

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *JL for* Jennifer Steingasser, AICP  
Deputy Director, Development Review & Historic Preservation

Jonathan Kirschenbaum, AICP  
Development Review Specialist

**DATE:** April 14, 2020

**SUBJECT:** ZC Case 19-30 – Set Down Report for a Petition by ANC 5D to Rezone 13.5 acres<sup>1</sup> from RA-2 (apartment zone) to RF-4 (residential flat zone<sup>2</sup>) and to Rezone 4.3 acres from MU-4 to MU-5A (mixed-use zone).

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**I. RECOMMENDATION**

The Office of Planning (“OP”) recommends that the Zoning Commission (“Commission”) **set down** this two-fold petition for an areawide map amendment in ANC 5D generally bounded by Benning Road, NE to the south, H Place, NE and the midblock of Square 4495 to the north, 18<sup>th</sup> Street, NE and the midblock of Square 4507 to the west, and 21<sup>st</sup> Street, NE to the east.

The petition is to rezone approximately 4.3 acres of land from MU-4 to MU-5A and rezone approximately 13.5 acres of land from RA-2 to RF-4.

In summary, OP analysis indicates that proposal **would be not inconsistent** with the Comprehensive Plan, and that any potential loss of dwelling units in the proposed RF-4 area should be offset by an increase in potential dwelling units in the proposed MU-5A area, even with the provision of ground floor retail, office or other commercial use.

If this petition is set down by the Commission, pursuant to Subtitle A § 301.5, the more restrictive zone would apply between the proposed zone district and the existing zone district until the case is decided. Thus, for the area proposed to be rezoned from RA-2 to RF-4, the RF-4 would be “in effect” and in the area proposed to be rezoned from MU-4 to MU-5A, the MU-4 zone would continue to be “in effect.”

OP commends ANC 5D for an exemplary application, for working closely with neighborhood residents, and for the hard work undertaken to propose the boundaries of the map amendment. OP does have concern about the inclusion of lot 66 in square 4495 in the proposed RF-4 zone because the site is currently developed with a small apartment building, and the current Future Land Use Map (“FLUM”) identifies this lot as medium density residential, whereas RF-4 is considered a low to moderate density residential zone. After raising this concern, ANC 5D explained to OP that they

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<sup>1</sup> Includes public streets and public alleys.

<sup>2</sup> RF zones typically permit single family houses or flats as a matter-of-right. However, the RF-4 zone permits apartment houses with a maximum number of three dwelling units as a matter-of-right.

would continue to request that this lot be included in the RF-4 map amendment to establish that the property maintains a row house appearance should it ever be redeveloped in the future.

The applicant provides arguments for the rezoning being not inconsistent with the Comprehensive Plan. The proposal to rezone the RA-2 area to RF-4 would be not inconsistent with the Comprehensive Plan, including the Future Land Use Map (FLUM) which designated this area for moderate density residential development. The MU-4 zoned portion is currently also predominantly designated for moderate density residential development, a designation which is not consistent with long-term, existing development patterns. Neither MU-4 nor MU-5A would typically be considered consistent with this designation in isolation. However, OP concurs with the ANC that, in this particular instance, the MU-5A zone could be considered to be not inconsistent with the Comprehensive Plan as a whole, given the existing land use patterns, the Generalized Policy Map designation, the policies and actions of the written elements, the specific direction contained within the Policy Focus Area of the Upper Northeast Area Element, and the direction found within approved small area plans, as described in detail below. In addition, the ANC has, through the ongoing Comprehensive Plan update process, requested a FLUM amendment for the area in question to medium density residential/low density commercial, a designation that the proposed MU-5A zone would be consistent.

It is important that the two rezonings proceed concomitantly and be evaluated in concert, as each helps to make the case for the other’s consistency with planning objectives for the neighborhood and for the District. Proceeding in this manner also helps to ensure that the proposal would further the Mayor’s vision for the creation of 36,000 new housing units by 2025, including 12,000 affordable housing units. As such, OP would not support “bifurcating” the application, to proceed forward with only the downzoning of the RA-2 portion. OP has discussed this concern with Office of the Attorney General staff and is comfortable with moving forward with the entire application as submitted. However, the Commission would have the option of setting the application down at this time and proceeding to a public hearing and perhaps even taking proposed and final action, but not issuing the final Order until Council action is taken on the proposed FLUM amendment.

**II. APPLICATION-IN-BRIEF**

<b>Applicant:</b>	ANC 5D
<b>Proposed Map Amendment:</b>	RA-2 to RF-4 (“RF-4 Area”) and MU-4 to MU-5A (“MU-5A Area”).
<b>Ward and ANC:</b>	Ward 5, ANC 5D
<b>Legal Description:</b>	See Appendix I for a map of subject squares and lots.
<b>Property size:</b>	<u>RF-4 Area:</u> 13.5 acres (approx.) <u>MU-5A Area:</u> 4.3 acres (approx.) <u>Total Area:</u> 17.8 acres (approx.)
<b>Future Land Use Map Designation (FLUM):</b>	<u>RF-4 Area:</u> Moderate Density Residential, except for a small portion of Square 4495, which is Medium Density Residential. <u>MU-5A Area:</u> Moderate Density Residential, except for extreme eastern portion, which is Medium Density Residential.

<b>Generalized Policy Map Designation:</b>	<u>RF-4 Area:</u> Neighborhood Conservation Areas. <u>MU-5A Area:</u> Main Street Mixed Use Corridors, except for west of 18 <sup>th</sup> Street, NE, which is Neighborhood Conservation Areas.
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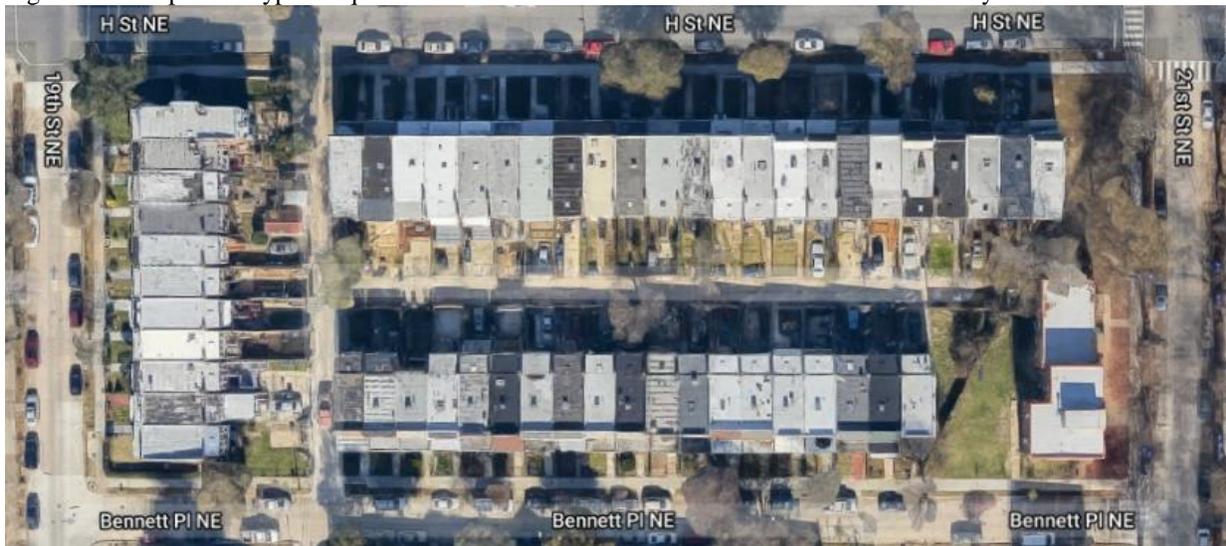
### III. SITE AND AREA DESCRIPTION

The proposed ANC 5D map amendment is generally bounded by Benning Road, NE to the south, H Place, NE and the midblock of Square 4495 to the north, 18<sup>th</sup> Street, NE and the midblock of Square 4507 to the west, and 21<sup>st</sup> Street, NE to the east. The RF-4 area is located north of Benning Road, NE while the MU-5A area is located along northern side of Benning Road, NE. The area is located just east of the Hechinger Mall and west of the historic Langston Dwellings. See Appendix I for a location map with the proposed map amendment area shown.

#### RF-4 Area

The proposed RF-4 area has a predominate building typology of two-story residential row houses built between the mid-1920s and the mid-1940s. Most properties are used as either single-family houses or flats. Many squares have cohesive sets of row houses planned by a single developer and built to the same height with uniform front setbacks and rear yards (Figure 1). Adjacent properties outside of the proposed RF-4 area are small two-story attached apartment houses and three- and four-story detached apartment houses, most of which are zoned RA-2.

Figure 1. Example of a typical square in the RF-4 area with uniform front setbacks and rear yards.



Source: Google Maps.

Under the 1936 Zoning Regulations, most of the proposed RF-4 area was in a zone that permitted detached, semi-detached, and row single-family houses, and prohibited flats and apartment houses. When the 1958 Zoning Regulations took effect, the zoning of the area was changed to the R-5-B zone, which permitted flats and small apartment houses as a matter-of-right. Despite this, most properties in the proposed RF-4 area have remained two-story single-family row houses or flats until recently, as described below.

Currently, the area has just started to see redevelopment to the potential allowed under the RA-2 zone. There are approximately three properties within the proposed RF-4 area that are either under construction for apartment houses or recently constructed apartment houses, each with four to five apartments. These apartment houses are three- and four-stories in height and are attached to the end

of cohesive rows of two-story single-family houses or flats. They are larger in scale compared to the predominate building typology (Figure 2). The applicant also informed OP that an additional property is proposed to be converted, by-right, to a nine-unit apartment house on an interior lot.

Figure 2. Before and after comparison of a recent apartment house conversion from a semi-detached single-family house.



Source: Google Street View.

### MU-5A Area

The proposed MU-5A area has a variety of uses, including two- and three-story residential row buildings, three-story mixed-use buildings, low-rise retail uses, a gas station, and a decommissioned power plant related to Langston Dwellings. Most properties were built between the mid-1920s and 1940, except for one property developed in 1960. The DC Streetcar runs the entire length of the proposed MU-5A area along Benning Road, NE. Adjacent properties outside of the proposed MU-5A area, include properties in the proposed RF-4 area to the north, Langston Dwellings to the east, and variety of residential and retail uses ranging from two- to five-stories to the south, and an approved 90-foot mixed-used PUD and Hechinger Mall, currently designated for medium density mixed use development, to the west, on the same side of Benning Road, NE.

Under the 1936 Zoning Regulations, the area was split between two zones that permitted commercial uses. When the 1958 Zoning Regulations took effect, the area west of 18<sup>th</sup> Street, NE was zoned C-M-1 (low intensity industrial) while the area east of 18<sup>th</sup> Street, NE was zoned C-2 (moderate density mixed use). By 1996, the area west of 18<sup>th</sup> Street, NE was rezoned R-5-B and the area east of 18<sup>th</sup> Street, NE was rezoned C-2-A (moderate density mixed use, now MU-4 under ZR-16).

## **IV. PROPOSED MAP AMENDMENT**

### **1. RA-2 to Proposed RF-4**

The applicant proposes to rezone approximately 13.5 acres of land from RA-2 to RF-4. The general purpose and intent of the existing RA-2 zone and the proposed RF-4 zone is described below:

#### Existing RA-2 Zone:

- Provides for areas developed with predominately moderate-density residential apartment house uses (Subtitle F § 300.3).

#### Proposed RF-4 Zone:

- The RF-4 zone was created as part of 2016 Zoning Regulations, but as yet has not been mapped in any part of the District. It is intended to provide for areas:
  - Predominately developed with row houses of three or more stories and within which may also exist a mix of small apartment buildings and conversions;

- Adjacent or proximate to higher density zones including residential, mixed-use, and downtown areas; and
- With an established row house character and appearance, and continued residential use of larger row house buildings (Subtitle E § 600.1 – 600.3).

The applicant’s primary reason for the map amendment is to reflect the current, original development pattern in the area, and to limit new development that, in form, would not reflect the character of the area through the elimination of existing row house front setbacks, the diminution of rear yards, and the addition of multiple additional stories, as reflected in recent apartment house construction.

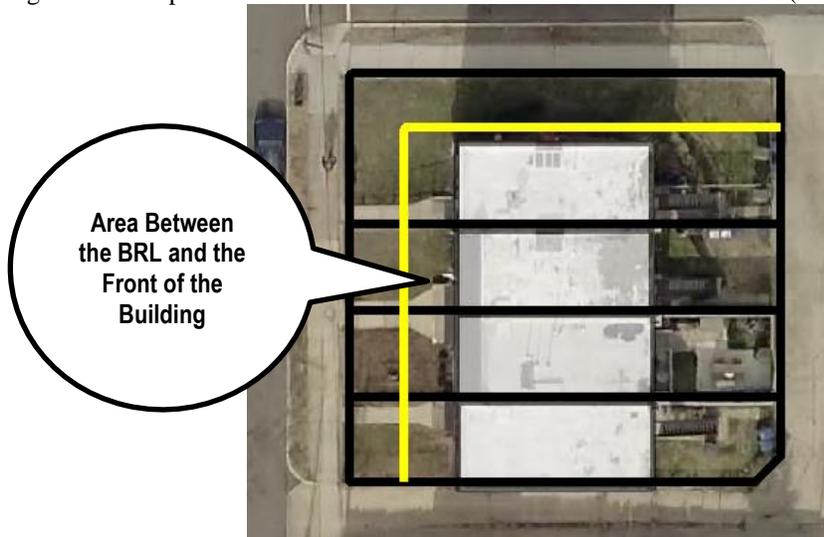
Of these concerns, the ANC has stressed the elimination of the very consistent patterns of front yard setbacks. There are many squares where the existing building’s front walls are consistently set back from either the front property line or a building restriction line (Figures 3 and 4). This is a somewhat unusual condition in the District, as row houses were often constructed with front walls at either the front property line, or a building restriction line where one existed. OP analysis found approximately 132 of the 216 lots (about 60%) have houses that are uniformly set back from either the front property line or building restriction line by between 5.5 feet and 22 feet, and the average front setback is approximately 12 feet.

Figure 3. Example of a set of row houses set back 12 feet from their front property lines along 21<sup>st</sup> Street, NE.



Source: OP GIS Data.

Figure 4. Example of a set of row houses set back 9 feet from their BRLs (shown in yellow) along 21<sup>st</sup> Street, NE.

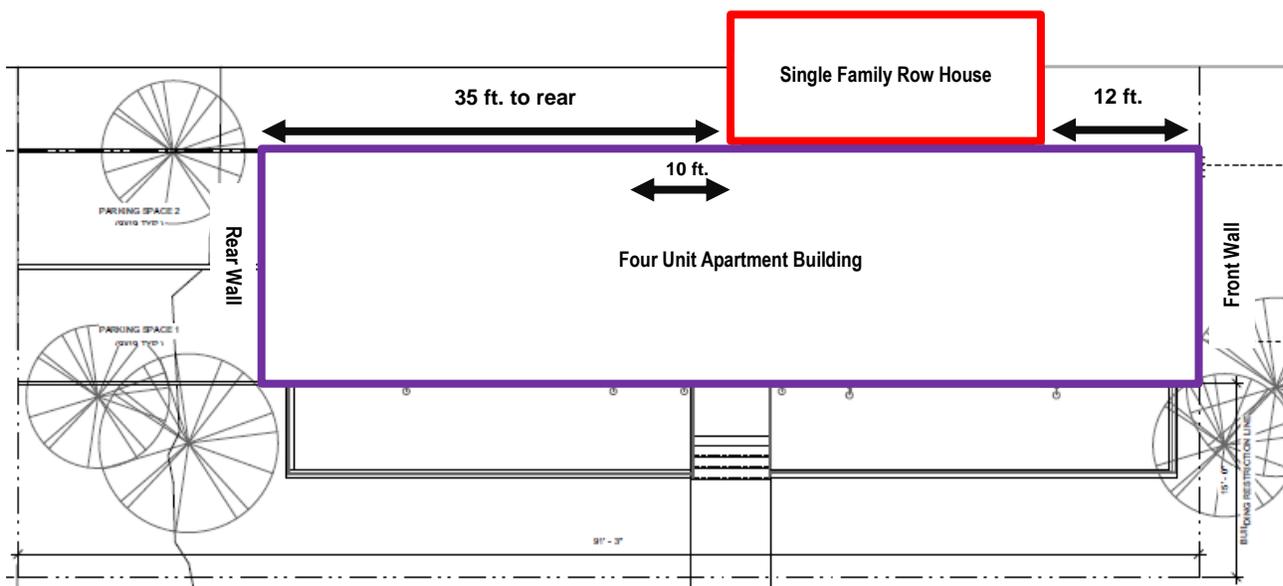


Source: OP GIS Data.

Front setbacks in the area of the map amendment can be eliminated by new construction because there is not a requirement under the RA-2 zone for a building's front wall to be set back at the same distance as existing front setbacks on the blockfront, as there is in the RF row house zones. This has led to infilling of existing front setbacks for apartment house construction (Figure 5).

Under the RF-4 zone, an apartment building would continue to be permitted, but there would be a front setback requirement that would require front facades to match either the predominate building front setback for the blockfront, or for interior lots the façade of one of the immediately adjoining buildings. Thus, the RF-4 would reduce the infilling of existing front setbacks located between a front building wall and a building restriction line or front property line.

Figure 5. Example of a recent apartment house along 21<sup>st</sup> Street, NE that was constructed 12 feet forward and more than 10 feet back from the front and rear walls of the adjoining row house in the RA-2 zone.



Source: OP and DCRA e-Records.

The applicant also requests the map amendment to encourage development of larger family sized units. The RF-4 zone would limit the maximum number of dwelling units permitted per lot by-right to three but would maintain the same maximum floor-area-ratio requirement as in the RA-2 zone. The RF-4 zone would also reduce the total permitted height from 50 feet in the RA-2 zone to 40 feet and place a limitation on total stories to three. This would encourage developers to build larger units because they would be permitted to use the same amount of gross floor area as permitted by the RA-2 zone but they would be limited to three units and three stories.

The RF-4 zone would also limit rear building extensions to no more than 10 feet beyond the farthest rear wall of an adjoining building on any adjacent property as a matter-of-right (Figure 5).

Thus, in combination, the RF-4 zone would encourage any new development to be more similar in scale to existing row house development, and would reinforce the established row house character and appearance in the area of the map amendment.

## 2. MU-4 to Proposed MU-5A

The applicant proposes to rezone approximately 4.3 acres of land from MU-4 to MU-5A. The general purpose and intent of both the existing MU-4 zone and proposed MU-5A zone is described below:

Existing MU-4 Zone:

- Intended to:
  - Permit moderate-density mixed-use development;
  - Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
  - Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers (Subtitle G § 400.3).

Proposed MU-5A Zone:

- Intended to:
  - Permit medium-density, compact mixed-use development with an emphasis on residential use;
  - Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core; and
  - Be located on arterial streets, in uptown and regional centers, and at rapid transit stops (Subtitle G § 400.4).

The applicant’s primary reason for the map amendment is to encourage redevelopment of this area, by allowing additional density for new market rate and affordable housing and new commercial opportunities for residents. The MU-5A zone would increase permitted maximum lot occupancy, height, and floor-area-ratio allowances.

Therefore, the two rezonings would essentially shift some of the potential density from the row house area of the RF-4 zone to the mixed-use corridor of Benning Road, NE. The increase in potential dwelling units in the MU-5A area would offset any loss of potential new dwelling units in the RF-4 area, and would likely happen more quickly as MU-5A is a more “developable” zone than MU-4. The applicant also believes that increasing density would be more likely to increase the size of potential apartment house development to 10 or more dwelling units, which would trigger inclusionary zoning and increase the supply of affordable housing.

**V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES**

The following table compares the existing RA-2 zone to the proposed RF-4 zone:

	<b>Existing Zone: RA-2</b>	<b>Proposed Zone: RF-4</b>
<b>Permitted Uses:</b>	Apartment Houses, Single Family Houses and Flats, and <sup>3</sup>	Single Family Houses, Flats, and Apartment Houses with 3 or less units <sup>4</sup>
<b>Lot Area:</b>	None prescribed	1,800 sq. ft. min. (row)
		3,000 sq. ft. (semi-detached)
		4,000 sq. ft. (all other structures)
<b>Lot Width:</b>	None prescribed	18 ft. min. (row)
		30 ft. min. (semi-detached)
		40 ft. min (detached)

<sup>3</sup> These are general uses permitted in the RA-2 zone. For a complete list of permitted uses please refer to Subtitle U § 400.

<sup>4</sup> These are general uses permitted in the RF-4 zone. For a complete list of permitted uses please refer to Subtitle U § 300.

	<b>Existing Zone: RA-2</b>	<b>Proposed Zone: RF-4</b>
<b>Height:</b>	50 ft. max./No story limit	40 ft. max./3 story max.
<b>Penthouse Height:</b>	12 ft. max./1 story max. 15 ft. mechanical max./2 story max.	12 ft. max./1 story max.
<b>FAR (floor-area-ratio):</b>	1.8 max. 2.16 max. with IZ	1.8 max.
<b>Maximum Number of Dwelling Units:</b>	None prescribed	3 dwelling units max.
<b>Lot Occupancy:</b>	60% max.	60% max.
<b>Front Setback:</b>	None prescribed	Front setback must be in range of existing front setbacks
<b>Roof Top or Upper Floor Addition</b>	Non prescribed	Removal of an original roof top architectural element is prohibited (i.e. cornices; porch roofs; turret; dormers)
<b>Rear Yard:</b>	4 in. per 1 ft. of principal building height but not less than 15 ft.	20 ft min.
<b>Rear Extension:</b>	None prescribed	A rear addition may not extend more than 10 ft. past the farthest rear wall of any adjoining property
<b>Side Yard:</b>	8 ft. min. for detached or semi-detached buildings with one or two dwelling units No side yard is required for all other buildings but if a side is provided it shall be 4 ft. min.	5 ft. min. for detached and semi-detached buildings No side yard is required for all other buildings but if a side is provided it shall be 5 ft. min.
<b>Vehicle Parking:</b>	1 space per 1 dwelling unit (single family house) 1 space per 2 dwelling units (flat) 1 space per 3 dwelling units in excess of 4 dwelling units (apartment house)	1 space per 2 dwelling units (apartment house)
<b>Bike Parking:</b>	None prescribed for single family houses or flats 1 space per 3 dwelling units for long-term parking (apartment houses) 1 space per 20 dwelling units for short-term parking (apartment houses)	
<b>GAR:</b>	0.4 min.	None prescribed
<b>Pervious Surface:</b>	None prescribed	Lot less than 1,800 sq. ft. - 0% min. Lot between 1,801 and 2,000 sq. ft. – 10% min. Lot larger than 2,000 sq. ft. – 20% min.

The following table compares the proposed MU-5A zone to the existing MU-4 zone:

	Existing Zone: MU-4	Proposed Zone: MU-5A
<b>Permitted Uses:</b>	Use Group E: Residential Uses, Retail, Service, and Office <sup>5</sup>	
<b>Lot Area:</b>	None prescribed	
<b>Lot Width:</b>	None prescribed	
<b>Height:</b>	50 ft. max.	65 ft. max. 70 ft. max. with IZ
<b>Penthouse Height:</b>	12 ft. max./1 story max. 15 ft. mechanical max./2 story max.	12 ft. max./1 story max. 18 ft. mechanical max./2 story max.
<b>FAR (floor-area-ratio):</b>	2.5 max. (1.5 max. for non-residential) 3.0 max. with IZ	3.5 max. (1.5 max for non-residential) 4.2 max. with IZ
<b>Lot Occupancy for Residential Use:</b>	60% max. 75% max. with IZ	80% max.
<b>Rear Yard:</b>	15 ft. min.	
<b>Side Yard:</b>	8 ft. min. for detached or semi-detached buildings with one dwelling unit No side yard is required for all other buildings but if a side is provided it shall be at least 2 in. for 1 ft. of building height but no less than 5 ft. min.	
<b>Vehicle Parking:</b>	1 space per 1 dwelling unit (single family house) 1 space per 2 dwelling units (flat) 1 space per 3 dwelling units in excess of 4 dwelling units (apartment house)	
<b>Bike Parking:</b>	None prescribed for single family houses or flats 1 space per 3 dwelling units for long-term parking (apartment houses) 1 space per 20 dwelling units for short-term parking (apartment houses)	
<b>GAR:</b>	0.3 min.	

OP has undertaken a general analysis of the two areas proposed to be rezoned. This has included reviewing property information available through our GIS mapping system and on-site visual analysis.

**Proposed RF-4 Area:**

OP estimates that for the 216 record lots in the area proposed to be rezoned to RF-4:

- 7% of lots (15) are classified as vacant and abandoned or blighted, and less than 1% of lots (2) are classified as vacant.
- 17 feet is the average lot width and 97 feet is the average lot depth;
  - 94% (203 lots) are less than 18 feet wide; and
  - 6% (13 lots) are 18 feet wide or greater.
- 1,702 square feet is the average lot area for record lots;

<sup>5</sup> These are general uses permitted in the MU-4 and MU-5A zones. For a complete list of permitted uses please refer to Subtitle U § 512.

- 85% (183 lots) are less than 1,800 square feet in area;
- 11% (24 lots) are between 1,800 and 2,699 square feet in area; and
- 4% (9 lots) are 2,700 square feet or greater in area.
- Existing development on record lots appears to be generally, if not fully, conforming to the development standards of the RF-4 zone.
- 35 feet is the typical height of buildings.
- Two stories is typical;
  - 98% of buildings are two stories;
  - Less than 1% are three stories; and
  - Less than 1% are four stories.
- 47% is the median lot occupancy.
- 63% of lots (137) are subject to building restriction lines (“BRL”), and of these:
  - 40% (55 lots) have buildings that are set back from the BRL; and
  - 8.5 feet is the average front setback from the BRL (31 buildings are set back between 9 and 10 feet and 24 buildings are set back 5.5 feet).
- 36% of lots (78) do not have BRLs, and of these:
  - 99% have buildings that are set further back from the front property line; and
  - 16 feet is the average front setback from the front property line (21 buildings are set back 11 feet, 42 buildings are set back 14 feet, and 14 buildings are setback between 19 and 22 feet).
- Overall, just over 60% of lots (132) have buildings with a front set back from either a BRL or a front property line and the average front set back is just over 12 feet.
- 41 feet is the typical rear yard setback;
  - 6% (13 lots) have a rear yard setback less than 20 feet;
  - 54% (117 lots) have a rear yard setback between 20 and 39 feet; and
  - 40% (86 lots) have a rear yard setback 40 feet or greater.
- 91% of buildings (196) are classified in the tax records as single-family row houses, 5% of buildings (11 buildings) are classified as either flats or residential conversions of less than five units, and less than 1% of buildings (1 building) is classified as apartment buildings with 6 or more units.
- Three buildings (approximately) have converted or are in the process of being converted to an apartment building and all are located at the end of rows either abutting a public street or alley. The applicant also informed OP that an additional property is proposed to be converted to a nine-unit apartment house on an interior lot.
- There are several abutting lots in common ownership. However, in each case it is because there is one building spanning two record lots.

The average record lot size in the RF-4 area is 1,702 square feet. Both the RA-2 and RF-4 zones permit a maximum FAR of 1.8. Thus, the typical gross floor area permitted per record lot is approximately 3,000 square feet. There are several corner lots and lots abutting public allies that are larger and could result in higher gross floor area.

Using a density factor of 1,000 square feet per dwelling unit, a typical record lot in the RF-4 area would therefore accommodate three dwelling units. The proposed RF-4 zone would be estimated to accommodate an approximate maximum of 645 dwelling units, in a building form and character generally consistent with that of the existing neighborhood patterns.

The RA-2 zone could accommodate some additional units, as it has a higher lot occupancy and allows more extensive additions in front of, to the rear of, and on top of existing buildings. While there are several lots larger than the typical size that could likely have more than three units, several of them have already been redeveloped into apartment houses with four and five units. Consolidation of multiple row house lots into one lot, or demolition of existing buildings for new development, more likely under RA-2, could also result in additional units.

Overall, the number of likely units under RF-4 would not be significantly lower than under the current RA-2 zone, particularly over the short term.

### **Proposed MU-5A Area:**

OP estimates that there are 45 record and tax lots and 2 parcels that currently exist in the area proposed to be rezoned to MU-5A. The following data is for the record and tax lots, except where noted:

- 7% of lots (3) are classified as vacant and abandoned or blighted and less than 1% (1 lot) is classified as vacant.
- 17 feet is the average lot width for record and tax lots;
  - 77% (35 lots) are less than 18 feet wide; and
  - 23% (10 lots) are 18 feet wide or greater.
  - 125 feet is the average lot width for the two parcels.
- Development on most properties would appear to be generally or fully conforming to the development standards of the MU-5A zone, although at a height and density well below what would be permitted.
- 65 feet is the average lot depth although 95 feet is the average lot depth for parcels.
- 2,648 square feet is the average lot area;
  - 69% (31 lots) are less than 1,800 square feet in area;
  - 20% (9 lots) are between 1,800 and 2,700 square feet in area; and
  - 11% (5 lots) are over 2,700 square feet in area, as are the two parcels.
- 34 feet is the typical height of buildings.
- Two stories is typical on record and tax lots and parcels;
  - 6% (3 lots) are not improved with buildings;
  - 14% (7 lots) have buildings that are one story;
  - 18% (8 lots) have buildings that are two stories; and
  - 62% (30 lots) have buildings that are three stories.
- 47% is the median lot occupancy.
- 49% of buildings (122) are classified in the tax records as flats, 20% of buildings (9) are classified as single-family row houses, 16% of buildings (7) are classified as miscellaneous retail-commercial, 7% of buildings (3) are classified as small stores, 2% of buildings (1) is

classified as an apartment building with 6 or more units, 2% of buildings (1) is classified as miscellaneous store, and 2% of buildings (1) is classified as an vehicle service kiosk.

- All lots west of 18<sup>th</sup> Street, NE are abutting and under common ownership. Lots 811 and 813 in Square 4506 are abutting lots under common ownership with two different buildings. Lots 164 and 165 in Square 4506 are abutting lots under common ownership with one building spanning two lots.

There is a total of 119,167 square feet of land area between record and tax lots and parcels in the MU-5A area<sup>6</sup>. Using an IZ FAR of 3.0 and a density factor of 1,000 square feet, the existing MU-4 zone would permit an approximate total of 358 dwelling units. However, the proposed MU-5A up-zoning would permit an approximate total of 500 dwelling units using an IZ FAR of 4.2 and a density factor of 1,000 square feet. As such, the MU-5A zone is anticipated to permit at least an additional 143 dwelling units over what the existing MU-4 zone could permit.

In summary, OP analysis indicates that any minimal loss of dwelling units in the RF-4 area should be offset by an increase in potential dwelling units in the MU-5A area, even with the provision of ground floor retail, office or other commercial use. In addition, a portion of the MU-5A units would be affordable units pursuant to the Inclusionary Zoning program.

## **VI. COMPREHENSIVE PLAN**

As described in the Introduction (Chapter 1 Introduction, Section 103, Attachment I), the Comprehensive Plan is the centerpiece of a “Family of Plans” that guide public policy in the District. The Introduction goes on to note three “Tiers” of Planning (Chapter 1 Introduction, Section 104, Attachment II), including:

- a. Citywide policies
- b. Ward-level policies
- c. Small area policies.

### **A. COMPREHENSIVE PLAN MAPS**

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226, Attachment III), the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps; i.e. the maps, in and of themselves, do not establish detailed requirements or permissions for a development’s physical characteristics including building massing or density; uses; or support systems such as parking and loading. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

#### **Generalized Future Land Use Map (FLUM)**

The Future Land Use Map (FLUM) indicates that the area proposed to be rezoned to RF-4 area is appropriate for Moderate Density Residential, except for a small southwestern portion of Square

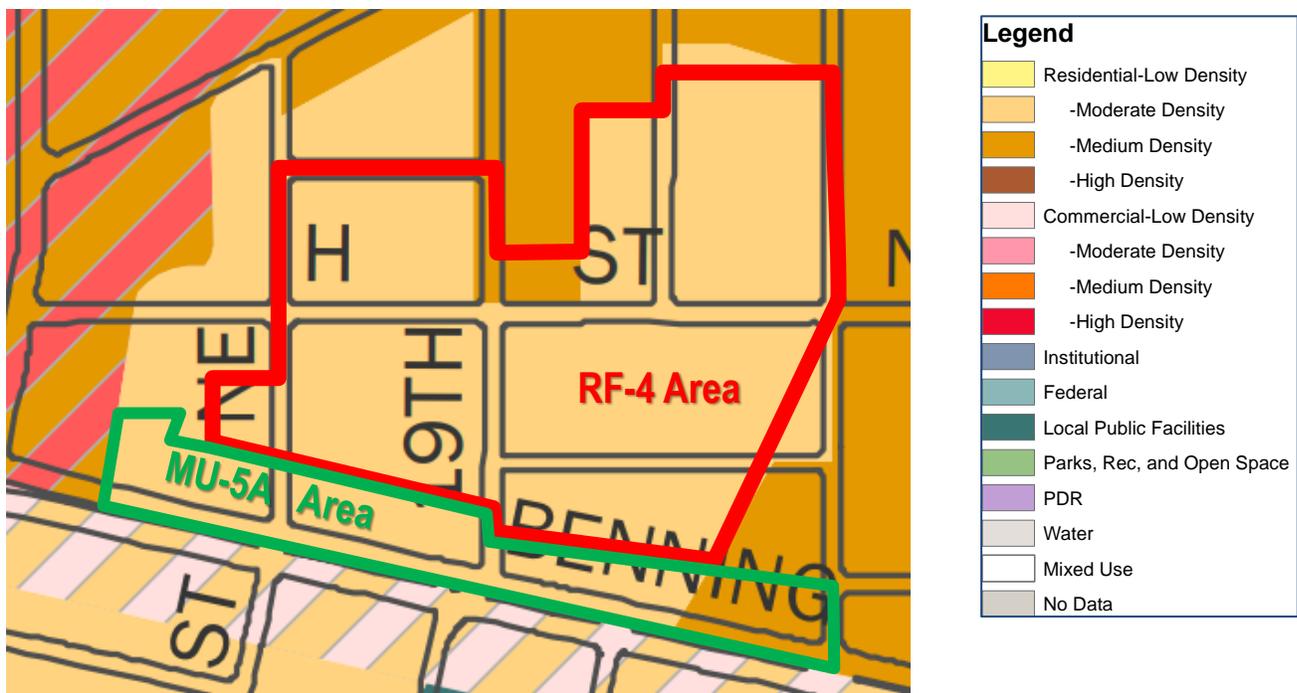
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<sup>6</sup> Given both the commercial and non-owner occupied nature of the MU-5A area, it is likely that property owners in the future would consolidate lots to create larger lots that could be redeveloped with larger apartment houses than what the typical lot size of 2,648 would currently permit. Thus, OP analyzed maximum achievable density based on the total amount of land area of all lots and parcels.

4495, which is designated for Medium Density Residential. The proposed RF-4 zone is not inconsistent with this designation; the current RA-2 zone is also not inconsistent, but considered to be at the “upper end” of applicable zones.

The FLUM indicates that the area proposed to be rezoned to MU-5A is appropriate for Moderate Density Residential, except for the extreme eastern portion, which is designated for Medium Density Residential. However, this area historically has been zoned commercial, which is prior to the adoption of the Comprehensive Plan’s FLUM in 1984. OP is unclear why, in 1984, a residential designation was placed along this already mixed-use corridor. As a result, the existing land use designation does not match the historic or existing development, which is a range of uses including residential, retail, office, and industrial.

The applicant has submitted a FLUM amendment request to designate the MU-5A area as Moderate Density Commercial and Medium Density Residential<sup>7</sup>. This designation would better match the existing land use pattern, and would also match a similar pending FLUM amendment request for the south side of Benning Road, NE. Given these existing factors, this report provides analyses against both the existing Moderate Density Residential, and the ANC proposed Moderate Density Commercial/Medium Density Residential designations.



<sup>7</sup> The applicant’s statement in support for the petition states the FLUM amendment request was for Low Density Commercial. OP clarified with the applicant that the request was for Moderate Density Commercial and Medium Density Residential.

Below is description of each FLUM designation from the Framework Element of the Comprehensive Plan<sup>8</sup>.

***Moderate Density Residential:*** This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some 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). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The R-3, RF, and RA-2 Zone Districts are consistent with Moderate Density Residential category, and other zones may also apply. 227.6

***Medium Density Residential:*** This designation is used to define neighborhoods or areas generally but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential Category, and other zones may also apply. 227.7

***Moderate Density Commercial:*** This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial area. Retail, office, and service businesses are the predominate uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in Low Density Commercial areas. Density typically ranges between a FAR of 2.5 and 4.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-5 and MU-7 Zone Districts are representative of zone district consistent with the Moderate Density Commercial category, and other zones may also apply. 227.11

***Mixed Use Categories:*** The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. The Mixed Use category generally applies in the following three circumstances:

- a. Established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses;
- b. Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing; and
- c. Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared. 225.18

The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example,

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<sup>8</sup> Enacted by District Council on February 11, 2020 under the “Comprehensive Plan Framework Amendment Act of 2019.”

*ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix ... 225.19*

*A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. ... 225.21*

#### RA-2 to RF-4

The proposed map amendment to change the existing RA-2 zone to the RF-4 zone would not be inconsistent with the Comprehensive Plan's FLUM. The RF-4 zone would permit moderate-density residential development and would be appropriate for the map amendment area, as it is predominately characterized by single-family row houses typically with two- to four-dwelling units. OP does have concern about the inclusion of lot 66 in square 4495 in the proposed RF-4 zone because the FLUM identifies the area of this lot as medium density residential. Such a land use designation would not support a map amendment to RF-4, which is considered a moderate density zone.

#### MU-4 to MU-5A

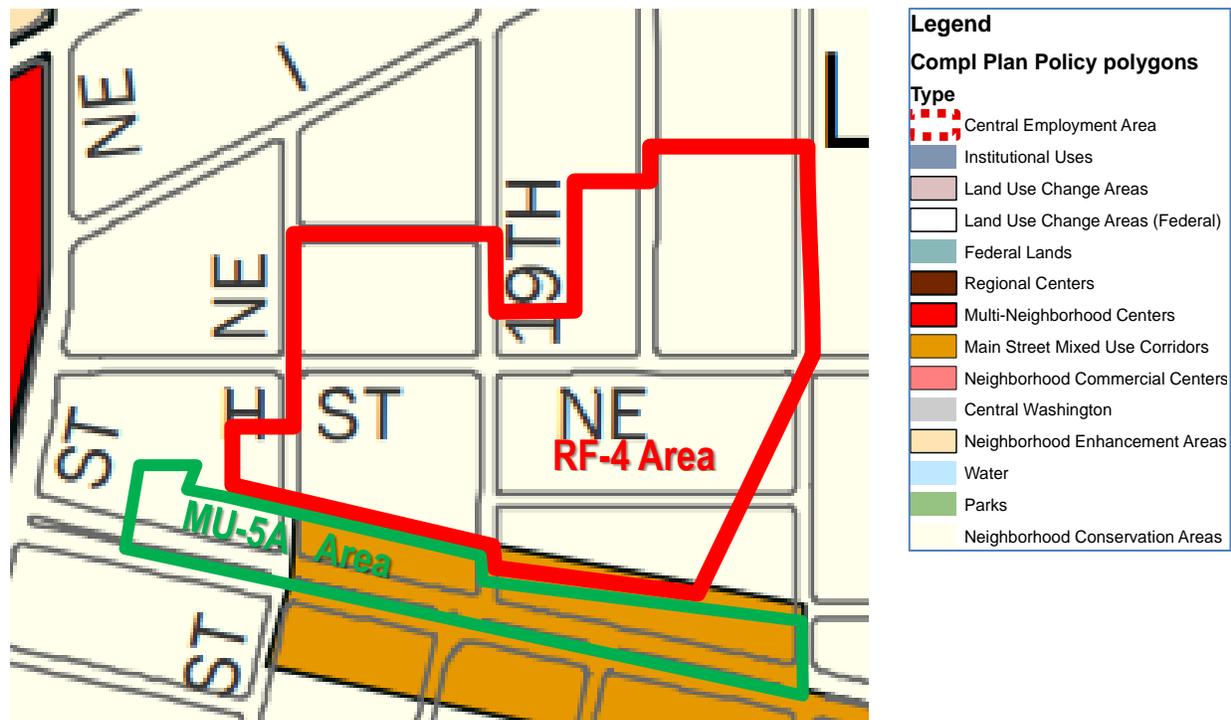
The existing designation of Moderate Density Residential would, read alone, typically be considered inconsistent with the proposed MU-5A zone; it would also be considered inconsistent with the existing MU-4 zone. However, the FLUM is intended to be read generally and broadly and in concert with other maps and the text of the Comprehensive Plan. As stated by the applicant (ANC 5D), the direction of the FLUM, particularly for this case, needs to be read in conjunction with the existing development pattern in the area, the Policy Map designation, and the text of the Comprehensive Plan, for this proposal.

The proposed map amendment to change the existing MU-4 zone to a MU-5A zone would not be inconsistent with Comprehensive Plan's proposed FLUM designation of mixed Moderate Density Commercial and Medium Density Residential. The MU-5A zone would permit mixed-use residential and commercial uses to be developed at a moderate density. This type of density would be supported by the proposed FLUM amendment and would complement the existing mixed-use development in the areas adjacent to the MU-5A area.

#### **Generalized Policy Map**

The Generalized Policy Map indicates that the area proposed to be rezoned to RF-4 area is designated Neighborhood Conservation Areas.

Most of the area proposed to be rezoned to MU-5A area is designated a Main Street Mixed Use Corridor. One block to the west of 18<sup>th</sup> Street, NE is currently designated Neighborhood Conservation Area. There is a pending policy map amendment to change the designation west of 18<sup>th</sup> Street, NE to Main Street Mixed Use Corridors to match this designation east of 18<sup>th</sup> Street, NE. Given the existing factors, and that the Policy map is intended to be read generally, this report analyses the consistency with the Comprehensive Plan based on the Main Street Mixed Use Corridors designation.



Below is description of each policy map designation from the Framework Element of the Comprehensive Plan.

**Neighborhood Conservation Areas:** *Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided. 225.4*

*The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. 225.5*

**Main Street Mixed Use Corridors:** *These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street,*

or Adams Morgan). Their common feature is that they have a pedestrian oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. 225.14

#### RA-2 to RF-4

The proposed map amendment to change the existing RA-2 zone to RF-4 would not be inconsistent with the Comprehensive Plan's Policy Map, which anticipates retention of residential uses and the established neighborhood character. The map amendment would still permit new, smaller scale apartment house construction, but would help ensure that existing buildings are not replaced, and that renovations and additions are more compatible with the existing scale of the neighborhood.

#### MU-4 to MU-5A

The proposed map amendment to change the existing MU-4 zone to a MU-5A zone would not be inconsistent with the Comprehensive Plan's Policy Map, which anticipates commercial corridors that serve multiple neighborhoods and can be easily accessed by pedestrians. The map amendment would maintain the mixed-use nature of the corridor and would continue to support neighborhood commercial uses along a transit rich corridor. Further, the map amendment would provide for additional capacity to create additional residential uses above commercial uses, and would further support a pedestrian-oriented public realm.

### **B. COMPREHENSIVE PLAN POLICIES**

#### **Citywide Elements of the Comprehensive Plan**

The map amendment proposal is not inconsistent with, or would further, the following policies of the Citywide Elements of the Comprehensive Plan:

##### **Chapter 3 Land Use**

*The Land Use Chapter provides the general policy guidance on land use issues across the District.*

##### ***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. 309.8*

##### ***Policy LU-2.1.6: Teardowns***

*Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock. 309.11*

##### ***Policy LU-2.1.7: Conservation of Row House Neighborhoods***

*Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern, considering additional row house neighborhoods for "historic district" designation, and regulating the subdivision of row houses into multiple dwellings. Upward and outward extension of row houses which compromise their design and scale should be discouraged. 309.12*

***Policy LU-2.1.9: Addition of Floors and Roof Structures to Row Houses and Apartments***  
*Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block. Roof structures should only be permitted if they would not harm the architectural character of the building on which they would be added or other buildings nearby. 309.14*

***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. 310.5*

***Policy LU-2.3.4: Transitional and Buffer Zone Districts***

*Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas (which currently include the SP-1 and SP-2 zones) should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character. 311.6*

***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-2.4.5: Encouraging Nodal Development***

*Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 312.9*

The proposed map amendments would work together to conserve the predominate building typology of two- and three-story row buildings in the proposed RF-4 area while helping to enhance and revitalize the proposed MU-5A area along Benning Road, NE. The RF-4 zone would discourage the demolition of existing row buildings that are built to consistent heights with uniform front setbacks and rear yards, and provide additional development standards for front setbacks, rear wall extensions, and roof top architectural elements that would be consistent with the current development pattern, to further protect the scale and character of the area.

The MU-5A zone along Benning Road NE would promote the continued mixed-use character of the area and incentivize new development with additional residents, and new commercial and retail opportunities that would increase amenity and services to the surrounding neighborhoods. Further, it would support pedestrian oriented development and would support the use of public transportation because of its close proximity to major bus routes and the streetcar.

## **Chapter 5 Housing**

*The Housing Element describes the importance of housing to neighborhood quality in the District of Columbia and the importance of providing housing opportunities for all segments of our population.*

### **Policy H-1.1.2: Production Incentives**

*Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing. 503.3*

### **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. 503.3*

### **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. 503.5*

### **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. 503.6*

### **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. 504.6*

### **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. 505.6*

The applicant requests the map amendment to encourage development of larger family sized units, in addition to retaining existing neighborhood character. The RF-4 zone would limit the maximum number of dwelling units permitted per lot to three but would maintain the same maximum floor-area-ratio as the RA-2 zone. The RF-4 zone would also reduce the permitted height from 50 feet in the RA-2 zone to 40 feet, and place a limitation on total stories to three stories. This could encourage new development to build larger units because they would be permitted to use the same amount of gross floor area as permitted by the RA-2 zone but would be limited to three units and three stories and would be subject to additional setback requirements.

While the RF-4 area is proposed to be down-zoned, the MU-5A area is proposed to be up-zoned, essentially shifting some density from the row house area of the RF-4 zone to the mixed-use corridor

of Benning Road, NE. This would address potential concerns that the downzoning of the RA-2 portion to RF-4 could be inconsistent with Housing Element objectives to increase the supply of housing and of affordable housing. The overall increase in potential dwelling units in the MU-5A area would offset any potential loss of new dwelling units in the RF-4 area. The MU-5A zone would also increase the likelihood of new mixed-use development, and the size of potential apartment house development would more likely result in 10 or more dwelling units, which would trigger inclusionary zoning and therefore increase the supply of both market rate and affordable housing.

## **Chapter 9 Urban Design**

*The Urban Design Element addresses the District’s physical design and visual qualities.*

### **Policy UD-2.2. 1: Neighborhood Character and Identity**

*Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6*

### **Policy UD-1.4.1: Avenues/Boulevards and Urban Form**

*Use Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/ boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city.*

The proposed RF-4 map amendment would encourage development that is similar in scale to existing row house development and would reinforce the established row house character and appearance in the area of the map amendment.

The proposed MU-5A map amendment along Benning Road would encourage new, higher density development and create more opportunities for both a mix of commercial and residential uses which would improve the character of this important corridor. As discussed further in the Small Area Plan section of this report, the MU-5A zone would help reinforce this portion of Benning Road, NE as an extension of H Street, NE in terms of mixed-uses and intensity of development.

## **Area Elements of the Comprehensive Plan**

The map amendment proposal is located within the Upper Northeast Area Element of the Comprehensive Plan. The proposal would particularly further the following Area Element policy objectives:

### **Policy UNE-1.1.1: Neighborhood Conservation**

*Protect and enhance the stable neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond Riggs, and Arboretum. The residential character of these areas shall be conserved, and places of historic significance, gateways, parks, and special places shall be enhanced. 2408.2*

### **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. 2408.3*

**Policy UNE-1.1.6: Neighborhood Shopping**

*Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street NE in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian oriented retail activity also should be encouraged around the area’s Metro stations. 2408.7*

The area is within the Lower Bladensburg Road/Hechinger Mall Policy focus area. While this focus area does not provide additional direction for the row house area, it does provide specific direction for the Benning Road corridor:

**Policy UNE-2.2.1: Mixed Use Development Along Benning and Bladensburg**

*Improve the overall appearance of Benning and Bladensburg Roads in the vicinity of Hechinger Mall. Pursue opportunities for additional pedestrian-oriented mixed-use development fronting on these streets, including ground floor retail uses and upper floor housing. Such development should be linked to transportation investments along these streets, including the proposed streetcar along H Street/Benning Road. 2412.5*

The proposed map amendments would work together to retain neighborhood character where it is needed in the row house area, while promoting new housing, neighborhood shopping and mixed-use development along Benning Road, NE, consistent with the language of the policy focus area. The map amendments would guide more compatible infill development in RF-4 in area, while encouraging opportunities for appropriately scaled new mixed-use buildings with both market rate and affordable housing.

**C. SMALL AREA PLAN(S)**

The area of the proposed map amendment is located within the **Benning Road Corridor Redevelopment Framework Plan** (“Plan”), which was approved by District Council in 2008. The Plan is part of the District’s Great Streets Initiative which was designed to *transform under-invested corridors into thriving and inviting neighborhood centers by using public actions and tools to attract private investment*. Additionally, the H Street NE Strategic Development Plan anticipated market interest to progress down Benning Road, and the Plan also anticipated this growth and provided a *framework to guide development as pressure moves eastward from H Street*.

Within the Plan, one of the study areas was Benning Road from Bladensburg Road to Anacostia Avenue, which includes the proposed MU-5A map amendment area. The Plan states that this area *is the natural extension of the H Street, NE corridor, and the western portion near Hechinger Mall is likely to start attracting development interest in the near future as opportunities on H Street are taken up*. The Plan’s vision for this specific stretch includes:

- *New development that takes full advantage of current zoning to build 4-8 story structures that better frame and respect the wide boulevard.*
- *Mixed use development with mixed-income housing to fill the gaps along this portion of the corridor, while providing a boost in population necessary for sustaining new retail and commercial ventures.*
- *More neighborhood-serving retail, restaurants and service businesses.*

The Plan states that the specific area of the proposed MU-5A zone *has re-densification potential to accommodate more residential, and, as a result, increase the commercial/retail support base in the area*. An overall goal of the Plan for shopping and business is *to build new retail space attractive to*

*high-quality retailers and improve existing retail along the corridor, to better serve area residents and other corridor users and new retail should be transit accessible and pedestrian accessible to nearby neighborhoods.*

Neither the current FLUM designation, nor the existing MU-4 zoning has been able to realize this vision. The map amendment proposal to MU-5A would further many goals of the Benning Road Corridor Redevelopment Framework Plan by:

- Promoting the continued mixed-use character of the area;
- Encouraging new development to take advantage of the proposed zone’s height limit of up to approximately 7 stories;
- Providing additional market rate and affordable residential development capacity that in return could support the commercial and retail businesses in the map amendment area; and
- Incentivize new development with new commercial and retail opportunities that could increase services to residents in the surrounding neighborhoods, including the row house area.

#### **D. SUMMARY OF PLANNING CONTEXT ANALYSIS**

On balance, the proposal to rezone the RA-2 zone to RF-4 and to rezone the MU-4 zone to MU-5A would not be inconsistent with the Comprehensive Plan and would help to further development priorities in the District. The varying policies cited in this report work together to support appropriately designed row building development and rehabilitation in the RF-4 area, while reinforcing and strengthening the mixed-use character of the MU-5A area.

The proposed map amendment to RF-4 would continue to allow single-family houses, flats, and small apartment buildings while placing additional development controls on front setbacks, rear yards, upper additions, and roof top architectural elements to help retain the existing character of the neighborhood. Importantly, there would be less incentive to demolish and replace existing housing stock. Apartment houses and flats would still be permitted in the RF-4 zone but there would be more incentive to retain existing rowhouses or flats, or build larger family sized units as part of a by-right conversion to apartments.

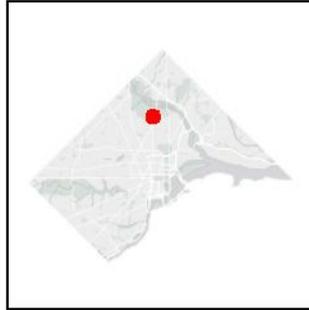
While MU-5A is not a zone typically associated with an area designated for moderate density residential development, the historic development pattern, the language of the Comprehensive Plan in support of encouraging new housing and new development along major corridors, and the Policy Map designation as a Main Street Mixed Use Corridor are all supportive of the proposed rezoning. The proposed map amendment to MU-5A would also, on balance, further important and specific goals and objectives of the Comprehensive Plan, including the Policy Focus area of the Upper Northeast Area Element of the Comp Plan, and the approved Benning Road Corridor Redevelopment Framework Plan and the H Street, NE Strategic Development Plan. The proposed MU-5A zoning also offsets any potential inconsistencies arising from the proposal to downzone the RA-2 portion to RF-4. As such, it is appropriate to assess the two map amendments in concert, both in terms of their development impacts, and in terms of the overall consistency with the goals and objectives of planning for the District and this neighborhood.

Finally, it is critical to note the Mayor’s vision for the creation of 36,000 new housing units by 2025, including 12,000 affordable units. This proposal would help to achieve this goal, by, overall, encouraging new housing, including affordable housing and family sized housing. OP anticipates that, through these map amendments, any small loss of potential new housing in the RF-4 zone would be more than offset by the increase in density that would be permitted by the MU-5A zone. The MU-

5A area would increase maximum permitted residential FAR, which would permit many new housing units over what the MU-4 zone currently permits. It would also create more incentive to build apartment houses with 10 or more units, which would be subject to the inclusionary zoning requirements. The overall increase in residential density in the MU-5A would be appropriate along Benning Road, NE, which is a wide and mostly commercial corridor with major bus routes and the streetcar.

Appendix I

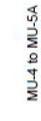
- Zones**
-  Downtown Zone
  -  Mixed-Use Zone
  -  Neighborhood Mixed-Use Zone
  -  Production, Distribution, and Repair Zone
  -  Residential Apartment Zone
  -  Residential Flat Zone
  -  Residential Zone
  -  Special Purpose Zone
  -  Unzoned



**Zoning Map of the District of Columbia**



RA-2 to RF-4

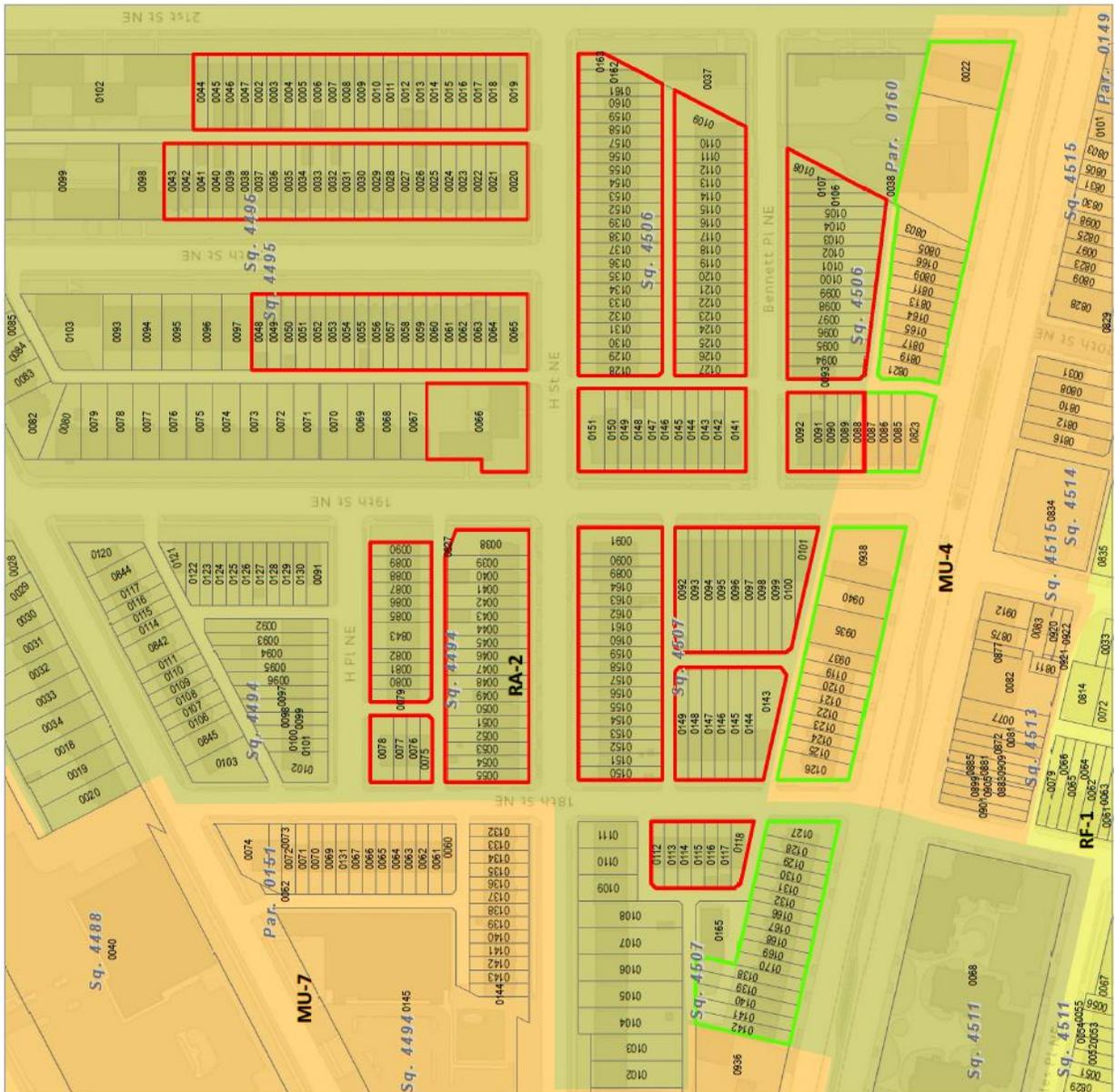


MU-4 to MU-5A

Area Extract of the Official Zoning Map of the District of Columbia  
 Published on Dec 9, 2019.

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at the address listed below.

**OFFICIAL ZONING COMMISSION**  
 District of Columbia  
 Office of Zoning  
 441 4th St NW, Suite 200  
 Washington, DC 20001  
 202-727-6311 | dcoz@dc.gov | X-HIRIT NO 7



## **Attachment I**

### **Comprehensive Plan Chapter 1 - Introduction**

#### **The Family of Plans 103**

*The Comprehensive Plan can be thought of as the centerpiece of a “Family of Plans” that guide public policy in the District (See Figure 1.1). In the past, there has been a lack of clarity over the relationship between the Comprehensive Plan and the many other plans prepared by District agencies. This has reduced the Plan’s effectiveness and even resulted in internal inconsistencies between agency plans. 103.1*

*Under the DC Code, the Comprehensive Plan is the one plan that guides the District’s development, both broadly and in detail. Thus it carries special importance in that it provides overall direction and shapes all other physical plans that District government adopts. In fact, all plans relating to the city’s physical development should take their lead from the Comprehensive Plan, building on common goals and shared assumptions about the future. For example, the growth projections contained in the Comprehensive Plan should be incorporated by reference in other plans that rely on such forecasts. 103.2*

*As the guide for all District planning, the Comprehensive Plan establishes the priorities and key actions that other plans address in greater detail. The broad direction it provides may be implemented through agency strategic plans, operational plans, long-range plans on specific topics (such as parks or housing), and focused plans for small areas of the city. 103.3*

*The Comprehensive Plan is not intended to be a substitute for more detailed plans nor dictate precisely what other plans must cover. Rather it is the one document that bridges all topics and is Where appropriate, this Comprehensive Plan includes cross-references and text boxes to highlight other documents in the “Family of Plans.” Some examples include the federally-mandated State Transportation Plan (known as the “Transportation Vision Plan”), the Historic Preservation Plan, the Parks and Recreation Master Plan, and the Public Facilities Plan. Other agency plans may be guided by Comprehensive Plan policies but are outside of the city government’s direct control. These include the District of Columbia Public Schools Master Facilities Plan. 103.6*

## **Attachment II**

### **Comprehensive Plan Chapter 1 - Introduction**

#### **The Three “Tiers” of Planning 104**

*Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:*

- a. Citywide policies*
- b. Ward-level policies*
- c. Small area policies. 104.1*

*In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “Small Area Plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2*

*The 2006 Comprehensive Plan retains three geographic tiers but incorporates a number of changes to improve the plan’s effectiveness and readability. Probably the most important change is the replacement of “Ward Plans” with “Area Elements.” While Ward Plans were an effective way to express local priorities within the Comp Plan, the boundaries changed dramatically in 1990 and 2000 due to population shifts. Redistricting will occur again after the Censuses in 2010, 2020, and so on. Moreover, the city’s wards are drawn to ensure an equal number of residents in each Council district rather than to provide a coherent rationale for planning the city. Thus, places like Downtown Washington (divided by a ward boundary) and the Anacostia River (divided by four ward boundaries) have been covered in multiple places in past Comprehensive Plans. This has resulted in redundancy and fragmented policies for many of Washington’s most important places. The relationship between the Comprehensive Plan and the three tiers is described below. 104.3*

#### **Tier One: The Citywide Elements**

*The Comprehensive Plan includes 13 Citywide Elements, each addressing a topic that is citywide in scope, followed by an Implementation Element. .... 104.4*

#### **Tier Two: The Area Elements**

*The Comprehensive Plan includes 10 Area Elements, shown on Map 1.1. Taken together, these ten areas encompass the entire District of Columbia. ... 104.5*

*Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. 104.6*

#### **Tier Three: The Small Area Plans**

*As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to*

*manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. 104.8*

*In the future, additional Small Area Plans will be developed. The Implementation Element of this Comprehensive Plan outlines where and under what conditions such plans should be undertaken. Existing Small Area Plans are cross-referenced in the Comprehensive Plan Area Elements and should be consulted for further detail about the areas they cover. 104.9*

### **Attachment III**

#### **Comprehensive Plan Chapter 2 – Framework Element**

#### **Guidelines for Using the Generalized Policy Map and the Future Land Use Map 228**

*The Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies. Several important parameters, defined below, apply to their use and interpretation.*

- a. The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements and development standards for setbacks, height, use, parking, and other attributes, the Future Land Use Map is intended to be “soft-edged” and does not follow parcel boundaries, and its categories do not specify allowable uses or development standards. By definition, the Future Land Use Map is to be interpreted broadly and the land use categories identify desired objectives.*
- b. The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- c. While the densities within any given area on the Future Land Use Map reflect all contiguous properties on a block, there may be individual buildings that are larger or smaller than these ranges within each area. Similarly, the land-use category definitions describe the general character of development in each area, citing typical Floor Area Ratios as appropriate. The granting of density bonuses (for example, through Planned Unit Developments or Inclusionary Zoning) may result in density that exceed the typical ranges cited here.*
- d. 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.*
- e. The designation of an area with a particular Future Land Use Map category does not necessarily mean that the most intense zoning district described in that category is automatically permitted. And, even if a zone is not identified in a category, it can be permitted as described in Section 227.2. A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range. There are many more zone districts than there are Comprehensive Plan land-use categories. Multiple zone districts should continue to be used to distinguish the different types of low- or moderate-density residential development which may occur within each area.*
- f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the MU-4 zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses.*

- g. The intent of the Future Land Use Map is to show use rather than ownership. However, in a number of cases, ownership is displayed to note the District’s limited jurisdiction. Specifically, non-park federal facilities are shown as “Federal” even though the actual uses include housing and industry (e.g., Bolling Air Force Base), offices (e.g., the Federal Triangle), hospitals (e.g., Veteran’s Administration), and other activities. Similarly, the “Local Public Facility” designation includes high-impact uses such as solid waste transfer stations and stadiums, as well as low-impact uses such as schools. Other maps in the Comprehensive Plan are used to show the specific types of public uses present in each area.*
- h. The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be generally comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan.*
- i. Streets and public rights-of-way are not an explicit land-use category on the Future Land Use Map. Within any given area, the streets that pass through are assigned the same designation as the adjacent uses.*
- j. Urban renewal plans remain in effect for parts of the District of Columbia, including Shaw, Downtown, and Fort Lincoln. These plans remain in effect and their controlling provisions must be considered as land use and zoning decisions are made.*
- k. If a development or redevelopment requires discretionary approvals, the developer must address the permanent, offsite displacement of residents and businesses.*
- l. Finally, the Future Land Use Map and the Generalized Policy Map can be amended. The Comprehensive Plan is intended to be a dynamic document that is periodically updated in response to the changing needs of the city. Requests to amend the maps can be made by residents, property owners, developers, and the District itself. In all cases, such changes require formal public hearings before the Council of the District of Columbia, and ample opportunities for formal public input. The process for Comprehensive Plan amendments is described in the Implementation Element. 228.1*