

Z.C. Case No. 18-10
Map Amendment
High Street, LLC
Square 5799, Lot 976

Testimony of:

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1. Good evening Mr. Chairman and members of the Commission.
2. My testimony this evening on Case No. 18-10 will focus on the requested map amendment's consistency with the District Elements of the Comprehensive Plan.
3. For the sake of the record, the standard of review for a map amendment is found in Subtitle X § 500.3, which states that 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."
4. The Petitioner requests to rezone the Subject Property from R-3 to RA-2.
5. The existing R-3 zoning of the Subject Property, which can be found around the Subject Property along with areas zoned RF-1 and RA-1, is one of the "Residential House (R)" zones which are designed to provide for stable low- to moderate-density residential areas suitable for family life and supporting uses.
6. The Zoning Regulations describe the R-3 zone as being intended to permit attached row houses on small lots, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and grounds of three or more row dwellings.
7. As a matter of right, the R-3 zone permits a maximum height of 40 feet (3 stories) and a maximum lot occupancy of 40%. When one is permitted, residential buildings in the R-3 can have a penthouse with a maximum height of 12 feet.

8. In terms of existing development context, as shown in the photographs included in the Context Matrix that is attached to OP's hearing report, the area surrounding the Subject Property is developed with a variety of residential building types ranging from detached, semi-detached, row dwelling, and several low-rise apartment buildings.
9. In fact, the Subject Property was improved with three, three-story apartment buildings containing approximately 36 total units until they were demolished in 2013 after sitting abandoned for several years.
10. As required under the Zoning Act of 1938 and Subtitle X § 500.3, the request to rezone the Subject Property to RA-2 is not inconsistent with the District Elements of the Comprehensive Plan.
11. The Comprehensive Plan is a broad policy framework that, among other purposes, is intended to:
 - Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development;
 - Guide executive and legislative decisions on matters affecting the District and its citizens;
 - Guide public and private development to achieve District and community goals;
 - Maintain and enhance the District's natural and architectural assets; and
 - Assist in the conservation, stabilization, and improvement of each neighborhood and community.
12. The Implementation Element provides that "[d]ecisions on requests for rezoning shall be guided by the Future Land Use Map read in conjunction with the text of the Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning.
13. The requested RA-2 zone is one of the "Residential Apartment" zones which permit flexibility of design by permitting all types of residential development provided they conform to established height, density, and area requirements.
14. The RA-2 zone is specifically described in the Zoning Regulations as providing for areas predominately developed with moderate-density residential development.

15. As a matter of right, the RA-2 zone permits a maximum height of 50 feet, 1.8 FAR (2.16 with IZ), and a maximum lot occupancy of 60%. When one is permitted, residential buildings in the RA-2 can have a penthouse with a maximum height of 12 feet (residential) and 15 feet (mechanical).
16. The Subject Property is designated as “Moderate Density Residential” on the FLUM, which is described in the Framework Element as applying “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).
17. In terms of compatible zones, the Framework Element identifies the site’s existing R-3 zone, R-4, RA-1, as well as the request RA-2 zone in some locations.
18. The Generalized Policy Map (“GPM”) designates the Subject Property as a “Neighborhood Enhancement Area,” which is described in the Framework Element as being applied to “neighborhoods with substantial amounts of vacant residentially zoned land...characterized by a patchwork of existing homes and individual vacant lots...Land uses that reflect the historical mixture and diversity of each community should be encouraged.”
19. The guiding philosophy in Neighborhood Enhancement Areas is to “ensure that new development “fits-in” and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the [Future Land Use Map]. The unique
20. The Framework Element speaks to the main difference between Neighborhood Enhancement and Neighborhood Conservation Areas as being the large amount of vacant land that exists in Enhancement Areas. As infill development takes place on undeveloped lots, special care must be taken to avoid displacement nearby, and new development should, among other things, improve the real estate market, reduce crime and blight, and improve overall neighborhood character.
21. The proposal to rezone the Subject Property to RA-2 is not inconsistent with the FLUM and the Generalized Policy Map.

22. The Framework Element expressly states that the RA-2 (formerly R-5-B) zone is considered compatible with the Moderate Density Residential land use designation in certain locations. When looked at collectively, I find the Subject Property's size, limited street frontage, development history, and the mixture of residential building types in the surrounding context, including several nearby apartment buildings, clearly make RA-2 zoning at this location not inconsistent with the FLUM.
23. The Commission has previously found the RA-2 zone to be compatible with the Moderate Density Residential FLUM designation in multiple cases. *See Z.C. Order Nos. 13-09, 15-13, 15-33, and 17-09.*
24. The requested map amendment is also not inconsistent with the GPM. The RA-2 zone will support the future redevelopment of the Subject Property with a new residential development that will improve overall neighborhood character, eliminate a vacant / underutilized property, and be compatible with the mix of residential building types that existing in the surrounding context.
25. In addition to the FLUM and GPM, decisions on requests for rezoning must be guided by the objectives and policies of the Comprehensive Plan's Citywide and Area Elements. An exhaustive analysis is provided in the Petitioner's Statement in Support at Exhibit 2 of the case record which I will briefly summarize.
26. Overall, the requested map amendment is not inconsistent with the Citywide and Area Elements of the Comprehensive Plan.
27. The subject petition is not inconsistent with the policies of the Land Use Element, as embodied in the FLUM and GPM, and specifically with policies that promote:
- Development around Metrorail Stations, particularly new housing, as the Subject Property is located only 0.4 miles from the Anacostia Metrorail station;
 - Infill development of vacant land that creates "gaps" in the urban fabric and detract from neighborhood character, compared to the existing development pattern and the matter of right development parameters of the existing R-3 zoning, the proposed RA-2 rezoning will not result in sharp changes in the physical development pattern;

- Zoning of infill sites, the proposed RA-2 zone is expressly stated as being compatible with the site's Moderate Density Residential land use designation and the development parameters of the RA-2 zone allow for development that is compatible with the various residential building types found in the surrounding context;
- Conservation, enhancement, and revitalization of neighborhoods, the proposed rezoning will support redevelopment of a longstanding vacant property in a manner that is consistent with the FLUM and compatible with the surrounding development pattern; and
- Zoning of low and moderate density neighborhoods, as the RA-2 zone is compatible with the FLUM and the

28. The subject petition is also not inconsistent with the Housing Element, and specifically with policies that pertain to:

- Private sector support, to provide new housing for existing and future residents, the potential for new housing under existing R-3 zoning is limited as multi-family dwellings are not permitted and the size and limited street frontage of the site constraint the number of lot that could be created. The proposed RA-2 zoning will provide for new moderate density housing and affordable housing in an area that has access to commercial amenities and transit;
- Balance growth, as the proposed rezoning will allow redevelopment of a longstanding vacant site with a greater amount of housing than existing zoning but at a height and density that is compatible with the existing development pattern of the surroundings and not inconsistent with the FLUM;
- Affordable housing production as a civic priority, as a site that is subject to a District disposition a substantial percentage of any future residential development on the Subject Property will be required to be devoted to low- and moderate-income households.
- Mixed income housing, the rezoning will facilitate construction of a new multi-family apartment building that will include dwellings targeted to a wide range of income levels; and
- Housing affordability on publicly owned sites, based on information submitted to the record you can see that a substantial percentage of the dwelling units that will be constructed on the site will be devoted to affordable housing.

- Workforce housing, as a requirement of the District disposition, residential development on the Subject Property must help address the District's growing demand for workforce housing by marketing to public employees such as firefighters, teachers, and police officers.

29. As discussed in detail in the Petitioner's statement and the OP reports, the requested map amendment is also not inconsistent with the policies of the Transportation and Environmental Protection Elements.

30. The Subject Property is also not inconsistent with the objectives and policies of the Far Southeast and Southwest Area Element. Specifically, the proposed rezoning to RA-2 is consistent with the Area Element policies pertaining to infill housing development and zoning, which promote infill housing development on vacant sites and the use of RA-1 and more dense multi-family zones only in areas where multi-family development exists or is desirable in the future. The Subject Property has sat vacant for several years. In addition, given the site's proximity to the Martin Luther King, Jr. Avenue corridor, a designated "Great Street," and to Metrorail, the site is well suited for new multi-family development. The proposed RA-2 zoning will allow for infill development at a height and density that is compatible with the surrounding neighborhood, which contains several existing multi-family apartment buildings. Finally, the request is also consistent with the housing opportunities policy contained in the Barry Farm, Hillside, and Fort Stanton policy focus area which encourages compatible infill development on vacant and underutilized land, with an emphasis on low and moderate housing designed for families.

31. In conclusion, the Petitioner's request to rezone the Subject Property from R-3 to RA-2 is not inconsistent with the Comprehensive Plan, including the Future Land Use Map and Generalized Policy Map.

32. The requested map amendment will further the public health, safety, and general welfare of the District of Columbia by facilitating redevelopment of the Subject Property, which is currently vacant and underutilized, with a substantial amount of new housing at a height and density (GFA and number of units) that are compatible with the surrounding development pattern and historic use of the site.

33. The subject petition 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 facilitate redevelopment of an underutilized site that is only 0.4 miles from the Anacostia Metrorail station, and even closer to multiple Metrobus routes, and within walking distance to commercial and retail amenities. The 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 housing stock during a time when pressure for additional housing continues to grow.

34. Based on the forgoing, I believe the requested map amendment to rezone the Subject Property from R-3 to RA-2 meets the standard of review that is applicable to requests for map amendments under the Zoning Regulations; and therefore, the Commission should grant the Petitioner's request.



1360 Morris Rd SE



2220 Bryan Pl SE



1425 Cedar St SE



1401 Bangor St SE



1438 Morris Rd SE



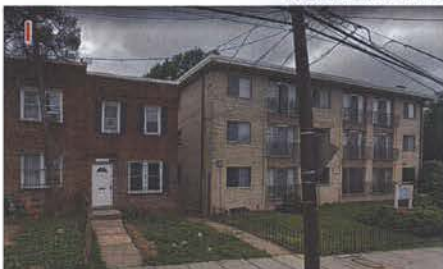
1391 Morris Rd SE



Intersection of Valley and High



1355 Valley Pl SE



1425 Morris Rd SE



2320 Chester St SE



2284 Mount View Place SE



2242 Mount View Place SE