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**Subject:** Testimony for DC Zoning Case Number 23-02  
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Sharon and staff,

I am registered to speak at the hearing tomorrow as both an individual and as an organization (the 1474 Belmont St Condo Association). Can I please con mine my time allotments? Please advise on how to proceed.

I would like to submit the following as written testimony:

DC Municipal Regulations Title 11, Subtitle Z, 500.1 States “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.**

While the map amendment petition is not inconsistent with the Future Land Use Map (FLUM) due to FLUM Amendment 8070, **the map amendment petition is at least partially inconsistent with the Comprehensive Plan.** Further, the map amendment petition is a clear case of spot-zoning due to inconsistency with existing zoning in the surrounding area. I urge the Zoning Commission to deny this petition to upzone and further encourage the Office of Planning to revise the petition to upzone to account for the Neighborhood Conservation Policy Area as well as the existing zoning in the surrounding area.

As a general rule, I do not oppose development and I recognize the need to both create opportunities to build more housing and rehabilitate the dilapidated and under-parked police station. This land can and should be a win-win-win for the city government, its citizenry, and its elected officials. I am a real estate developer and I work on projects around the country. My wife and I live 142 feet away from the site and we take pride in our house and our community. We have concerns that the petition to upzone will be detrimental to the fabric of our community. While it would be expeditious if the Zoning Commission could make decisions based on the citizenry’s concerns and feelings, this would not allow for any meaningful change to happen. For this reason, my testimony will outline a quasi-judicial lens through which to view this petition. Upon careful reading, the Commission must vote against the petition to upzone.

DC Municipal Regulations Title 11, Subtitle Z, 500.1 states:

**“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.”**

Therefore, the Zoning Commission must vote against a petition to upzone via map amendment which is found to be inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

This petition to upzone has merit, which is outlined in the DC Office of Planning’s setdown report. The most important element giving the petition to upzone merit is its consistency with the FLUM in its current form. This is due to FLUM Amendment 8070. While researching this property and reading through OP’s setdown report, I found it suspiciously irregular that the FLUM could call for High-Density Residential and Moderate Density Commercial given its proximity to existing Other than the results of this amendment. Upon researching this amendment, I was able to see that it was proposed by Councilmember Nadeau and approved by the DC Council. Accompanying the FLUM Amendment was language in the Comprehensive Plan that is specific to this site. On Page 29 of Chapter 20 (Mid-City Area Element), Policy MC-2.3.7 Use of Public Sites states:

Utilize public land at the Reeves Center, Housing Finance Agency, GarnetPaterson, **Engine 9, and MPD 3rd District Headquarters** to create mixed-use neighborhood landmarks that acknowledge and continue the history of U Street as a Black business corridor. Added density at these public sites should be used to create a significant amount of new affordable housing, establish space for cultural uses, and provide for additional public facilities, such as a new public library. **New construction should concentrate density towards U Street and use design strategies to visually reduce building height and bulk to provide appropriate transitions to adjacent lower density areas.**

This distinction is critical. While the FLUM is useful for making decisions that are clear cut, it is simply one element of the Comprehensive Plan. The Commission must review this petition to upzone against the Comprehensive Plan as a whole. In this instance, the Plan clearly provides a specific policy to be implemented for this specific land. The policy is more nuanced than the FLUM, and as such, the petition to upzone needs to be adequately nuanced.

In its current form, the proposed map amendment lacks nuance. It simply petitions the Commission to upzone to the MU-10 zone. As this zoning would be applied to all the land, it is half consistent and half inconsistent with the Comprehensive Plan.

DC Municipal Regulations Title 11, Subtitle G, Chapter 4 establishes zoning standards for the MU-10 zone. Of note are the following two sections:

405.3 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided in the MU-7, MU-8, MU-9, MU-10, and MU-30 zones.

406.1 No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.).

Conspicuously absent from this zoning code is any nuance which addresses “visually reducing building height and bulk to provide appropriate transitions to adjacent lower density areas”. **Since the petition simply asks to upzone the land to MU-10, which would allow for only a 12’ rear yard setback, it is plainly inconsistent with the Comprehensive Plan’s policy regarding building height and bulk for this specific public land.**

As shown on page 11 of the Office of Planning’s Setdown Report, **more than half of the land is in the Neighborhood Conservation Policy Area.** The Report continues to provide the definition of these areas as provided within Chapter 2 of the Comprehensive Plan:

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 Report excludes the next section which further describes how new development should be contemplated in these areas:

**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.** (225.5)

I am further contending that this map amendment is an example of spot-zoning since it is inconsistent with existing zoning in the surrounding area. **The petition to upzone from MU-4 to MU-10 is without precedent in the entire district.**

The nearest land which is zoned MU-10 is comprised located near Howard University. Some land is owned by the University, it includes the Atlantic Plumbing Building and the 9:30 Club. It is confined by Georgia Avenue, Barry Place, the Howard Plaza Towers, Florida Avenue, and V St NW approximately three fourths of a mile from the land being considered. This land, in contrast to the land being considered, is mainly bordered by land zoned ARTS-2, PDR-2, PDR-3, RA-5 (high density residential), and only minimally bordered by land zoned RF-1 and RA-2 (low/moderate density residential). The ratio of land bordering the low/moderate density residential to the total perimeter of the land is approximately 15%. In contrast, the land being considered in the petition to upzone is located in a sea of low/moderate density residential with no high density residential zones immediately adjacent. The land (currently zoned MU-4) is bordered by more land zoned MU-4, land zoned RA-2 and land zoned RA-4. **The established rowhomes in the abutting RA-2 and RA-4 zoned account for over 60% of the total perimeter of the land which is being considered for upzoning to high-density mixed use.** Beyond the immediate lot lines, there is land zoned RA-8, fewefwef which allows for **moderate-density residential. Absent within 1000 feet of the land being considered for upzoning to high-density mixed use is any high-density land whatsoever.** The nearest high-density residential land is approximately 1200 feet away and nearer to the Dupont Circle CBD.

Since the Zoning Commission is obligated to strongly consider the ANC's input, it should pay close attention to these two passages from ANC 1B's resolution:

Considering the broad and varied context of development around the site, **we support development that acknowledges the goal to stabilize the area north of the site which is designated as a "neighborhood conservation area" in the Comprehensive Plan and respects the low-density residential properties on V Street and 17<sup>th</sup> Street.**

Recognizing the low-density residential properties on V Street and 17<sup>th</sup> Street, **we support significant setbacks (e.g. lower height) on the north and west side of the property.**

While the ANC is in support of this petition to upzone, it also recognized the nuance required with any future development.

Lastly, I would implore the Commission to review and tally the citizenry's letters and signatures in support and in opposition for this petition to upzone. I am aware of nearly 600 signatures in opposition and I am aware of no support for the petition to upzone the land within the immediate vicinity of the land after months of discussions and door-knocking campaigns with my neighbors. The Zoning Commission should be obligated to state for public record that overall counts for those in support and opposition.

In summary, this petition to rezone is flawed and the Zoning Commission has a duty to vote against this petition due to its inconsistency with the Comprehensive Plan, its unprecedented request for high-density spot-upzoning, the ANC's input, and the citizenry's outcry of opposition. I fully support rezoning and ultimately redevelopment for these two lots, however I have to oppose the petition to upzone in its current form due to its inconsistency with the Comprehensive Plan. If approved, this petition would be ripe to be appealed for spot-zoning. I would encourage the Applicant to revise its petition to include a text amendment with the map amendment that incorporates the nuance necessary to address this critically significant public land.