

# Zoning Commission Case No. 22-12

**Zoning Map Amendment from MU-3A to MU-7A  
Mid-Atlantic Neighborhood Development Corporation  
Square 2819, Lots 810-813**

*Public Hearing  
Monday, January 30, 2023*

**Holland & Knight**

# Site Overview

- Located in the 16<sup>th</sup> Street Heights neighborhood of the District (NW).
- Generally bounded by 14th Street to the west, Arkansas Avenue to the east, and multifamily buildings to the north and to the south
- Consists of approximately 19,623 square feet of land area.
- Comprised of Lots 810, 811, 812, and 813 in Square 2819.
- Presently zoned MU-3A.



# Existing Conditions: Lots 810 and 811

- **Lots 810 and 811**: Located at premises 4413-4415 14th Street, NW, and currently improved with a one-story commercial building (grocery and delicatessen use).



# Existing Conditions: Lot 812

- **Lot 812**: Located at premises 4424 Arkansas Avenue, NW, and is currently improved with a one-story warehouse building.



# Existing Conditions: Lot 813

- **Lot 813:** Located at premises 4411 14th Street, NW, and presently improved with a one-story brick building known as the "Xi Omega Center" and an associated surface parking lot.



# Summary of Case Record

- **Request:** Zoning Map amendment from MU-3A to MU-7A
- **Applicant's Filings**
  - Ex. 3: Statement in Support
  - Ex. 12: Letter amending application to include Lots 810, 811, and 812
  - Ex. 13: Prehearing Statement, including filing requirements of Subtitle Z § 401
  - Ex. 22: Supplemental Prehearing Statement
- **Agency Reviews**
  - OP
    - Ex. 15: Setdown Report, dated 8/15/2022
    - Ex. 26: Hearing Report, dated 1/19/2023 – recommends approval.
  - DDOT
    - Ex. 27: Report dated 1/20/2023 – no objection.
- **Community Support**
  - ANC 4C – former affected ANC
    - Resolutions in Support (Ex. 3K and Ex. 22 (for amended appl.))
  - ANC 4E – affected ANC as of 1/1/2023
    - Resolution in Support (Ex. 25)

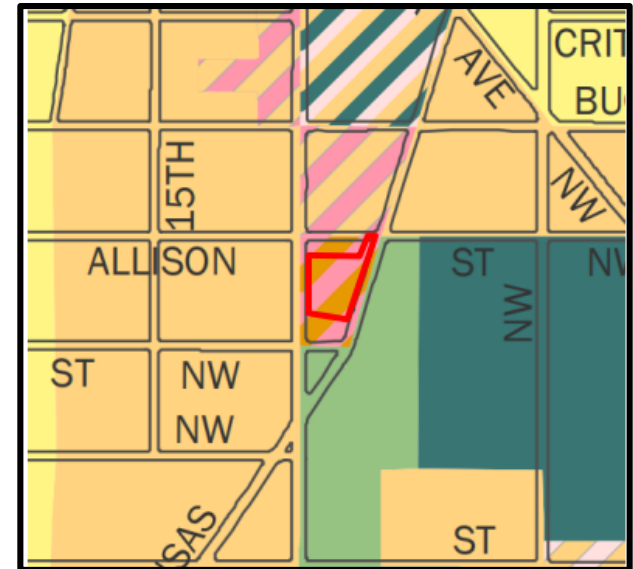
# Standard of Review for Zoning Map Amendment Application

- In all cases, the Zoning Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. (11-X DCMR § 500.3.)
- In this case, the proposed Zoning Map amendment to MU-7A is not inconsistent with the Comprehensive Plan, including the:
  - Future Land Use Map (“FLUM”);
  - Generalized Policy Map (“GPM”);
  - Area Element;
  - Citywide Elements; and
  - the *Central 14<sup>th</sup> Street Vision Plan and Revitalization Strategy*
- Consistency with District’s racial equity objectives.

# Future Land Use Map (FLUM) Designation

## Mixed Use (Medium Density Residential / Moderate Density Commercial)

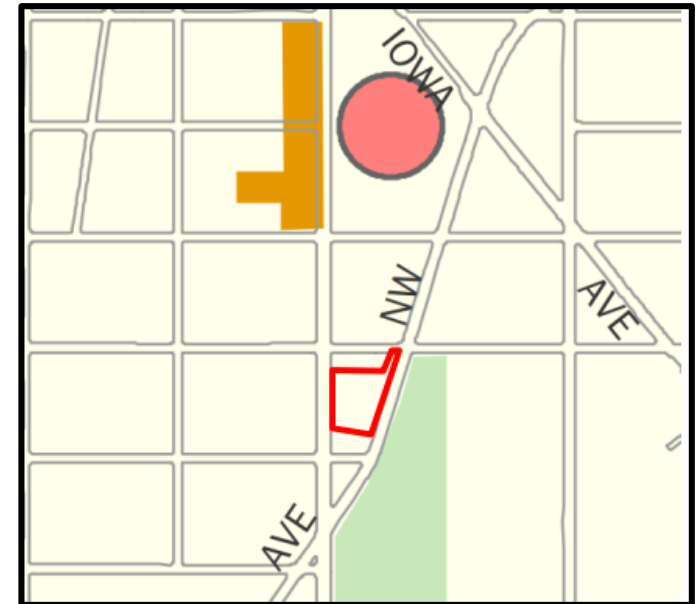
- Medium Density Residential (10A DCMR § 227.7)
  - Used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings.
  - Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with IZ.
  - Framework Element cites the RA-3 Zone District as being consistent.
- Moderate Density Commercial (10A DCMR § 227.11)
  - Used to define shopping and service areas that are somewhat greater in scale and intensity than the Low-Density Commercial areas.
  - Density typically ranges between a 2.5 FAR and 4.0 FAR, with greater density possible when complying with IZ.
  - **Framework Element cites the MU-7 zone as being consistent.**
- Mixed Use (10A DCMR § 227.23)
  - General density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown.
  - **In this case, the FLUM indicates a preference for the residential category, as it is assigned to medium density, whereas the commercial category is assigned to moderate density.**
- “The property’s [FLUM] designation was specifically changed to support moderate-density commercial and medium-density residential development, consistent with the proposed MU-7A zone.” OP Report, Ex. 26 at p.1.





# Generalized Policy Map (GPM) Designation Neighborhood Conservation Area

- 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. (10A DCMR § 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...** Densities in Neighborhood Conservation Areas are guided by the [FLUM] and Comp Plan policies. 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. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socioeconomic and development characteristics. (10A DCMR § 225.5.)



# Comparison of Existing and Proposed Zoning

	Existing: MU-3A	Proposed: MU-7A
<i>Purpose</i>	Permit low-density mixed-use development	Permit medium-density mixed-use development
<i>Uses</i>	Sub. U, § 510 (MU Use Group D)	Sub. U, § 515 (MU Use Group F)
<i>FAR (overall)</i>	1.0 max. (1.2 w/ IZ)	4.0 max. (4.8 IZ)
<i>FAR (non-residential)</i>	1.0	1.0
<i>Height</i>	40 ft. (3 stories)	65 ft. (no limit on stories)
<i>Penthouse Height</i>	12 ft. habitable/ 15 ft. for mechanical	12 ft. habitable / 18 ft., 6 in. for mechanical
<i>Lot Occupancy (residential)</i>	60%	75% (80% IZ)
<i>Rear Yard</i>	20 ft. min.	12 ft. min.
<i>Side Yard</i>	None required; 5 ft. min. if provided	None required; 5 ft. min., if provided
<i>Green Area Ratio</i>	0.3 min.	0.25 min.

# Equity and the Comprehensive Plan

- The District seeks to create and support an equitable and inclusive city. Like resilience, **equity is both an outcome and a process**. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. (10A § DCMR 213.6.)
  - **As a process**, we apply a racial equity lens when those most impacted by structural racism are ***meaningfully involved*** in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color. (10A § DCMR 213.9.)
  - **As an outcome**, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes; when ***everyone has what they need to thrive***, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. (10A § DCMR 213.9.)
- Zoning Commission shall “evaluate all actions through a racial equity lens **as part of its Comprehensive Plan consistency analysis**.” (10A § DCMR 2501.8)

# Zoning Commission Racial Equity Tool

- **Part I** – Discussion of applicable Citywide and Area Elements of the Comprehensive Plan.

Citywide Elements	Area Element
<ul style="list-style-type: none"> <li>• Land Use</li> <li>• Housing</li> <li>• Transportation</li> <li>• Environmental Protection</li> </ul>	Rock Creek East Area

- **Part II** – What are the anticipated positive and negative impacts and/or outcomes of the zoning action?

<b>Direct Displacement</b>	<b>Will the zoning action result in displacement of tenants or residents?</b>
<b>Housing</b>	<b>Will the action result in changes to:</b> <ul style="list-style-type: none"> <li>▪ Market Rate Housing?</li> <li>▪ Affordable Housing?</li> <li>▪ Replacement Housing?</li> </ul>
<b>Physical</b>	<b>Will the action result in changes to the physical environment such as:</b> <ul style="list-style-type: none"> <li>▪ Public Space Improvements?</li> <li>▪ Infrastructure Improvements?</li> <li>▪ Arts and Culture?</li> <li>▪ Environmental Changes?</li> <li>▪ Streetscape Improvements?</li> </ul>
<b>Access to Opportunity</b>	<b>Is there a change in access to opportunity?</b> <ul style="list-style-type: none"> <li>▪ Job Training/Creation?</li> <li>▪ Healthcare?</li> <li>▪ Addition of Retail/Access to New Services?</li> </ul>

# Citywide Elements (see Ex. 3)

## Land Use Element

- LU-1.5.1: Infill Development
- **LU-2.1.1: Variety of Neighborhood Types**
- **LU-2.1.2: Neighborhood Revitalization**
- LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods
- LU-2.1.5: Support Low-Density Neighborhoods
- LU-2.1.7: Row House Neighborhood Character
- LU-2.1.8: Explore Approaches to Additional Density in Low- and Moderate-Density Neighborhoods
- LU-2.3.1: Managing Non-Residential Uses in Residential Areas
- LU-2.3.2: Mitigation of Commercial Development Impacts
- LU-2.3.4: Transitional and Buffer Zone Districts
- LU-2.4.5: Encouraging Nodal Development
- LU-2.4.12 Commercial Uses Outside Designated Centers

## Housing Element

- H-1.1.1: Private Sector Support
- H-1.1.3: Balanced Growth
- H-1.1.5: Housing Quality
- H-1.1.9: Housing for Families
- H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority
- **H-1.2.2: Production Targets**
- **H-1.2.3: Affordable and Mixed-Income Housing**
- H-1.2.5: Moderate-Income Housing
- H-1.2.6: Build Nonprofit Sector Capacity
- H-1.3.1: Housing for Larger Households

- H-4.3.2: Housing Choice for Older Adults
- H-4.3.3: Neighborhood-Based Housing for Older Adults
- H-4.3.4: housing for Persons with Disabilities

## Transportation Element

- T-1.2.1: Major Thoroughfare Improvements
- T-1.2.3: Discouraging Auto-Oriented Uses
- T-2.4.1: Pedestrian Network
- T-2.4.2: Pedestrian Safety

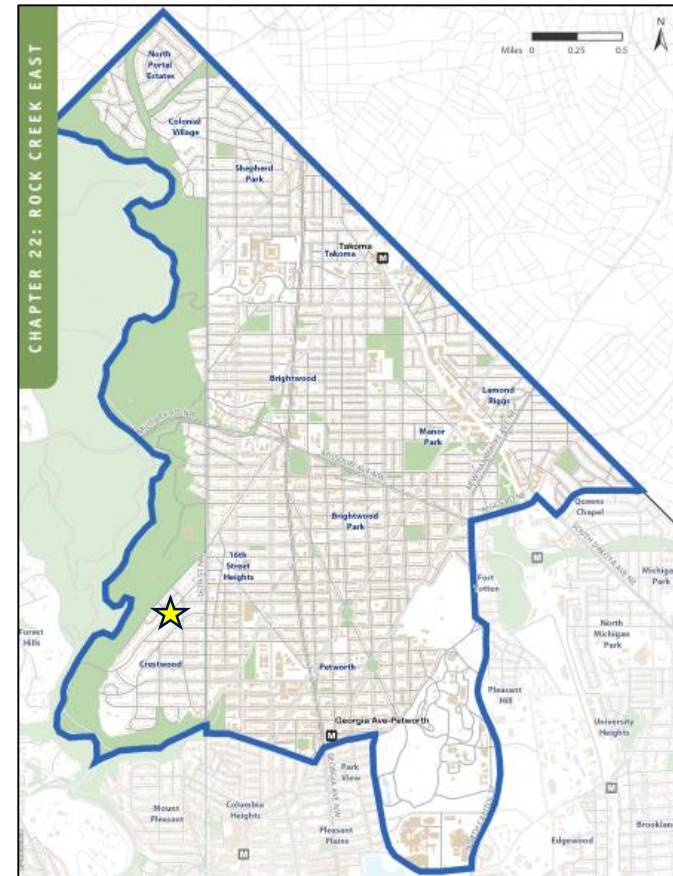
## Environmental Element

- **E-1.1.2: Urban Heat Island Mitigation**
- E-2.1.2: Tree Requirements in New Development
- E-2.1.3: Sustainable Landscaping Practices
- E-3.2.3: Renewable Energy
- E-3.2.7: Energy-Efficiency Building and Site Planning
- E-4.1.1: Maximizing Permeable Surfaces
- E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff
- E-4.2.1: Support for Green Building

Policies **highlighted in green** explicitly focus on advancing equity, per OP's Equity Crosswalk

# Rock Creek East Area Element

- Proposed Zoning Map Amendment advances the following policies under the Rock Creek East (RCE) Area Element:
  - RCE-1.1.1: Strengthening Lower Density Neighborhoods
  - RCE-1.1.2.: Design Compatibility
  - RCE-1.1.3: Directing Growth
  - RCE-1.1.4: Neighborhood Shopping Areas
  - RCE-1.1.6: Development of New Housing
  - RCE-1.1.13: Vibrant Local Shopping Streets
  - RCE-1.1.14: Livability in Rock Creek East
  - RCE-1.1.15: Sustainable Development
  - RCE-1.2.5: Small and Local Businesses
- Consistent with the planning objectives of the RCE Area Element, rezoning the site to MU-7A will:
  - Provide new housing opportunities.
  - Create potential for more affordable housing.
  - Accommodate ground-floor retail / neighborhood-serving uses.
  - Permit development that is compatible in scale with character of surrounding neighborhood.



# Evaluation of Equitable Development Indicators

Indicator	Measure	Impact / Outcome of Zoning Map Amendment
<b>Displacement</b>		
<i>Physical</i>	Displacement due to redevelopment.	<ul style="list-style-type: none"> <li>No physical displacement of residents.</li> </ul>
<i>Economic</i>	Displacement due to housing cost increases.	<ul style="list-style-type: none"> <li>Significant increase in amount of housing permitted.</li> <li>No increase in permitted amount of non-residential density on the Property, thus all density gained will be devoted to residential use.</li> <li>Would contribute to RCE Planning Area goal of having 9% of residential units be affordable</li> <li>Increased IZ set aside through applicability of IZ+.</li> </ul>
<i>Cultural</i>	Loss of sense of belonging or shared identity in neighborhood.	<ul style="list-style-type: none"> <li>Density gained for residential use and expanded IZ set aside increases potential for residents within the RCE Area Element to remain in the neighborhood and senior residents to age in place.</li> </ul>
<b>Housing</b>		
<i>Housing Burden</i>	Number of new market rate and dedicated affordable units (per 2019 Housing Equity Report).	<ul style="list-style-type: none"> <li>Substantial increase in amount of housing permitted.</li> <li>No increase in permitted amount of non-residential density on the Property, thus all density gained will be devoted to residential use.</li> <li>Would contribute to RCE Planning Area goal of having 9% of residential units be affordable</li> <li>Increased IZ set aside through applicability of IZ+.</li> </ul>
<i>Family-sized Units</i>	Households that pay more than 30% of income (burdened), or 50% of income (severely burdened) on housing.	<ul style="list-style-type: none"> <li>Substantial increase in amount of residential GFA – i.e., housing – that can be provided to households earning no more than 60% (rental) or 80% (ownership) MFI (50% MFI for any IZ set aside generated by penthouse habitable space).</li> </ul>

## Evaluation Equitable Development Indicators (cont'd)

Indicator	Measure	Impact / Outcome of Zoning Map Amendment
<b>Transportation</b>		
<i>Access to Transit</i>	Proximity to public transit options.	<ul style="list-style-type: none"> <li>• Approximately 1 mile from Georgia Avenue-Petworth Metrorail station.</li> <li>• George Avenue is a Priority Bus Corridor, thus new residents will have access to bus routes 70 and 79.</li> <li>• Bikeshare stations provide additional connections.</li> </ul>
<i>Transportation Improvements / Pedestrian Safety</i>	Gaps in pedestrian network. Lack of pedestrian facilities (crosswalks, lighting, seating, etc.)	<ul style="list-style-type: none"> <li>• Future reconstruction of adjacent streetscape.</li> </ul>
<b>Employment</b>		
<i>Access to full-time employment and steady income.</i>	Creation/production of new jobs.	<ul style="list-style-type: none"> <li>• Building maintenance / management jobs.</li> <li>• Retail/service employment opportunities (e.g., Notable growth at Walter Reed Army Medical Center).</li> </ul>
<i>Access to Jobs</i>	Proximity to transit.	<ul style="list-style-type: none"> <li>• Georgia Avenue-Petworth Metrorail station within walking distance for residents.</li> <li>• Resident proximity to other employment opportunities at nearby retail, service, and neighborhood-serving uses.</li> </ul>
<b>Education / Health / Wellness</b>		
<i>Access to Public and Private Schools</i>	Schools within surrounding neighborhood.	<ul style="list-style-type: none"> <li>• Proximity to Dorothy I. Height Elementary School.</li> <li>• Proximity to Theodore Roosevelt High School.</li> </ul>
<i>Access to safe, clean public gathering spaces, open spaces, and recreation.</i>	Public parks, recreation centers, libraries, within surround neighborhood.	<ul style="list-style-type: none"> <li>• Proximity to Upshur Park, Upshur Dog Park, Upshur Community Garden, Hamilton Recreation Center, and Rock Creek Park.</li> <li>• Proximity to Petworth Neighborhood Library</li> </ul>



## Evaluation Equitable Development Indicators (cont'd)

Indicator	Measure	Impact / Outcome of Zoning Map Amendment
<b>Environmental</b>		
<i>Access to increased health benefits.</i>	<ul style="list-style-type: none"> <li>• LEED rating.</li> <li>• Use of renewable energy sources.</li> <li>• Stormwater management.</li> <li>• Placement of unwanted / high-impact land uses</li> </ul>	<ul style="list-style-type: none"> <li>• Future residential development may integrate renewable energy sources.</li> <li>• Future development will bring improved stormwater infrastructure.</li> </ul>
<b>Amenities</b>		
<i>Access to desirable features and/or a pleasant living environment.</i>	<ul style="list-style-type: none"> <li>• Availability of building amenities</li> <li>• Proximity/availability of uses that meet daily needs (e.g., grocery, retail, service, eating and drinking establishments).</li> </ul>	<ul style="list-style-type: none"> <li>• New development can incorporate new amenities for new residents and visitors.</li> <li>• Site has proximity to several retail, service, and neighborhood serving uses.</li> <li>• Site has proximity to parks, open space, and recreational opportunities.</li> </ul>

*Based on the Zoning Commission's racial equity tool, the proposed rezoning of the site to MU-7A will accommodate new development that would advance several of the District's racial equity objectives, **and is therefore not inconsistent with the Comprehensive Plan.***

# Potential Inconsistencies with the Comprehensive Plan

Potential Inconsistency	Outweighing Policy / Consideration
<p><b><u>Policy LU-2.1.4: Rehabilitation Before Demolition</u></b>            In redeveloping areas characterized by vacant, abandoned, and underused older buildings, generally encourage rehabilitation and adaptive reuse of architecturally or historically significant buildings rather than demolition.            [10A DCMR § 310.11]</p>	<ul style="list-style-type: none"> <li>• Map amendment advances numerous other CP policies, particularly those under the <b>Land Use Element</b> and the <b>Housing Element</b>, far outweigh any desire to maintain site in its current underutilized state.</li> <li>• No improvements designated as historic landmarks, nor is site located within an historic district.</li> </ul>
<p><b><u>Policy LU-2.1.6: Row House Neighborhood Character</u></b>            Respect the character of row house neighborhoods by ensuring that infill development is compatible with existing design patterns and maintains or expands the number of family-sized units. Upward and outward extension of row houses that compromise their design should be discouraged.            [10A DCMR § 310.14]</p>	<ul style="list-style-type: none"> <li>• Site is located on a block that is more appropriate for moderate- to medium-density development along the 14<sup>th</sup> Street corridor.</li> <li>• CP advocates for “explor[ing] approaches, <u>including rezoning</u>, to accommodate a modest increase in density and more diverse housing types in low-density and moderate-density neighborhoods” to produce more housing and affordable housing, as appropriate. See LU-2.1.8 (emphasis added).</li> </ul>

# Small Area Plan

## Central 14<sup>th</sup> Street Vision Plan and Revitalization Strategy (2012)

“Increasing the residential density will help buoy current businesses and attract more diverse retailers to the node.” (p. 32).

### NODE TWO—Webster to Decatur

Predominantly characterized by one-story commercial storefronts and the WMATA Bus Barn, Node Two has great potential as a future neighborhood hub on 14th Street. Wide sidewalks, attractive streetscape, an active business community, and the catalytic Bus Barn site will help this node realize its economic potential.

#### Node Two Today

Node Two's primary trade area is supported by approximately 2,063 individuals in 734 households. The reported median household income for this area is \$90,206. Additionally, this area has a daytime population of approximately 227 employees

The business mix in Node Two is relatively balanced (business mix pie chart to be displayed) among Neighborhood Good & Services, General Apparel & Furniture, and Other Non-Retail showing current business owners meet community needs. Still, there is a high vacancy rate at 21 percent. This section of 14th Street retail is also likely to be affected by lower actual sales per square feet for existing retailers. Even with the balanced business mix, unmet retail demand suggests Node Two does not supply preferred types of neighborhood goods and services. The only unmet retail demand is in the Neighborhood Goods & Services category totaling over 2,678 square feet, and is almost entirely accounted for by items found in a small grocery store. The high household expenditures reflect the neighborhood's preference for a small grocery store. Increasing the residential density will help buoy current businesses and attract more diverse retailers to the node.<sup>3</sup>



The Comp Plan requires zoning to be “interpreted in conjunction with . . . approved Small Area Plans pertaining to the area proposed for rezoning.” 10A DCMR § 2504.5 (See Policy IM-1.3.3, titled “Consultation of Comprehensive Plan in Zoning Decisions”).

### Development Goal for Node Two

**Pursue land use change and infill development that is designed with contextual sensitivity and attract a medium-scale grocery anchor to support existing businesses and spur increased foot traffic.**

# Conclusions

- Proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan, particularly when analyzed through a racial equity lens.
- Any potential inconsistencies with individual Comprehensive Plan policies are outweighed by:
  - Consistency with the FLUM and GPM
  - Consistency with other competing Comprehensive Plan priorities relating to land use and housing
  - Other District planning policies and programs
- Proposed rezoning to MU-7A complies with the Zoning Act because the proposed rezoning will “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia[.]”