

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

APPLICATION FOR AN AMENDMENT TO THE ZONING MAP

**4645 AND 4649 G STREET SE; 4648, 4654, 4656, 4658, AND 4660
HANNA PLACE SE
WASHINGTON, DC 20019
SQUARE 5359, LOTS 0335, 0337, 0349, 0352, 0353, 0354, AND 0355**

SEPTEMBER 29, 2023

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I. INTRODUCTION

This statement and the enclosed documents support the application (the “**Application**”) of Marshall Heights Community Development Organization, Inc. (the “**Applicant**”), to the D.C. Zoning Commission for an amendment to the Zoning Map for the property located 4645 and 4649 G Street SE and 4648, 4654, 4656, 4658, and 4660 Hanna Place SE, which is more particularly known as Lots 0335, 0337, 0349, 0352, 0353, 0354, and 0355 in Square 5359 (the “**Property**”)¹. This Application is submitted pursuant to Subtitle X, Chapter 5 and Subtitle Z, Chapter 3 of the 2016 Zoning Regulations of the District of Columbia (the “**Zoning Regulations**”).

The Applicant requests this map amendment to rezone the Property from the R-2 and RA-1 zones to the R-3 zone. The subject map amendment is consistent with the Property’s designation of “Moderate-Density Residential” on the Comprehensive Plan’s Future Land Use Map (“**FLUM**”) and the Neighborhood Conservation Area designation on the Generalized Policy Map (“**GPM**”). For these reasons and others enumerated below, the Zoning Commission (the “**Commission**”) may approve this amendment to the Zoning Map pursuant to Subtitle X § 500.3 because the request is not inconsistent with the Comprehensive Plan and other adopted public policies when analyzed through a racial equity lens.

II. THE PROPERTY, THE SURROUNDING AREA, AND PLANNING GUIDANCE

The Property is located in the Marshall Heights/Benning Ridge neighborhood where Benning Road SE intersects with G Street SE and Hanna Place SE. The Property is an assemblage of seven (7) lots that collectively have approximately 34,622 sq. ft. of land area and is currently unimproved and vacant. The Property is located in Ward 7 and is within the boundaries of Advisory Neighborhood Commission (“**ANC**”) 7E.

The Property is zoned R-2 for Lots 0335, 0337, 0349, and 0352 and is zoned RA-1 for Lots 0353, 0354, and 0355. The RA-1 zoned area is narrow and extends into a much larger area primarily zoned R-2, which covers Squares 5359, 5362, 5342, and 5340. The surrounding area is primarily residential with limited commercial uses as the Property is surrounded by RA-1 and R-2 zones with small MU zones nearby. The areas to the east and west of the Property are primarily single-family homes and apartment complexes with a few offices and retail uses to the east and Davis Elementary School to the west. Directly abutting Lot 0335, is the Jones Memorial Methodist Church. Located in the center of Square 5359 at the end of Hilltop Terrace SE is a retail establishment. The areas to the north and south of the Property are also primarily single-family homes and apartment complexes. There is a small MU zone both to the north and south of the Property, which include offices to the north and educational and day care centers to the north and south of the Property. The Property is located less than 0.2 miles from a large R-3 zone, which covers approximately two miles spanning from Fitch Street SE to just short of East Capitol Street SE and covers 38 Squares.

The Property has access to multiple public transit options. Metrobus lines V7, V8, W4 run along Benning Road SE with bus stops located at the intersection of Benning Road SE and Hanna

¹ The Applicant acknowledges that the Property contains two gaps but the Applicant is working to engage with the abutting property owner to encourage those lots to be incorporated into this Map Amendment.

Place SE, directly in front of Lot 0355. The Woody Ward Recreation Center Capital Bikeshare Station is also located less than half a mile from the Property. Walkscore.com indicates that the area has “Good Transit.”

From a planning perspective, the FLUM has designated the Property for “Moderate-Density Residential”. As discussed in more detail under Section V, the “Moderate-Density Residential” designation applies to “areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings.” *See* 10A DCMR § 227.6. The designation is consistent with the R-3 Zone District. *See id.*

The Comprehensive Plan’s GPM designates the Property and much of the surrounding neighborhood as a “Neighborhood Conservation Area.” Accordingly, “the guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs.” *Id.* § 223.5.

III. EXISTING AND PROPOSED ZONING

A. Existing Zoning

The R-2 zone is a residential zone that provides for “areas predominantly developed with semi-detached houses on moderately side lots that also contain some detached houses.” *See* Subtitle D § 101.7. There is no floor-area-ratio (“**FAR**”) limitation in the R-2 zone. However, the maximum height is generally 40 ft. and three stories (Subtitle D § 203.2) with a maximum penthouse height of 12 ft. and one story. *See* Subtitle D § 205.3. The maximum lot occupancy is 40%. *See* Subtitle D § 210.1. The front setback must be within the range of existing front setbacks for all residential buildings on the same side of the block of the proposed structure. *See* Subtitle D § 206.2. The minimum rear yard is 20 ft. *See* Subtitle D § 207.1. For semi-detached buildings in an R-2 zone, unless otherwise specified, there must be a minimum of one side yard at least eight ft. wide. *See* Subtitle D § 208.3. The minimum lot width and area for semi-detached homes in the R-2 zone is 30 ft. and 3,000 sq. ft., respectively. *See* Subtitle D § 202.1. There is no GAR requirement in the R zones. *See* Subtitle C § 601.2. The R-2 zone generally allows for single-family homes and other residential-type uses. *See* Subtitle U § 201.1(a)(1).

The RA-1 zone is a residential zone that provides for “areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.” *See* Subtitle F § 101.4. The FAR limitation in the RA-1 zone is 0.9. *See* Subtitle F § 201.1. The maximum height is generally 40 ft. and three stories (Subtitle F § 203.2) with a maximum penthouse height of 12 ft. and one story. *See* Subtitle F § 205.1. The maximum lot occupancy is 40%. *See* Subtitle F § 210.1. There are no front setback requirements in the RA-1 zone. The minimum rear yard is 20 ft. *See* Subtitle F § 207.1. For semi-detached buildings in an RA-1 zone, unless otherwise specified, side yards must have a minimum of at least eight ft. in width. *See* Subtitle F § 208.2. There is no minimum lot width or area for semi-detached homes in the RA-1 zone. *See* Subtitle F § 202.1. The GAR requirement in the RA-1 zone is 0.4. *See* Subtitle F § 211.1. The RA-1 zone generally allows for single-family homes and other residential-type uses. *See* Subtitle U § 401.1(a).

B. Proposed Zoning

The Applicant proposes a map amendment from the R-2 and RA-1 zones to the R-3 zone to allow for the construction of 14 all-affordable, single-family homes. The proposal contemplates subdividing the lots into 14 semi-detached, single-family homes. The R-3 zone is intended to “allow for row houses, while including areas within which row houses are mingled with detached, semi-detached, and ground of three (3) or more row houses.” *See* Subtitle D § 101.8.

There is no FAR limitation in the R-3 zone. However, the maximum height is generally 40 ft. and three stories (Subtitle D § 203.2) with a maximum penthouse height of 12 ft. and one story. *See* Subtitle D § 205.3. The maximum lot occupancy is 40%. *See* Subtitle D § 210.1. The front setback must be within the range of existing front setbacks for all residential buildings on the same side of the block of the proposed structure. *See* Subtitle D § 206.2. The minimum rear yard is 20 ft. *See* Subtitle D § 207.1. For semi-detached buildings in an R-3 zone, unless otherwise specified, there must be a minimum of one side yard at least five ft. wide. *See* Subtitle D § 208.4. The minimum lot width and area for semi-detached homes in the R-3 zone for the Mandatory Inclusionary Zoning (“IZ”) Plus (“+”) program is 20 ft. and 1,600 sq. ft., respectively. *See* Subtitle D § 202.4. There is no GAR requirement in the R zones. *See* Subtitle C § 601.2. The R-3 zone generally allows for single-family homes and other residential-type uses. *See* Subtitle U § 201.1(a)(1).

C. Comparison of Development Standards

The following table compares the development standards in the existing R-2 and RA-1 zones and the proposed R-3 zone for the Property:

Development Standard	Existing R-2 Zone	Existing RA-1 Zone	Proposed R-3 Zone (Mandatory IZ+)
FAR	N/A	0.9	N/A
Building Height	40 ft./3 stories	40 ft./3 stories	40 ft./3 stories
Penthouse Height	12 ft./1 story	12 ft./1 story	12 ft./1 story
Lot Area	3,000 sq. ft. (semi-detached)	1,800 sq. ft. of land area not including project (row only restriction)	1,600 sq. ft. (IZ)
Lot Width	30 ft. (semi-detached)	N/A	20 ft. (IZ)
Lot Occupancy	40%	40%	40%
Rear Yard	20 ft.	20 ft.	20 ft.
Side Yard	One side yard at 8 ft. (semi-detached)	8 ft. (semi-detached)	One side yard at 5 ft. (semi-detached)
Front Setback	Within range of blockface	N/A	Within range of blockface

Green Area Ratio	N/A	0.4	N/A
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IV. STANDARDS APPLICABLE TO A MAP AMENDMENT APPLICATION

The Zoning Act of 1938 (the “**Zoning Act**”) sets forth a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and Zoning Map. *See* D.C. Code § 6-641.01 *et seq.* The Zoning Act states that the Zoning Regulations are designed to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital. *See* D.C. Code § 6-641.01. The Zoning Act further provides that:

[Z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and 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 of 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 in the supply 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 of land values therein. *See* D.C. Code § 6-641.02.

The Commission must apply these standards and criteria in determining whether to approve a requested map amendment. This Applicant meets the standards as follows.

V. EVALUATION OF PROPOSED MAP AMENDMENT AND COMPLIANCE WITH STATUTORY STANDARD

A. Comprehensive Plan

The Comprehensive Plan establishes that, “the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.” *See* 10A DCMR § 227.1. Therefore, to find the Application not inconsistent with the Comprehensive Plan, the Citywide Elements, Area Elements, FLUM and GPM should be reviewed in the aggregate. *Id.* § 108. Under the recently enacted amendments to the Comprehensive Plan, the Commission is now required to “evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.” *Id.* § 2501.7. The Comprehensive Plan defines “racial equity” as “the moment when ‘race can no longer be used to predict life outcomes and outcomes for all groups are improved.’” *Id.* § 213.8. Accordingly, the Comprehensive Plan calls for “[a]ddressing issues of equity in transportation, housing, employment, income, asset building, geographical change, and socioeconomic outcomes through a racial equity lens.” *Id.* § 213.10.

As described below, this Application is not inconsistent with the Comprehensive Plan, including the Framework Element and Maps, Land Use Element, Housing Element and other pertinent policies, as viewed through a racial equity lens.

1. Framework Element and Maps

a. *Future Land Use Map*

The Comprehensive Plan's FLUM shows the general character and distribution of recommended and planned uses across the city, and, along with the GPM, is intended to provide generalized guidance on whether areas are designated for conservation, enhancement, or change. *Id.* §§ 200.5 and 224.4. Unlike the Zoning Map, the FLUM "does not follow parcel boundaries and its categories do not specify allowable uses or development standards." *Id.* § 228.1(a).

The FLUM provides that the Property is designated for "Moderate-Density Residential" use. The Moderate-Density Residential designation applies to "areas characterized by a mix of **single-family homes**, two- to four-unit buildings, row houses, and low-rise apartment buildings. *See Id.* § 227.6 [emphasis added]. The "Moderate-Density Commercial" use designation is consistent with the R-3 zone. *Id.*

The Application is not inconsistent with the FLUM's designation for the Property because the Application seeks to amend the Zoning Map from R-2/RA-1 to R-3, which directly corresponds with the Moderate-Density Residential designation. The Property is located less than 0.2 miles from a large R-3 zone, which covers approximately two miles spanning from Fitch Street SE to just short of East Capitol Street SE and includes 38 Squares. Therefore, rezoning the Property to the R-3 zone would be consistent with the zoning and development scheme of the Marshall Heights/Benning Ridge neighborhood. From a zoning perspective, the development standards in the R-2/RA-1 zones are similar to those in the R-3 zone, but generally allow for smaller lot area and width. Nonetheless, the R-2 and RA-1 zones require the same building height, penthouse height, and lot occupancy restrictions as the R-3 zone. Further, the R-2 zone and R-3 zone both do not have a FAR limitation or require GAR and have the same front setback restriction.

Further, upzoning the R-2 zoned lots and downzoning the RA-1 zoned lots both to the R-3 zone would create more consistency in planning and zoning. The general development scheme further down Benning Road trends toward more R-2 zones. Therefore, the proposed map amendment creates a consistent development scheme that is in keeping with the single-family home nature of the block but still permits for development of these long vacant lots. Even though this is a partial upzone and downzone map amendment application, it ultimately provides as an opportunity to create a single consistent zone that will permit development of these vacant lots along the proposed blockface in a manner that is consistent with the Comprehensive Plan and block face which is only permitted under R-3 zoning.

b. *Generalized Policy Map*

The Comprehensive Plan's GPM identifies the Property as a "Neighborhood Conservation Area." These areas are "generally residential in character," where change is "modest in scale and

will consist primarily of infill housing, public facilities, and institutional uses.” *Id.* § 225.4. While “major changes in density over current (2017) conditions are not expected . . . some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character...” *Id.* Accordingly, “the guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs.” *Id.* § 225.5. As such, “limited development and redevelopment opportunities do exist within these areas.” *Id.*

The Application is not inconsistent with the GPM designation for the Property because the proposed R-3 zone still conserve and enhance the neighborhood while addressing city-wide housing needs. The R-3 zone will keep the Property within a residential zone and retain the residential character of the neighborhood.

2. Land Use Element

The Comprehensive Plan’s Land Use Element “lays out the policies through which growth and change can occur,” and, as such, “should be given greater weight than other elements.” *Id.* § 300.3. The Application furthers the following Land Use Element policies:

Policy LU-1.4.6: Development Along Corridors

Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District’s broader need for housing.

Policy LU-1.5.1: Infill Development

Encourage infill development on vacant land within Washington, DC, particularly in areas where there are vacant lots that create caps in the urban fabric and detract from the character of a commercial or residential street. Such development should reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU-1.5.2: Long-Term Vacant Sites

Facilitate 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. Explore lot consolidation, acquisition, and other measures that would address these constraints.

Policy LU-2.1.1: Variety of Neighborhood Types

Maintain a variety of neighborhoods, ranging from low-density to high density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.

Policy LU-2.1.5: Support Low-Density Neighborhoods

Support and maintain the District’s established low-density neighborhoods and related low-density zoning. Carefully manage the development of vacant land and alterations to existing structures to be compatible with the general design character and scale of the existing neighborhood and preserve civic and open space

Policy LU-2.1.8: Explore Approaches to Additional Density in Low and Moderate Density Neighborhoods

Notwithstanding Policy LU-2.1.5, explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types in low-density and moderate density neighborhoods where it would result in the appropriate production of additional housing and particularly affordable housing. However, detailed neighborhood planning is a condition predicate to any proposals. Infill and new development shall be compatible with the general design character and scale of existing neighborhoods and minimize demolition of housing in good condition.

The Application will further the policies of the Land Use Element by encouraging the redevelopment and revitalization of an under-developed site that has long been vacant and underutilized. The Application will allow for additional single-family housing, which is much needed in the District.

3. Transportation Element

“The Transportation Element provides policies and actions to maintain and improve the District’s transportation system and enhance the travel choices of current and future residents, visitors, and workers.” *Id.* § 400.1. Accordingly, “[t]he overarching goal for transportation in the District is: Create a safe, sustainable, equitable, efficient, and multimodal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents.” *See Id.* § 401.1. The Application furthers the following policy in the Transportation Element:

Policy T-1.2.2: Targeted Investment

Target planning and public investment toward the specific corridors with the greatest potential to foster neighborhood improvements, create equitable outcomes that reduce barriers and transportation burdens, and enhance connectivity across Washington, DC and corridors that serve as gateways to the District, welcoming visitors, residents, and workers.

Policy T-2.2.1: Multimodal Connections

Create more direct connections between the various transit modes. This change is consistent with the federal requirement to plan and implement intermodal transportation

systems. Make transit centers into locations of multimodal activity, with welcoming paths for users of all modes and supportive infrastructure, including wide sidewalks, marked crosswalks, and bicycle parking and storage

Policy T-2.2.2: Connecting District Neighborhoods

Improve connections among District neighborhoods by upgrading transit, auto, pedestrian, and bike connections, and by removing, ameliorating, mitigating, or minimizing existing physical barriers, such as railroads and highways. Recognize where transportation infrastructure has separated communities, particularly low-income residents and communities of color, and encourage strategies that rebuild connections. However, no freeway or highway removal shall be undertaken prior to the completion of an adequate and feasible alternative traffic plan and that plan's approval by the District government.

Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning

Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks such that residents of each of the District's wards have access to high-quality bicycling and pedestrian facilities.

Policy T-2.3.2: Bicycle Network

Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks, and other key destinations. Eliminate system gaps to provide continuous bicycle facilities. Increase the amount of protected bike lanes, wayfinding signage, and Capital Bikeshare stations.

Policy T-2.3.5: Capital Bikeshare Access

Continue to increase utility of the system for users by locating stations so that 65 percent of residents and 90 percent of employees are within a quarter mile of a Capital Bikeshare station. Expand user access to destinations, including jobs and services; promote retail and entertainment access; and expand access to residential neighborhoods to encourage annual ridership increases.

Policy T-2.5.1: Creating Multimodal Corridors

Transform District arterials into multimodal corridors that incorporate and balance a variety of mode choices, including bus, streetcar, bicycle, pedestrian, and automobiles

The Application will further this policy of the Transportation Element by developing a property located on Benning Road SE near East Capitol Street SE, which is a major thoroughfare providing access in and out of the District.

4. Housing Element

The Housing Element "describes the importance of housing to neighborhood quality in the District, and the importance of providing housing opportunities for all segments of the population throughout the city." *Id.* § 500.1. "The overarching goal for housing is to provide a safe, decent, healthy, and affordable housing supply for current and future residents in all of Washington, DC's neighborhoods by maintaining and developing housing for all incomes and household types. The

overall goal for the District of Columbia is that a minimum of one third of all housing produced should be affordable to lower-income households. The short-term goal is to produce 36,000 residential units, 12,000 of which are affordable, between 2019 and 2025.” *Id.* § 501.1. The Application furthers the following policies in the Housing Element:

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

Policy H-1.1.5: Housing Quality

Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities.

Policy H-1.1.8: Production of Housing in High-Cost Area

Encourage development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive. Develop new, innovative tools and techniques that support affordable housing in these areas. Doing so increases costs per unit but provides greater benefits in terms of access to opportunity and outcomes.

Policy H-1.1.9: Housing for Families

Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District’s most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites.

Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority

The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods.

Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. In aggregate, the supply of affordable units shall serve low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8: 30 percent at 60 to 80 percent MFI, 30 percent at 30 to 60 percent MFI, and 40 percent at below 30 percent MFI. Set future housing production targets for market rate and affordable housing based on where gaps in supply by income occur and to reflect District goals. These targets shall acknowledge and address racial income disparities, including racially adjusted MFIs, in the District, use racially disaggregated data, and evaluate actual production of market rate and affordable housing at moderate, low, very-low, and extremely-low income levels.

Policy H-1.2.3: Affordable and Mixed-Income Housing

Focus investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire District by developing goals and tools for affordable housing and establishing a minimum percent affordable by Planning Area to create housing options in high-cost areas, avoid further concentrations of affordable housing, and meet fair housing requirements.

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood.

Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas

Proactively plan and facilitate affordable housing opportunities and make targeted investments that increase demographic diversity and equity across Washington, DC. Achieve a minimum of 15 percent affordable units within each Planning Area by 2050. Provide protected classes (see H-3.2 Housing Access) with a fair opportunity to live in a choice of homes and neighborhoods, including their current homes and neighborhoods.

Policy H-1.2.11: Inclusive Mixed-Income Neighborhoods

Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District.

Policy H-1.3.1: Housing for Larger Households

Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and

three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail.

Policy 1.4.5: Scatter Site Acquisition

Encourage the acquisition of individual properties on scattered sites for use as affordable housing to deconcentrate poverty, provide more opportunities to low-income persons to attend long-standing high-performing schools in their neighborhoods, and promote and support the integration of low-income households into the community at large.

Policy H-3.1.1: Increasing Homeownership

Enhance community stability by promoting homeownership and creating opportunities for first-time homebuyers in the District. Provide loans, grants, and other District programs to raise the District's homeownership rate from its year 2016 figure of 39 percent to a year 2025 figure of 44 percent. These programs and opportunities should acknowledge and address the significant racial gaps and barriers to home ownership. Increased opportunities for homeownership should not be provided at the expense of the District's rental housing programs or through the displacement of low-income renters.

This Application provides an opportunity to redevelop the long-vacant and unimproved Property with more housing in furtherance of the goals in the Housing Element. The proposal to rezone the Property to the R-3 zone, where a residential use is limited to single-family housing, ensures the retention of the Property for larger households. The Applicant will proffer that all 15 townhomes will be affordable with 13 at 80% MFI and two at 50% MFI. Given that the Housing Element encourages the preservation and creation of housing, the Application is consistent with these goals.

5. Far Northeast and Southeast Area Element

Policy FNS-1.1.1: Conservation of Low-Density Neighborhoods

Recognize the value and importance of Far Northeast and Southeast's established single-family neighborhoods to the character of the local community and to the entire District. Comprehensive Plan and zoning designations for these neighborhoods reflect and preserve the existing land use pattern while allowing for taller and denser infill development that is compatible with neighborhood character.

Policy FNS-1.1.2: Development of New Housing

Encourage new mixed-use, mixed-income development for area residents on vacant lots and around Metro stations and on underused commercial sites **along the area's major avenues**. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast and seek to **ensure that the housing remains affordable** for current and future residents. [emphasis added]

Policy FNS-1.1.9: Multimodal Management

Reexamine traffic control and management programs along major Far Northeast and Southeast arterial streets, particularly along Pennsylvania and Minnesota Avenues SE,

Nannie Helen Burroughs and Kenilworth Avenues NE, I-295, East Capitol Street, Benning Road SE, Branch Avenue SE, and Naylor Road SE. Consider additional bikeshare stations at Metro stations and along key corridors in Far Northeast and Southeast to provide additional transit options. Develop measures to improve pedestrian and cyclist safety and mitigate the effects of increased local and regional traffic on residential streets.

Policy FNS-2.5.1: Marshall Heights Infill

Support the development of the **many scattered vacant lots in the Marshall Heights community** with new **low-density residential development, especially single- and two-family homes**. This will provide ownership opportunities for area residents and housing stock needed to attract families with children back to the Far Northeast and Southeast Area. Improve schools, parks, and other public services in Marshall Heights to meet the needs created by additional growth and attract families to the area. [emphasis added]

The Far Northeast and Southeast Area Element prioritizes the development of housing with a particular focus on the creation of affordable single- and two-family homes. The Application will further these policies by allowing for the development of 14 all-affordable, single-family homes on an assemblage of seven vacant lots in the Marshall Heights/Benning Ridge neighborhood.

6. Benning Road Corridor Redevelopment Framework Plan

The purpose of the Benning Road Corridor Redevelopment Framework Plan (the “**Benning Road Plan**”) is to guide future growth and revitalization impacting the Benning Road corridor. The primary goals of the Benning Road Plan are to “strengthen existing neighborhoods and encourage new mixed use and mixed income development in strategic locations along the corridor while creating a safe and pedestrian-friendly environment.” R17-0707, p. 3. The Property lies within Study Area 4: A Street SE to Southern Avenue. *Id.* p. 61. The Application is consistent with the following Benning Road Plan recommendations:

Issues of Concern: Residential Typologies

The corridor has several parcels of **underutilized residential land**, though there are pockets of denser residential use, typified by low-rise multi-family and single-family structures. **Adding to the general concentration of housing** around the Benning Road and Minnesota Avenue Metro stations could enhance the opportunities for Transit-Oriented Development (TOD) in this area. Any **new residential development** should take advantage of **proximity to transit**, provide housing accessible to a **range of incomes**, be of **high-quality construction and design**, and take full advantage of height and density under zoning. **Redevelopment of currently underutilized residential parcels** presents a great opportunity to **boost the area’s population**, thereby better supportive demand for new retail establishments. [emphasis added]

General Recommendations

Recommendations specific to [the housing] goal identify greater opportunities for homeownership as well as the promotion of public/private partnerships.

Housing Recommendation 4

Explore ways to partner with private sector, non-profit, other government agencies and neighborhood groups to target resources towards the development of new mixed-income housing at the opportunity sites identified along the corridor.

The Benning Road Plan identifies residents' concerns that "housing quality and housing affordability are major issues concerning [the] neighborhood." *Id.* pg. 13. The Application addresses these concerns by amending the Zoning Map in order to provide for high-quality, all-affordable, single-family homes.

B. Racial Equity Analysis & the Comprehensive Plan

Racial equity is a primary focus of the Comprehensive Plan, especially as it relates to zoning and development where District-wide priorities such as affordable housing, avoiding displacement of existing residents, and creating and increasing access to opportunities are a major focus. The Framework Element states that equity is both an "outcome and a process," and exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. *Id.* § 213.6.

The Comprehensive Plan places an emphasis on considerations of racial equity which must be part of a District agency's evaluation and implementation of Comprehensive Plan policies. Thus, the Implementation Elements calls for agencies to develop and implement tools to be used in evaluating and implementing the Comprehensive Plan through a "racial equity lens." The Commission considers racial equity "as an integral part of its analysis as to whether a proposed zoning action is "not inconsistent" with the Comprehensive Plan. *Id.* § 2501.8.

The following racial equity analysis was guided by the Commission's Racial Equity Analysis Tool ("REA Tool"), the D.C. Office of Planning's ("OP") Equity Crosswalk (effective August 21, 2021) (the "Equity Crosswalk"), which highlights the Comp Plan policies and actions that explicitly address racial equity, and the Far Northeast and Southeast ("FNS") Planning Area planning guidance and data contained in **Table 1** below.

Table 1: Planning Guidance and Goals				
<ul style="list-style-type: none">• Housing Equity Report (October 2019) housing goals for the FNS Planning Area:• Total housing production goal: 4,165• Affordable housing production goal: 490 units (711 units have been produced since 2019)*• FNS planning and development priorities/concerns: encourage infill development of similar density to current neighborhood, preserving established single-family neighborhoods, and encourage the development of larger family-sized homes.				
*Source: https://open.dc.gov/36000by2025/				
FNS Planning Area Demographic and Socioeconomic Data**				
	FNS (Black/African American)	FNS (White)	FNS (all races)	District (all races)
Population	77,990	2,574	85,074	683,154
Age (65+ yrs.)	11,538	331	12,329	83,199

Unemployment Rate (16+ yrs.)	16.8	5.8	15.8	7.1
Median Household Income	48,742	130,524	50,267	93,547
Tenure (Owner/Renter)	39.6%/60.4%	59.8%/40.2%	77.3%/22.7%	41.5%/58.5%
Cost Burdened Households	15.897% (all races)			36.1%
**Source: 2017-2021 ACS (https://opdatahub.dc.gov/search?tags=racial%20equity)				

1. Evaluation of Comprehensive Plan Consistency

Per Part I (Racial Equity Analysis Submissions – Guidance Regarding the Comprehensive Plan) of the Racial Equity Tool, the Applicant has conducted a thorough evaluation of the proposed Zoning Map Amendment’s consistency with the Comprehensive Plan, including the policies of all applicable Citywide and Area Elements, the FLUM, GPM, and any other applicable adopted public policies and active programs. A full Comprehensive Plan analysis is provided in Section A above.

Overall, when viewed through a racial equity lens, the Applicant finds the proposal to be not inconsistent with the Comprehensive Plan, as outlined in Section V(A) above. The Property is designated on the FLUM as Moderate-Density Residential. *See **Tab D***. The Generalized Policy Map identifies the Property as a Neighborhood Conservation Area. *Id.*

The Application will allow for a contribution to the District’s affordable housing stock. Both the Mayor’s Office and the D.C. Council have urged the creation of more housing. In May 2019, Mayor Bowser issued an Executive Order outlining a goal to create 36,000 new residential units by 2025 (the “**Mayor’s Order**”). Through the recently enacted Comprehensive Plan Amendment Act of 2021, the D.C. Council reiterated numerous policies encouraging the creation of more housing in the District. This Project will satisfy those goals and many more within the Comprehensive Plan.

Table 2 below identifies the specific Comprehensive Plan policies that will be advanced by the Project.

Table 2: Summary of Comp Plan Advanced by the Proposed Zoning PUD
Far Northeast and Southeast Area Element
FNS-1.1.1; FNS-1.1.2; FNS-1.1.9; FNS-2.5.1
Land Use Element
LU-1.4.6; LU-1.5.1; LU-1.5.2; LU-2.1.1; LU-2.1.3; LU-2.1.5; LU-2.1.8
Transportation Element
T-1.2.2; T-2.2.1; T-2.2.2; T-2.3.1; T-2.3.2; T-2.3.5; T-2.5.1;
Housing Element
H-1.1.3; H-1.1.5; H-1.1.8; H-1.1.9; H-1.2.1; H-1.2.2; H-1.2.3; H-1.2.7; H-1.2.9; H-1.2.11; H-1.3.1; H-1.4.5; H-3.1.1

2. Racial Equity as a Process

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10A

DCMR § 213.7. As a process, a racial equity lens is employed when the most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission’s REA Tool places a heavy emphasis on community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Zoning Commission shall be accompanied by a discussion of efforts taken by an applicant to meaningfully engage the community early in the zoning process.

Upon filing the Application, the Applicant will work with ANC 7E and the community to engage in a meaningful conversation regarding the impact of the Application from a racial equity perspective. The Applicant will update the Commission accordingly.

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. 10A DCMR § 213.7. As a process, a racial equity lens is employed when the most impacted by structural racism are meaningfully involved in the creation and implementation of the policies and practices that impact their lives. The Commission’s REA Tool places a heavy emphasis on community outreach and engagement, which are expected to begin at the inception of any proposed zoning action. All submissions to the Zoning Commission shall be accompanied by a discussion of efforts taken by an applicant to meaningfully engage the community early in the zoning process.

Upon filing the Application, the Applicant will continue to work with ANC 7E and the community to engage in a meaningful conversation regarding the impact of the Application from a racial equity perspective. The Applicant will update the Commission accordingly.

The information contained in **Table 3** addresses the questions set forth in **Part II** (Community Outreach and Engagement) of the REA Tool. The responses were informed by the Applicant’s research on the community that could potentially be impacted by the zoning action as well as the Applicant’s direct outreach to the affected community in advance of submitting this proposal.

Table 3: Community Outreach and Engagement
Description of the affected community (including defining characteristics)
ANC 7E is the “affected ANC” with respect to the Application. The Applicant has engaged with several ANC 7E Commissioners, including the Single Member District (“SMD”) representative for the Property. In addition to ANC 7E, the Applicant has engaged with a number of active organizations in Marshall Heights/Benning Ridge.
The affected community is the Marshall Heights/Benning Ridge neighborhood, which is bounded by East Capitol Street to the north, Central Avenue SE to the northeast, Southern Avenue SE to the southeast, and Ridge Road to the west. The Marshall Height/Benning Ridge neighborhood is located within the Far Northeast and Southeast Area Element which has rates of homeownership that exceed the District-wide averages. Black residents account for 91.6% of area residents. Only 15.9% of households are cost-burdened which is well under the District average of 36.1%. There remains a large gap between Black and White residents in terms of median household income and unemployment rate, with Black residents experiencing much

lower levels of median household income and much higher unemployment rates. See 2017-2021 ACS (<https://opdatahub.dc.gov/documents/racial-equity-data-2017-2021-acs-by-area-elements/about>).

The Applicant has developed a nearby project and discussed its goal of developing the Property. The Applicant has engaged with ANC 7E and other active community organization as outlined below:

- 1/21/2019 – Meeting with ANC SMD 7E03
- 1/22/2019 – Discussion with ANC SMD 7E03
- 1/26/2019 – Meeting with the Marshall Heights Civic Association
- 2/5/2019 – Attended the ANC 7E Executive Meeting
- 3/15/2019 – Meeting with the ANC 7E Chair
- 8/16/2019 – Meeting with the ANC 7E Chair
- 10/3/2019 – Discussion with the Fletcher-Johnson Taskforce
- 1/14/2020 – Attended ANC 7E Public Meeting
- 7/19/2023 – Discussion with ANC SMD 7E02*
- 8/19/2023 – Discussion with ANC SMD 7E02
- 9/21/2023 – Discussion with ANC 7E Chair

*Note that the 2023 ANC Redistricting resulted in the Property changing from the ANC 7E03 District to the ANC 7E02 District. Thus, the Applicant met with the ANC SMD for 7E02 after the redistricting initiative took effect.

The gap in community outreach is attributable to the 2020 global COVID-19 pandemic. However, the Applicant continued to engage with the community following the pandemic and will continue to do so as the Application moves forward. Additionally, the Applicant has obtained two letters of support thus far for the Project proposed on the Property subject to this map amendment application.

Characteristics of the affected community that influenced outreach plan/efforts.

Both the ANC and community organizations are active in the Marshall Heights/Benning Ridge neighborhood. As such, the Applicant plans to work closely with the ANC and community organizations to arrange in-person meetings to further discuss the Application.

Outreach methods utilized (including specific efforts employed to meet community needs and circumstances).

The Applicant's efforts to engage with the community have included in-person meetings, emails, and phone calls. The Applicant is aware that more outreach is necessary and is excited to expand its outreach and provide a supplement to this Application.

Community outreach timeline/dates of major meetings and points of engagement.

The Applicant is aware that more community outreach is necessary and is excited to expand its outreach and provide a supplement to this Application.

Members of the affected community that would potentially benefit from the proposed zoning action.

Residents that are in need of housing and particularly affordable housing will benefit from the

proposed zoning action. Further, developing vacant land with quality housing for individuals that live in the area will improve property values in the neighborhood.
Members of the affected community that would potentially be burdened by the proposed zoning action.
Adjacent property owners may experience construction-related disruptions as well as potential increases in traffic around the Property.
Community input on existing conditions and current challenges that have resulted from past or present discrimination, and current ongoing efforts in the affected community to address these conditions.
The Applicant has received feedback regarding concern with adding affordable housing to the area. However, this proposed map amendment will allow for the quality construction of single-family homes that will enhance the area and benefit existing residents. The Applicant looks forward to hearing more from the community.
Potential positive outcomes of the proposed zoning action identified by the affected community.
The community has generally voiced support for additional single family housing and affordable housing at the Property and have provided two letters in support of the Project.
Potential negative outcomes of the proposed zoning action identified by the affected community.
No specific negative outcomes resulting from the Application have been identified by the community besides general concern about developing more affordable housing.
Changes/modifications made to the proposed zoning action that incorporate/respond to the input received from the affected community.
The Application proposes a Zoning Map Amendment for the Property, and, therefore, does not entail a specific proposal to redevelop the Property.
Input received from the affected community not incorporated into the proposed zoning action.
The Application proposes only a Zoning Map Amendment for the Property and does not incorporate a specific proposal for redevelopment.
Efforts taken to mitigate potential negative outcomes identified by the affected community.
Since the Applicant proposes a Zoning Map Amendment, there are not specific mitigation measures being taken at this time.

3. Racial Equity as an Outcome

The Framework Element states that the “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality” 10A DCMR § 213.6. As an outcome, racial equity is achieved when race no longer determines one’s socioeconomic outcomes, and “when everyone has what they need to thrive” no matter where they live or their socioeconomic status. 10A DCMR § 213.9.

Table 4 below correlates the Application with several equitable development indicators. Among others, the indicators addressed below include those that are specifically included in Part IV (Criteria to Evaluate a Zoning Action Through a Racial Equity Lens) of the Commission REA Tool. As demonstrated in the table below, the outcomes of the Project have the potential to positively impact racial equity.

Table 4: Evaluation of Equitable Development Indicators			
Key:	Positive Outcome	Negative Outcome	Neutral Outcome
Indicator	Aspect(s) of Zoning Action Relating to Racial Equity		Potential Racial Equity Outcome
Displacement (Direct and Indirect)			
Physical (Direct)	<ul style="list-style-type: none">The Application will not cause physical displacement of tenants or residents as the Property is currently vacant.		
Economic (Indirect)	<ul style="list-style-type: none">Increased amount of on-site housing.Displacement of existing residents within surrounding neighborhood due to increased land values is not expected.		
Cultural (Indirect)	<ul style="list-style-type: none">The Application will not cause any cultural displacement as the Property is currently a vacant site.		
Housing			
Availability of Housing	<ul style="list-style-type: none">Increase in amount of housing that can be constructed at the Property.		
Preservation of Affordable Housing	<ul style="list-style-type: none">No affordable housing is currently on the Property.		
Replacement Housing	<ul style="list-style-type: none">There is currently no housing on the Property as the site is vacant. However, the Application will provide for the development of single-family homes		
Housing Burden	<ul style="list-style-type: none">The Project will provide for all-affordable, single family homes.		
Homeownership Opportunity	<ul style="list-style-type: none">The Application will create single family homes which provide homeownership opportunities.		
Larger Unit Size	<ul style="list-style-type: none">The Application can allow for development of family-sized single-family homes.		
Employment			
Entrepreneurial Opportunities	<ul style="list-style-type: none">This Application only contemplates residential development.		
Job Creation	<ul style="list-style-type: none">The Project will not provide for the creation of jobs.		
Job Training	<ul style="list-style-type: none">The Applicant provides job training as part of its mission and will work with the new residents of the Property.		
Access to Employment	<ul style="list-style-type: none">The Project will provide homeownership opportunities which are located in close proximity to several public transit options which can be used for commuting to employment opportunities.		

Transportation/Infrastructure		
Public Space/Streetscape Improvements	<ul style="list-style-type: none"> The Project does not contemplate improvements to public space or the streetscape. 	
Infrastructure Improvements	The Project does not contemplate infrastructure improvements.	
Access to Transit	<ul style="list-style-type: none"> The Property is located in close proximity to several public transit options. 	
Pedestrian Safety	<ul style="list-style-type: none"> The Project does not contemplate improvements to public space. 	
Education/Health/Wellness		
Schools	<ul style="list-style-type: none"> The Project does not propose any changes to schools. 	
Healthcare	<ul style="list-style-type: none"> The Project does not propose any changes to healthcare. 	
Open Space/Recreational	<ul style="list-style-type: none"> The Project proposes to replace vacant, open space with 15 all-affordable, single family homes. 	
Environmental		
Environmental Changes	<ul style="list-style-type: none"> The Project does not propose any environmental changes. 	
Sustainable Design	<ul style="list-style-type: none"> The Project will have no impact on sustainable design. 	
Remediation	<ul style="list-style-type: none"> No remediation is proposed through this Project. 	
Access to Opportunity		
Neighborhood Retail and Service Uses	<ul style="list-style-type: none"> The Project will provide homeowners access to retail and services through its proximity to several public transit options. 	
Residential Amenities	<ul style="list-style-type: none"> The Project will provide homeownership opportunities with ample outdoor and private yard space. 	

C. Health, Safety and General Welfare

The proposed map amendment will further the public health, safety, and general welfare of the District of Columbia and its residents. The map amendment would the Property from the R-2/RA-1 zones to the R-3 zone, allowing for maintenance and improvement to the Property that is consistent with the Comprehensive Plan and compatible with the scale and pattern of the neighborhood. The map amendment also offers an opportunity to increase the District's housing supply whereas, absent the map amendment, the Property would likely remain vacant and unimproved.

D. No Adverse Consequences

This Application will have no adverse consequences. Rather, the Application will allow for new housing to be located on a long-underutilized parcel on a major thoroughfare. Further, the R-3 zoning requirements are similar to that of the existing R-2 and RA-1 zones, but simply decreases the minimum lot area and width requirement of a majority of the lots.

VI. COMMUNITY OUTREACH

Prior to filing this Application, the Applicant contacted ANC 7E and several active community organizations to discuss the proposed map amendment. As outlined in **Table 3** above, the Applicant met with various ANC 7E Commissioners, including the Chair and the SMD for the Property, as well as the Marshall Heights Civic Association, the Fletcher-Johnson Taskforce, and members of the Benning Ridge Civic Association and Capitol View Civic Association. The Applicant has thus far received two letters in support of the proposed Project. The Applicant has also corresponded with the Office of Planning to discuss this Application and will continue to work with OP leading up to the public hearing.

VII. CONCLUSION

For the reasons set forth above, this proposed rezoning of the Property from the R-2 and RA-1 zones to the R-3 zone meets the requirements of the Zoning Regulations pursuant to Subtitle X, Chapter 5 and Subtitle Z, Chapter 3. Accordingly, the Applicant respectfully requests the Commission set down this Application, schedule a public hearing, and grant the requested Zoning Map Amendment.

Sincerely,
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