

TESTIMONY OF ELLEN McCARTHY

ZC Case No. 18-08

LAND USE AND PLANNING ISSUES RE: A PROPOSED MAP AMENDMENT FOR 1143 NEW HAMPSHIRE AVENUE, NW

Good evening, Mr. Chairman and Members of the Zoning Commission. For the record, my name is Ellen McCarthy, and I am testifying tonight as an expert in planning and zoning regarding the proposed map amendment for this case. As indicated in my submitted statement of qualifications, I have been engaged as a professional planner in DC for more than 30 years, including approximately eight years as Director or Deputy Director of the DC Office of Planning. One of the highlights of that career was overseeing the preparation of what was then the new Comprehensive Plan, adopted unanimously by the DC City Council in December 2006, with the assistance of Commissioner Miller, who was the staff director of the Council's Committee of the Whole at that time.

I will address three main points in my testimony:

1. The criteria for adopting a zoning map amendment
2. An explanation of how the proposed map amendment to MU – 10 zone meets that criteria, particularly how it is consistent with the Comprehensive Plan
3. The use change to be enabled by the map amendment will provide additional benefit to the city and will not have any adverse effects on neighboring property

CRITERIA FOR APPROVING AN AMENDMENT TO THE ZONING MAP

As the applicant's submission, and the Office of Planning's setdown and hearing report have all noted, the standard established by the Zoning Regulations with respect to approving a map amendment is rather straightforward -- whether the proposed amendment is not inconsistent with the Comprehensive Plan:

500.3 In all cases, the Zoning Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

As the Commission is aware, the Comprehensive Plan is truly comprehensive, covering a broad range of policies to govern the development of the city. The Plan notes, however, that the land use element takes precedence:

More than any other part of the Comprehensive Plan, this Element lays out the policies through which the city will accommodate growth and change while conserving and enhancing its neighborhoods, commercial districts, and other areas. 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. 300.3

The Future Land Use Map, while not a zoning map per se, applies the variety of policies in the Plan with respect to use and intensity to a particular location. As the subject application and the OP reports point out clearly, the subject site is designated on the Future Land Use Map for a mix of high-density commercial and residential uses.



With respect to the proposed new zoning, Section 400.9 of the Zoning Regulations indicates:

The MU-10 zone is intended to:

- Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;
- Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;

The proposed new zoning is clearly consistent with the Future Land Use Map. In fact, It is important to note that, in a previous case, ZC No. 06-29, the Commission approved a PUD for this same site, which would have been 20 feet taller and almost 1 FAR more dense, an additional 30, 300 sf, explicitly finding that rezoning to what was then C-R (now renamed MU-10) is not inconsistent with the Comprehensive Plan.

In the Land Use Element, Policy LU-2.1.10: Multi-Family Neighborhoods, specifically calls for making multi-family neighborhoods “more attractive, pedestrian-friendly, and transit accessible. 309.15”.

In addition, there is a recommendation in Action LU-2.3.A that calls for zoning changes to reduce land use conflicts in residential zones, suggesting that the Commission develop text amendments which, “Provide for ground-level retail where appropriate while retaining the residential zoning along major corridor.” The same section also recommends that the zoning regulations “Ensure that the height, density, and bulk requirements for commercial districts balance business needs with the need to protect the scale and character of adjacent residential neighborhoods.”

It is worth noting that the proposed new MU-10 zone has the same limits on height and hotel density, 90 feet and 6.0 FAR, as the existing RA-5 zone, and the residential buildings in the vicinity are very similar in scale. This is quite evident in the looking north on New Hampshire Avenue, where you can see that the condominium building immediately across the street is not only similar in scale, it has a regionally popular restaurant on the ground floor. Immediately adjacent to the north of the 9-story subject property is a 10 story residential building.



Looking south, one can see clearly the mixed-use character of the area, given the reddish brick office building diagonally across the street, with two restaurants in the ground level, and a high-rise office building, 2100 M Street, immediately adjacent to the Wink, as mentioned in the OP Hearing Report.



The Land Use Element also talks about the importance of continued growth of commercial land uses for providing jobs for DC residents and to “sustain the city’s role as the center of the metropolitan area,” but cautioning that the commercial centers need to be inviting and provide for social interaction and use by nearby residents, which the Wink’s desire to include a ground level restaurant would certainly satisfy. Policy 2.4.10 goes on to address the importance of uses which “animate” the street.

Policy LU-2.4.1: Promotion of Commercial Centers -- Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5

Policy LU-2.4.10: Use of Public Space within Commercial Centers-- Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street should be encouraged. Conversely, the enclosure of

outdoor sidewalk space with permanent structures should generally be discouraged.
312.14

The Urban Design Element of the Plan supports the importance of having uses along the street which contribute to the pedestrian environment, suggesting that shop entrances help activate street life:

Policy UD-3.1.6: Enhanced Streetwalls--Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. Id. § 913.13.

Policy UD-3.1.8: Neighborhood Public Space--Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the "activation" of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas. Id. § 913.15.

You will recall that the Zoning Regulation standard for a map change called for consistency not only with the Comp Plan, but also "other adopted public policies and active programs." The recently released Mayor's Economic Strategy Action Framework also supports the importance of the "exploding food and entertainment scene" to counter negative perceptions from outside the city that we are a dull government town:

LOCAL IDENTITY AND PROMOTION

One of DC's biggest assets is its brand. As a longtime seat of power and the home of the U.S. government and more recently a thriving urban center, DC offers businesses – at least in some markets – an advantageous brand associated with power, credibility, and quality. However, that brand also has negative connotations tied to government gridlock and being too focused on one single industry (i.e., government). Locally, DC is viewed as a vibrant, diverse and innovative city with an exploding food and entertainment scene, a cosmopolitan populace, charming neighborhoods. In short, it is so much "more than monuments." In many stakeholder discussions, the "real DC" identity was raised as a competitive advantage that needs to be better promoted.

The DC Economic Partnership also recognized the importance of the hospitality industry to our economy. It noted on its website: "it is estimated that DC will experience roughly double the nation's percentage growth in food and beverage spending in the next five years (*CBRE FastReport*)." The proposed zoning map amendment will allow the Wink to contribute to that spending growth, and the jobs and tax revenue that an expanded restaurant scene produces for the benefit of DC residents.

So, in summary, the standard that the Commission must look to in determining the merit of the application for the map change in Zoning Case 18-08 is whether the proposed rezoning to MU-10 is not inconsistent with the Comprehensive Plan and other relevant policies. In my professional opinion, the requested change not only satisfies the standard, but it will bring additional benefits in contributing to

street vitality and economic activity. The density and height that result from the MU-10 designation are the same as the current zone and are entirely consistent with the character of the neighborhood.