

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

**STATEMENT IN SUPPORT OF  
A PETITION FOR A ZONING MAP AMENDMENT**

**FROM THE PDR-2 DISTRICT  
TO THE MU-6 DISTRICT**

**802-810 Rhode Island Avenue, NE  
(SQUARE 3846, LOT 85)**

**July 24, 2017**

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## LIST OF EXHIBITS

<b>Exhibit</b>	<b>Description</b>
A	Plat of Subject Property from the D.C. Surveyor's Office
B	Relevant portion of the 2016 Zoning Map
C	Relevant portion of the Comprehensive Plan Future Land Use Map
D	Relevant portion of the Comprehensive Plan Generalized Policy Map
E	200-foot property owners list
F	Letter of authorization from the Owner and the Petitioner

## I. INTRODUCTION

806 Rhode Island Avenue, LLC (the “Petitioner”), through undersigned counsel, submits this statement in support of its petition to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone property located at 802-810 Rhode Island Avenue, NE (Square 3846, Lot 85) (the “Subject Property”), from the PDR-2 District to the MU-6 District. A building plat showing the lot to be rezoned is attached as Exhibit A.

As described herein, the requested Zoning Map amendment is not inconsistent with the Comprehensive Plan, would not create any adverse impacts on surrounding properties, and would result in an number of important benefits to the surrounding community and the District of Columbia as a whole. The proposed Zoning Map amendment to the MU-6 District will ensure that the zoning designation for the Subject Property is consistent with its designation on the Comprehensive Plan’s Future Land Use Map (“FLUM”), which designates the Subject Property as mixed-use High Density Residential and Medium Density Commercial. The proposed Zoning Map amendment will also advance the objectives and recommendations of the Rhode Island Avenue Diamond of the District Small Area Plan (the “Rhode Island SAP”), prepared by the District in 2011 and applicable to the Subject Property.

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

The Subject Property is located in Square 3846, which is bounded by Franklin Street, NE to the north, 9<sup>th</sup> Street and Reed Street, NE to the east, Rhode Island Avenue, NE to the south, and the Metrorail tracks to the west. As shown on the portion of the Zoning Map attached hereto as Exhibit B, Square 3846 is entirely zoned PDR-2, except for the one property located directly to the north of the Subject Property, which was rezoned from the C-M-2 District to the C-2-C District pursuant to Z.C. Order No. 10-30, dated September 10, 2012, and effective on October 12, 2012.<sup>1</sup>

The Subject Property is irregularly-shaped and consists of approximately 21,677 square feet of land area. The Subject Property has approximately 228.46 linear feet of frontage along Rhode Island Avenue, NE to the south and is located approximately 0.1 miles from the Rhode Island Avenue Metrorail station.

As shown on the portion of the FLUM attached hereto as Exhibit C, the Subject Property is designated for mixed use High Density Residential and Medium Density Commercial land uses. The Property was placed in its current land use designation during the 2006 Comprehensive Plan cycle when it was recognized that mixed-use development should be encouraged in close proximity to Metrorail stations. As shown on the Generalized Policy Map (“GPM”) attached hereto as Exhibit D, the Subject Property is designated within a Land Use Change Area and is designated within an Enhanced New Multi-Neighborhood Center. The Subject Property is also located within the Rhode Island Avenue Metro Station Area Policy Focus Area within the Upper Northeast Area Element of the Comprehensive Plan, and is consistent with many of the policies listed therein.

The area immediately to the north and east of the Subject Property is already zoned MU-6, which permits a maximum density of 6.0 FAR (7.2 FAR utilizing Inclusionary Zoning) and a

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<sup>1</sup> Under the 2016 Zoning Regulations, the C-M-2 District was converted to the PDR-2 District and the C-2-C District was converted to the MU-6 District.

maximum building height of 90 feet. The area surrounding the Subject Property consists primarily of commercial buildings, particularly along Rhode Island Avenue. The Rhode Island Avenue Metrorail station and the Home Depot shopping center are located approximately 0.1 miles to the east of the Subject Property. Directly to the west are the elevated Metrorail tracks. Farther west, past the rail tracks, are the Edgewood Terrace Apartments and a strip shopping center across Rhode Island Avenue. At least ten different Metrobus routes have stops within 0.1 miles of the Subject Property.

### **III. EXISTING AND PROPOSED ZONING**

#### **A. Existing Zoning**

As indicated above, the Subject Property is presently located in the PDR-2 District. The PDR-2 District is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. 11J DCMR § 200.2. The PDR-2 District permits a maximum density of 3.0 FAR for restricted uses and 4.5 FAR for the permitted uses listed in 11J DCMR § 202.2, and a maximum building height of 60 feet. 11J DCMR §§ 202, 203.1. Even though the Subject Property is designated in part for High Density Residential uses on the FLUM, the current PDR-2 designation does not permit new multi-family residential development as a matter-of-right.

#### **B. Proposed Zoning**

The Petitioner requests a Zoning Map amendment to rezone the Subject Property to the MU-6 District. The MU-6 District is intended to permit medium- to high-density mixed-use development with a focus on residential use, and provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. 11G DCMR § 400.5. The MU-6 District permits a maximum density of 6.0 FAR (7.2 with IZ), of which no more than 2.0 FAR may be devoted to non-residential uses. 11G DCMR § 402.1. The MU-6 District permits a maximum building height of 90 feet with no limit on the number of stories. 11G DCMR § 403.1.

#### **C. Effect of the Proposed Map Amendment**

As described in detail below, the requested Zoning Map amendment from the PDR-2 District to the MU-6 District is not inconsistent with the Comprehensive Plan, will further the objectives of the Zoning Act, advances the objectives, provisions and policies of the Comprehensive Plan, and recommendations of the Rhode Island SAP, and satisfies each of the statutory standards applicable to Zoning Map amendments. The proposed Zoning Map amendment would permit commercial and residential uses as a matter-of-right on the Subject Property, and would increase the maximum height and density on the Subject Property to 90 feet and 6.0 FAR (7.2 FAR with IZ), respectively, which is consistent with the height and FAR permitted as a matter-of-right for the properties located immediately to the north and east of the Subject Property.

In addition, the proposed rezoning would:

1. Implement the FLUM's designation of the Subject Property for mixed use High Density Residential and Medium Density Commercial uses;
2. Permit the matter-of-right development of new residential and commercial uses on the Subject Property, which is consistent with the Subject Property's designation within a Land Use Change Area on the GPM; and
3. Eliminate the ability to construct heavy commercial, light manufacturing and general industrial uses on the Subject Property, which is consistent with elements of the Rhode Island Avenue Metro Station Area Policy Focus Area of the Upper Northeast Area Element of the Comprehensive Plan, as well as the recommendations set forth in the Rhode Island SAP.

#### **IV. STANDARDS APPLICABLE TO A PETITION FOR A ZONING MAP AMENDMENT**

The requested Zoning Map amendment is submitted as a rulemaking pursuant to 11Z § 201.7(b)(2) which states, in relevant part, that rulemaking cases may be initiated by a petitioner that "owns all of the property proposed to be rezoned, but the ownership pattern is geographically scattered or otherwise of a character that raises land use policy questions to a greater degree than highly localized issues of fact and effects on neighboring properties." As discussed below, the Rhode Island SAP recommends rezoning the Subject Property to the C-2-C District (MU-6 under the 2016 Zoning Regulations), which is the proposed District for the Subject Property under this petition. *See* Rhode Island SAP, p. 17.

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. 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 ...." D.C. Code § 6-641.01 (2001). 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.

D.C. Code § 6-641.02 (2001). The Commission must apply these standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the Subject Property from the PDR-2 District to the MU-6 District will promote each of the purposes described above.

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

### **A. Comprehensive Plan**

The rezoning of the Subject Property to the MU-6 District is not inconsistent with the policies and goals of the Comprehensive Plan, including the FLUM and the GPM. Indeed, the requested Zoning Map amendment will bring the zoning of the Subject Property into greater conformity with the current mixed use High Density Residential and Medium Density Commercial FLUM designation.

#### **1. Future Land Use Map**

The FLUM, which is adopted as part of the Comprehensive Plan Land Use Element, sets forth a generalized depiction of intended land uses over a period of approximately 20 years. The Framework Element of the Comprehensive Plan states that the FLUM is not a zoning map. *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the FLUM does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the FLUM is to be interpreted broadly. *Id.* Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comprehensive Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. *Id.* at § 2504.5.

As shown on Exhibit C, the FLUM designates the Subject Property as mixed-use High Density Residential and Medium Density Commercial. The High Density Residential designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding Zone districts are generally R-5-D and R-5-E, although other zones may apply. 10A DCMR § 225.6.<sup>2</sup>

The Medium Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those

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<sup>2</sup> The Comprehensive Plan Framework Element was prepared prior to the adoption of the 2016 Zoning Regulations and thus refers to the zone districts contained in the 1958 Zoning Regulations. Under the 2016 Zoning Regulations, the zone districts that correspond to those identified in the Framework Element description of the High Density Residential designation are RA-4 and RA-5.

in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 10A DCMR § 225.10.<sup>3</sup>

The Petitioner's proposal to rezone the Subject Property to the MU-6 District is fully consistent with the FLUM designation for the Subject Property. The proposed MU-6 zoning classification is consistent with the Medium Density Commercial land use designation, and is identified to permit medium- to high-density mixed-use development with a focus on residential use, and provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. *See* 11G DCMR § 400.5. Therefore, the proposed Zoning Map amendment is consistent with the Subject Property's designation on the FLUM.

## **2. Generalized Policy Map**

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. 10A DCMR § 223.1. The GPM is intended to "guide land use decision-making in conjunction with the Comprehensive Plan text, the FLUM, and other Comprehensive Plan maps." *Id.* at § 223.2. Boundaries on the map are to be interpreted in concert with these other sources, as well as the actual physical characteristics of each location shown. *Id.*

As indicated on Exhibit D, the GPM designates the Subject Property as a Land Use Change Area. The Comprehensive Plan provides that Land Use Change Areas "are areas where change to a different land use from what exists today is anticipated" and "the Future Land Use Map depicts the specific mix of uses expected for these areas." 10 DCMR §223.9. Land Use Change Areas "represent much of the city's supply of vacant and underutilized land" and the "guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures." 10 DCMR §§ 223.10 and 223.11. Land Use Change areas are intended to "become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities." 10 DCMR § 223.11.

The GPM also designates the Property within an Enhanced/New Multi-Neighborhood Center Area. Multi-neighborhood centers meet the day to-day needs of residents and workers in the adjacent neighborhoods. 10 DCMR § 223.17. Multi-neighborhood centers contain many of the same activities as neighborhood centers but in greater depth and variety. Multi-neighborhood centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, a variety of service-oriented businesses, and office space for small businesses. Multi-neighborhood centers' service area are typically one to three miles, and these centers are generally found at major intersections and along key transit routes. The Comprehensive Plan provides that "[m]ixed-use infill development at these centers is should be encouraged to provide new retail and service uses, and additional housing and job opportunities." 10 DCMR §223.18.

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<sup>3</sup> The 2016 zone districts that correspond to those identified in the Framework Element description of the Medium Density Commercial designation are MU-5-A, MU-6, MU-7, and MU-8.



The proposal to rezone the Subject Property from the PDR-2 District to the MU-6 District will help to implement the policies embodied in the GPM by eliminating the ability to construct industrial uses on the Subject Property, and replacing those uses with the matter-of-right development of residential and commercial uses. The rezoning will enable the change of the existing industrial uses on the Subject Property to new residential and commercial uses, which are consistent with the District's planning goals for the Subject Property as evidenced by the FLUM. In addition, the proposed rezoning to the MU-6 District will enable mixed-use development on the Subject Property to provide new retail, service and housing.

### **3. Land Use Element**

The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. 10A DCMR § 302.1.

The proposed Zoning Map amendment will advance this important goal by complying with the policies listed below and set forth in the Land Use Element of the Comprehensive Plan.

*Policy LU-1.3.1: Station Areas as Neighborhood Centers - Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 10A DCMR § 306.10*

*Policy LU-1.3.2: Development Around Metrorail Stations - Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of*

*automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 10A DCMR § 306.11*

*Policy LU-1.3.3: Housing Around Metrorail Stations - Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 10A DCMR § 306.12*

The proposed Zoning Map amendment will advance the District’s policies for transit-oriented development. Due to the Subject Property’s location adjacent to the Rhode Island Avenue Metrorail station, rezoning the Subject Property to allow for mixed residential and commercial uses will encourage development around the Metrorail station, thus reducing automobile congestion, improving air quality, providing a range of retail goods and services, reducing reliance on the automobile, enhancing neighborhood stability, creating a stronger sense of place, and capitalizing on the development and public transportation opportunities that the Metrorail station provides. *See* 10A DCMR § 306.10. The Zoning Map amendment would also create an excellent opportunity for infill redevelopment and growth on underutilized land in close proximity to the Metrorail station entrance. It would also permit the development of new housing, including affordable housing, adjacent to the Metrorail, which is important given the reduced necessity of auto ownership and related reduction in household expenses in this location.

*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. 10A DCMR § 309.8*

The Zoning Map amendment would advance the objectives of Policy LU-2.1.3 by allowing for future mixed-use redevelopment that would increase the District’s housing supply and expand neighborhood commerce. Doing so at the Subject Property would help to create a successful neighborhood and revitalize the area directly surrounding the Rhode Island Avenue Metrorail station. The proposed Zoning Map amendment would replace the ability to construct PDR uses with the new ability to develop residential and commercial uses at the Subject Property as a matter-of-right.

#### **4. Transportation Element**

The overarching goal for transportation in the District is to “[c]reate a safe, sustainable, efficient multi-modal 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.” 10A DCMR § 401.1. The proposed Zoning Map amendment advances this goal by allowing for new, mixed-use development on a major District corridor. New development at the Subject Property will enhance Rhode Island Avenue’s

potential as a multi-modal transportation system that meets the needs of District residents, the regional workforce, and visitors. Moreover, the new mixed-use development permitted on the Subject Property as a result of the Zoning Map amendment will help to support the local economy and enhance the quality of life for District residents. The Zoning Map amendment also advances the specific policies listed below:

*Policy T-1.2.3: Discouraging Auto-Oriented Uses - Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 10A DCMR § 404.8.*

The proposed Zoning Map amendment will discourage auto-oriented uses by allowing for the productive use of an existing, infill site on a key urban boulevard.

*Action T-1.3.A: Regional Jobs/Housing Balance: Continue the efforts to ensure that the concepts of infill, mixed-use and transit-oriented development are promoted at the regional level; to design transportation systems that connect District residents to local jobs; and to provide opportunities for non-resident workers to also live in DC. 10A DCMR § 405.14*

The Zoning Map amendment will advance policies related to infill, mixed-use, and transit-oriented development. Redevelopment of the Subject Property under the MU-6 zone could include residential and commercial uses, thus providing non-resident workers opportunities to live in the District and reducing the need for District residents to use a car to fulfill daily needs. Residents of the Subject Property and the surrounding residential neighborhood would be able to walk or easily take Metrobus or Metrorail to the Subject Property’s neighborhood-serving commercial components. Similarly, employees of the commercial uses would be able to easily access their job through the multiple and convenient public transportation options. Altogether, the proposed Zoning Map amendment will help to create the type of jobs/housing balance envisioned by Action T-1.3.A.

## **5. Housing Element**

The District’s overarching goal for housing is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia. 10A DCMR § 501.1. The proposed Zoning Map amendment will advance this goal and several policies within the Housing Element as follows:

*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. 10A DCMR § 503.2.*

The proposed Zoning Map amendment will allow the Petitioner to provide new, high-quality housing on the Subject Property to meet the needs of existing and future District residents. As stated herein, the transit-oriented location of the Subject Property adjacent to the Rhode Island

Avenue Metrorail station, and the mix of uses likely to be developed on the Subject Property, are consistent with the District's 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. 10A DCMR § 503.4.*

The proposed Zoning Map amendment will allow for the development of new housing, including affordable housing, on an underutilized site, thus expanding the range of housing types in the area and advancing this Policy's directive to ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs.

*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. 10A DCMR § 503.5.*

The proposed Zoning Map amendment will allow for development of a mix of uses, including housing, on the Subject Property. The Subject Property is located adjacent to the Rhode Island Avenue Metrorail station. Furthermore, consistent with its Enhanced/New Multi-Neighborhood Center Area designation on the GPM, the Subject Property will be redeveloped as a commercial center with residential and commercial uses, which will advance the District's goals in Policy H-1.1.4.

## **6. Economic Development Element**

The goal of the Economic Development Element is to:

[s]trengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy. 10A DCMR § 701.1.

The proposed Zoning Map amendment advances this overarching goal as well as specific policy objectives by facilitating redevelopment of a site that will create new jobs for District residents and generate tax revenue for the District. Furthermore, the redevelopment of the Subject Property that would be facilitated by the proposed Zoning Map amendment will help advance the continued revitalization of Rhode Island Avenue, NE, and bring patrons to new and existing local businesses along this important corridor.

More specifically, the Zoning Map amendment will advance the following specific policies of the Economic Development Element:

*Policy ED-2.2.1: Expanding the Retail Sector: Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 10A DCMR § 708.4.*

Consistent with Policy ED-2.2.1, the Zoning Map amendment will allow for retail growth at the Subject Property. Doing so will capitalize on the spending power of existing and future residents of the neighborhood and will encourage additional retail growth along Rhode Island Avenue, NE.

*Policy ED-2.2.3: Neighborhood Shopping - Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 10A DCMR § 708.7*

*Policy ED-3.1.1: Neighborhood Commercial Vitality - Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 10A DCMR § 713.5*

*Policy ED-3.1.2: Targeting Commercial Revitalization - Continue to target government economic development programs to areas of greatest need, including older business areas and commercial centers that inadequately serve surrounding areas. Focus on those areas where the critical mass needed to sustain a viable neighborhood commercial center can be achieved. 10A DCMR § 713.6*

Consistent with Policies ED-3.1.1 and 3.1.2, the proposed Zoning Map amendment would enable development of new shopping opportunities at the Subject Property to better meet the demand for basic goods and services for District residents. The new development would have the potential to attract new businesses, improve the mix of goods and services available to residents, and help to create and sustain a viable multi-neighborhood commercial center.

## **7. Upper Northeast Area Element**

The Subject Property is located within the Upper Northeast Area Element of the Comprehensive Plan. The Upper Northeast Area Element is principally known as a residential community, with single-family and row house neighborhoods, apartments, and higher-density housing. See 10A DCMR § 2400.2. The Upper Northeast Area also contains the largest concentration of industrial land uses in the District, as well as shops and local businesses along neighborhood commercial streets, including Rhode Island Avenue. See 10A DCMR § 2400.3 and 2400.4.

The Subject Property is located within the Rhode Island Avenue Metro Station Area Policy Focus Area within the Upper Northeast Area Element. The Comprehensive Plan states that “[l]and

around the Rhode Island Avenue Metro station is underutilized,” and that “medium to high density housing is strongly encouraged in this area.” 10A DCMR § 2415.2. Moreover, “filling the gaps” would be desirable in the commercial areas, creating a more pedestrian-friendly environment. While most of the street is zoned for commercial uses, development that includes ground floor retail uses and upper story housing would be desirable. The surrounding area is under-served by retail uses and would benefit from new restaurants, local-serving stores, and other services.” 10A DCMR § 2415.4.

The proposed Zoning Map amendment is consistent with the Policies set forth in the Upper Northeast Area Element and the Rhode Island Avenue Metro Station Area Policy Focus Area as follows:

*Policy UNE-1.1.2: Compatible Infill - Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially-zoned properties exist. Such development should be consistent with the designations on the Future Land Use Map. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low income as well as those of moderate and higher incomes. 10A DCMR § 2408.3*

Redevelopment of the Subject Property enabled by the proposed Zoning Map amendment would allow for compatible residential infill development that meets the needs of a diverse range of District residents.

*Policy UNE-1.1.3: Metro Station Development - Capitalize on the presence of the Metro stations at Rhode Island Avenue, Brookland/CUA, and Fort Totten, to provide new transit-oriented housing, community services, and jobs. New development around each of these three stations is strongly supported. The District will coordinate with WMATA to ensure that the design, density, and type of housing or other proposed development at these stations is compatible with surrounding neighborhoods; respects community concerns and feedback; serves a variety of household incomes; and mitigates impacts on parking, traffic, and public services. Development shall comply with other provisions of the Comprehensive Plan regarding the compatibility of new land uses with established development, the provision of appropriate open space, and mitigation of impacts on traffic, parking, and public services. 10A DCMR § 2408.4*

*Policy UNE-2.5.1: Rhode Island Avenue/Brentwood Metro Station - Encourage the development of additional medium-to high-density mixed use development around the Rhode Island Avenue Metro station, particularly on the surface parking lots in the station vicinity. Review the Rhode Island properties west of and proximate to the Rhode Island Avenue Metro station for transit connections and appropriate land use recommendations. 10A DCMR § 2415.5*

The Zoning Map amendment would allow for development of new medium-to-high density mixed-use development at the Subject Property adjacent to the Rhode Island Avenue Metrorail station.

*Policy UNE-2.5.2: Redevelopment of Older Commercial and Industrial Sites - Encourage the long-term reuse of older commercial and industrial sites in the Rhode Island Avenue Metro station vicinity with higher-value mixed uses, including housing. Future mixed-use development should be pedestrian-oriented, with design features that encourage walking to the Metro station and nearby shopping. 10A DCMR § 2415.6*

Consistent with Policy UNE-2.5.2, the proposed Zoning Map amendment would allow for the reuse of the industrially-zoned site in the Rhode Island Avenue Metro station vicinity with higher-value mixed uses, including housing and affordable housing. Due to its transit-oriented location and proximity to existing retail uses, any new development at the Subject Property would encourage walking to the Metrorail station and nearby shopping.

#### **B. Rhode Island Avenue Diamond of the District Small Area Plan**

As set forth above, the Subject Property is located within the boundaries of the Rhode Island SAP, which is intended to convey the wide range of investment opportunities along Rhode Island Avenue, NE, and to outline objectives, preferences, and concerns shared by area stakeholders and the District government for the appropriate redevelopment of underutilized commercial properties.

The Rhode Island SAP is “retail-driven,” recommending over 500,000 square feet of new retail along the corridor. *See* Rhode Island SAP, p. 4. It also promotes transit-oriented development, stating that the **Rhode Island Avenue Metrorail station “contains tremendous potential to become a diverse mixed use center at densities which are suitable near major transit rail stations,”** and asserting that “[a]s a policy, the District actively seeks to capitalize upon its transit and high-volume transit and traffic corridors to enhance neighborhood centers. Implementation of this “smart growth” principle around the Metro station and along the corridor is a priority in this plan.” *Id.* at 4-5 (emphasis added). The Rhode Island SAP also states that its successful realization “depends heavily upon the ability to construct new housing at greater densities,” and that **“building new housing in higher density, multifamily apartment/condominium buildings and stacked townhomes along [Rhode Island] Avenue is very important to generating the foot traffic to make the retail viable.”** *Id.* at 5 (emphasis added).

The Subject Property is located within “Sub-Area 1” of the Rhode Island SAP. The SAP makes rezoning recommendations for the Sub-Area, and states that these rezonings “should be allowed through map amendment[s] with development permitted matter of right.” *Id.* at 17. More specifically, **the Rhode Island SAP recommends rezoning the Subject Property from the C-M-2 District (now the PDR-2 District) to the C-2-C District (now the MU-6 District), which is the zone proposed under this Zoning Map amendment application.** *Id.* For the block to the north of Rhode Island Avenue, between the rail lines and Reed Street (the location of the Subject Property), the Rhode Island SAP recommends development of a minimum of 300 mixed-income housing

units, 16,000 square feet of retail fronting onto Rhode Island Avenue, and 135,000 square feet of new office space. *Id.*

The Zoning Map amendment application is fully consistent with the recommendations in the Rhode Island SAP. Allowing for mixed-use and higher density development at the Subject Property will allow for the type of commercial and residential uses prioritized by the District for areas surrounding the Rhode Island Metrorail station. Redevelopment of the Subject Property will capitalize on the Metrorail station's pedestrian traffic and Rhode Island Avenue's vehicular traffic to enhance the neighborhood center and generally improve and revitalize the area. The Zoning Map amendment will allow for commercial and residential uses where they are currently not permitted, thus enabling higher density uses, including new housing, affordable housing, and neighborhood-serving retail uses, to meet the needs of District residents, visitors, and employees.

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

The proposed Zoning Map amendment would further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the MU-6 District will allow the Subject Property to be put to a more productive use, thus contributing to the ongoing revitalization of the Rhode Island Avenue, NE corridor, and the neighborhoods located near the Rhode Island Avenue Metrorail station, in a manner that is compatible with surrounding development. The Zoning Map amendment will protect the health and safety of District residents by allowing for future redevelopment of the Subject Property with a height and density that is consistent with the FLUM, the GPM, and with the existing zoning to the immediate north and east of the Subject Property, such that the proposed Zoning Map amendment will not have any adverse effects on adjacent properties. The Zoning Map amendment will also promote the general welfare through the jobs created as a result of the redevelopment of the Subject Property, both short-term and long-term, and through significant new tax revenue for the District government.

**D. No Adverse Consequences**

The Zoning Map amendment will not result in adverse consequences. Rather, the requested rezoning will contribute to several positive benefits as it will facilitate the redevelopment of a significantly underutilized site located along one of the District's major transportation corridors. Future redevelopment will improve the Subject Property's current condition, thereby enhancing the quality of the entire community and increasing revenue for the District. The Zoning Map amendment will not generate any negative external effects, but will instead promote the efficient use of high-value land in a manner that will enhance the city's image.

**E. Proposed MU-6 District Would Create Favorable Conditions**

As described above, the proposed Zoning Map amendment will bring the zoning of the Subject Property more into conformance with the current mixed use High Density Residential and Medium Density Commercial FLUM designation. The requested rezoning will advance a number of policies embodied in the various elements of the Comprehensive Plan, and will further the recommendations of the Rhode Island SAP. Overall, the rezoning will allow the future development of a wide range of residential and commercial uses on the Subject Property while



eliminating the possibility of future industrial development in contravention to both the FLUM and the GPM designations for the Subject Property.

## VI. COMMUNITY OUTREACH AND ANC COORDINATION

Prior to filing this application, the Petitioner reached out to Advisory Neighborhood Commission (“ANC”) 5B, the ANC in which the Subject Property is located. The Petitioner has not yet formally presented the application to the ANC, but will do so prior to the public hearing on this case. The Applicant has also met with the Office of Planning to discuss the application and will continue to work with the Office of Planning leading up to the public hearing.

## VII. CONCLUSION

For all of the reasons stated herein, the Petitioner submits that the proposed rezoning of the Subject Property from the PDR-2 District to the MU-6 District meets all of the requirements for an amendment to the 2016 Zoning Map. The proposed Zoning Map amendment is consistent with the District's plans and policies for the Subject Property and the surrounding area. Furthermore, the proposed rezoning is not inconsistent with the Comprehensive Plan and will further each of the specific objectives set forth in the Zoning Act. Accordingly, the Petitioner respectfully requests that the Commission schedule a public hearing on this petition and grant the requested Zoning Map amendment.

Respectfully submitted,

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