

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

**STATEMENT IN SUPPORT OF
A PETITION FOR A ZONING MAP AMENDMENT
FROM THE R-3 DISTRICT TO THE RA-2 DISTRICT**

**FOR
2359 HIGH STREET, SE
(SQUARE 5799, LOT 976)**

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I.
INTRODUCTION

High Street LLC (the “Petitioner”), through undersigned counsel, submits this statement in support of its petition pursuant to Subtitle Z, Section 201.7(b)(1) of the District of Columbia Municipal Regulations, Title 11 (11 DCMR) (the “Zoning Regulations”) to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone property located at 2359 High Street, SE (Square 5799, Lot 976) (the “Subject Property”), from the R-3 District to the RA-2 District. A building plat showing the lot to be rezoned is attached hereto as Exhibit A, and a portion of the Zoning Map showing the Subject Property is attached hereto as Exhibit B.

The requested Zoning Map amendment is not inconsistent with the Comprehensive Plan Future Land Use Map (“FLUM”) or the Generalized Policy Map (“GPM”), advances the purposes of the Comprehensive Plan and other District reports, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

II.
DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA

The Subject Property is located in Square 5799 in the Anacostia neighborhood of Ward 8. The Subject Property is located in the southern portion of Square 5799 and is bounded by a public alley to the east, single family detached homes and a public alley to the south, High Street, SE to the west, and a single family detached home to the north.

The Subject Property consists of approximately 34,934 square feet of land area, has approximately 100 linear feet of frontage on High Street, SE to the west, and approximately 199.62 linear feet of frontage along the public alley to the east. As shown on the Zoning Map (Exhibit B), Square 5799 is located in the R-3 District. As shown in the below image, the Subject Property is presently vacant.



As shown on the excerpt from the District’s Historical Zoning Maps, the Subject Property was previously improved with three large multifamily buildings and had certificates of occupancy permitting 36 units. Moreover, BZA Order No. 17358 approved zoning relief to allow 48 units on the Subject Property.



As shown on the Comprehensive Plan Future Land Use Map (“FLUM”) attached hereto as Exhibit C, the Subject Property is designated as Moderate Density Residential. A majority of the neighborhood surrounding the Subject Property is also designated as Moderate Density Residential. Properties along Martin Luther King Jr. Avenue, SE, approximately 0.3 miles west of the Subject Property, are designated mixed-use Medium Density Commercial and Medium Density Residential. As shown on the Comprehensive Plan GPM attached hereto as Exhibit D, the Subject Property is within a Neighborhood Enhancement Area.

The Subject Property is located approximately 0.4 miles from the Anacostia Metrorail station, and is close to multiple major Metrobus lines on Morris Avenue, SE. The Subject Property has a Transit Score of 74 (excellent transit).

III. **EXISTING AND PROPOSED ZONING**

A. Existing Zoning

The Subject Property is currently zoned R-3. The maximum permitted building height not including the penthouse in the R-3 District is 40 feet and 3 stories. 11-D DCMR § 303.1. The maximum permitted penthouse height in the R-3 District is 12 feet and one story. 11-D DCMR § 303.2. The maximum permitted lot occupancy is 60% for attached dwellings and places of worship and 40% for all other structures. 11-D DCMR § 304.1. The minimum lot width for an attached dwelling is 20 feet (16 feet as an Inclusionary Zoning (“IZ”) development), 30 feet for a semi-detached dwelling, and 40 feet for all other structures. 11-D DCMR § 302.1. The minimum lot area for an attached dwelling is 2,000 square feet (1,600 square feet as an IZ development), 3,000 square feet for a semi-detached dwelling, and 4,000 square feet for all other structures. *Id.* Given

the 100 linear feet of street frontage along High Street, S.E., under the current R-3 zoning a maximum of five attached dwellings (6 with IZ) would be permitted on a 34,934 square foot site.

B. Proposed Zoning

The Petitioner requests a Zoning Map amendment pursuant to 11-Z DCMR § 201.7(b)(1) to rezone the Subject Property to the RA-2 District. RA Districts permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts. 11-F DCMR § 301.1. The proposed Zoning Map amendment would allow for redevelopment of the Subject Property with a multifamily apartment building, which is the use that last occupied the Subject Property.

The maximum density in the RA-2 District is 1.8 FAR (2.16 with IZ development). 11-F DCMR § 302.1 and 11-C DCMR § 1002.3. The maximum height in the RA-2 District is 50 feet with no limit on the number of stories. 11-F DCMR § 303.1. The maximum permitted penthouse height is 12 feet, except 15 feet for penthouse mechanical space, and one story is permitted with a second story permitted for penthouse mechanical space. 11-F DCMR § 303.2. The maximum lot occupancy in the RA-2 District is 60%. 11-F DCMR § 304.1.

C. Effect of the Proposed Map Amendment

The requested Zoning Map amendment satisfies each of the statutory standards applicable to Zoning Map amendments. The rezoning to the RA-2 District is also consistent with the Comprehensive Plan FLUM and GPM, advances the purposes of the Comprehensive Plan and other District reports, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The table below sets forth the development standards for the R-3 District compared to the RA-2 District.

Development Standard	R-3	RA-2
Building Height	40 feet and 3 stories Subtitle D § 303.1	50 feet, no limit on stories Subtitle F § 303.1.
FAR	No maximum FAR specified; however if all of the lot occupancy is maximized the effective FAR would be 1.8.	1.8 FAR 2.16 FAR (IZ) Subtitle F § 302.1 Subtitle C § 1002.3
Lot Occupancy	60% for attached dwellings and places of worship. 40% for all other structures. Subtitle D § 304.1.	60% Subtitle F § 304.1

Rear Yard	20 feet	4 inches/foot of height, 15 foot minimum
	Subtitle D § 306.2	Subtitle F § 305.1

As shown in the above table, under the existing R-3 zoning the effective FAR for development of the Subject Property 1.8 FAR, which is consistent with the parameters of the RA-2 District. The proposed Zoning Map amendment will allow for reasonable redevelopment of the Subject Property given its configuration, minimal street frontage, and land area.

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

The requested Zoning Map amendment is submitted as a rulemaking pursuant to 11-Z DCMR § 201.7(b)(1), which states that Zoning Map amendments may be initiated by private persons, organizations, or other entities in cases where the petitioner does not own all of the property proposed to be rezoned. In a rulemaking case before the Commission, there are no parties or motions. 11-Z DCMR § 201.8.

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 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" 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.

The Commission must apply these standards and criteria in determining whether to approve a requested Zoning Map amendment. The proposed rezoning of the Subject Property from the R-3 District to the RA-2 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 RA-2 District is not inconsistent with the policies and goals of the Comprehensive Plan, including the FLUM and GPM. The Comprehensive Plan guides the District's development, both broadly and in detail. 10A DCMR § 103.2. The Comprehensive Plan includes maps and policies for the physical development of the District, and addresses social and economic issues that affect and are linked to the development of the city and its citizens. The Plan allows the District to ensure that its resources are used wisely and efficiently and that public investment is focused in the areas where it is needed most. 10A DCMR § 100.14. Subsection 226.1(d) of the Comprehensive Plan provides 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."

If an application arguably "conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole." *Durant I v. Dist. Of Columbia Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous "occasionally competing policies and goals," and, "[e]xcept where specifically provided, the Plan is not binding." *Id.* at 1167, 1168 (internal quotation marks omitted). Thus "the Commission may balance competing priorities" in determining whether a project would be inconsistent with the Comprehensive Plan as a whole. *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013).

1. Future Land Use Map

The FLUM shows the general character and distribution of recommended and planned uses across the city, and, along with the Generalized Policy Map, is intended to provide a generalized guide for development and conservation decisions. 10A DCMR §§ 200.5 and 226.1. The land use category definitions on the FLUM describe the general character of development in each area, citing typical building heights (in stories) as appropriate. However, the granting of density bonuses may result in heights that exceed the typical ranges cited. 10A DCMR § 226.1(c). The densities within any given area on the FLUM "reflect all contiguous properties on a block," but there may be "individual buildings that are higher or lower than these ranges within each area." *Id.*

The Comprehensive Plan does not require that each block "strictly correspond" with the general description of the associated land use designation on the Future Land Use Map. *See* Z.C. Order No. 08-15, Finding of Fact No. 74(a). Indeed, the "Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly." 10A DCMR § 226.1(a).

As shown on Exhibit C, the FLUM designates the Subject Property in the Moderate Density Residential land use category. As described in the Framework Element of the Comprehensive Plan, the Moderate Density Residential category is:

used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B¹ district and other zones may also apply in some locations.

10A DCMR § 225.4

The Comprehensive Plan specifically references the RA-2 District as being consistent with the Moderate Density Residential category in some locations. *See* 10A DCMR § 225.4. In addition, the Commission has previously granted Zoning Map amendment applications to the R-5-B District (the RA-2 District under the 1958 Zoning Regulations) for properties designated Moderate Density Residential on the FLUM. *See* Z.C. Order No. 15-13, which rezoned property designated as Moderate Density Residential on the FLUM and a Neighborhood Conservation Area on the GPM, from the C-M-1 and R-4 Districts to the R-5-B District; *see also* Z.C. Order No. 15-33, which rezoned property designated as Moderate Density Residential on the FLUM and a Neighborhood Conservation Area on the GPM, from the C-M-1 District to the R-5-B District; *see also* Z.C. Order No. 13-09, which rezoned property designated as Moderate Density Residential on the FLUM, from the R-3 District to the R-5-B and SP-1 Districts; *see also* Z.C. Order No. 17-27, which rezoned property designated as Local Public Facilities but surrounded by the Moderate Density Residential designation on the FLUM, and designated Neighborhood Conservation Area on the GPM, from RF-1 to RA-2.

The proposed rezoning of the Subject Property is also consistent with the surrounding neighborhood context, which is primarily residential, with a variety of housing types and densities that include row dwellings, flats, and apartment homes on Morris Street, SE and Martin Luther King Jr. Avenue, SE. Based on the foregoing, including previous Zoning Commission precedent, and because the RA-2 District is specifically listed within the Moderate Density Residential category, the proposed Zoning Map amendment to the RA-2 District is not inconsistent with the Comprehensive Plan.

On November 12, 2014, the Department of Housing and Community Development (“DHCD”) issued a solicitation for offers to redevelop the Subject Property. The solicitation requires that at least 40% of all new units must be affordable to households with incomes at or below 80% of the median family income (“MFI”). Moreover, at least 50% of the affordable units produced must be affordable to households with incomes at or below 50% MFI. DHCD also requires development of the Subject Property to include a mix of unit types.

¹ RA-2 district under the Zoning Regulations of 2016.

As a result, any development on the Site will include a mixture of unit types and affordable housing at a greater percentage than is required by IZ, which would only require 10% of the gross floor area on the Subject Property to be reserved as IZ units. Without the requested Zoning Map amendment any development of the Subject Property would not include a mixture of unit types since only a maximum of five attached dwellings could be constructed on the Property given the limit street frontage. Therefore, the proposed Zoning Map amendment is fully consistent with the FLUM Designation for the Subject, but also the District’s goals for development of the Subject Property

2. Generalized Policy Map

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. 10A DCMR § 223.1. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. *Id.* 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 Neighborhood Enhancement Area. The Comprehensive Plan’s Framework Element describes Neighborhood Enhancement Areas as follows:

Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant residentially zoned land. They are primarily residential in character. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. *These areas present opportunities for compatible small-scale infill development, including new single family homes, townhomes, and other density housing types. Land uses that reflect the historical mixture and diversity of each community should be encouraged.*

10A DCMR § 223.6 (emphasis added).

The proposed Zoning Map amendment is consistent with the objectives for Neighborhood Enhancement Areas. The RA-2 District will support future redevelopment of the Subject Property, which is presently vacant. The RA-2 zoning will allow the Subject Property to be redeveloped to include a variety of housing types, including multifamily, which was the historical use of the Subject Property. The Neighborhood Enhancement Area recognizes the presence of vacant residentially zoned land that is ripe for development, which reflects the “historical mixture” of the surrounding community, as is the case here. Moreover, in Neighborhood Enhancement Areas “[n]ew development in these areas should improve the real estate market...” *10A DCMR § 223.7.* As a result the proposed Zoning Map amendment is further consistent with the objectives for Neighborhood Enhancement Areas since it would improve the real estate market by allowing the productive reuse of the Subject Property.

3. Land Use Element

The Land Use Element is the cornerstone of the Comprehensive Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The Land Element describes the balancing of priorities that must take place in order to accommodate a multiplicity of land uses within the boundaries of the District of Columbia. 10A DCMR § 300.1. Because the Land Use Element integrates the policies and objectives of all the other District Elements, “it should be given greater weight than the other elements as competing policies in different elements are balanced.” 10A DCMR § 300.3.

The District’s 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-1.3.2: 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*

The proposed Zoning Map amendment will support new multifamily residential development around Metrorail stations. The Subject Property is located approximately 0.4 miles from the Anacostia Metrorail station and on land that is currently vacant. Due to its transit-oriented location, future development enabled by the Zoning Map amendment will minimize automobile use and maximize transit ridership.

- *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*

Consistent with this Policy, the Zoning Map amendment will allow for multifamily residential development at the Subject Property that will include new affordable housing in proximity to the Anacostia Metrorail station. Without the requested Zoning Map amendment the Subject Property

can only be developed with a maximum of five attached dwelling units and would not be subject to Inclusionary Zoning. New multifamily development in this location will reduce the need to own a private vehicle and thus decrease overall household expenses for residents who are impacted the most.

- *Policy LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 10A DCMR § 307.5*

Future redevelopment of the Subject Property permitted by the proposed Zoning Map amendment will allow for additional development on land that is vacant and creates a gap in the surrounding residential urban fabric. New development will be consistent with the RA-2 District, which is a zone that allows for heights and densities that are consistent with the surrounding neighborhood, and will complement the established character of the area.

- *Policy LU-2.1.1: Variety of Neighborhood Types - Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future. 10A DCMR § 309.5*

Redevelopment of the Subject Property under the RA-2 District will not have negative impacts on the existing identity and character of the neighborhood because it will rehabilitate and activate the site, provide much-needed new housing and affordable housing, and generally be a positive attribute that helps to improve the area. Moreover, the effective density on the Subject Property will not be increased.

- *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 proposed Zoning Map amendment will allow for increased housing supply, including affordable housing, and will utilize sustainable elements to help restore the environment, since any development on the Subject Property will have to comply with the District of Columbia’s Green Building Act of 2006 (D.C. Official Code §6-1451.01 *et seq.* (2012)) and the District’s stormwater management regulations (Title 21 DCMR, Chapter 5 and Title 20 DCMR, Chapter 31). Doing so will help to improve the Anacostia neighborhood and create a successful neighborhood.

- *Policy LU-2.2.4: Neighborhood Beautification - Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting,*

façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. 10A DCMR § 310.5

As part of any redevelopment project enabled by the Zoning Map amendment, the public streetscape surrounding the Subject Property will be improved to meet the District Department of Transportation (“DDOT”) standards and will beautify the public space adjacent to the Subject Property.

4. 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 of the Comprehensive Plan 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*

Through the Zoning Map amendment, the Petitioner will be able to provide new housing and affordable housing to help meet the needs of present and future District residents. Under the existing R-3 District, multi-family dwellings are not permitted, which limits the ability to provide new moderate density housing and affordable housing at the Subject Property. The proposed location for new housing is consistent with the District’s land use goals, as noted above, as well as with related transportation goals, which encourage development surrounding public transportation options.

- *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 Zoning Map amendment will allow for the development of new multifamily housing on vacant land. The proposed Zoning Map amendment, which is consistent with the FLUM, will help to ensure that the Subject Property is appropriately zoned to help the city meet its long-term housing needs, including the needs.

- *Policy H-1.1.5: Housing Quality - Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. 10A DCMR § 503.6*

Any future affordable housing developed at the Subject Property, and enabled by the Zoning Map amendment, will be designed to meet the same high-quality standards required for the market-rate housing, and will be indistinguishable from the market rate housing. Upon the rezoning, the Subject Property will be able to be redeveloped to include open spaces and amenities available to the building's residents. These policy goals will be further prescribed in an affordable housing covenant against the Subject Property.

- *Policy H-1.2.1: Affordable Housing Production as a Civic Priority - Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. 10A DCMR § 504.6*
- *Policy H-1.2.3: Mixed Income Housing - Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 10A DCMR § 504.8*

The proposed RA-2 District will allow for the future development of new affordable housing for low- and moderate-income households at the Subject Property, consistent with the Policies listed above. Additionally, future development at the Subject Property will be mixed-income, such that the affordable housing will not further concentrate poverty in areas that already have substantial affordable housing.

- *Policy H-1.2.4: Housing Affordability on Publicly Owned Sites - Require that a substantial percentage of the housing units built on publicly owned sites, including sites being transferred from federal to District jurisdiction, are reserved for low and moderate income households. 10A DCMR § 504.11*

Consistent with this Policy, the Zoning Map amendment will foster the development of new affordable housing on publicly-owned land, in accordance with DHCD's solicitation which requires that 40% of the units be reserved as affordable units.

- *Policy H-1.2.5: Workforce Housing - In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of teachers, fire fighters, police officers, nurses, city workers, and others in the public service professions with wages insufficient to afford market-rate housing in the city. 10A DCMR § 504.12*

The proposed RA-2 District will enable the development of affordable housing at the Subject Property, including moderate income housing that is affordable for individuals working in the public service professions with wages insufficient to otherwise afford market-rate housing.

- *Policy H-1.3.1: Housing for Families - Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. 10A DCMR § 505.6*
- *Policy H-1.3.2: Tenure Diversity - Encourage the production of both renter-occupied and owner-occupied housing. 10A DCMR § 505.7*

The RA-2 District will enable the future development of a range of housing types and tenures, including larger units for families, and both for-sale and for-rent units.

- *Policy H-3.1.1: Increasing Home Ownership - Enhance community stability by promoting home ownership and creating opportunities for first-time home buyers in the District.*

The requested Zoning Map amendment will allow for multifamily residential development of the Subject Property, which will create more ownership units and additional opportunities for first-time homebuyers.

5. 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 residential development on property located one block away from a major District corridor and in proximity to a Metrorail station and multiple Metrobus routes. New development at the Subject Property, will include improvement of the surrounding streetscape and transit patterns, will enhance Martin Luther King Jr. Avenue’s potential as a multi-modal transportation hub that meets the needs of District residents, the regional workforce, and visitors. Moreover, the new residential 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-1.1.4: 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. 10A DCMR § 403.10*
- *Policy T-2.4.1: Pedestrian Network - Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city. 10A DCMR § 410.5*

The Zoning Map amendment will support transit-oriented development by allowing for the construction of new housing within convenient walking distance of the Anacostia Metrorail station

and multiple Metrobus routes that connect to all areas of the District. As part of redevelopment of the Subject Property, the Petitioner will also improve the streetscape surrounding the Subject Property to ensure that pedestrians have safe and convenient pathways to access the public transportation options.

- *Action T-1.1.B: Transportation Improvements - Require transportation demand management measures and transportation support facilities such as crosswalks, bus shelters, transit resource and information kiosks, and bicycle facilities in large development projects and major trip generators, including projects that go through the Planned Unit Development (PUD) Process. 10A DCMR § 403.14*
- *Policy T-3.1.1: Transportation Demand Management (TDM) Programs - Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system. 10A DCMR § 414.8*

If the Zoning Map amendment is granted, the Petitioner will be able to redevelop the Subject Property, which will involve collaboration with DDOT to ensure that appropriate Transportation Demand Management measures and transportation support facilities are implemented in connection with development of the Subject Property.

- *Action T-2.3.A: Bicycle Facilities - Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. 10A DCMR § 409.11*

Future redevelopment of the Subject Property will include both long- and short-term bicycle parking spaces.

6. Environmental Protection Element

The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. 10A DCMR § 600.1. The overarching goal for environmental protection is to “[p]rotect, restore, and enhance the natural and man-made environment in the District of Columbia, taking steps to improve environmental quality, prevent and reduce pollution, and conserve the values and functions of the District's natural resources and ecosystems.” 10A DCMR § 601.1. The proposed Zoning Map amendment is consistent with this goal and with the following specific policies:

- *Policy E-1.1.1: Street Tree Planting and Maintenance - Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. 10A DCMR § 603.4*

- *Policy E-1.1.2: Tree Requirements in New Development - Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance. 10A DCMR § 603.5*
- *Policy E-1.1.3: Landscaping - Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. 10A DCMR § 603.6*

As part of redevelopment of the Subject Property, the Petitioner will ensure that new trees and landscaping are planted and maintained. All trees and landscaping located in public space will be provided in compliance with DDOT standards.

- *Policy E-2.2.1: Energy Efficiency - Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees. 10A DCMR § 610.3*
- *Policy E-2.2.4: Alternative Energy Sources - Support the development and application of renewable energy technologies such as active, passive, and photovoltaic solar energy, fuel cells, and other sustainable sources. Such technology should be used to reduce the dependence on imported energy, provide opportunities for economic and community development, and benefit environmental quality. A key goal is the continued availability and access to unobstructed, direct sunlight for distributed-energy generators and passive-solar homes relying on the sun as a primary energy source. 10A DCMR § 610.6*
- *Policy E-2.2.5: Energy Efficient Building and Site Planning - Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals. 10A DCMR § 610.7*
- *Policy E-3.1.1: Maximizing Permeable Surfaces - Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff. 10A DCMR § 613.2*
- *Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 10A DCMR § 613.3*

- *Policy E-3.1.3: Green Engineering - Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated. 10A DCMR § 613.4*
- *Policy E-3.2.1: Support for Green Building - Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. 10A DCMR § 614.2.*

In accordance with the Policies listed above, future development of the Subject Property enabled by the Zoning Map amendment will incorporate energy-efficient systems to reduce energy use and provide alternative energy sources to contribute to the District's energy efficiency goals. Redevelopment of the Subject Property will be required to comply with the Green Building Act and the District's stormwater management regulations, and will be consistent with the Sustainable DC Plan.

7. Far Southeast and Southwest Area Element

The Subject Property is located within the Far Southeast and Southwest Area Element of the Comprehensive Plan. The Far Southwest and Southwest Area is comprised of 19th century row houses in Historic Anacostia as well as brand new communities like Henson Ridge and Wheeler Creek. Its housing range from single family homes in neighborhoods like Congress Heights, to garden apartments in neighborhoods like Washington Highlands and Fort Stanton, to high-rise apartments such as the Wyngates and Faircliff Plaza. 10A DCMR § 1800.2.

Priorities for redevelopment in the Far Southeast and Southwest Area include the following: safer streets, better schools, more jobs, and *improved housing choices*. 10A DCMR § 1800.5 (emphasis added). The Far Southeast and Southwest Area is expected to grow from about 22,800 households in 2005 to 30,100 households in 2025, an increase of about 32 percent. By 2025, the area is expected to have a population of almost 82,000. 10A DCMR § 1806.1. These projections assume that vacant and abandoned housing units in the Planning Area will be refurbished or replaced, and that new units will be developed on vacant sites. *Id.* The community recognizes that there are opportunities for increased density within the Far Southeast and Southwest. However, higher density should be concentrated around the Metrorail Stations at Anacostia and Congress Heights, at St. Elizabeths, and in neighborhood centers along Martin Luther King Junior Avenue and South Capitol Street. Beyond these areas, many residents have expressed the opinion that deteriorating apartment complexes should be replaced with less dense housing over time. 10A DCMR § 1807.2(d).

Consistent with these priorities, the proposed Zoning Map amendment will enable future multifamily residential development at a height and density that is similar to that of the previous use of the Subject Property and within 0.4 miles of the Anacostia Metrorail Station. Redevelopment of the Subject Property would increase the mix of housing types, provide housing for families, and create housing that is affordable for households of diverse incomes, sizes, and tenures. Moreover, the Zoning Map amendment to the RA-2 District will help accommodate the expected growth in the Far Southwest and Southwest Area of the District.

The Subject Property is also within the Barry Farm/Hillsdale/Fort Stanton Policy Focus Area. *See* 10A DCMR § 1810.3. The proposed Zoning Map amendment would also help to foster a number of the policies listed within the Far Southeast and Southwest Area Element and the Policy Focus Area as follows:

- *Policy FSS-1.1.1: Directing Growth - The presence of the Anacostia Metrorail Station and the coming redevelopment of the St. Elizabeths Hospital site, including the consolidation of the Federal Department of Homeland Security, offer an unprecedented opportunity to catalyze economic development in the Far Southeast/ Southwest area.*
- *Policy FSS-1.1.4: Infill Housing Development - Support infill housing development on vacant sites within the Far Southeast/Southwest, especially in Historic Anacostia, and in the Hillsdale, Fort Stanton, Bellevue, Congress Heights and Washington Highlands neighborhoods. 10A DCMR § 1808.*
- *Policy FSS-1.1.12: Increasing Home Ownership - Address the low rate of home ownership in the Far Southeast/Southwest by providing more owner-occupied housing in new construction...*
- *Policy FSS-2.3.2: Housing Opportunities - Encourage compatible infill development on vacant and underutilized land within the Hillsdale and Fort Stanton neighborhoods, with an emphasis on low to moderate density housing designed for families. Special care should be taken to respect the area's topography, avoid erosion, improve the street and circulation system, and mitigate any traffic increases caused by new development. 10A DCMR § 1813.4.*

The requested rezoning to the RA-2 District will provide for moderate density multifamily housing on a vacant site in the Anacostia neighborhood that is within 0.4 miles of the Anacostia Metrorail Station. The proposed redevelopment of the Subject Property is compatible with the previous development on the Subject Property. Moreover, all of the resulting units will be owner-occupied housing. As part of any redevelopment project enabled by the Zoning Map amendment, the public streetscape surrounding the Subject Property will be improved to meet DDOT standards, which will improve the street and circulation system adjacent to the Subject Property.

B. District Housing Studies

In addition to being not inconsistent with the Comprehensive Plan, the proposed Zoning Map amendment to the RA-2 District will also advance many of the policies set forth in other District housing studies and reports, since it will support future higher density residential development, including affordable housing, at a site that would otherwise not be able to construct more than one principal dwelling unit per record lot.

For example, the proposed Map Amendment is consistent with the comprehensive housing strategy developed by the District in 2006, entitled “Homes for an Inclusive City,” (the “Housing

Strategy”).² The Housing Strategy recommends a variety of policies and actions to preserve and create mixed-income housing throughout the District. One primary recommendation from the Housing Strategy is for the District to “support a balanced growth policy which allows for increased population densities and mixed-income, mixed-use development along major corridors and transit stops.” *See* Housing Strategy, p. 2. The Housing Strategy notes that the District’s booming rental market has hit the elderly especially hard, and that low income elderly are in special need of affordable shelter. *See* Housing Strategy, p. 16. Consistent with these goals, the RA-2 District will allow for increased densities relative to the R-3 District, and will support development of multi-family mixed-income housing in proximity to public transportation.

The height, density, and number of dwelling units permitted in the RA-2 District is consistent with the District report “Bridges to Opportunity: A New Housing Strategy for D.C.” (“Bridges to Opportunity”), published in 2013, which builds upon the work of the Housing Strategy to encourage even more housing choices that are affordable across the spectrum of incomes.³ *See* Bridges to Opportunity, p. 5. The Bridges to Opportunity report encourages the production of both affordable and market-rate housing to reduce pressure on the supply and demand sides of the affordable housing equation and to create a more balanced and stronger affordable housing landscape. *Id.* at 6. Consistent with this goal, the Zoning Map amendment will enable greater residential density and new affordable and market rate housing. Increasing the overall number of residential units in the District will help to reduce pressure on supply and demand for affordable housing to District residents.

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 RA-2 District will provide for the redevelopment of a vacant site that will put the Subject Property back to productive use and contribute to the ongoing revitalization of the Anacostia neighborhood in a manner that is compatible with surrounding development and previous development on the Subject Property. By permitting moderate density development at the Subject Property, the proposed Zoning Map amendment will protect the health and safety of District residents by rehabilitating a vacant property with an active use that will provide new housing and affordable housing and generate additional activity in the neighborhood. 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 new revenue for the District government generated by individual income tax, property tax, and sales taxes.

D. No Adverse Consequences

The Zoning Map amendment will not result in the overcrowding of land or the undue concentration or population, nor will it have any significant adverse impacts on traffic congestion in the surrounding area. The Zoning Map amendment will allow redevelopment of a vacant site in close proximity to Metrorail and Metrobus. It will return a vacant property to active, productive use, thereby enhancing the quality of the entire community and increasing revenue for the District.

² Available at https://www.brookings.edu/wp-content/uploads/2016/06/housingstrategy_fullreport.pdf

³ Available at <http://www.cohho.org/wp-content/uploads/2014/01/DC-Housing-Taskforce-2013-Strategy.pdf>

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, among other things, enhance the city's affordable housing stock and preservation of historic assets.

E. Proposed RA-2 Zone Would Create Favorable Conditions

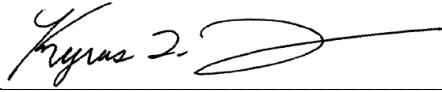
As discussed above, the proposed Zoning Map amendment will advance a number of policies embodied in the various elements of the Comprehensive Plan, and will enable development that promotes the recommendations of the District-issued solicitation for the Subject Property. The Zoning Map amendment will not generate any negative external effects, but will instead promote the efficient use of high-value land in a manner that will, among other things, enhance the city's affordable housing stock and preservation of historic assets.

**VI.
CONCLUSION**

For all of the reasons stated herein, the Petitioner submits that the proposed rezoning of the Subject Property from the R-3 District to the RA-2 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. 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. Moreover, the rezoning is fully consistent with the District's development goals for the Subject Property as set forth in the solicitation. 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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By:  _____

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