

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

A. Summary of Requested Action

This is a petition to rezone the property known as Lots 1039 and 1041 in Square 5860 (the “**CQML Property**”), as well as the property known as Lot 1040 in Square 5860 (the “**WMATA Property**,” and together with the CQML Property, the “**Property**”). The petition is being brought by the owner of the CQML Property, CQ Metro Land LLC (the “**Petitioner**”).¹ The Property is located on Howard Road SE in Ward 8, within the jurisdiction of Advisory Neighborhood Commission (“**ANC**”) 8A. ANC 8C is the adjacent ANC, immediately to the south of Howard Road. The Property is located in the Anacostia neighborhood, adjacent to the Anacostia Metrorail Station, and consists of approximately 55,436 square feet of land area. The Property is located adjacent to Howard Road SE, I-295, and Suitland Parkway SE. The Property is vacant. The CQML Property was previously owned by the Washington Metropolitan Area Transit Authority (“**WMATA**”) in connection with its operation of the Anacostia Metrorail Station.

The Property is currently unzoned (Exhibit E), and it has multiple designations on the Future Land Use Map (“**FLUM**”) of the Comprehensive Plan. A portion of the Property is designated as Mixed-Use: High Density Residential, High Density Commercial, Institutional, another portion is designated as Parks, Recreation, and Open Space, and the remainder is designated as Mixed-Use: High Density Residential, Medium Density Commercial, and Institutional (Exhibit F). The Property is within the Central Employment Area (Exhibit G); moreover, it is located in a Land Use Change Area on the Comprehensive Plan’s Generalized

¹ The owner of the WMATA Property, WMATA, has consented to the Map Amendment petition.

Policy Map. The Petitioner seeks to rezone the Property to the Northern Howard Road (“**NHR**”) Zone District. The Petitioner is petitioning to rezone the Property in order to make it consistent with the Comprehensive Plan. The Map Amendment is consistent with the Comprehensive Plan and the overall goals and policies of the District of Columbia Zoning Regulations.

B. Summary of the Zoning Map Amendment

As mentioned, the Property is currently unzoned and vacant, having been owned by WMATA as a part of the operation of the Anacostia Metro station. However, a portion of the Property – namely, the CQML Property – is now privately owned. The Property’s having no zoning designation is inconsistent not only with the Mixed-Use: High Density Residential – High/Medium Density Commercial FLUM designations, but also with the redevelopment occurring in the immediate vicinity of the Property, on Howard Road SE. Under Subtitle A Section 209.1 of the Zoning regulations, property in private ownership cannot be used without a zoning designation.

Amendments to the Zoning Map are permitted, provided that the new zone category is “not inconsistent with the Comprehensive Plan.” D.C. Code Sec. 6-641.02. We strongly believe that in this case a map amendment is appropriate. Consistent with the Comprehensive Plan’s designation for the Property, the Petitioner is petitioning to rezone the Property to the NHR Zone District. The NHR Zone District is appropriate for the Mixed-Use: High Density Residential – High/Medium Density Commercial Land Use designations in the Central Employment Area, because the NHR Zone is intended to permit high-density development in this area along Howard Road. After rezoning, a potential project under the NHR Zone District would be permitted a height of 130 feet, a FAR of 9.0, and 100% lot occupancy.

Moreover, the NHR Zone District requires an enhanced Inclusionary Zoning (“IZ”) requirement, and additional sustainability requirements well beyond what is required for a typical District property. The NHR Zone’s enhanced IZ requirement includes 12% of any residential development (excluding penthouse habitable space) be devoted to IZ units, with 75% of those units set aside for households earning no more than 60% of the Washington, DC Median Family Income (“MFI”), and 25% set aside for households earning no more than 50% of the MFI, and the equivalent of 8% of penthouse habitable space set aside for households earning no more than 50% of the MFI. The NHR Zone’s additional sustainability requirements include each new building having to earn certification at the LEED v4.1 for New Construction Gold level, and each new building being required to have an on-site renewable energy system that generates at least one percent (1%) of the total energy estimated to be needed to operate the building.

As noted above and discussed further below, the Property is designated as Mixed-Use: High Density Residential, High Density Commercial, Institutional; Parks, Recreation, and Open Space; and, Mixed-Use: High Density Residential, Medium Density Commercial, and Institutional on the Comprehensive Plan’s Future Land Use Map. The Property’s having no zoning designation is inconsistent with the Comprehensive Plan’s designation because no development can occur on the Property while it is unzoned. Furthermore, zoning would be required for any interim use until full development. The proposed rezoning would serve to bring the Zone Map into consistency with the Comprehensive Plan designation.

C. The Petitioner and Petition Process

There are two property owners involved with this petition: the Petitioner (owner of the CQML Property) and WMATA (owner of the WMATA Property). The Petitioner is managed and controlled by an affiliate of the principals of Redbrick LMD. Redbrick LMD is a diversified

real estate investment management and development firm headquartered in Washington, D.C. The firm specializes in the development of large-scale mixed-use projects with a focus on the Washington D.C. metro market, and selectively invests and develops in other markets. Redbrick LMD's leadership team has significant experience in the acquisition and repositioning of existing projects, the entitlement and ground-up development of large scale planned developments, and the financial and legal structuring of transactions to optimize outcomes while mitigating risks for all parties.

This case is being brought as a rulemaking case pursuant to Subtitle Z § 201.7(b)(1), §304 and Chapter 5 of Subtitle X of the District of Columbia Zoning Regulations. By definition, rulemaking cases are legislative in nature and involve issues affecting more than one person or property. As stated above, there are multiple lots with two different property owners.

D. Compliance with the Comprehensive Plan

This petition is not inconsistent with the Comprehensive Plan and satisfies the Citywide Elements and the Area Element as follows:

a. Framework Element: The rezoning of the Property is consistent with the following policies of the revised Framework Element of the Comprehensive Plan (passed by the Council in the fall of 2019):

Affordable Housing: The Framework Element emphasizes the vital policy goal of more housing, and more affordable housing, to combat the housing affordability crisis and to help make the city more resilient. (§213.5)

Redevelopment Near Transit Stations: The Framework Element highlights redevelopment opportunities near transit stations as an important component of reinvigorating and enhancing District neighborhoods. Development on such sites must be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. (§219.7)

Environmental Sustainability: The Framework element prioritizes environmentally sustainable development. Building construction and renovation should minimize the use

of non-renewable resources, promote energy and water conservation, encourage the use of distributed energy resources like rooftop solar, and reduce harmful effects on the natural environment. (§223.4)

Definition of High Density Residential, and of High Density Commercial: The portion of the Property that is designated High Density Residential/High Density Commercial, is consistent with the NHR Zone (and has the same designation as the property already approved for NHR zoning). (§227.8, §227.13)

Definition of High Density Residential, and of Medium Density Commercial: The Framework Element guides that High Density Residential is consistent with FAR above 4.0 (§227.8). Further, it notes that Medium Density Commercial is consistent with an FAR between 4.0 and 6.0 (§227.12). However, the Element notes that higher densities may be appropriate based on FAR increases due to Inclusionary Zoning (§227.8, §227.12).

Definition of Parks, Recreation, and Open Space, and of Federal: The portion of the Property that is open space, when no longer needed for open space, should be considered in light of the adjacent FLUM designation, as discussed above. (§227.16, §227.19)

Guideline 228.1(c): The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block.

Mixed Use Categories: The Future Land Use Map indicates where the mixing of two or more land uses is encouraged. The Mixed Use category generally applies in (a) established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses; [and] (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. . .” (§227.20)

Rezoning the Property is consistent with the Future Land Use Map because the western portion of the Property has the exact same FLUM designation – High Density Residential, High Density Commercial, Institutional – as the adjacent property that was recently rezoned to NHR-1, in Zoning Commission case 18-19. Such High Density Residential, High Density Commercial zoning is wholly consistent with the NHR Zone. Even though the remaining portions of the Property’s FLUM designation are not the exact kind designation consistent with the NHR Zone, viewing the FLUM for the Property together as a whole, within the context of the Framework Element, the rezoning is consistent. For example, the eastern portion of the Property has a FLUM

designation of High Density Residential, Medium Density Commercial. As noted above, under the Framework Element, High Density Residential is consistent with FAR above 4.0, Medium Density Commercial is consistent with FAR between 4.0 and 6.0, and higher densities may be appropriate based on FAR increases due to Inclusionary Zoning. The NHR zone with a permitted FAR of 9.0 requires that a minimum of 2.5 FAR be residential. Therefore, non-residential use is generally capped at 6.5, which is very close to the range for Medium Density Commercial uses. Further, the 9.0 FAR with a mandatory residential use illustrates an appropriate focus on residential use, consistent with the higher density residential FLUM designation, and the higher degree of IZ further augments this consistency. The fact that the Property is in the Central Employment Area, which is intended to include higher density mixed land uses, further highlights the consistency between rezoning the Property to NHR and the FLUM. The NHR Zone's enhanced affordable housing and environmental sustainability requirements allow for the implementation of the Framework Element's prioritized policies of producing more affordable housing, especially near metro stations, and building in an environmentally sustainable manner. Rezoning this Central Employment Area Property with a primary FLUM designation of High Density Residential – High/Medium Density Commercial, where the rezoning will implement policies that are prioritized by the Framework Element, is appropriate and consistent with the FLUM. The rezoning will create in the short-term/interim-phase, an opportunity for community-engaging uses on land that is currently vacant and underutilized, and in the long-term/full-development-phase, an opportunity for office, retail, and residential use in high densities within close proximity to a major Metrorail station, in accordance with the overall vision of the Future Land Use Map.

On the Generalized Policy Map, the Property is designated as a “Land Use Change Area.” Land Use Change Areas “are areas where change to a different land use from what exists today is anticipated.” § 225.9. These areas “include many of the city’s large development opportunity sites.” § 225.10. The Framework Element specifically notes that the Lower Anacostia Waterfront/Near Southwest Area, where the Property is located, is predicted to house 16.5% of the District’s household growth and 20.3% of its job growth. §§ 217.25-217.26. The proposed rezoning of the Property would allow a Land Use Change Area development.

b. Land Use: The petition to rezone the Property is consistent with the following policies of the Land Use Element of the Comprehensive Plan:

Policy LU-1.1.3: Central Employment Area: Continue the joint federal/District designation of a “Central Employment Area” (CEA) within the District of Columbia. The CEA shall include existing “core” federal facilities such as the US Capitol Building, the White House, and the Supreme Court, and most of the legislative, judicial, and executive administrative headquarters of the United States Government. Additionally, the CEA shall include the greatest concentration of the city’s private office development, and higher density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses. Given federally-imposed height limits, the scarcity of vacant land in the core of the city, and the importance of protecting historic resources, the CEA may include additional land necessary to support economic growth and federal expansion. The CEA may be used to guide the District’s economic development initiatives, and may be incorporated in its planning and building standards (for example, parking requirements) to reinforce urban character. The CEA is also important because it is part of the “point system” used by the General Services Administration to establish federal leases.

Policy LU-1.1.5: Urban Mixed Use Neighborhoods: Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas: . . . 5. Near Southeast/Navy Yard. . . . The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements. Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture.

LU-1.3: Transit Oriented and Corridor Development: Certain principles should be applied to the management of land around all of the District’s neighborhood stations, include[ing]: a preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses.

Policy LU-1.3.6: Parking Near Metro Stations: Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all day commuters.

Policy LU-2.1.11: Residential Parking Requirements: Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.

Policy LU-2.1.10: Multi-Family Neighborhoods: Maintain the multi-family residential character of the District's Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.

Policy LU-2.4.8: Addressing Commercial Parking Impacts: Ensure that the District's zoning regulations consider the traffic and parking impacts of different commercial activities, and include provisions to mitigate the parking demand and congestion problems that may result as new development occurs, especially as related to loading and goods delivery.

Rezoning this site will not only allow for an increase in the District's housing supply, but also it will provide an opportunity to revitalize the use of land that is currently vacant and underutilized. In this case, the rezoning acknowledges and addresses an existing disparity by providing consistency between the Property's Comprehensive Plan designation and its use. The rezoning will also provide the encouraged mixed use around a Metrorail station.

c. Transportation The petition to rezone the Property is consistent with the following policies of the Transportation Element of the Comprehensive Plan:

Policy T-1.1.4: Transit-Oriented Development: Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.

Policy T-1.3.1: Transit-Accessible Employment: Work closely with the federal government and suburban jurisdictions to support transit-oriented and transit-accessible employment throughout the region. This would maximize the use of major transit

investments such as Metrorail, and enhance the efficiency of the regional transportation system

The Property is strategically located adjacent to the Anacostia Metrorail station.

Enabling the development of the Property with high mixed-use density is consistent with smart development and centering density in key transit areas.

d. Housing: The petition to rezone the Property is consistent with the following policies of the Housing Element of the Comprehensive Plan:

H-1.1 Expanding Housing Supply: Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.

Policy H-1.1.1: Private Sector Support: Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.3: 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-1.1.4: Mixed Use Development. Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

Policy H-1.2.7: Density Bonuses for Affordable Housing. Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed.

The NHR Zone District appropriately allows and encourages housing at the Property, such that rezoning the site will create housing on land that currently has no housing and is next to a metro station. Additionally, the rezoning will require additional affordable

housing at lower levels of affordability than would otherwise be required for a typical District property. For example, in the NHR Zone at least twenty-five percent (25%) of the total IZ set-aside requirement must be three- (3)-bedroom units.

e. Area Element: Lower Anacostia/Near Southwest: The petition to rezone the Property is consistent with the following policies of the Area Element for the Lower Anacostia Waterfront/Near Southwest area:

Policy AW-1.1.2: New Waterfront Neighborhoods: Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, Southeast Federal Center and Carrollsburg areas. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, and Kenilworth-Parkside. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs.

Policy AW-1.1.3: Waterfront Area Commercial Development: Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metrorail stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops.

Policy AW-2.4.3: Poplar Point Mixed Use Neighborhood: Create a new transit-oriented mixed use neighborhood oriented around the Poplar Point Park, linked to the Anacostia Metrorail station and new Anacostia streetcar line. The neighborhood should include a significant component of affordable housing, and should also include retail and civic uses that benefit the adjacent communities east of I-295. Within the overall mix of uses, allow segments of the future development to be devoted entirely to office use to encourage location of Federal office space and other office space supportive of Federal government agencies to occupy new buildings at Poplar Point. This should be particularly targeted to office space related to the Department of Homeland Security consolidation at the St. Elizabeths site. To minimize the loss of useable open space, development should utilize the land recovered after the realignment and reconstruction of the Frederick Douglass Bridge.

Policy AW-2.4.5: Scale of Development at Poplar Point: Provide a scale and pattern of development in Poplar Point that recognizes the area's proximity to a Metrorail station

and other major surface arterials and that the area is physically separated from surrounding neighborhoods and, therefore, may accommodate buildings and site plans unlike but compatible with the fine-grained pattern found in nearby Historic Anacostia. Development should be pedestrian-oriented and should include active ground floor uses. The massing, height, and bulk of buildings and related features such as parking also should respect adjacent park uses and environmentally sensitive areas.

Policy AW-2.4.6: Poplar Point Vista and View Preservation: Ensure that the design of Poplar Point capitalizes on significant views to the river and U.S. Capitol. The New Jersey Avenue axis is particularly important, as it provides a clear line of sight to the Capitol dome from Poplar Point’s prominent river bend.

Policy AW-2.4.7: Poplar Point as an Economic Catalyst: Use development at Poplar Point to bring economic development opportunities to adjacent neighborhoods, particularly Barry Farms and Historic Anacostia. Activities at Poplar Point should foster the success of existing businesses in Historic Anacostia, provide job opportunities, and create cultural, educational, and institutional uses that benefit East of the River communities. 1914.13

The petition to rezone the Property is consistent with the Lower Anacostia

Waterfront/Near Southwest Area Element because this rezoning would allow currently unzoned land, on which nothing can be built, but part of which is privately owned, to be developed in an efficient manner. Generally, the Area Element prioritizes enhanced connectivity, accessibility and safety for transit riders, pedestrians, and bicyclists to the Anacostia River, Poplar Point Park, and adjacent neighborhoods. The proactive zoning of the land adjacent to the Anacostia Metrorail station now will advance transit-oriented development and transit area improvements. (See 1914.9, 1914.14-16). Further, the rezoning will provide a new mixed use and sustainable, highly-designed development with additional housing units for DC residents adjacent to a Metrorail station.

E. Exhibits

- Exhibit A Petition Form Signature Page
- Exhibit B Authorization Letters
- Exhibit C Certificate of Notice
- Exhibit D Property Owner List
- Exhibit E Zone Map Excerpt and Proposed Change of Zoning

