



## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *KT* Karen Thomas, Development Review Specialist  
**DATE:** March 8, 2022  
**SUBJECT:** Zoning Commission Case 21-15, Correction of OP Final Report, (Exhibit 25 of Page 3)

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The attached report concerning Zoning Commission Case 21-15 is being submitted as a correction to the record, including the FLUM depicted on OP's final report of Exhibit 25, page 3. This correction replaces page 3, to correct the blue outline noted in the FLUM, which did not correspond to the location of the site. The Office of Planning respectfully requests that the Commission accept this correction as requested into the record.

Karen Thomas, Case Manager:



## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** *JLS* Karen Thomas, Development Review Specialist  
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** January 28, 2022

**SUBJECT:** Final Report: Amendment from RF-1 to ARTS-2 @ Square 442, Lots 88, 108, 110, 810, & 811)

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### I. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **approve** the application of S Street Village, LLC for a map amendment for the property at 641 S Street, NW (Square 442, Lots 88, 108, 110, 810 and 811 also referred to as “S Street Village”) **from the RF-1 zone to the ARTS-2 zone, including the application of IZ Plus** for the property’s future redevelopment. The proposed zoning map amendment is not inconsistent with the Comprehensive Plan’s written elements, the Future Land Use Map and the Generalized Policy Map.

### II. BACKGROUND

At its November 18, 2021 public meeting, the Commission voted to set down the application to rezone the subject property for a public hearing as a contested case.

### III. APPLICATION-IN-BRIEF

<b>Applicant</b>	S Street Village LLC (for Manna Inc)
<b>Proposed Map Amendment</b>	RF-1 to ARTS-2
<b>Address</b>	614 St Street and 618 S Street
<b>Ward and ANC</b>	6 / ANC-6E
<b>Legal Description</b>	Square 442, Lots 88, 108, 110, 810 and 811
<b>Property size</b>	22,144 square feet
<b>Future Land Use Map Designation</b>	Mixed Use-Medium-Density Residential/ Medium-Density Commercial
<b>Generalized Policy Map Designation</b>	Neighborhood Enhancement Area
<b>Small Area Plans</b>	Duke Plan and Convention Center Area Strategic Development Plan

#### IV. SITE AND AREA DESCRIPTION

The subject property contains 22,144 square feet of land area and is currently developed with a 3-story brick mixed-use building (Lot 108) and two-story row structures on Lots 88, 810, and Lots 110 and 811. The combined properties are obliquely opposite the Shaw/Howard University metro station at the corner of 7<sup>th</sup> Street and S Street and within walking distance of the Watha T. Daniel Library west of the site at 7<sup>th</sup> and Rhode Island Avenue. It is also two blocks east of the new and relocated Banneker High School at 9<sup>th</sup> and Rhode Island Avenue.

Generally, the area is a mixture of row dwellings, apartments, small retail and institutional uses. The 7<sup>th</sup> Street NW corridor between Rhode Island Avenue to the south of Florida Avenue to the north is developed with a variety of retail, service, residential and office uses. Opposite the subject property on S Street is the former Wonder Bread building in the ARTS-2 zone, now used as an office building, including for Children's National Pediatrics. At the east of the Wonder Bread building are rowhomes on Wiltberger Street and row homes continue in the RF-1 zone. At the rear of the subject property, across the alley, are row dwellings in the RF-1 zone and an apartment building fronting Rhode Island Avenue. Howard University is within walking distance north of Florida Avenue on Georgia Avenue.

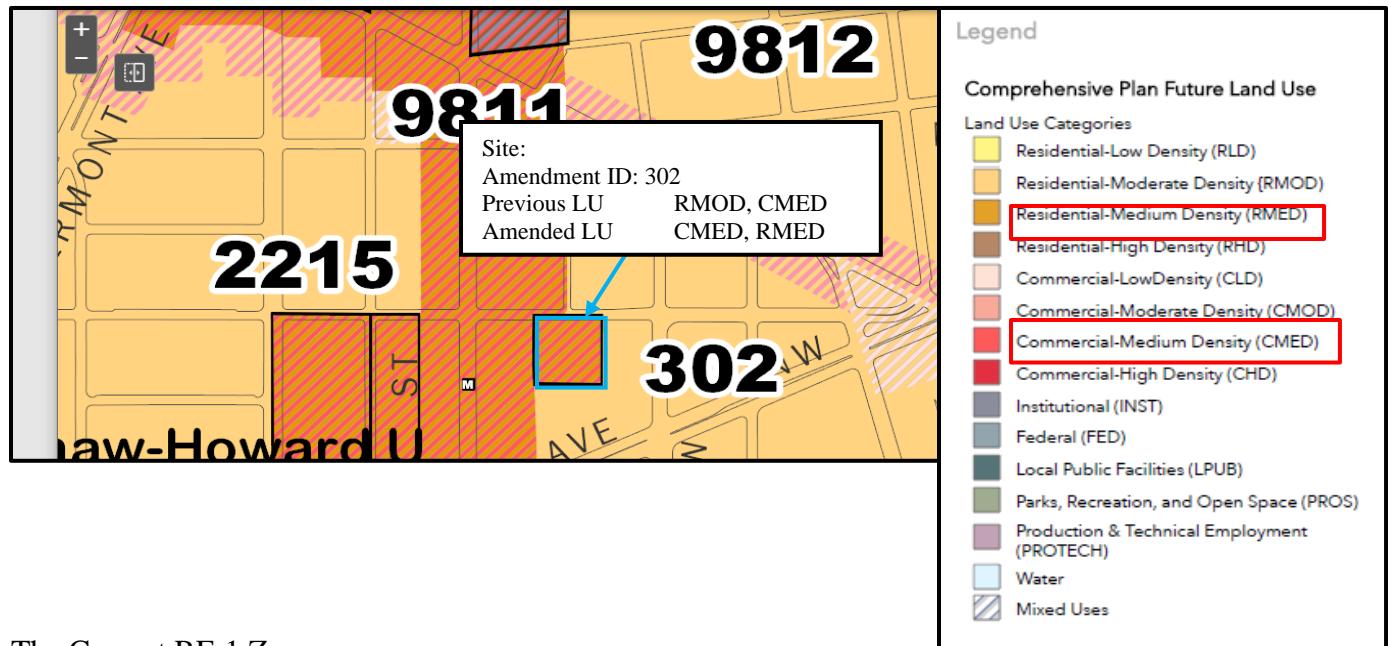
**Location and Zoning Map**



## V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

### New Comprehensive Plan Designation

The District Council adopted an updated Comprehensive Plan with updated Future Land Use Map (“FLUM”) and General Policy Map in 2021. The FLUM designation for this site was changed from mixed-use Moderate-Density Residential/Medium-Density Commercial to a mixed-use designation of Medium-density Commercial / Medium-density Residential.



### The Current RF-1 Zone

The current RF-1 zone designation is inconsistent with the new FLUM mixed-use designation of medium-density residential and medium-density commercial. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted as a matter-of-right. The RF-1 zone would not allow for new multi-family residential use or commercial uses at a development capacity anticipated by the amended FLUM. As discussed extensively in OP’s setdown report, the Comprehensive Plan and the Small Area Plan both support the property’s rezoning to the ARTS-2 zone.

### The Proposed ARTS-2 Zone

Zoning Regulations at Subtitle K § 800.1 state the purposes of the Mixed-Use-Uptown Arts (ARTS) zones (ARTS-1 through ARTS-4) are to:

- (a) Promote the creation of arts, arts-related, and art-supporting uses;
- (b) Encourage a pedestrian scale of development, a mixture of building uses, adaptive reuse of older buildings, strengthened design character, public safety, and eighteen (18) hour activity;
- (c) Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;
- (d) Provide for an increased presence and integration of the arts and related cultural and arts-related support uses;
- (e) Expand the area's housing supply in a variety of rent and price ranges;
- (f) Expand business and job opportunities, and encourage development of residential and commercial buildings;

- (g) *Strengthen the design character and identity of the area by means of physical design standards;*
- (h) *Encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings; and*
- (i) *Foster eighteen (18) hour activity and increased public safety.*

The ARTS districts encourage mixed use, pedestrian-oriented development with bonus density incentives for preferred ground floor uses and height and setback requirements for areas adjacent to certain moderate density residential zones. The ARTS-2 zone similarly encourages “*medium- to high-density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions.*” Subtitle K § 800.5. In addition, the ARTS-2 zone is intended to permit medium density, compact mixed-use development with an emphasis on residential development. Some adjacent properties are within the ARTS-2 category.

The following table compares the development standards of the RF-1 zone and the proposed ARTS-2 zone.

	<b>Existing RF-1</b>	<b>Proposed ARTS-2</b>
<b>Permitted Uses:</b>	RF-1 uses Subtitle U, Chapter 3	Arts Uses Subtitle U, Chapter 7 and MU Use Group E
<b>Height:</b>	35 feet max 40 feet (IZ)	65 feet max. 70 feet (IZ)
<b>FAR:</b>	N/A	3.5 4.2 (IZ) 1.5 Non-Residential
<b>Penthouse Height:</b>	Not permitted	12 feet max.; 1 story 18.5 feet mechanical max; Second story permitted for penthouse mechanical space
<b>Lot Occupancy:</b>	60% max 70% (by S.E.)	60 % max. (residential) 80 % (IZ) 100% (non-residential)
<b>Rear Yard:</b>	20 feet min.	15 feet min.
<b>Side Yard:</b>	None required	None required. If provided 5 ft. min.
<b>GAR:</b>	Pervious surface ;10% for lots > 1,800 sf	0.3 min.

As a matter-of-right, the ARTS-2 zone permits a maximum density of 3.5 FAR (4.2 FAR with Inclusionary Zoning (“IZ”)), of which 1.5 FAR can be devoted to non-residential uses. This zone emphasizes residential development, within the permitted maximum building height of 65 feet (70 feet with IZ) and a maximum penthouse height of 12 feet, as limited by specified height and setback requirements when a site abuts an R, RF, or RA zone.

The density and height permitted in the ARTS-2 zone are consistent with zones that are expressly identified as being consistent with the medium density in the existing Framework Element. The recently amended Framework Element describes the Medium Density Commercial category as

permitting densities of 4.0 – 6.0 FAR. The ARTS-2 zone is also an appropriate zone for the subject property given its proximity to a Metrorail station and the current emphasis on achieving the Mayor’s housing goals by 2025.

## IZ PLUS

An IZ Plus set-aside requirement is recommended for this map amendment and is appropriate pursuant to Subtitle X § 502 because:

1. The map amendment would rezone the property to ARTS-2, which allows a higher maximum permitted FAR than the existing RF-1 zone; and
2. The 2019 Housing Equity Report<sup>1</sup> prepared by the Office of Planning and the Department of Housing and Community Affairs reports that the Near Northwest Planning Area only contained 7.7 percent of the District’s total number of affordable housing units as of 2018.

IZ Plus requires a higher affordable housing set-requirement than Regular IZ and prescribes a set-aside requirement based on either a sliding-scale that is correlated to the total floor area built, or the amount of IZ bonus density built. Rezoning applications only consider the consistency of the proposed new zone with the Comprehensive Plan and not a specific development proposal. The amount of residential floor area built in any future development under the ARTS-2 zone would determine the actual IZ Plus set-aside requirement.

An example is provided below to demonstrate possible IZ Plus set-aside requirements pursuant to Subtitle C § 1003.3 for new residential development built under the ARTS-2 zone at the subject property.

For a stick-built apartment house ((non-Type I construction); 22,144 sf, 65-70 ft.):

FAR Built:	4.2 IZ FAR (2.7 residential FAR/1.5 non-residential FAR)
Regular IZ Set-Aside Requirement:	75% of bonus density utilized or 11,625.5 sq. ft.
Regular IZ Dwelling Units <sup>2</sup> :	12 units
Percent Increase in Total FAR Built <sup>3</sup> :	367%
IZ Plus Set-Aside Requirement:	95% of bonus density utilized or 14,725 sq. ft.
IZ Plus Dwelling units:	15 units

FAR Built:	3.5 FAR (2 residential FAR/1.5 non-residential FAR)
Regular IZ Set-Aside Requirement:	10% of residential floor area or 5,978 sq. ft.
Regular IZ Dwelling Units:	6 units
Percent Increase in Total FAR Built:	289%
IZ Plus Set-Aside Requirement:	20% of residential floor area or 8,858 sq. ft.
IZ Plus Dwelling units:	9 units

<sup>1</sup> [Housing-Equity-Report](#)

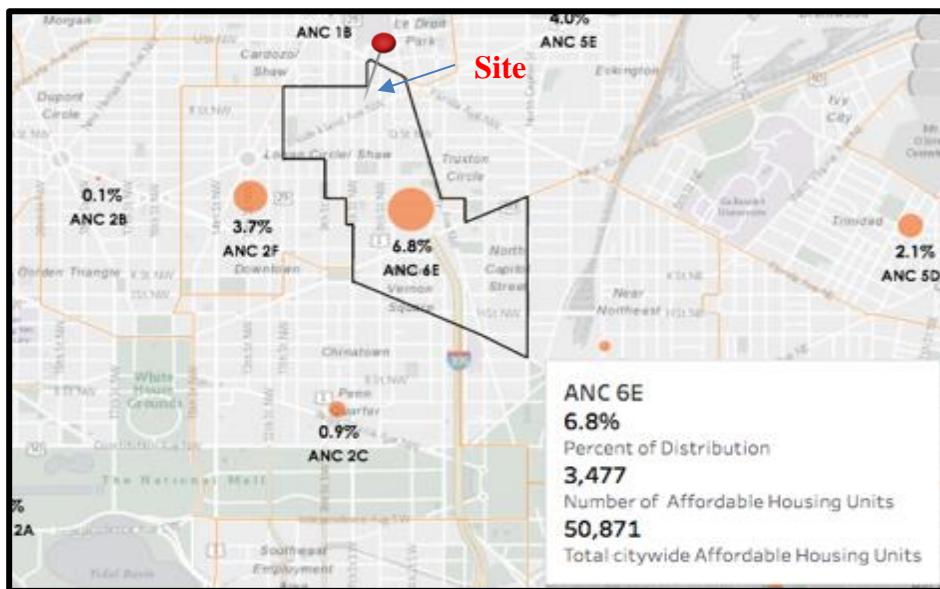
<sup>2</sup> The OP typically uses a density factor 1,000sq. ft. to estimate the number of dwelling units

<sup>3</sup> The percent increase between the maximum permitted FAR of the existing prior zone (RF-1) not including IZ bonus density, and the total far built in the IZ Plus Development. Under IZ Plus regulations, the RF-1 zone is prescribed a FAR of 0.9

The maximum IZ Plus set-aside requirement above would be 75% of the bonus density utilized or 20% of the total residential square footage if bonus density is not utilized. However, given the large increase in maximum FAR permitted by the zone change, it is likely that under most development scenarios the set-aside requirement may slide between 75 percent and 95 percent of the bonus density utilized for the project to maximize the opportunity to increase the affordable units for lower-income residents in the Planning Area.

According to the State Data Center's information (2018), ANC 6E had a 6.8% distribution of affordable housing units in the District. Even though this projection seems higher than surrounding ANC's as shown in the following map, this is partly due to older long-standing public housing along North Capitol Street and New York Avenue within the ANC's boundary, south of Rhode Island Avenue. However, overall, the Planning Area has only 7.7% of the affordable housing units in the District and the application of IZ Plus to this map amendment on balance would add to the affordability of units for lower income residents in the Planning Area.

#### Income restricted affordable housing by ANC, 2018



## VI. PLANNING CONTEXT

Title 11 Subtitle X § 500.3 requires that the Zoning Commission determine that a proposed zoning map amendment “*is not inconsistent with the Comprehensive Plan and other adopted policies and active programs related to the subject site*”. As fully discussed in the OP Setdown report of November 2021 (Exhibit 12), the proposed map amendment would be not inconsistent with the Comprehensive Plan’s Future Land Use Map and Generalized Policy Map. Further, the issue of equity is integral to the application’s evaluation as discussed under the Framework Element of the Comprehensive Plan in the setdown report at [Exhibit 12, pages 6.7](#).

The Future Land Use Map (FLUM) indicates that the site is appropriate for Mixed Use – Medium Density Residential and Medium Density Commercial.

**Mixed Use Categories:** *The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is*

*depicted in striped patterns, with stripe colors corresponding... A Mixed Use Future Land Use Map designation should not be confused with the Mixed Use (MU) zoning districts, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances:*

- a. *Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;*
- 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;*
- c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
- d. *Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses.* 227.20

### ***Medium Density Residential***

*Medium Density Residential: This designation is used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply.* 227.7

### ***Medium Density Commercial***

*Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally MU-5, MU-6, MU-7 and MU-8 although other districts may apply.* 225.10

As stated in the definitions above, the “Mixed Use” designation is not intended to be interpreted according to its separate land use categories but primarily intended for larger areas where no single use predominates, or areas where multiple uses are specifically encouraged.

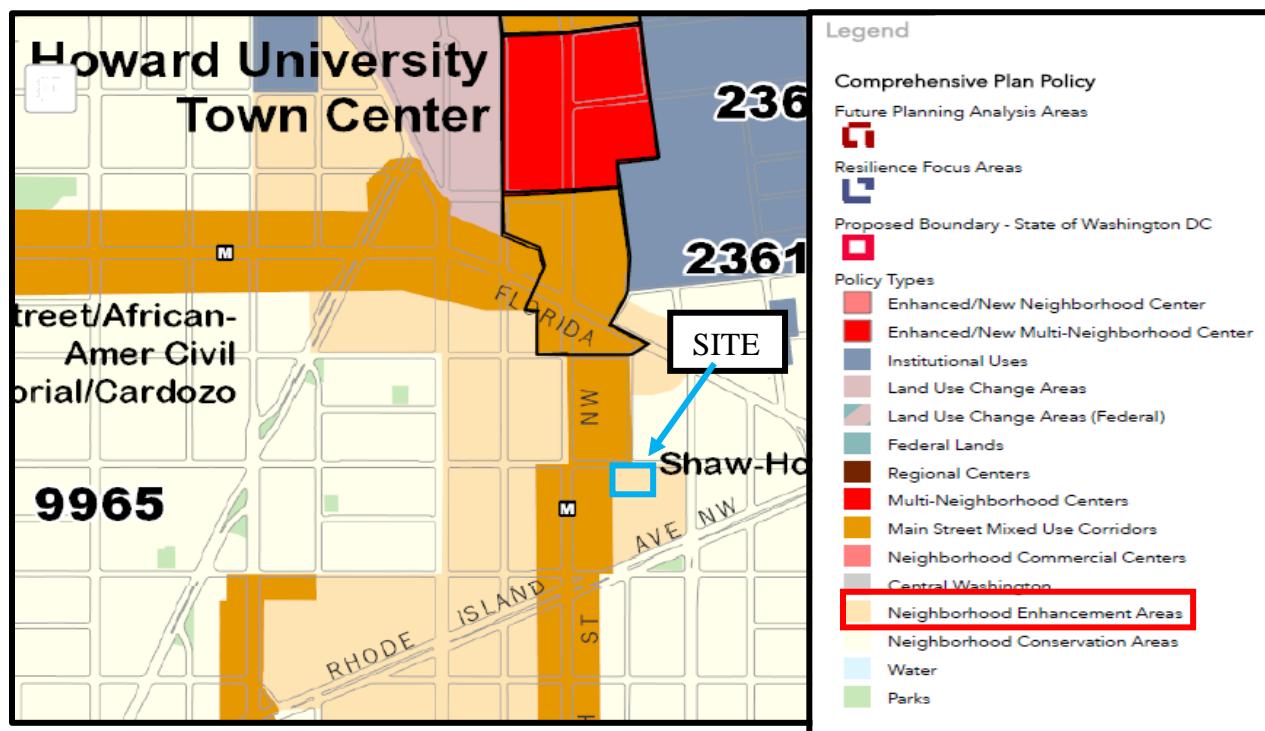
On balance, the FLUM encourages the mixing of two or more land uses, as it is generally applied to established, pedestrian-oriented commercial areas that also include substantial amounts of housing or to commercial corridors or districts, which may not currently contain substantial amounts of housing but where more housing is desired. The applicant anticipates multiple uses to exist, including residential and office use, and the property is consistent with the locational characteristics of areas typically assigned a Mixed Use designation, including its ideal location a block east of 7<sup>th</sup> Street, north of Rhode Island Avenue and south of Florida Avenue, all of which are pedestrian-oriented and multi-transit corridors where more mixed-use development is contemplated.

The request to rezone the site to ARTS-2 is consistent with the site's designation as Mixed Use (medium density commercial/medium density residential).

### Generalized Policy Map

The Generalized Policy Map designates the area of the proposed amendment within the Neighborhood Enhancement Area.

#### *Neighborhood Enhancement Area*



*Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character, as well as mixed-use and industrial areas. Many of these are characterized by patchwork of existing homes and individual vacant lots, some privately-owned and others owned by the public-sector or non-profit developers. These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and where appropriate light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged.* 225.6

The policies to preserve and protect the row house character and family-sized units, [LU-2.17 Row House Neighborhood Character and LU-2.1.9 Alterations to Row Houses and Apartments] could be viewed as in conflict with the proposal to redevelop the site, which is currently developed with row-structures. However, the District's need to meet its affordable housing goals (with family-sized units) at transit accessible locations, outweighs the loss of fewer bedroom units within the RF-1 district, than anticipated by the higher density afforded through the ARTS-2 district. ansit accessible locations.

The combined property represents underutilized development when weighed against the density and uses anticipated under the FLUM. As recommended under the FLUM and permitted under the proposed ARTS-2 zone, affordable housing with supportive services and retail uses could be developed on the site, where none currently exists but is desirable given the location's proximity to a mixed-use corridor. Overall, the type of redevelopment that would be enabled by the proposed ARTS-2 zone could encourage both economic and housing opportunities and serve neighborhood needs. Therefore, where few inconsistencies may exist, it is inconsequential at best, and outweighed by the proposal's overwhelming consistency with the Comprehensive Plan's Land Use and Housing policies.

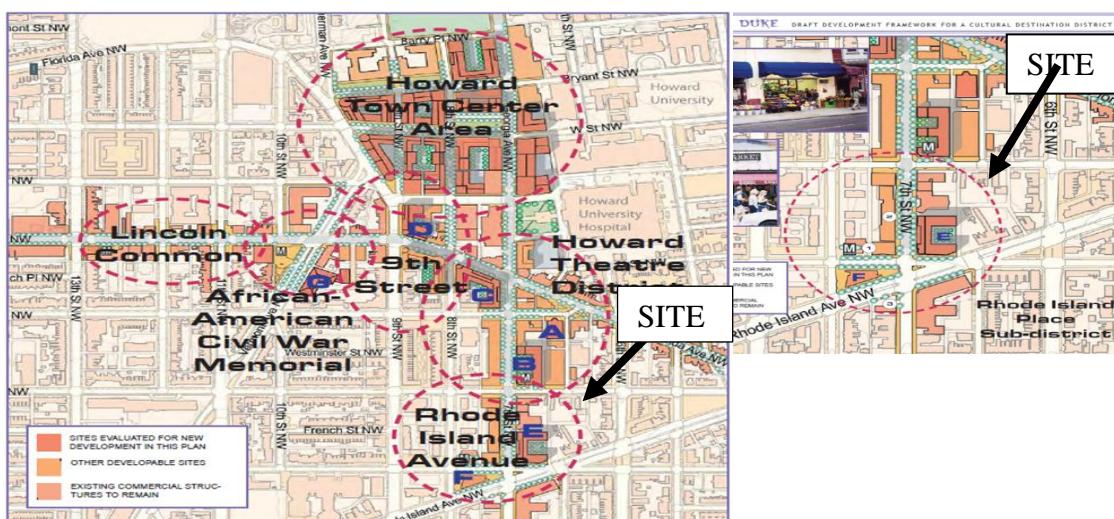
As reviewed, the proposed zoning map amendment would generally further objectives and be in harmony with the focus on equity as it complements policies of the Land Use, Housing, Transportation, Environmental Protection, within the Citywide Element and the Near Northwest Area Element. Policies and actions of the Area Element are considered in tandem with those in the citywide elements of the Comprehensive Plan as detailed in the OP setdown report ([Exhibit 12, Pages 10-16](#)).

OP also supports the Applicant's submission, including its analysis of the Comprehensive Plan's elements noted in [Exhibit 3, pages 11-25](#).

## VII. SMALL AREA PLANS

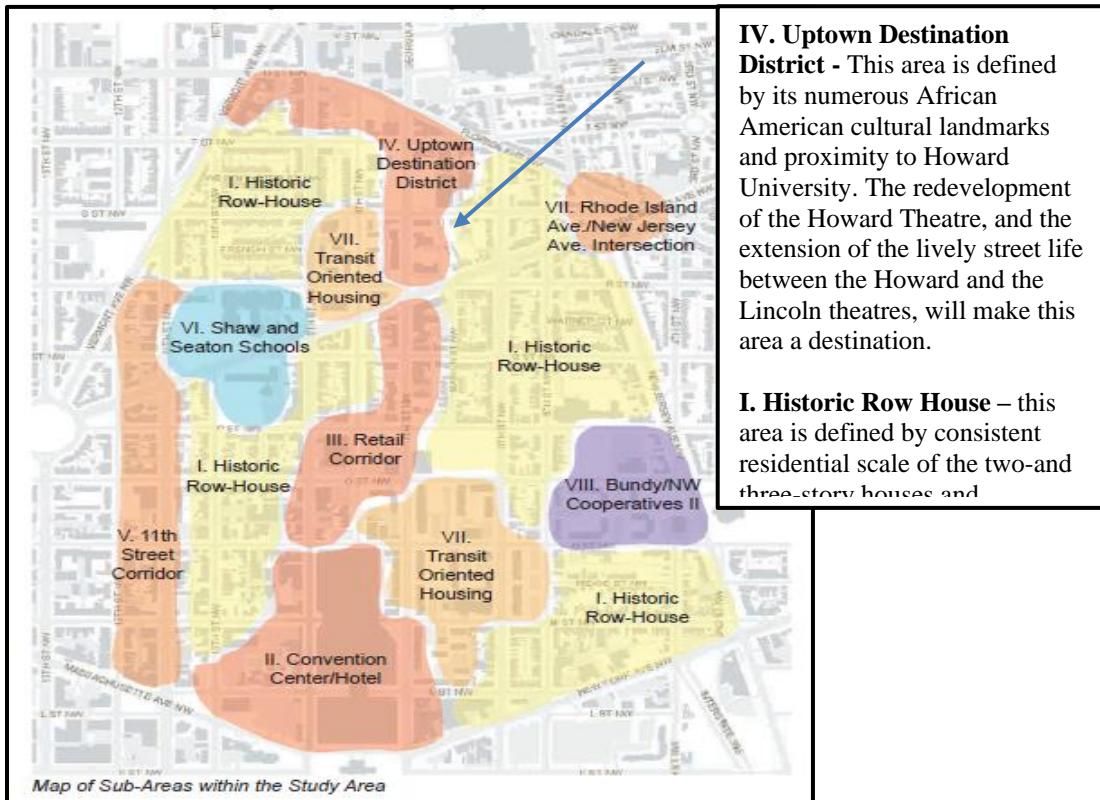
The property is within the boundaries of the *DUKE PLAN- Development Framework for a Cultural Destination District within Washington, DC's Greater Shaw/U Street*, approved by the DC Council on June 21, 2005 (PR 16-176) (Duke Plan) and within the boundaries of the *Convention Center Strategic Development Plan*, approved by the DC Council, June 20, 2006 by Resolution 16-0687.

### DUKE Plan



The Duke Plan provides guidance on revitalizing the transit accessible neighborhood, as well as to achieve a cohesive and inclusive district which meets the community and District goals. The Plan area (at page 13 (reproduced above)) is divided into six sub-areas and the subject property is slightly east of the boundaries of intersection of the Rhode Island Avenue Area E and Howard Theatre District B, and identified on the legend as a site where "existing commercial structures are to remain." However, based on its location and the direction of the FLUM, the map amendment

would encourage a mixed-use project consistent with the goals for the Rhode Island Avenue Sub-District, which prioritizes residential development. The applicant also envisions ground floor uses which would support the ARTS district's goals and the goals of Howard Theatre Sub-District to the north- which is envisioned as a vibrant center and a complete destination with outdoor cafes, restaurants and other destination uses (Duke Plan, page 14)



### Convention Center Area Strategic Development Plan

The Convention Center Area Strategic Development Plan is divided into sub areas. This property is on the borders of the Sub-Area IV, Uptown Destination District and Sub-Area I, Historic Row House.

The vision for Sub Area 4: Uptown Destination District is for an area with ground floor retail complemented by new trees, lights and public art with upper floor residential use and are challenged to include mixed developments with 20% to 30% affordable units. The development objective for the Historic Row District is to construct new housing on vacant or underutilized land that would be consistent with the neighborhood character. The applicant has stated that in 2017 a memorandum of understanding was created between the applicant (Manna Inc.) and the ANC 6E to retain the façade of the existing row dwellings in future development. In addition, future development is projected to include affordable housing as desired by the Uptown Destination District.

The proposed map amendment would not be inconsistent with the recommendations of the Convention Area Strategic Plan, would support development envisioned by the Plan, and be consistent with on-going development in the vicinity, while providing a transition to the row house character to the east. It would also further the District's objectives of increasing the available

number of affordable housing units at transit accessible locations consistent to further equity in housing distribution for lower-income District residents.

### **VIII. AGENCY COMMENTS**

At the time of this report, no other District agency provided comments on the application.

### **IX. ANC COMMENTS**

ANC6E submitted a letter in support at [Exhibit 13](#). ANC1B which shares a boundary closest to the subject properties, deferred to ANC6E's recommendation, as provided in the Applicant's statement of Exhibit 3.

### **X. COMMUNITY COMMENTS**

A letter of support from an adjacent neighbor at 1738 Glick Court NW is included as Exhibit 20.