

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Stephen Cochran, Development Review Specialist
JLS
Jennifer Steingasser, AICP
Deputy Director, Development Review & Historic Preservation

DATE: January 20, 2023

SUBJECT: ZC Case 22-12 – Final Report for an application to rezone the lots from MU-3A (low-density mixed-use zone) to MU-7A (medium-density mixed-use zone).

I. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission (“Commission”) **approve** this application to rezone Lots 810, 811, 812, and 813 in Square 2819, located at 4411, 4413, and 4415 14th Street, N.W., and 4424 Arkansas Avenue, N.W. from MU-3A to MU-7A. The proposal **would not be inconsistent with the Comprehensive Plan** and **would be appropriate for IZ Plus**.

The application was amended prior to the public meeting to include three adjoining lots that were not included in the original submission.

II. RESPONSES TO CONCERNS AT SETDOWN

There appeared to be no issues at setdown that needed to be resolved before a Commission vote.

OP’s preliminary report did not note any issues or concerns the applicant should address prior to or at the public hearing. OP’s analysis in that report indicated the map amendment would be not inconsistent with the Comprehensive Plan’s Maps, Citywide policies, and Rock Creek East Area Element, particularly when viewed through a racial equity lens.

The property’s Generalized Future Land Use Map (FLUM) designation was specifically changed to support moderate-density commercial and medium-density residential development, consistent with the proposed MU-7A zone. As noted in the preliminary report the map amendment would contribute towards the District’s goal of having at least 9% of the Planning Area’s residential units be affordable by 2025.

The Zoning Commission had no comments or questions at the public meeting.

The Applicant’s January 10, 2023 Supplemental Statement briefly summarized its previous filings, made no new proposals and raised no new issues.

ANC 4C registered its support for the application at Exhibit 22.

There were no public comments for or against the proposed map amendment in the case file at the time OP filed this final report.

The rest of this report contain excerpts from OP’s setdown report. That full report is at [Exhibit 15](#). It contains a detailed analysis of the proposal, its relationship to the Comprehensive Plan and other plans (page 5) and views the proposed map amendment through a racial equity lens (page 8).

III. APPLICATION-IN-BRIEF

Applicant:	Holland & Knight LLP for Mid-Atlantic Neighborhood Development Corporation
Proposed Map Amendment:	From MU-3A to MU-7A
Address:	4411, 4413, and 4415 14 th Street, N.W. and 4424 Arkansas Avenue, N.W.
Ward and ANC:	Ward 4, ANC 4E (previously ANC 4C)
Legal Description:	Square 2819, Lots 810, 811, 812, and 813
Property size:	19,623 square feet (0.45 acres) in total
Future Land Use Map:	Medium Density Residential / Moderate Density Commercial
Generalized Policy:	Neighborhood Conservation Area
Historic District:	None

IV. SITE AND AREA DESCRIPTION

The properties in Northwest Washington are located between 14th Street, Arkansas Avenue, Webster Street, and Allison Street. The Square has moderate to medium density apartment buildings at its northern and southern ends with non-residential development between. The subject contains a one-story brick building known as the “Xi Omega Center,” a one-story grocery store, and two one-to-two story buildings and associated parking lots.

The map below shows the location of the properties, outlined in red, in the existing MU-3A zone.



V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The application proposes to rezone 19,623 square feet of land area from MU-3A to MU-7A. The general purpose and intent of the existing MU-3A zone and the proposed MU-7A zone is described below:

Existing MU-3 zones (Subtitle G § 400.2):

- (a) Permit low-density mixed-use development; and
- (b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

Proposed MU-7 zones (Subtitle G § 400.6):

- (a) Permit medium-density mixed-use development; and
- (b) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

The following table compares the existing MU-3A zone to the proposed MU-7A zone:

	Existing Zone: MU-3A	Proposed Zone: MU-7A
Permitted Uses:	Subtitle U § 510	Subtitle U § 515
Height:	40 ft. max./ 3 stories	65 ft. max.
FAR:	1.0 max. 1.2 (IZ)	4.0 max. 4.8 (IZ)
Penthouse Height:	12 ft. max. 15 ft. for mechanical space	12 ft. max. 18 ft. 6 in. for mechanical space
Lot Occupancy:	60% max.	75% max. 80% (IZ)
Rear Yard:	20 feet min.	12 feet min.
Side Yard:	5 feet min., if provided	5 feet min., if provided
Vehicle Parking:	<u>Residential:</u> 1 per 3 dwelling units in excess of 4 units <u>Retail:</u> 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft. <u>Office:</u> 0.5 per 1,000 sq. ft. in excess of 3,000 sq. ft.	
Bike Parking:	<u>Multiple Dwelling Unit Residential:</u> Long Term, 1 space per 3 dwelling units; Short Term, 1 space per 20 dwelling units <u>Retail:</u> Long Term, 1 space per 10,000 sq. ft.; Short Term, 1 space per 3,500 sq. ft. <u>Office:</u> Long Term, 1 space per 2,500 sq. ft.; Short Term, 1 space per 40,000 sq. ft.	
Loading:	<u>Residential:</u> ≥ 50 dwelling units, 1 loading berth, 1 delivery space <u>Retail:</u> 1-3 loading berths (depending on sq. ft.), 1 delivery space <u>Office:</u> 1-3 loading berths (depending on sq. ft.), 1 delivery space	
GAR:	0.3 min.	0.25min.

Although the development proposal is not reviewed with a map amendment, the Applicant has indicated that future development would include affordable senior housing and space for community service.

IZ PLUS

IZ Plus is recommended and would be appropriate pursuant to Subtitle X § 502 because:

1. The map amendment would rezone the property to MU-7A, which allows a higher maximum permitted FAR than the existing MU-3A zone; and
2. The 2019 Housing Equity Report¹ prepared by the Office of Planning and the Department of Housing and Community Development reports that:
 - a. The Rock Creek East Area, within which the subject property is located, had 5.1 percent of the District’s total number of affordable housing units as of 2018; and
 - b. The affordable housing goal for the Rock Creek West Area is a total of 1,580 affordable units by 2025.

IZ Plus requires a higher affordable housing set-aside than Regular IZ, and prescribes a set-aside requirement based on either:

- a sliding-scale that is correlated to the total floor area built, or
- the amount of IZ bonus density built.

Rezoning applications consider consistency with only the Comprehensive Plan and not a specific development proposal. OP has provided two examples below to demonstrate possible IZ Plus set-aside requirements pursuant to Subtitle C § 1003.3 if a new residential development were to be built under the MU-7A zone at the subject property. The examples are based on a mixed-use development that is stick-built (non-Type I construction) on the subject property (19,623 square feet) and assumes ground floor non-residential use with a Floor Area Ratio (FAR) of 1.0.

Example 1 – Utilizes IZ Bonus Density

FAR Built:	4.8 IZ FAR (94,190 sq. ft. max.)
Residential FAR Built:	3.8 IZ FAR (74,567 sq. ft. max.)
Regular IZ Set-Aside Requirement:	15.8% or 11,774 sq. ft.
Regular IZ Dwelling Units ² :	12 units
Percent Increase in Total FAR Built	380%
IZ Plus Set-Aside Requirement:	20% or 14,913 sq. ft.
IZ Plus Dwelling units:	15 units

Example 2 – Does Not Utilize IZ Bonus Density

FAR Built:	4.0 FAR (78,492 sq. ft. max.)
Residential FAR Built:	3.0 FAR (58,869 sq. ft. max.)
Regular IZ Set-Aside Requirement:	10% or 5,887 sq. ft.
Regular IZ Dwelling Units:	6 units
Percent Increase in Total FAR Built:	300%
IZ Plus Set-Aside Requirement:	20% or 11,774 sq. ft.
IZ Plus Dwelling units:	12 units

¹ [Housing-Equity-Report](#)

² OP typically uses a density factor 1,000 sq. ft. to estimate number of dwelling units.

The amount of residential floor area built in any future development under the MU-7A zone would determine the actual IZ Plus set-aside requirement. However, given the increase in maximum FAR permitted by the zone change, it is likely that the set-side requirement would be ~ 20 percent.

VI. COMPREHENSIVE PLAN

The Comprehensive Plans contains several differing policies about low-density residential uses and zoning. LU-2.1.5 describes the need to support and maintain “the District’s established low-density neighborhoods and related low-density zoning” while Policy LU-2.1.8 describes the need to “explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types.” This policy predicates any rezoning proposal be based on detailed neighborhood planning, which was done for this site as part of the Small Area Plan “Central 14th Street: Vision Plan and Revitalization Strategy”.

Though LU-2.1.5 supports the retention of low-density zoning, LU-2.1.8 acknowledges that there is also a need to increase density in low-density neighborhoods to help effectuate many other policies of the Comprehensive Plan, including the development of more market-rate and affordable housing. The proposed change in zoning is supported by LU-2.1.8 because the subject property’s FLUM designation was specifically changed in 2021 to support moderate-density commercial and medium-density residential development. The proposed MU-7A zone is consistent with this new FLUM designation.

The map amendment would, on balance, be not inconsistent with the Comprehensive Plan. The policies cited in [Exhibit15](#) Appendix I and as discussed in the Citywide and Area Elements sections of that OP report, work together to support increasing density. The objective of such a density increase is to permit more housing, including affordable housing, and mixed-uses, particularly in proximity to transit on an infill lot.

The map amendment would contribute towards attaining the District’s affordable housing pipeline goals as identified in the Housing Equity Report and could help the Rock Creek East Planning Area achieve a minimum of 9 percent of affordable units by 2025.

On balance, the proposal **would not be inconsistent with the Comprehensive Plan** maps and text, and **would be appropriate for IZ Plus** therefore OP recommends the Zoning Commission **approve** this application to rezone Lots 810, 811, 812, and 813 in Square 2819, located at 4411, 4413, and 4415 14th Street, N.W., and 4424 Arkansas Avenue, N.W. from MU-3A to MU-7A.

VII. ANC COMMENTS

ANC 4E filed a letter in support of the application at Exhibit 25. ANC 4C, which represented the area prior to 2023, had previously filed a letter in support of the application at Exhibit 22.

VIII. COMMUNITY COMMENTS

There were no public comments in the record at the time OP completed this report.