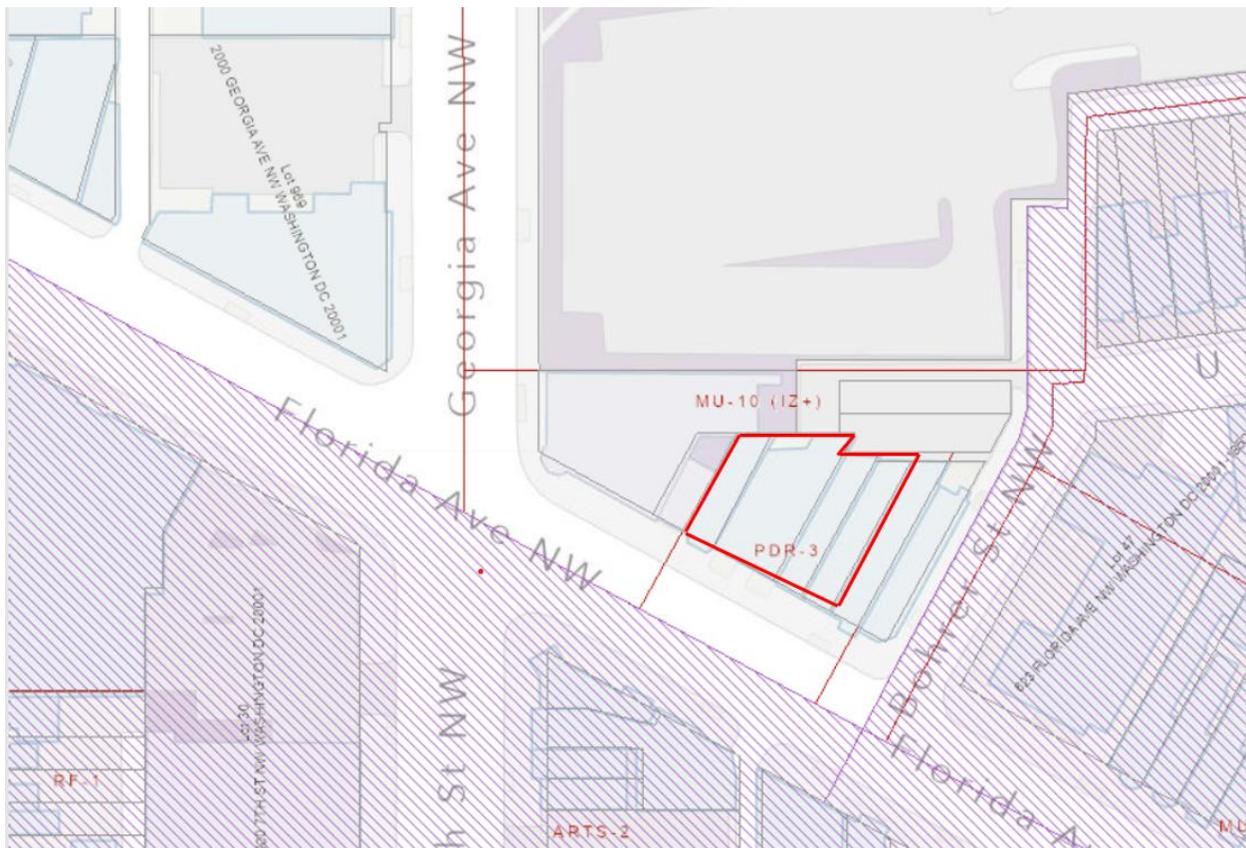


**DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**STATEMENT IN SUPPORT OF MAP AMENDMENT APPLICATION**  
of 639 Florida Ave, LLC, 641 Florida Avenue, LLC, 645 Florida Avenue, LLC, and Homayoun  
Yeroushalmi

**For a change from PDR-3 Zone to the MU-10 Zone**



**For the Properties Located at 639, 641, 645 and 647 Florida Avenue, NW (Square 3078,  
Lots 19, 807, 810, and 33)**

Respectfully Submitted By:  
Sullivan & Barros, LLP

**CERTIFICATION OF COMPLIANCE WITH SUBTITLE Z § 304 OF THE ZONING REGULATIONS**

Pursuant to 11-Z DCMR § 304, the undersigned, on behalf of 639 Florida Ave, LLC, 641 Florida Avenue, LLC, 645 Florida Avenue, LLC, and Homayoun Yeroushalmi (collectively, the “**Applicant**”), hereby certifies that this application, complies with the provisions of Subtitle Z § 304.7 – 304.8 of the 2016 Zoning Regulations of the District of Columbia (“**ZR16**”), as set forth below:

<b>Subtitle Z</b>	<b>Description</b>	<b>Page/Exhibit</b>
304.7(a)	A completed application or petition form;	NA
304.7(b)	A certified surveyor’s plat of the subject property prepared by the Office of the Surveyor;	Exhibit A
304.7(c)	A map showing the location of the properties including, the existing zoning, the zoning of adjacent properties, and all proposed changes of zoning;	Exhibit B
304.7(d)	A description of the map amendment’s consistency with the Comprehensive Plan and any other adopted public policies and active programs related to the subject site;	Exhibit D
304.7(e)	For a map amendment application, a statement certifying to whom and in what manner the required NOI was given. The applicant shall also indicate what meetings or discussions were held with the community and the OP and the affected ANC as well as any changes that resulted from community input; and	Exhibit C
304.7(f)	A racial equity analysis relative to the Comprehensive Plan in compliance with the Zoning Commission’s current Racial Equity Tool, which is available on the Office of Zoning’s website; and	Exhibit D
304.7(g)	For a map amendment application, the name and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property and names and addresses of each lessee having a lease with the owner for all or part of any building located on the property involved in the application; however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, notice may be provided to the board of directors of the association of the condominium or cooperative that represents all of the owners of the dwelling unit.	Exhibit E
304.8	No application or petition shall be accepted unless accompanied by a certificate of service demonstrating that a copy of the application and all accompanying documents have been served upon: (a) The Office of Planning; and (b) The affected ANC.	Exhibit F

*Alexandra Wilson*

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Alexandra Wilson

## **I. INTRODUCTION.**

639 Florida Ave, LLC, 641 Florida Avenue, LLC, 645 Florida Avenue, LLC, and Homayoun Yeroushalmi (collectively, the “**Applicant**”), the respective owners of the properties located at 639, 641, 645 and 647 Florida Avenue, NW (Square 3078, Lots 19, 807, 810, and 33) (collectively known as the “**Property**”), submit this Statement in Support of an amendment to the Zoning Map of the District of Columbia (the “**Zoning Map**”) pursuant to 11-X DCMR § 501.1 and to 11-Z DCMR §§ 201.2(e), 304 of the 2016 Zoning Regulations of the District of Columbia (the “**Zoning Regulations**”). More specifically, the Applicant is seeking to rezone the Property from the PDR-3 Zone to the MU-10 zone (the “**Application**”). A plat from the DC Office of the Surveyor which depicts the Property to be rezoned are attached as Exhibit A.

As required pursuant to 11-X DCMR § 500.3, the proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan, including the Property’s designation on the Comprehensive Plan’s Future Land Use Map (“**FLUM**”) and Generalized Policy Map (“**GPM**”) and any Small Area Plans (“**SAP**”). Additionally, the proposed Zoning Map amendment advances the objectives and recommendations of the Mid-City Area Element. The proposed map amendment is also consistent with the purposes of the Zoning Enabling Act of 1938 (the “**Zoning Act**”) in that it will create conditions that are favorable to public health, safety, welfare, and convenience. As demonstrated below, approval of the Application will result in positive outcomes for the Property, the Mid-City Planning Area, and the District.

## **II. DESCRIPTION OF THE PROPERTY AND THE SURROUNDING AREA.**

The area to be rezoned consists of approximately 5,401 square feet of land area and is located within the northwest quadrant of Washington, DC. The area consists of Lots 19, 807, 810 and 33 in Square 3078, with the respective addresses of 639, 641, 645, and 647 Florida Avenue. While the Property is currently improved with small-scale commercial uses, the existing buildings reflect legacy development patterns associated with the historic PDR zoning rather than the mixed-use, transit-oriented development envisioned for the corridor under the Comprehensive Plan.

The Properties front on Florida Avenue to the south. Abutting the Properties to the north are Howard University campus and Howard University Hospital, one of the District’s major institutional anchors and employment centers. The surrounding area supports a mix of institutional,

residential, and commercial uses that serve the university community and surrounding neighborhoods. The area was recently upzoned from PDR/RA to MU-9 and MU-10 zones in ZC Case No. 21-04. Per that Map Amendment, Exhibit 3, those properties primarily consist “of the Howard University Hospital, the Howard University College of Medicine, Howard University auxiliary services, and various retail uses.” This rezoning reflects a broader transition in the area away from legacy industrial zoning toward mixed-use development that supports the institutional, residential, and commercial character of the surrounding neighborhood.

Abutting the Properties to the east is 637 Florida Avenue, a restaurant use. That owner is not interested in joining the Map Amendment. If this request to rezone the Properties is granted, the property at 637 will be the only remaining PDR use in the area. The Property is located one-half block from the intersection of Florida Avenue and Georgia Avenue NW, a major gateway between the Georgia Avenue corridor and the U Street cultural district.

The Property is located within approximately a quarter mile of the U Street/African American Civil War Memorial/Cardozo Metrorail station and within walking distance of the Shaw/Howard University station. The Property is also within a quarter mile of several WMATA bus routes along Florida and Georgia Avenue. Florida Avenue and Georgia Avenue are both designated transit corridors that support higher-density, mixed-use development consistent with Comprehensive Plan policies encouraging transit-oriented growth. Therefore, the Property is well-served by various public transit options. The Property’s location in a highly walkable, transit-served corridor makes it well suited for mixed-use redevelopment that reduces reliance on automobiles.

### **III. FUTURE LAND USE MAP, GENERALIZED POLICY MAP DESIGNATIONS AND SMALL AREA PLAN.**

As shown on the FLUM and GPM, attached as Exhibit B, the properties are designated as Commercial Medium Density and Residential Medium Density. It is also designated as a Main Street Mixed Use Corridor on the GPM. It is also part of the Development Framework for a Cultural Destination District within Washington DC’s Greater Shaw / U Street,” which is the approved Small Area Plan known as the “DUKE Plan.” A detailed analysis of the Property’s FLUM and GPM designations, as well as its consistency with the DUKE Plan are provided in Exhibit D, the Comprehensive Plan Analysis.

#### IV. **EXISTING AND PROPOSED ZONING**

The Applicant is proposing to rezone the Property from PDR-3 to MU-10. The MU-10 zones are mixed-use zones intended to:

- Permit 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;
- Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;
- Require a level of public space at the ground level; and
- Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square.

11-G DCMR § 101.15

##### A. **Existing PDR-3 Zoning**

The PDR-3 zone is intended to permit high-density commercial and PDR activities by employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. 11-J DCMR § 101.5. The Property's current zoning is inconsistent with the Comprehensive Plan because the PDR-3 Zone is intended to provide for high-density commercial and PDR activities whereas the Property is designated for medium-density mixed-use development. The Property's current PDR-3 zoning does not fully implement the mixed-use development pattern envisioned by the Comprehensive Plan's FLUM and GPM designations.

##### B. **Proposed MU-10 Zoning**

As noted above, the purpose of the MU-10 zone is to permit 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. The Properties are located adjacent to Howard University Hospital, which was similarly upzoned (to MU-9 and MU-10). It is also located within walking distance to two metro stations (Shaw/Howard and U Street) and near major transportation

corridors (U Street, Georgia Avenue, Florida Avenue). Additionally, the Property is designated as a mixed-use site, with medium density residential and medium density commercial, on the FLUM, consistent with this zone. Accordingly, the proposed zoning is not inconsistent with the comprehensive plan, whereas the existing PDR-3 zoning does not fully implement the mixed-use development pattern envisioned by the Comprehensive Plan.

**V. STANDARDS APPLICABLE TO THE ZONING MAP AMENDMENT APPLICATION**

The requested Zoning Map amendment is submitted as a contested case pursuant to 11-Z DCMR § 202.1(e). Pursuant to the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 et seq. (2012 Repl.)) (the “**Zoning Act**”), there are a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and the Zoning Map. The Zoning Act states 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 . . . .” The Zoning Act further provides:

“[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.” D.C. Code § 6-641.02.

Furthermore, in all cases, the Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. 11-X DCMR § 500.3.

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

### **A. Comprehensive Plan**

As discussed in detail in Exhibit D, the proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan, as adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the FLUM and the GPM (D.C. Resolution R24-0292).

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

The proposed Zoning Map amendment will further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the MU-10 zone will allow the Property to be repurposed with higher neighborhood servicing uses and additional high-quality affordable housing, thus serving the nearby residents in the neighborhoods located near the Property. The map amendment will protect the health and safety of District residents by allowing for the future redevelopment of the Property that is not inconsistent with the Comprehensive Plan, including the FLUM, GPM and SAP.

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

The proposed Zoning Map amendment will not result in adverse consequences. Conversely, the requested rezoning will contribute to several positive and important benefits as it will more closely align the Property's zoning with the Property's FLUM designation which results in enhanced development opportunities than what currently exists, including housing and affordable housing which is currently not a permitted use. The subsequent redevelopment of the Property has the opportunity to improve the Property's current condition, thereby enhancing the quality of the entire community. Further, the map amendment will not generate any negative external effects because the proposed Zoning Map amendment will more closely align the Property's zoning with the Property's FLUM designation. Moreover, the map amendment will facilitate progress towards achieving racial equity in the District, as further discussed in the Comprehensive Plan Analysis (Exhibit D).

### **D. Proposed MU-10 Zone Would Create Favorable Conditions.**

As described above, the proposed Zoning Map amendment will bring the Property into greater conformance with the Property's Medium Density Residential and Medium Density

Commercial FLUM designation. The proposed Zoning Map amendment will positively impact the surrounding Planning Area by supporting additional development, including residential uses that are currently not permitted. Any future residential development on the Property would also be subject to the District's Inclusionary Zoning requirements, contributing to the District's affordable housing supply. As discussed in Exhibit D, the requested rezoning will also advance a number of policies embodied in the various elements of the Comprehensive Plan and is not inconsistent with the Comprehensive Plan when read as a whole. While the application would transition the Property from PDR-3 zoning, the site is located within an evolving mixed-use corridor where industrial uses are no longer prevalent. The proposed MU-10 zoning more accurately reflects the area's current development pattern and the Comprehensive Plan's vision for mixed-use, transit-oriented corridors. Overall, approval of the Application will promote the efficient use of high value land in a manner that will, among other things, increase the District's housing supply, including affordable housing, and access to neighborhood-serving retail uses.

## **VII. COMMUNITY OUTREACH AND COORDINATION**

The Property lies within the boundaries of Advisory Neighborhood Commission ("ANC") 1B. The Property specifically lies within the jurisdiction of ANC 1B02. The single member district ("SMD") representative for ANC 1B02 is Francois Barrilleaux. A more detailed discussion of community outreach is detailed in Exhibit D, Comprehensive Plan Analysis.

Respectfully Submitted,

*Alexandra Wilson*

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Sullivan & Barros, LLP