESCRIPTION OF THE PROPERTY**

The Subject Property is situated in Ward 5 and is located across the street from the Rhode Island Avenue Metrorail Station. The site has approximately 28 feet of frontage on Rhode Island Avenue, N.E. and approximately 300 feet of frontage of on Washington Place, N.E. (See Exhibit A, B and C). The Subject Property, which contains approximately 22,961 square feet of land area, was previously part of a Large Tract Review for the Rhode Island Place Shopping Center that was approved in 2001 and subsequently modified on several occasions.

The Comprehensive Plan Amendment Act of 2006 (Law 16-300) became effective on March 8, 2007. The Comprehensive Plan Future Land Use Map designates the Subject Property in the mixed-use, medium density residential and medium density commercial land use category. See Exhibit F. The Subject Property is also located in the Rhode Island Metro Land Use Change Area on the District of Columbia Comprehensive Plan Generalized Land Use Policy Map. See Exhibit G. "Land Use Change Areas" are defined as areas where change to a different land use is anticipated. The guiding philosophy in the Land Use Change

Areas is to encourage and facilitate new development, including, for example, housing and retail uses.

#### **IV. DESCRIPTION OF THE SURROUNDING AREA**

The Subject Property is located on the south side of Rhode Island Avenue, N.E., which is a major arterial. The Site is currently unimproved, with the exception of a serpentine walkway that serves as a pedestrian connection between Washington Place and the Shopping Center.

The Rhode Island Avenue Metrorail Station is located immediately west of the Site, on the south side of Rhode Island Avenue. The Subject Property is separated from the Metrorail Station by Washington Place, N.E., a public street that leads to the Metrorail Station's parking lot, "kiss and ride" area, and an area where buses may discharge and pick up Metro passengers, typically those transferring to or from the Metrorail system. The entrance to the Metrorail's platform itself is about 600 feet from the Site. The CSX Railroad's Metropolitan Division tracks are adjacent and parallel to the Red Line of the Metrorail transit system at that point.

The south side of Rhode Island Avenue, immediately east of the Site, is occupied by a branch office of the Bank of America. From that point east, for several blocks, are a mix of single and multiple dwellings, and religious institutions.

The area immediately north, across Rhode Island Avenue, has a diverse mix of uses. Some land is vacant, under control of the Metrorail system, along the right of way. Further east are a mix of repair and service uses and other commercial

businesses. Residential uses are rare along the north side of Rhode Island Avenue until east of Tenth Street, N.E. and on the western side of the segment of Tenth Street north of Rhode Island Avenue.

The area south and southeast of the Subject Property was developed within the last five years as a shopping center with a Home Depot, a Giant Foods Store, and more recently by an A.J. Wright store and several other soft goods retailers. There is a large parking area in the middle of the Shopping Center. The Shopping Center is accessed from Rhode Island Avenue along Washington Place from the west and from Brentwood Road to the south.

## **V. EXISTING AND PROPOSED ZONING**

### **A. Subject Site**

The Subject Property is presently split-zoned M and C-M-2. (See Exhibit E). The majority of the Subject Property is zoned M. The M and C-M-2 Districts are both industrial zones and neither zone permits the construction of new residential uses. See 11 DCMR §§ 800.4, 820.2. C-M, or Commercial-Light Manufacturing Districts, are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery..." 11 DCMR §800.1. "Heavy truck traffic and loading and unloading operations are expected to be characteristic of C-M Districts." 11 DCMR §800.2. M, or General Industrial Districts, are designed to provide areas suitable for development as heavy industrial sites and permit, as a matter-of- right, a number of uses that are incompatible with residential uses. 11 DCMR §§820.1, 821.



The Applicant proposes to change the zoning of the Subject Property to the C-2-B District. The C-2-B Districts are intended to be compact and located on arterial streets, in uptown centers, and at rapid transit stops. 11 DCMR §720.7. Buildings in the C-2-B District may be entirely residential or a mixture of commercial and residential uses. 11 DCMR §720.8.

The C-2-B District permits a maximum building height of sixty-five feet (65 ft.) with no limit on the number of stories. 11 DCMR §770.1. In the C-2-B District, the maximum permitted floor area ratio ("FAR") of all buildings and structures on a lot cannot exceed 3.5, all of which may be residential, but of which not more than 1.5 may be used for other than residential purposes. 11 DCMR §771.2. The maximum percentage of lot occupancy for residential uses in the C-2-B District is 80%. 11 DCMR §772.1. Rear yards in the C-2-B District must have a minimum depth of 15 feet. 11 DCMR §774.1. A side yard is generally not required in the C-2-B District; however, when a side yard is provided, it must have a minimum width of two inches per foot of height of building, but not less than six feet. 11 DCMR §775.5.

The parking and loading requirements in the C-2-B District are based upon the proposed use of the property. For example, an apartment house or multiple dwelling use in the C-2-B District requires one parking space for each three dwelling units. 11 DCMR §2101.1. Retail or service establishments are required to provide one parking space for each additional 750 square feet of gross floor area in excess of 3,000 square feet. Id. An apartment house or multiple dwelling with 50 or

more dwelling units is required to provide one loading berth at 55 feet deep, one loading platform at 100 square feet, and one service/delivery space at 20 feet deep.

11 DCMR §2201.1. Retail or service establishments with 5,000 to 20,000 square feet of gross floor area are required to provide one loading berth at 30 feet deep and one loading platform at 100 square feet. Id.

The following is a breakdown of those changes resulting from the requested rezoning:

<b>SQUARE 3848, LOT 817</b> <i>Based on Lot Area of 22,961 square feet</i>			
	<b>C-M-2</b>	<b>M</b>	<b>C-2-B</b>
Maximum Height	60 feet	90 feet	65 feet
Maximum FAR	4.0 FAR	6.0 FAR	3.5 FAR
Residential Lot Occupancy	Not Regulated	Not Regulated	80%

The proposed change in zoning would:

- a) Implement the District of Columbia Comprehensive Plan Generalized Future Land Use Map designation of the Subject Property in the mixed-use, medium density residential and medium density commercial land use category;
- b) Permit the development of residential and commercial uses on the Subject Property, which is consistent with the District of Columbia

Comprehensive Plan Generalized Land Use Policy Map designation of the Subject Property in the Rhode Island Metro Land Use Change Area;

- c) Substantially reduce the overall maximum permitted height and density of the Subject Property since the majority of the site is presently zoned M; and
- d) Eliminate the ability to construct heavy commercial, light manufacturing and general industrial uses on the Subject Property, which is in close proximity to other existing and proposed residential developments.

## **VI. ZONING HISTORY**

Zoning in the area generally follows the pattern of uses and densities that had been or are now established, though this is less the case along and to the north of Rhode Island Avenue.

The great majority of the Shopping Center, including all of the Site, was originally used as a burial ground ("Harmony Cemetery") established in the 1860's for those who died from contagious diseases. However, Harmony Cemetery was later relocated to Prince George's County and the remains of those buried there were later exhumed and moved to the new location.

The cemetery site was more recently owned by the District of Columbia and was used for municipal public service functions. The 22 acre site included a salt dome, a vehicle impoundment lot, a storage yard for asphalt millings, a parking lot

for DPW solid waste collection trucks, and a DMV driver testing facility. The property was then sold by the District of Columbia for private development of the Shopping Center.

While “first” and “second commercial” zoning was applied to the land that the cemetery had initially occupied, the vast majority of the remaining area was placed in an “industrial” category when zoning was first adopted in 1920. That era’s zone plan provided for residential uses (in which churches were also allowed) to the east along Rhode Island Avenue and to the north along and east of Tenth Street. The area immediately north, along what is now known as Reed Street between Tenth and the CSX and Metrorail tracks was classified for industrial uses.

When the entire District of Columbia was rezoned in 1958, the pattern remained much the same as under the 1920 zoning, but with new designations for essentially the same use and bulk classifications. In contemporary classifications, the adjacent area to the west of the Site, south of Rhode Island Avenue, with railroad functions, was zoned M. The area for repair services and warehouses north of Rhode Island Avenue was zoned C-M-2. The residential areas along Rhode Island Avenue, to the east of the Site, was zoned R-5-A up to 13<sup>th</sup> Street, with a small pocket of commercial C-1 zoning on Rhode Island Avenue at 10<sup>th</sup> Street, N.E.

Over the past twenty years, there have been very few requests for zoning relief in the nature of variances or special exceptions in the area. Likewise, the number of actions by the Zoning Commission in the area has also been few. However, while few in number, they have (or promise to have) significant impact

- ZC Case 96-12Z, through Orders 909 and 909-A, corrected the zoning along Reed Street north of Rhode Island Avenue to establish the area shown as C-M-2 in the accompanying materials as part of the surrounding area zoned C-2-C.
- ZC Case 00-25, through Order 936, approved the rezoning of portions of the 22 acre Shopping Center site to C-M-1 thereby allowing that development to occur. The site now at issue, however, was not part of the changes then made inasmuch as its current zoning already permitted the Shopping Center use.
- ZC Case 04-24, through Order 04-24, approved a first stage Planned Unit Development and rezoning from M to C-2-B for a mixed-use residential and retail project for a portion of the Metrorail parking lot and bus facility. The project includes 271 rental apartments (354,860 sq. ft.), plus 70,000 sq. ft of retail use, plus other non-residential uses on the ground floor, and 451 parking spaces. The second stage PUD was recently approved, but as of the date of this filing, the Order has not been issued.

**VII.**  
**STANDARDS APPLICABLE TO AN APPLICATION**  
**FOR A ZONING MAP AMENDMENT**

The Zoning Act (D.C. Code, Section 6-601 et seq.,) sets forth the criteria which the Zoning Commission must apply in adopting and amending the Zoning Map of the District of Columbia. Section 6-641.02 provides that "[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the

comprehensive plan for the national capital." Moreover, Section 6-641.02 further requires that zoning regulations:

Shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and land values therein.

The Zoning Commission must apply the same standards and criteria in determining whether to approve a requested amendment.

**VIII.**  
**EVALUATION OF PROPOSED MAP AMENDMENT**  
**AND COMPLIANCE WITH STATUTORY STANDARDS**

The proposed rezoning of the subject site from M and C-M-2 to C-2-B meets the standards for approval.

**A.     The Comprehensive Plan**

The rezoning to C-2-B is "not inconsistent with the Comprehensive Plan" and is in fact consistent with and implements the Comprehensive Plan.

1. The Generalized Land Use Map

The proposed map amendment is consistent with the District of Columbia Comprehensive Plan Future Land Use Map, which designates the Subject Property in the mixed-use, medium density residential and medium density commercial land use category. See Exhibit F. The medium density residential land use category includes neighborhoods or areas where mid-rise apartment buildings (4-7 stories) are the predominant use. Pockets of low and moderate density housing may also exist within these areas. The medium density commercial land use category includes retail, office and service businesses as the predominant uses, with buildings generally not exceeding 8 stories in height.

The C-2-B District is designed to serve commercial, residential and mixed-use functions. 11 DCMR §720.6. This is consistent with the mixed-use land use designation of the Subject Property. Moreover, the C-2-B Districts are intended to be located near transit stops, and the Subject Property is across the street from the Rhode Island Avenue Metro Station. In addition, the C-2-B District permits both moderate height (65 ft.) and density (3.5 FAR) which are also consistent with the "moderate density" land use designation of the Subject Property.

In contrast, the existing M and C-M-2 zoning of the site, which permits general industrial, heavy commercial, and light manufacturing activities, explicitly prohibit new residential uses, and thus are clearly inconsistent with the Comprehensive Plan's designation of the Subject Property. Moreover, the majority of the Subject Property is zoned M, which permits high density development of 90 feet, 6.0 FAR and no limitation on lot occupancy.

## **2.     The Land Use Element**

A major theme of the Land Use Element of the Comprehensive Plan is better utilization of land around transit stations and along transit corridors. Land Use Policy 1.3.1 encourages the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations is identified as an important way to, among other things, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, and capitalize on the development and public transportation opportunities which the stations provide. In addition, Land Use Policy 1.3.2 calls for concentrating redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with large amounts of vacant or poorly utilized land in the vicinity of the station. Additional land use policies that are supported by the proposed rezoning of the Subject Property include:

- building senior housing adjacent to Metrorail stations (Policy LU-1.3.3);
- encouraging infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street (Policy LU-1.4.1);



- facilitating the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints (Policy LU-1.4.2);
- ensuring that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods (Policy LU-1.4.3); and
- allowing the rezoning of industrial land for non-industrial purposes, particularly land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods (Policy LU-3.1.4).

Unlike the current zoning of the Subject Property, the proposed rezoning will help implement a number of these goals. The C-2-B zoning will permit the development of residential, commercial and/or mixed-uses on the site. Moreover, the Subject Property's adjacency to the Rhode Island Metrorail Station provides direct bus and rail access from the site to a number of locations within the District, thus helping to reduce the reliance on vehicles and capitalizing on new development opportunities near the Metrorail station. In addition, the proposed rezoning supports the policy of rezoning industrial land to permit residential and commercial uses on what is currently a vacant site adjacent to a Metrorail station.

### **3.     The Housing Element**

The Housing Element of the Comprehensive Plan provides that the production of housing is essential to the future of the District's neighborhoods and is a key to improving the city's fiscal health. The Housing Element states that "[t]he first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs." See H-1.1: Expanding Housing Supply. Important housing policies include:

- encouraging 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-1.1.1);
- promoting mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations (Policy H-1.1.4); and
- meeting the housing needs of the District's most vulnerable populations, including, for example, seniors (Policy H-4.2).

The proposed rezoning of the Subject Property from M and C-M-2 to C-2-B is consistent with and helps to facilitate these goals. As previously indicated, the current M and C-M-2 zoning of the Subject Property explicitly prohibit the development of new residential uses on the site. The current zoning, therefore, contradicts the Housing Element policy of increasing the production of new housing

in the District, particularly near Metrorail stations. The proposed rezoning of the Subject Property, however, will enable new residential development, including senior housing, on a site adjacent to the Rhode Island Metrorail Station.

#### **4. The Economic Development Element**

The overarching goal for economic development in the District is to strengthen the District's economy by taking a number of steps, including fostering the success of small businesses and revitalizing neighborhood commercial centers. The Economic Development Element acknowledges that a robust retail sector has the potential to generate significant tax revenue, provide employment and income for residents, enhance the vitality of the city, and improve shopping, dining, and entertainment choices for District neighborhoods. See ED-2.2: The Retail Economy. Therefore, important Economic Development Elements include pursuing a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors (Policy ED-2.2.1); that will meet the retail needs of underserved areas (Policy ED-2.2.1); and that encourages retail infill development on vacant and underutilized sites to help create unique shopping experiences (Policy ED-2.2.3).

The Applicant's proposal to rezone the Subject Property to the C-2-B District is consistent with these goals. The proposed C-2-B zoning will permit the development of a number of new residential units. The occupants of these units will become new customers of the recently completed Shopping Center and the new proposed retail development across the street at the Metrorail site.

**5. The Rhode Island Avenue-Brentwood Station and Corridor Area Plan**

The Rhode Island Avenue-Brentwood Station and Corridor Area Plan indicates that land around the Rhode Island Avenue Metro station is underutilized and does not provide a community focal point. See UNE-2.5. Therefore, this area plan encourages the development of housing and filling in "gaps" in the street wall in the commercial areas to create a more pedestrian-friendly environment. Id. Major policies include encouraging the development of medium-to high-density mixed use projects around the Rhode Island Avenue Metro station, and encouraging the reuse of older commercial and industrial sites in the Rhode Island Avenue Metro station vicinity with new higher-value mixed uses, including housing. Id.

Rezoning the Subject Property from M and C-M-2 to C-2-B will help facilitate key elements of the Rhode Island Avenue-Brentwood Station and Corridor Area Plan. For example, the C-2-B District is designed to serve commercial and residential functions and to include mixed uses, particularly at rapid transit stops. 11 DCMR §720.7. The C-2-B District also permits moderate height (65 ft.) and density (3.5 FAR) which is consistent with both the "moderate density" land use designation of the Subject Property and area plan's recommendation to encourage medium-to high-density development around the Rhode Island Avenue Metrorail station.

**B. Health, Safety and General Welfare**

The proposed map amendment from M and C-M-2 to C-2-B would further the health, safety and general welfare of the District of Columbia. The rezoning would

be consistent with sound planning and zoning principles, and development under the C-2-B zoning would not have an adverse impact on surrounding property. Development which could occur under the C-2-B zoning would be consistent with the height, bulk and uses which are permitted, have been approved and, to a limited extent, has occurred on property generally in this vicinity. The Subject Property is a likely location for future development given its proximity to the Rhode Island Avenue Metrorail Station. Moreover, the 65 foot height permitted under the proposed C-2-B zoning is consistent with the permitted height in the surrounding squares. Finally, the development of new residential and commercial uses on the Subject Property would also enhance the general welfare by replacing a vacant site with new development that could provide for additional housing, employment and tax revenue at a location entirely suited to the permitted uses.

### **C. No Adverse Consequences**

Rezoning of the Subject Property to C-2-B would not result in overcrowding of land or undue concentration of population, nor would it result in greater congestion in the streets. The Subject Property is adjacent to the Rhode Island Avenue Metrorail station, which provides convenient access to many locations in the District. The Subject Property is also well served by a number of Metrobus routes including the 81, 82, 83, 86, 84, 85, B8, B9, D8, H8, H9, M31, P6, S41 and T18. Further, rezoning the Subject Property would help to reduce the heavy truck traffic and loading and unloading operations that generally characterize the C-M Districts. Finally, the overall height and density of the Subject Property would be

substantially reduced since the majority of the site is presently zoned M, which permits a height of 90 feet, 6.0 FAR and has no limitation on lot occupancy.

**D. Development Under C-2-B Would Create Favorable Conditions**

The Comprehensive Plan designates the Subject Property in the mixed-use, medium density residential and commercial land use category. The C-2-B District is designed to serve commercial, residential and mixed-use functions, and the permitted height of 65 feet and maximum FAR of 3.5, are consistent with the mixed-use land use designation of the Subject Property. Moreover, the proposed rezoning from industrial zones that prohibit the construction of new residential uses represents a significant upgrading for this site and implements the current Comprehensive Plan policies for the site. New development on the Subject Property under the proposed C-2-B zoning would also serve as an additional catalyst for development in an area which is currently experiencing renewed development interest.

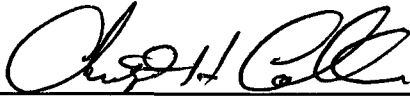
**IX.  
CONCLUSION**

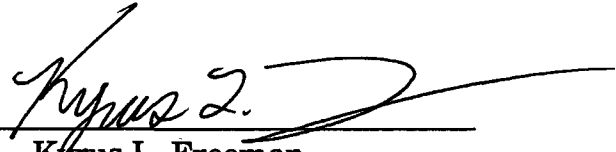
For all the reasons stated herein, the Applicant submits that the proposed rezoning of the subject property from M and C-M-2 to C-2-B meets all of the requirements for an amendment to the Zoning Map. The new resident mixed-uses permitted on the site and the maximum height and FAR are consistent with, and implement, planning objectives for the Subject property. Furthermore, the proposed rezoning is not inconsistent with the Comprehensive Plan, whereas the existing zoning *is* inconsistent with the Comprehensive Plan. Accordingly, the

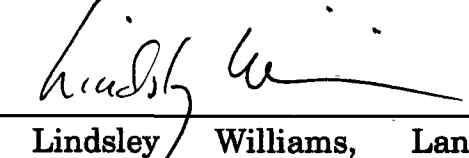
Applicant requests that the Zoning Commission schedule a public hearing on the proposed amendment and grant the requested map amendment as expeditiously as possible.

Respectfully submitted:

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