

ZC Application No. 22-19

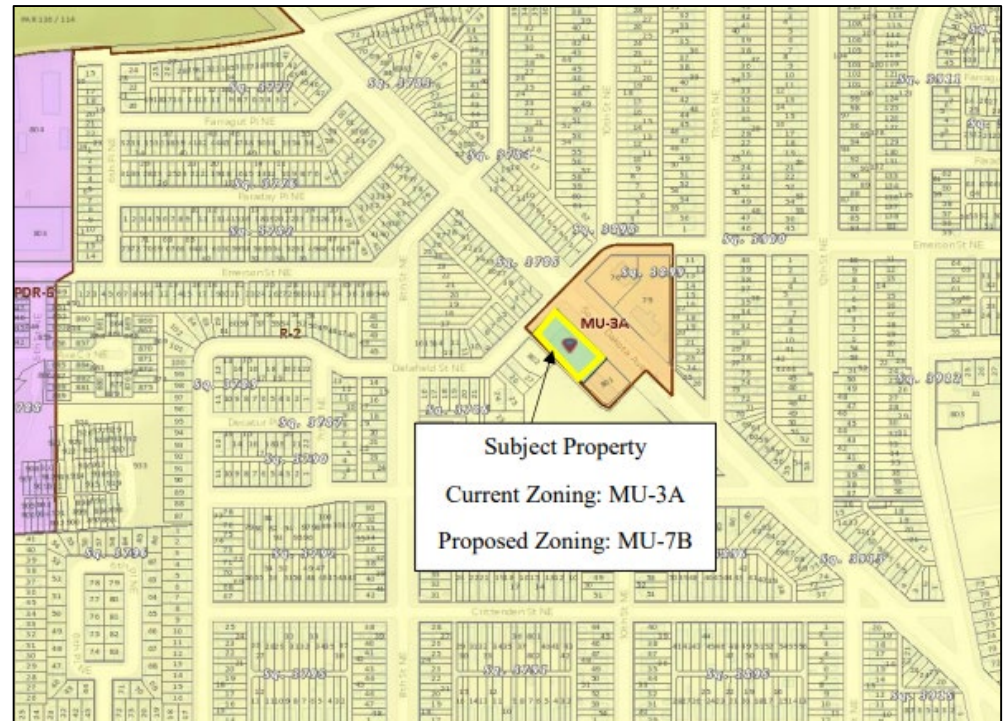
McDonald's Corporation
4950 South Dakota Avenue, NE
(Square 3786, Lot 1)

Zoning Commission Public Hearing
Nov. 28, 2022

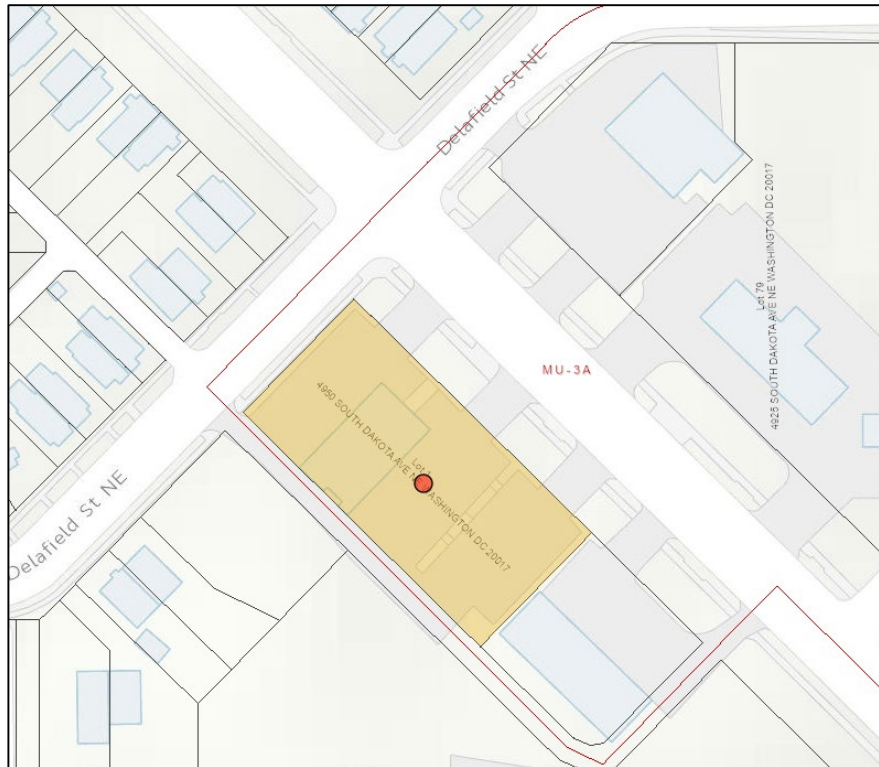
Holland & Knight

Subject Property

- The property is owned by McDonald's Corporation.
- The property is located at the intersection of South Dakota Avenue and Delafield Street.
- Land area is approximately 21,000 total sq. ft.
- Currently improved with a 3,100 sq. ft. McDonald's built in 1968.
- Currently zoned: MU-3A.
- Proposed zoning: MU-7B.



Subject Property (cont.)



Background

- The store currently employs 29 people, of which 15 are District residents.
 - 60% of the management team are District residents.
- In the future, the store will hire an additional 25 people, and at least 50% will continue to be District residents.
- The store sponsors several community events, including:
 - Noyes Park Halloween Parade and Party,
 - North Michigan Park cookouts, including the most recent Community Reunion Cookout in August
- Ownership is currently working with ANC commissioner to help bring free tennis instruction/training to the area via purchasing tennis rackets and balls.
- The store provides annual book scholarships for two North Michigan Park graduating seniors.
- The store maintains a relationship with the community and all ANC Commissioners and stakeholders we serve.
 - The store has been owned by the same family since 1991.

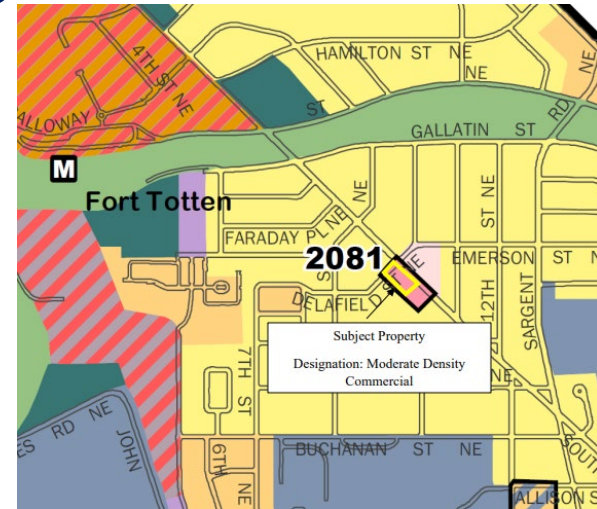
Standard of Review

- Zoning Commission may approve a map amendment if the amendment is not inconsistent with the Comprehensive Plan and other adopted public policies and action programs related to the subject site. 11-X DCMR § 500.3.
- Here, the proposed map amendment is not inconsistent with the Future Land Use Map and the Generalized Policy Map designation and the intent of the Comprehensive Plan.

Future Land Use Map and Generalized Policy Map Designations

- Future Land Use Map: **Moderate Density Commercial**

- Moderate Density Commercial is used to define shopping and service areas that are somewhat greater in scale and intensity than Lower-Density Commercial areas. Retail, office, and service businesses are the predominate uses in these areas. Compatible zoning districts are the MU-5 and **MU-7** districts. 10-A DCMR § 227.12 (emphasis added).



- Generalized Policy Map: **Neighborhood Commercial Center**

- Neighborhood commercial centers are intended to meet the day to day needs of residents and workers in the adjacent neighborhoods. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, **restaurants**, and basic services such as dry cleaners, hair cutting, and childcare. 10-A DCMR § 225.15 (emphasis added).



Comparison of Existing and Proposed Zoning

	Existing MU-3A	Proposed MU-7B
Purpose	Permit low-density mixed-use development	Permit moderate-density mixed-use development
Uses	Sub. U, Ch. 5 (MU Use Group D)	Sub. U, Ch. 5 (MU Use Group F)
FAR (Overall)	1.0 (1.2 w/ IZ)	4.0 (4.8 w/ IZ)
FAR (Non-Residential)	1.0	2.5
Height	40 ft. (3 stories)	65 ft.
Penthouse Height	12 ft. habitable/ 15 ft. mechanical	12 ft. habitable/ 18.5 ft. mechanical
Lot Occupancy (Residential)	60%	75% residential/ 80% residential (IZ)
Rear Yard	20 ft. min.	2.5 in. per 1 ft. height, 12 ft. min.
Side Yard	None required; 5 ft. min. if provided	None required; 5 ft. min. if provided
Green Area Ratio	0.3	0.25

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. 10-A § 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. 10-A § 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. 10-A § DCMR 213.9
- Zoning Commission shall “evaluate all actions through a racial equity lens as part of its Comprehensive Plan **consistency analysis**.” 10-A § DCMR 2501.8

Zoning Commission Racial Equity Tool

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

Citywide Elements	Area Elements
Land Use Transportation Housing Economic Development Urban Design Environmental Protection	Upper Northeast Area Element

- Part II – Evaluation of anticipated positive and negative impacts and/or outcomes.

Direct Displacement	Will the zoning action result in displacement of tenants or residents?
Housing	Will the action result in changes to: ▪ Market Rate Housing? ▪ Affordable Housing? ▪ Replacement Housing?
Physical	Will the action result in changes to the physical environment such as: ▪ Public Space Improvements? ▪ Infrastructure Improvements? ▪ Arts and Culture? ▪ Environmental Changes? ▪ Streetscape Improvements?
Access to Opportunity	Is there a change in access to opportunity? ▪ Job Training/Creation? ▪ Healthcare? ▪ Addition of Retail/Access to New Services?

Evaluation of Equitable Development Indicators

Indicator	Measure	Outcome / Applicable Public Benefit
Displacement		
Physical	<ul style="list-style-type: none"> Displacement due to redevelopment. 	<ul style="list-style-type: none"> No physical displacement of residents.
Economic	<ul style="list-style-type: none"> Displacement due to housing cost increases. 	<ul style="list-style-type: none"> Increase in permitted amount of non-residential density that can increase economic opportunity in the Planning Area.
Cultural	<ul style="list-style-type: none"> Loss of sense of belonging or shared identity in neighborhood. 	<ul style="list-style-type: none"> Density gained increased commercial density provides an opportunity for residents to have a place to meet and gather.
Housing	<ul style="list-style-type: none"> Number of new market rate and dedicated affordable units (per 2019 Housing Equity Report). 	<ul style="list-style-type: none"> Increase in amount of housing permitted on Property. Increased IZ set aside through applicability of IZ+.
Housing Burden	<ul style="list-style-type: none"> Households that pay more than 30% of income (burdened), or 50% of income (severely burdened) on housing. 	<ul style="list-style-type: none"> Increase in amount of 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).
Family-sized Units	<ul style="list-style-type: none"> Dwelling units with 3 or more bedrooms. 	<ul style="list-style-type: none"> Increased potential for larger units due to gain in overall permitted density.
Transportation		
Access to Transit	<ul style="list-style-type: none"> 0.5 miles to Metrorail. 0.25 miles to priority bus corridors and other modes of public transportation. 	<ul style="list-style-type: none"> .49 mile walk to Fort Totten metro station. South Dakota Avenue and Delafield Street bus stop is located in front of the Subject Property.
Transportation Improvements / Pedestrian Safety	<ul style="list-style-type: none"> Gaps in pedestrian network. Lack of pedestrian facilities (crosswalks, lighting, seating, etc.). 	<ul style="list-style-type: none"> Improvement of pedestrian connectivity.
Employment		
New Jobs	<ul style="list-style-type: none"> New employment opportunities. 	<ul style="list-style-type: none"> Increased commercial density will result in 25 new jobs, of which 50% would be District residents.
Access to Jobs	<ul style="list-style-type: none"> Proximity to transit. 	<ul style="list-style-type: none"> Subject Property is in close proximity to transit centers. Subject Property is in close proximity to residential uses.
Education / Health / Wellness	<ul style="list-style-type: none"> Access to quality public services. Access to safe, clean public gathering spaces, open spaces, and recreation. Healthy natural environment. 	<ul style="list-style-type: none"> Proximity to North Michigan Park Center Proximity to Boys Town Washington DC Proximity to St. Anselm's Abbey School Proximity to Lamond-Riggs Library
Environmental	<ul style="list-style-type: none"> LEED rating. Use of renewable energy sources. Storm water management. Placement of unwanted / high-impact land uses 	<ul style="list-style-type: none"> Improved storm water infrastructure. Improved roadway circulation on the Subject Property
Access to Amenities	<ul style="list-style-type: none"> Availability of building amenities. Proximity/availability of uses that meet day-to-day needs (grocery, retail, service, eating and drinking). 	<ul style="list-style-type: none"> Map amendment will permit the development of increased commercial uses, therefore granting residents more access to day-to-day needs. Proximity to nearby retail, service, and neighborhood-servicing uses. Proximity to parks, open space, recreation. Proximity to North Michigan Park Center Proximity to Boys Town Washington DC Proximity to St. Anselm's Abbey School Proximity to Lamond-Riggs Library

Upper Northeast Area Element

- Proposed map amendment advances the following planning objectives of the Upper Northeast Area Element
 - • UNE-1.1.1: Neighborhood Conservation
 - • UNE-1.1.6: Neighborhood Shopping
 - • UNE-1.1.8: Untapped Economic Development Potential
 - • UNE-1.2.4: Linking Residents to Jobs
 - • UNE-1.2.5: Increasing Economic Opportunity
- Proposed map amendment will lead to a more connected neighborhood, will support adjacent commercial uses, will result in economic opportunities, and has the opportunity to serve the economic needs of the Upper Northeast Area.



Potential Comprehensive Plan Inconsistencies

Potential Inconsistency	Outweighing Policies/Considerations
<ul style="list-style-type: none"> • Development Around Metrorail Stations (LU-1.4.2) • Housing Around Metrorail Stations (LU-1.4.3) • Discouraging Auto-Oriented Uses (T-1.2.3) • Mixed-Use Development (H-1.1.4) 	<ul style="list-style-type: none"> • GPM designation • FLUM designation • Development Along Corridors (LU-1.4.6) • Infill Development (LU-1.5.1) • Support Low-Density Neighborhoods (LU-2.1.5) • Transit-Accessible Employment (T-1.3.1) • Pedestrian Safety (T-2.4.2) • Tree Requirements in New Development (E-2.1.2) • Entry-Level Opportunities (ED-4.2.6) • Living-Wage Jobs (ED-4.2.7) • Upward Mobility (ED-4.2.9) • Transitions in Building Intensity (UD-2.2.4) • Infill Development (UD-2.2.5) • Community support for proposed map amendment

Conclusion

- Not inconsistent with the Comprehensive Plan when evaluated 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, Transportation, Environmental Protection, Economic Development, and Urban Design.