

**BEFORE THE ZONING COMMISSION  
OF THE  
DISTRICT OF COLUMBIA**

**AIRDOME LLC**

**APPLICATION FOR A ZONING MAP AMENDMENT  
FROM THE NC-16 AND MU-4 ZONES  
TO THE NC-17 ZONE**

**1101-1125 H STREET, NE  
SQUARE 982, LOTS 57, 65, 68, 70 and 823**

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**LIST OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
A	Surveyor's Plat
B	Map showing existing zoning
C	Map showing proposed zoning
D	Portion of the Generalized Policy Map
E	Portion of the Future Land Use Map
F	Names and mailing addresses of the Applicant and the owners of the other lots proposed to be rezoned
G	Certificate of Notice, Notice of Intent, and 200-foot property owners list
H	List of maps, plans or other documents readily available to the public, which may be offered as evidence
I	List of witnesses and estimated time required for Applicant's presentation
J	Outlines of witness testimony and resumes for witnesses that may be proffered as experts
K	Authorization letter from the Applicant
L	Form 100 – Application Signature Form 100

## **I. INTRODUCTION**

Airdome LLC (the “Applicant”), through undersigned counsel, submits this statement in support of its application pursuant to Subtitle Z, Section 201.2(e) of the District of Columbia Municipal Regulations, Title 11 (“11 DCMR” or the “Zoning Regulations”) to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone property located at 1101-1125 H Street, NE (Square 982, Lots 57, 65, 68, 70 and 823) (collectively, the “Subject Properties”), from the NC-16 and MU-4 zones to the NC-17 zone.

The Zoning Map amendment is not inconsistent with the Comprehensive Plan, including the Future Land Use Map (“FLUM”) and the Generalized Policy Map (“GPM”), and as described herein, the Zoning Map amendment will bring the Subject Properties into *greater* conformance with the designation on the FLUM as mixed-use Medium Density Commercial and Medium Density Residential. The Zoning Map amendment is also not inconsistent with the H Street NE Strategic Development Plan, which is the Small Area Plan applicable to the Site (the “H Street Plan”). Moreover, the Zoning Map amendment will not create any adverse impacts on surrounding properties, and will instead facilitate the redevelopment and productive use of property located on the mixed-use and transit-rich H Street, NE corridor.

## **II. DESCRIPTION OF THE SUBJECT PROPERTIES AND SURROUNDING AREA**

The Applicant proposes to re-zone all of the lots located on the south side of H Street, NE, between 11<sup>th</sup> and 12<sup>th</sup> Streets, NE, as shown on the Surveyor’s Plat attached as Exhibit A. The Applicant owns the two western-most lots on the block (Lots 65 and 70) (the “Applicant Properties”), which are two of the five lots that collectively comprise the Subject Properties. The Applicant has received authorization to submit this application from the owners of the other three Lots within the Subject Properties.

As shown on the existing Zoning Map attached as Exhibit B, the Subject Properties are zoned NC-16, except for the southern-most portion of Lot 70, which is zoned MU-4 for approximately 25% of its land area (approximately 1,464 square feet). As shown on the proposed Zoning Map attached as Exhibit C, the Applicant proposes to rezone the Subject Properties to the NC-17 zone. Based on the online records of the District of Columbia Office of Tax and Revenue, the Subject Properties collectively comprise approximately 32,667 square feet of land area, with approximately 95.5% currently zoned NC-16 and approximately 4.5% currently zoned MU-4.

The Subject Properties are located in the heart of the H Street, NE corridor, which is one of the District’s “most productive and innovative neighborhood commercial and residential districts.” *See* Washington DC Economic Partnership - DC Neighborhood Profiles, 2018 Edition, p. 29. H Street supports a wide variety of residential development, restaurants and bars, grocery stores, retail and service establishments, and art venues, and has ample public transportation in the form of Metrobus lines, the DC Streetcar, and the Metrorail accessed at Union Station.

As shown on the existing Zoning Map (Exhibit B), properties abutting H Street in close proximity to the Subject Properties are generally zoned NC-16, NC-17, and NC-14. Properties behind lots fronting H Street are generally zoned MU, RA and RF. The NC designations along H

Street are consistent with the “H Street Northeast Neighborhood Mixed Use” designation, which encompasses zones NC-9 to NC-17. *See* 11-H DCMR, Chapter 9. Consistent with these zone designations, the prevailing development pattern in the surrounding area is higher-density mixed-use development along H Street (in the NC zones), and lower density, single-family row homes in the neighborhoods to the north and south of H Street (in the MU, RA, and RF zones).

The Applicant Properties are presently improved with a one-story commercial building on Lot 65 and a two-story commercial building on Lot 70. The remaining three lots that make up the Subject Properties are held in separate ownership (the “Other Properties”). Lots 57 and 68 in the center of the block are each improved with a five-story building devoted to residential use with ground floor retail; Lot 823 on the eastern side of the block is improved with a two-story commercial building. The Subject Properties have frontage on H Street, 11<sup>th</sup> Street, and 12<sup>th</sup> Street, and otherwise are bounded by private property to the south, other than a small portion of a public alley that dead-ends at the rear of and abuts Lots 57 and 68.

The requested Zoning Map amendment will facilitate the Applicant’s efforts to redevelop the Applicant’s Properties with a new mixed-use development project. While plans have not yet been fully developed, the mixed-use project is anticipated to contain residential use above ground floor retail. The development will comply with the height, density, and other development standards of the NC-17 zone. A project of this type is ideal for the Applicant Properties given their location in a mixed-use and transit-oriented neighborhood. Future development enabled by the proposed Zoning Map amendment will positively contribute to the ongoing revitalization of the H Street, NE corridor, which is a designated District of Columbia “Great Street” and has seen significant positive economic development in recent years.<sup>1</sup>

### **III. EXISTING AND PROPOSED ZONING**

#### **A. Existing Zoning**

As stated above and as shown in Exhibit B, the Subject Properties are currently zoned NC-16 and MU-4. The NC-16 and NC-17 zones comprise the H Street Northeast Neighborhood Mixed-Use Retail sub-district which is intended to encourage retail uses, a scale of development, and a mixture of building uses that is generally compatible in scale with existing buildings. *See* 11-H DCMR §§ 900.11 and 900.12.

The NC-16 zone specifically is intended to permit mixed-use development at a moderate-density with an emphasis on the provision of retail uses. 11-H DCMR § 900.13. As a matter-of-right, the maximum permitted overall density in the NC-16 zone is 2.5 FAR (3.0 FAR as an Inclusionary Zoning (“IZ”) development) of which no more than 1.5 FAR may be devoted to non-residential uses. 11-H DCMR § 902.1. Pursuant to 11-H DCMR § 902.4, new construction that preserves an existing pre-1958 building façade is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted residential density.

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<sup>1</sup> The District’s Great Street program is a multi-agency and multi-year commercial revitalization initiative to transform emerging corridors into thriving and inviting neighborhood centers. The program utilizes public actions and resources to leverage private investment in retail, office space, housing, and cultural facilities across the District. For more information visit <https://greatstreets.dc.gov/>

The maximum permitted building height in the NC-16 zone is 50 feet, not including a penthouse. 11-H DCMR § 903.1. The maximum permitted penthouse height is 12 feet for penthouse habitable space and 15 feet for penthouse mechanical space, and is limited to one story for habitable space and a second story for mechanical space. 11-H DCMR § 903.2. The maximum permitted lot occupancy for residential uses in the NC-16 zone is 70% (75% as an IZ development) and 100% as a non-residential building. 11-H DCMR § 904.1.

The MU-4 zone is to is intended to permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed-uses outside of the central core; 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. 11-G DCMR § 400.3. As a matter-of-right, the maximum permitted overall density in the MU-4 zone is 2.5 (3.0 FAR as an IZ development) of which no more than 1.5 FAR may be devoted to non-residential uses. 11-G DCMR § 402.1. The maximum permitted building height in the MU-4 zone, not including a penthouse, is 50 feet with no limit on number of stories. 11-G DCMR § 403.1. The maximum permitted penthouse height is 12 feet for penthouse habitable space and 15 feet for penthouse mechanical space, and is limited to one story for habitable space and a second story for mechanical space. 11-G DCMR § 403.3. The maximum permitted lot occupancy for residential uses in the MU-4 zone is 60% (75% as an IZ development). 11-G DCMR § 404.1.

## **B. Requested Zoning**

As shown in Exhibit C, the Applicant requests a Zoning Map amendment pursuant to 11-Z DCMR § 201.2(e) to rezone the Subject Properties to the NC-17 zone. Consistent with the Subject Properties' mixed-use medium-density FLUM designation, the NC-17 zone is intended to permit mixed-use development at a moderate- to medium-density with an emphasis on the provision of retail uses. 11-H DCMR §§ 900.14.

As a matter-of-right, the maximum permitted overall density in the NC-17 zone is 3.5 FAR (4.2 FAR as an IZ development) of which no more than 1.5 FAR may be devoted to non-residential uses. 11-H DCMR § 902.1. Pursuant to 11-H DCMR § 902.4, new construction that preserves an existing pre-1958 building façade is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted residential density.

The maximum permitted building height in the NC-17 zone is 65 feet (70 feet as an IZ development), not including a penthouse. 11-H DCMR § 903.1. The maximum permitted penthouse height is 12 feet for penthouse habitable space and 18.5 feet for penthouse mechanical space, and is limited to one story for habitable space and a second story for mechanical space. 11-H DCMR § 903.2. The maximum permitted lot occupancy for residential uses in the NC-17 zone is 70% (80% as an IZ development) and 100% as a non-residential building. 11-H DCMR § 904.1.

The following chart provides a comparison of select matter of right development standards for the existing NC-16 and MU-4 zones and the requested NC-17 zone:

	EXISTING ZONING	EXISTING ZONING	PROPOSED ZONING
	MU-4	NC-16	NC-17
<b>Purpose</b>	Intended to permit <u>moderate-density</u> development. <i>11-G DCMR § 400.3</i>	Intended to permit mixed-use development at a <u>moderate-density</u> . <i>11-H DCMR § 900.13</i>	Intended to permit mixed-use development at a <u>moderate- to medium-density</u> . <i>11-H DCMR §§ 900.4</i>
<b>FAR</b>	2.5 FAR (3.0 with IZ)  1.5 FAR (max nonresidential) <i>11-G DCMR § 402.1</i>	2.5 FAR (3.0 with IZ)  1.5 FAR (max nonresidential, and 2.0 max nonresidential FAR with pre-1958 façade preservation)  Additional 0.5 FAR permitted for residential use <i>11-H DCMR §§ 902.1-.4</i>	3.5 FAR (4.2 with IZ)  1.5 FAR (max nonresidential, and 2.0 max nonresidential FAR with pre-1958 façade preservation)  Additional 0.5 FAR permitted for residential use <i>11-H DCMR §§ 902.1-.4</i>
<b>Building Height</b>	50 feet <i>11-G DCMR § 403.1</i>	50 feet <i>11-H DCMR § 903.1</i>	65 feet (70 with IZ) <i>11-G DCMR § 403.1</i>
<b>Penthouse Height</b>	12 feet habitable (15 feet mechanical)  One story for penthouse habitable space, and second story for penthouse mechanical space. <i>11-G DCMR § 403.3</i>	12 feet habitable (15 feet mechanical)  One story for penthouse habitable space, and second story for penthouse mechanical space. <i>11-H DCMR § 903.2</i>	12 feet habitable (18.5 feet mechanical)  One story for penthouse habitable space, and second story for penthouse mechanical space. <i>11-H DCMR § 903.2</i>
<b>Lot Occupancy</b>	60% (75% with IZ) <i>11-G DCMR § 404.1</i>	70% (75% with IZ) <i>11-H DCMR § 904.1</i>	70% (80% with IZ) <i>11-H DCMR § 904.1</i>
<b>Rear Yard</b>	15 feet <i>11-G DCMR § 405.2</i>	15 feet <i>11-H DCMR § 905.1</i>	15 feet <i>11-H DCMR § 905.1</i>

**C. Effect of the Requested Map Amendment**

The requested Zoning Map amendment satisfies each of the statutory standards applicable to Zoning Map amendments. Rezoning the Subject Properties to the NC-17 zone is also not inconsistent with the Comprehensive Plan, including the FLUM and the GPM designations of the Subject Properties, and with other adopted public policies and active programs related to the Subject Properties including the H Street Plan. As described below, the requested Zoning Map

amendment will bring the Subject Properties into closer conformance with the mixed-use Medium Density Commercial and Medium Density Residential designation on the FLUM.

#### **IV. STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT**

The requested Zoning Map amendment is submitted as a contested case pursuant to 11-Z DCMR §§ 201.2(e).

Pursuant to the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.* (2012 Repl.)) (the “Zoning Act”), there are multiple criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital ....” The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein. D.C. Code § 6-641.02.

Pursuant to the Home Rule Charter, the District of Columbia Comprehensive Plan Act of 1989 (D.C. Law 8-129), and 11-A DCMR § 401.1, the Commission is charged with preparing, adopting, and subsequently amending the Zoning Regulations and Zoning Map in a means not inconsistent with the Comprehensive Plan. Accordingly, to approve the subject application the Commission must conclude that the request is not inconsistent with the Comprehensive Plan.

The Comprehensive Plan provides that the zoning of any given area should be guided by the FLUM, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. *See* 10-A DCMR § 266.1(d). As set forth below, the proposed Zoning Map amendment is not inconsistent with Comprehensive Plan’s citywide and area elements or with the H Street Plan, which is the small area plan approved and applicable to the Subject Properties.

Based on the foregoing standards and as demonstrated below, the requested Zoning Map amendment of the Subject Properties from the NC-16 and MU-4 zones to the NC-17 zone will satisfy the applicable criteria for a Zoning Map amendment filed as a contested case.



## **V. EVALUATION OF PROPOSED ZONING MAP AMENDMENT AND COMPLIANCE WITH STATUTORY STANDARDS**

### **A. Comprehensive Plan**

The requested Zoning Map amendment is not inconsistent with the policies and goals of the Comprehensive Plan, including the FLUM and the GPM. The Comprehensive Plan is described as “the centerpiece of a ‘Family of Plans’ that guide public policy in the District.” 10A DCMR § 103.1. Under the D.C. Code, the Comprehensive Plan is the one plan that guides the District’s development, both broadly and in detail. 10A DCMR § 103.2. Thus it carries special importance in that it provides overall direction and shapes all other physical plans that the District government adopts. In fact, all plans and regulations 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. 10A DCMR § 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. 10A DCMR § 103.3.

Purposes of the Comprehensive Plan: The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b).

The subject application advances these purposes of the Comprehensive Plan by promoting the social, physical, and economic development of the District by facilitating the future redevelopment of the Subject Properties with a greater height and density that would support and encourage medium-density development along the H Street, NE corridor, promote economic growth and jobs for District residents, advance community goals, and assist in the overall improvement of the surrounding neighborhood, all of which are not inconsistent with the overall purposes of the Comprehensive Plan.

#### **1. Guiding Principles of the Comprehensive Plan**

The policies contained in the Comprehensive Plan are based on 36 Guiding Principles that acknowledge that the benefits and opportunities of living in the District are not available to everyone equally and that divisions in the city—physical, social, and economic—must be overcome to move from vision to reality. 10A DCMR § 216.3. The Guiding Principles are derived from the Comprehensive Plan’s “vision for growing an inclusive city,” and express cross-cutting goals for the District’s future. 10A DCMR § 2004.4. The Guiding Principles are grouped into five core themes: Managing Growth and Change, Creating Successful Neighborhoods, Increasing Access to Education and Employment, Connecting the City, and Building Green and Healthy Communities. 10A DCMR § 216.2.

The subject application will aid in managing growth and change by assisting the District in accommodating the continued demand for more housing, both market rate and affordable, in a mixed-use and transit-oriented location. *See* 10A DCMR §§ 217.2 and 217.10. The application will support the District’s concurrent priority of increasing non-residential growth and providing new neighborhood-serving commercial development that will generate tax revenue and create jobs and opportunities for District residents to increase their income. *See* 10A DCMR §§ 217.4 and 219.9. The application will also help improve the economic health of the H Street, NE corridor by increasing the permitted utilization of properties that are in close proximity to multiple affordable public transit options. *See* 10A DCMR § 217.6. Finally, the requested Zoning Map amendment will help advance the District’s environmental goals by facilitating the potential redevelopment of the Subject Properties with buildings that meet or exceeds required green building standards. 10-A DCMR § 221.3.

## **2. Citywide and Area Elements of the Comprehensive Plan**

The substantive policies of the Comprehensive Plan are organized into 12 Citywide Elements that each address a specific topic that is citywide in scope, and ten Area Elements that focus on issues that are unique to a particular part of the District, and are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. Although they focus on a specific area of the District, the policies contained within the Area Elements are still general in nature and do not prescribe specific uses or design details. 10A DCMR §§ 104.4-104.6. The Area Elements do not repeat policies that already appear in the Citywide Elements; however, this does not mean all Comprehensive Plan policies are mutually exclusive. On the contrary, the Comprehensive Plan specifically recognizes the overlapping nature of the Citywide and Area Elements, and that the policies in one element may be tempered by one or more of the other elements where there may be a need to balance competing policies.

The following sections of this statement provide an evaluation of the subject application’s consistency with the Comprehensive Plan. Due to the wide range of topics addressed in the Comprehensive Plan, some Citywide Elements may not necessarily be applicable, or are applicable to only a minor degree. Such is the case for the requested Zoning Map amendment, where the Parks, Open Space, and Recreation; Educational Facilities; Infrastructure; Community Services and Facilities; and the Arts and Culture Elements have little to no applicability. Nonetheless, in preparing this evaluation the Applicant reviewed the overarching goals and policies of these Citywide Elements and confirmed that the subject application is not inconsistent with these Elements. For the remaining Citywide Elements that are more directly applicable to the Applicant’s request, a brief narrative is provided below explaining the basis for the Applicant’s finding that the subject application is not inconsistent with that particular Element.

### *a. Land Use Element*

The Land Use Element is the cornerstone of the Comprehensive Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The Land Use Element describes the balancing of priorities that must take place in order to accommodate a multiplicity of land uses within the boundaries of the District of Columbia. 10A DCMR § 300.1. Because the Land Use

Element integrates the policies and objectives of all the other District Elements, “it should be given greater weight than the other elements as competing policies in different elements are balanced.” 10A DCMR § 300.3. The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. 10-A DCMR § 302.1.

The proposed Zoning Map amendment application is not inconsistent with this important goal as it will facilitate greater utilization of the Subject Properties by permitting a greater height and density that can better meet long-term neighborhood and citywide needs. Redeveloping some or all of the Subject Properties in the future will improve the character, stability, and safety of the neighborhood, reinvigorate underutilized land, and therefore help to balance competing demands for land within the District.

The subject application is also not inconsistent with many objectives and policies of the Land Use Element, and particularly the following policies:

- *Policy LU-1.3.2: Development Around Metrorail Stations - Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. (10A DCMR § 306.11)*
- *Policy LU-1.3.5: Edge Conditions Around Transit Stations - Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards. (10A DCMR § 306.14)*
- *Policy LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. (10A DCMR E 307.5)*

- *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. (10A DCMR § 307.8)*
- *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. (10A DCMR § 312.5)*
- *Policy LU-2.4.2: Hierarchy of Commercial Centers - Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs. (10A DCMR § 312.6)*
- *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. (10A DCMR § 312.9)*
- *Policy LU-2.4.6: Scale and Design of New Commercial Uses - Ensure that new uses within commercial districts are developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas. (10A DCMR § 312.10)*

*b. Transportation Element*

The Transportation Element of the Comprehensive Plan provides policies and actions to maintain and improve the District’s transportation system and enhance the travel choices of current and future residents, visitors, and workers. These policies are complemented by policies in the Land Use, Urban Design, and Environmental Protection elements on related topics such as air quality and the management of public space. Recognizing the interplay between transportation and these related topics is critical to improving mobility and accessibility in the city. 10A DCMR § 400.1.

The overarching goal for transportation in the District is to “[c]reate a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District

residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents.” 10A DCMR § 401.1.

The proposed Zoning Map amendment is not inconsistent with the objectives of the Transportation Element because it will encourage redevelopment of the Subject Properties at a greater height and density than currently permitted along a major mixed-use and transit-oriented corridor. Residents, visitors, and employees of future development at the Subject Properties will have direct access to many forms of affordable transportation options, which will support the District’s goal of improving mobility through the District and enhancing access to the city’s mixed-use designations. Thus, increasing the maximum permitted height and density at the Subject Properties is fully consistent with the District’s goals for locating housing and mixed uses along highly-trafficked and multi-modal transit corridors.

The proposed Zoning Map amendment is also not inconsistent with the following policies of the Transportation Element:

- *Policy T-1.1.4: Transit-Oriented Development - Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. (10A DCMR § 403.10)*
- *Policy T-1.2.1: Boulevard Improvements - Continue to work across District agencies to beautify and stabilize selected boulevards by implementing coordinated transportation, economic development, and urban design improvements. (10A DCMR § 404.6)*
- *Policy T-2.4.1: Pedestrian Network - Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city. (10A DCMR § 410.5)*

c. Housing Element

The District’s overarching goal for housing is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia.” 10A DCMR § 501.1. As set forth in the Housing Element policies below that are applicable to the subject application, the proposed Zoning Map amendment is consistent with this goal because it will encourage the reuse and redevelopment of some or all of the Subject Properties by permitting a greater height and residential density that can facilitate new market-rate and affordable housing to help realize the unmet demand throughout the city. The Zoning Map amendment application is not inconsistent with the objectives and policies of the Housing Element, and particularly the following policies:

- *Policy H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (10A DCMR § 503.2)*

- 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. (10A DCMR § 503.4)
- 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. (10-A DCMR § 503.5)
- Policy H-1.5.1: Land and Building Regulations - Ensure that the District's land regulations, including its housing and building codes, its zoning regulations, its construction standards, and its permitting fees, enable the production of housing for all income groups. Avoid regulations which make it prohibitively expensive or difficult to construct housing. (10-A DCMR § 507.2)

d. Economic Development Element

The Economic Development Element addresses the future of the District's economy and the creation of economic opportunity for current and future residents. It includes strategies to sustain Washington's major industries, diversify the economy, accommodate job growth, maintain small businesses and neighborhood commercial districts, and increase access to employment for District residents. 10A DCMR § 700.1. The overarching goal for economic development is to "strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy." 10A DCMR § 701.1. The proposed Zoning Map amendment is not inconsistent with the goals of the Economic Development Element because it will encourage mixed-use growth on the Subject Properties by virtue of the increased height and density afforded by the proposed NC-17 zone.

The application is also not inconsistent with the following policies of the Economic Development Element:

- Policy ED-2.2.1: Expanding the Retail Sector - Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. (10A DCMR § 708.4)
- Policy ED-2.2.3: Neighborhood Shopping - Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites.

- *Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.(10A DCMR § 708.7)*
- *Policy ED-3.1.1: Neighborhood Commercial Vitality - Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. (10A DCMR § 713.5)*

*e. Urban Design Element*

The Urban Design Element addresses the District’s physical design and visual qualities. Critical urban design issues facing the District are addressed in the policies of the Urban Design Element and include, among others, strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas; and improving the public realm, particularly street and sidewalk space. 10A DCMR § 900.2. The overall goal of the Comprehensive Plan’s Urban Design Element is to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.” 10A DCMR § 900.6.

The subject application is not inconsistent with the objectives stated above because it will promote the redevelopment of the Subject Properties, thus prompting associated improvements to the surrounding public spaces and increased livability and neighborhood identity created as a result of new development. The Zoning Map amendment will encourage the redevelopment of underutilized sites that could be redeveloped with new, visually appealing structures that appropriately interact with the surrounding public streets and sidewalks and integrate new construction with the existing and recently developed improvements on the H Street corridor.

The proposed application is also specifically not inconsistent with the following policies within the Urban Design Element:

- *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 (10-A DCMR § 906.6)*
- *Policy UD-1.4.4: Multi-Modal Avenue/Boulevard Design - Discourage the use of the city’s major avenues and boulevards as “auto-only” roadways. Instead, encourage their use as multi-modal corridors, supporting transit lanes, bicycle lanes, and wide sidewalks, as well as conventional vehicle lanes. (10A DCMR § 906.10)*
- *Policy UD-1.4.5: Priority Avenues/Boulevards - Focus the city’s avenue/boulevard design improvements on historically important or symbolic streets that suffer from poor aesthetic conditions. Examples include North and South Capitol Streets, Pennsylvania Avenue SE,*

and Georgia Avenue and the avenues designated by the “Great Streets” program. (10-A DCMR § 906.11)

- 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. (10A DCMR § 910.6)
- Policy UD-2.2.3: Neighborhood Centers - Undertake strategic and coordinated efforts to create neighborhood centers, civic buildings, and shopping places that reinforce community identity (see Figure 9.11). (10A DCMR § 910.9)
- Policy UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. (10A DCMR § 910.15)
- Policy UD-3.1.6: Enhanced Streetwalls - Promote a higher standard of storefront design and architectural detail along the District’s commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. (10A DCMR § 913.13)
- Policy UD-3.1.7: Improving the Street Environment - Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. (10A DCMR § 913.14)

*f. Capitol Hill Area Element*

The Subject Properties are located within the area covered by the Capitol Hill Area Element of the Comprehensive Plan. The Capitol Hill planning area encompasses 3.1 square miles located east of the U.S. Capitol, north of I-695, and south of Florida Avenue, NE and Benning Road, NE. 10A DCMR § 1500.1. The planning area includes several “major business districts” that are located along the east-west avenues that cross the community, including H Street, NE. 10A DCMR § 1500.5.

The Capitol Hill Area Element includes a list of planning and development priorities that were developed through a series of community meetings. These priorities include, among others, directing future development to the H Street corridor specifically, which is already zoned for commercial use and for which its development “could reinforce the fabric of the neighborhood and provide needed housing and retail services.” The stated priorities indicate that the “renewal of H Street, in particular, has been long awaited.” 10A DCMR §1507.2(b) (emphasis added).



Community input also indicated that the planning area is “underserved by retail stores and services. Basic neighborhood services, like groceries, hardware stores, clothing stores, drug stores, movie theaters, banks, and restaurants, are in short supply in the commercial districts.” 10A DCMR 1507.2(d). Priorities also included improving the public realm along H Street, NE and ensuring that the streetscape is appropriately designed. 10A DCMR § 1507.2(h). Finally, the development priorities referenced the need to address housing affordability and displacement throughout the Capitol Hill area, and particularly between H Street and Florida Avenue. 10A DCMR § 1507.2(i).

The proposed Zoning Map amendment will assist the District in achieving the planning and development priorities noted above, since it will encourage future development on H Street, NE, which is specifically referenced as a corridor ripe for development, including the establishment of new retail stores and affordable housing. Redevelopment of the Subject Properties enabled by this Zoning Map amendment will be able to accommodate ground floor commercial uses with housing and affordable housing above. Redevelopment would be paired with improvements to the adjacent public realm along H Street, with designs that are consistent with surrounding development. Thus, the subject application would be directly in line with the community’s goals and priorities for the Capitol Hill Area Element.

In addition, the application is not inconsistent with the following specific policies and actions of the Capitol Hill Area Element, which encourage redevelopment and growth along the H Street, NE corridor.

- *Policy CH-1.1.2: Renovation of Housing Stock - Encourage the rehabilitation and renovation of the building stock throughout the Capitol Hill Planning Area, taking steps to preserve and restore important historic features. Where infill development occurs, its scale and character should be compatible with prevailing neighborhood densities and its design should contribute to neighborhood continuity and quality. 10A DCMR § 1508.3*
- *Policy CH-1.1.3: Upgrading Commercial Districts - Reinforce and upgrade the major commercial districts of Capitol Hill, including the H Street and Benning Road corridors, the Pennsylvania Avenue corridor, 7th and 8th Streets SE, and Massachusetts Avenue between Union Station and Stanton Park. Support the further development of these areas with local-serving retail services, provided that such uses are compatible with surrounding land uses and the historic architecture and scale of the shopping districts themselves. Support the retention of existing neighborhood-serving businesses in these areas through programs that provide technical and financial assistance to small, locally-owned establishments. 10A DCMR § 1508.4*
- *Policy CH-1.1.4: Directing Growth - Direct growth in the Capitol Hill Planning Area to commercially zoned land, with a particular emphasis on the H Street/Benning Road corridor. Mixed-use development combining ground floor retail and upper story residential uses should be supported in this area, along with streetscape improvements that improve visual and urban design qualities and enhance pedestrian, bus, and auto*

*circulation. As in all parts of the city, the scale of development must be sensitive to adjacent uses and should reflect the capacity of roads, infrastructure, and services to absorb additional growth. 10A DCMR § 1508.5*

- *Policy CH-1.1.15: Transit Service - Maintain and improve mass transit service in the Near Northeast section of the neighborhood, particularly along the corridor extending from Union Station along H Street to Hechinger Mall and continuing on Benning Road to the Minnesota Avenue Metro station. 10A DCMR § 1508.16*
- *Action CH-1.1.A: Façade Improvements - Support urban design and façade improvements along H Street, Benning Road, Pennsylvania Avenue, and Barracks Row. Such improvements should preserve and enhance the historic features, scale, and texture of existing structures. 10A DCMR § 1508.17*
- *Action CH-1.1.D: H Street Streetcar - Implement proposed streetscape improvements for the H Street/Benning Road corridor, including the development of a streetcar line between the Minnesota Avenue Metro station and Union Station. 10A DCMR § 1508.20*

The Subject Properties are located within the “H Street/Benning Road” Policy Focus Area within the Capitol Hill Area Element. This section of the Comprehensive Plan references the 2003 Small Area Plan for the H Street corridor, which was designed to guide community, private sector, and public agency action and investments, and sets forth a vision for H Street as a “great neighborhood shopping street, serving resident needs, providing connections to the larger city, and improving the livability of the surrounding community.” 10A DCMR § 1511.2. The proposed Zoning Map amendment is consistent with these goals because it will promote private investment in new community-serving development to enhance and promote H Street and the livability for neighborhood residents.

### **3. Generalized Policy Map**

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. 10A DCMR § 223.1. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. *Id.* The GPM is intended to “guide land use decision-making in conjunction with the Comprehensive Plan text, the FLUM, and other Comprehensive Plan maps.” 10A DCMR § 223.2. Boundaries on the map are approximate and not precise delineations, and are to be interpreted in concert with these other sources, as well as the actual physical characteristics of each location shown. *Id.* By its nature the GPM provides a projection, and the changes outline may or may not occur as anticipated.

As shown in Exhibit D, the Subject Properties are located within the “Main Street Mixed Use Corridor” category of the GPM, which is one of five types of commercial/mixed use areas on the GPM that correspond to the District’s business districts. As described in the Framework Element, the Main Street Mixed Use Corridor category includes traditional commercial business corridors that have a concentration of older storefronts along the street, and can have a service area ranging from one neighborhood to multiple neighborhoods. A common feature of areas with this

particular GPM designation is that they have a pedestrian-oriented environment with traditional storefronts, with many having upper-story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and to serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. *See* 10A DCMR §§ 223.13-223.14.

The subject application will help implement the policies embodied in the GPM for Main Street Mixed Use Corridors by increasing the overall density that can be developed on the Subject Properties, including density for housing and affordable housing, while retaining the same nonresidential density limitation as the existing NC-16 and MU-4 zones, thus strengthening the ability of the H Street, NE corridor to attract new housing to help spur new neighborhood serving commercial uses. Currently, the Applicant Properties are substantially underutilized considering their proximity to the H Street DC Streetcar line, multiple Metrobus routes, the Metrorail and regional rail lines at Union Station, and their location along one of the District's Great Streets. New and existing businesses along the corridor will benefit from the increased amount of residential density permitted on the Subject Properties as a result of the subject application, which will contribute to the economic vitality of the corridor and generate positive economic benefits to business owners and the District. Furthermore, redevelopment of one or more of the Subject Properties will result in improvements to the adjacent public realm, thus improving pedestrian circulation and safety along the block.

#### **4. Future Land Use Map**

The FLUM, which is adopted as part of the Comprehensive Plan Land Use Element, sets forth a generalized depiction of intended land uses over a period of approximately 20 years. The Framework Element of the Comprehensive Plan states that the FLUM "is not a zoning map." *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. "Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly." 10A DCMR § 226.1(a). Decisions on requests for rezoning shall be guided by the FLUM read in conjunction with the text of the Comprehensive Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. 10A DCMR § 2504.5.

As shown in Exhibit E, the Subject Properties are designated mixed use Medium Density Commercial and Medium Density Residential on the FLUM. A "mixed-use" designation is not intended to be interpreted in terms of its separate land use designations; instead, "mixed-use" is a specific land use category unto itself, and is assigned to areas where the mixing of two or more land uses is encouraged, but is not mandatory. It is generally applied to: (i) established, pedestrian-oriented commercial areas that also include substantial amounts of housing; (ii) commercial corridors or districts which may not currently contain substantial amounts of housing but where more housing is desired; and (iii) large sites where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared. 10A DCMR § 225.18.

According to the Framework Element, the Medium Density Residential designation is used to describe neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use, with potential for pockets of low and moderate density housing. The Medium

Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B (RA-2) and R-5-C (RA-3) zone districts are generally considered to be consistent with this particular designation, although other zones may apply.<sup>2</sup> 10A DCMR § 225.5.

The Framework Element describes the Medium Density Commercial designation as defining shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding zone districts are generally C-2-B (MU-5A), C-2-C (MU-6), C-3-A (MU-7), and C-3-B (MU-8), although other districts may apply. 10A DCMR § 225.10.

The Applicant's proposal to rezone the Site to NC-17 is not inconsistent with the FLUM designation for the Subject Properties. The development standards for NC-17 are exactly the same as for the MU-5A zone with respect to FAR (not including the 0.5 FAR residential bonus for preserving an existing pre-1958 façade), building height, penthouse height, lot occupancy for IZ projects, and rear yard depth (*see* 11-G DCMR §§ 402.1, 403.1, 403.3, 404.1, 405.2), and as indicated above, the MU-5A zone is expressly identified as a corresponding district to the Medium Density Commercial land use designation on the FLUM.

With respect to the additional 0.5 FAR residential bonus for preserving an existing pre-1958 façade (up to 4.7 FAR total in the NC-17 zone), this FAR is still below the maximum permitted density in the MU-6, MU-7, and MU-8 zones, which are also identified as being consistent with the Medium Density Commercial designation. Therefore, the NC-17 zone, which was derived from the H Street Overlay District in the 1958 Zoning Regulations, is also not inconsistent with the Medium Density Commercial land use designation.

For areas with a mixed-use designation on the FLUM, the general density and intensity of development is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other, the FLUM may note the dominant use by showing it at a slightly higher density than the other use(s) in the mix. 10A DCMR § 225.19. In this case, the Subject Properties are designated as Medium Density Residential and Medium Density Commercial, and therefore the FLUM does not express a desired outcome that favors one use over another. Rather, the FLUM designation is simply consistent with the recommendations of the H Street Plan and the policies of the Capitol Hill Area Element that promotes “new mixed use projects combining ground floor retail and upper story housing” on H Street, NE, between 7<sup>th</sup> Street to 12<sup>th</sup> Street. 10A DCMR § 1511.6(b).

The proposed NC-17 zone is consistent with the aforementioned recommendations and policies regarding the FLUM. Not only is the NC-17 zone effectively identified as a corresponding zone to the Medium Density Commercial land use designation on the FLUM by having development standards that match those of the identified MU zones, but it also favors residential

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<sup>2</sup> The land use category descriptions contained in the Framework Element were adopted as part of the 2006 Comprehensive Plan; and therefore reflect the zone district names from the 1958 Zoning Regulations.

development over commercial development. Moreover, the NC-17 zone (and the MU-5A zone) is specifically “intended to permit mixed-use development at a moderate- to medium-density.” 11-H DCMR §§ 900.4 (emphasis added). *See also* 11-G DCMR § 400.4, stating that the MU-5 zones are intended to permit medium-density, compact mixed-use development.

## **B. Small Area Plan – H Street Plan**

The Subject Properties are located within the boundaries of the H Street Plan, which was adopted by the District Council in 2004 to guide community, private sector, and public agency actions and investments in revitalizing the H Street corridor. The H Street Plan’s project area extends from North Capitol Street to 17<sup>th</sup> Street, NE, for approximately 1.5 miles and comprising 13 blocks along H Street, NE. *See* H Street Plan, p. ii. One of the primary purposes of the H Street Plan was to encourage development and redevelopment along the corridor, as indicated by the key land use and zoning issues, which included accommodating new uses through lot consolidation, modifying land uses and/or zoning for preferred development, encouraging new construction and preservation with building design and development guidelines, and diversifying land uses with mixed income housing. *Id.* at ii.

The H Street Plan identifies four thematic areas, with the Subject Properties being located in the “Central Retail District” extending from 7<sup>th</sup> Street to 12<sup>th</sup> Street, NE. *Id.* at iv. This area is envisioned as the “centralized ‘downtown’ of the H Street community” where (i) retail uses would be “strengthened, consolidated, and diversified [] to offer residents, shoppers, and visitors the range of goods and services they seek,” and (ii) housing and small office uses would be “encouraged on the upper floors of developments.” *Id.* at v. *The H Street Plan specifically identifies the need for site assemblage and new land use and/or zoning modifications to accommodate new uses.* *Id.* at 2 (emphasis added). Specific recommendations for the Central Retail District focus on initiatives to “attract new investment, encourage the renovation of storefronts and buildings, attract small office and apartment uses in upper story spaces, and encourage infill development on vacant and underutilized sites,” among others. *Id.* at 34.

At the time that the H Street Plan was adopted, demand in the planning area was anticipated to support approximately 1.24 million square feet of development over a ten-year period, approximately half of which would be used for apartment units in new buildings or in the upper floors of existing buildings. *Id.* at 35. The H Street Plan recognized that this demand would “result in significant new investment in a mix of renovation and new building projects” and therefore recommended the addition of between 800,000 to 900,000 square feet of new building space. *Id.* For the Central Retail District alone, the H Street Plan estimated that the District could support up to 200,000 square feet of retail uses, 100,000 square feet of housing, and 50,000 square feet of office space. *Id.* at 40.

The proposed Zoning Map amendment for the Subject Properties is fully consistent with the goals and recommendations in the H Street Plan. Increasing the height and density permitted as a matter-of-right at the Subject Properties will help to encourage redevelopment along the corridor, including an increased potential for lot consolidation/assemblage for prioritized uses including retail and mixed-income housing. The amendment would be consistent with the Central Retail District’s goal of strengthening retail uses and developing new housing by permitting “new land use and/or modifications to accommodate new uses.” *Id.* at 2. Furthermore, the increased

height and density that would be permitted at the Subject Properties would attract new private investment, encourage the renovation of existing buildings, establish office and residential uses in upper stories, and promote infill development on the existing underutilized lots. Increased density would also help to achieve the District’s goal of achieving “significant new investment in a mix of renovation and new building projects” and thereby increasing the square footage of development along the corridor.

**C. Health, Safety, and General Welfare**

The requested Zoning Map amendment will further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the NC-17 zone will promote public safety and general welfare through increased activation of the Subject Properties with a range of uses that will improve connections, add vitality, and contribute to the economic well-being of the District’s economy through the creation of housing, affordable housing, and commercial development at greater levels than would be possible under the current zone districts. Enabling more affordable housing at the Subject Properties would be a major benefit to District residents, and further activating the underutilized lots will increase safety and continue to reinvigorate the H Street, NE corridor.

**D. No Adverse Consequences**

The requested Zoning Map amendment will not result in the overcrowding of land or the undue concentration of population, nor will it have any significant adverse impacts on traffic congestion in the surrounding area. The request would allow for future redevelopment of the Subject Properties with a desired mix of uses, including substantial new housing and affordable housing in a manner that is not inconsistent with the Comprehensive Plan. It will increase utilization of the Subject Properties by allowing additional height and density while remaining compatible with the surrounding context. The subject application will not generate any negative external effects, but will instead promote the efficient use of land in a manner that will, among other things, strengthen the District’s economy and vitality along the H Street, NE corridor.

**E. Map Amendment Would Create Favorable Conditions**

As discussed above, the requested Zoning Map amendment is not inconsistent with the Comprehensive Plan or with the H Street Plan, and will not generate any negative external effects. Rather, this application will promote the efficient use of land in a manner that will strengthen the District’s economy and contribute to the ongoing revitalization of the H Street, NE corridor through support of both the residential and commercial sectors.

**VI. COMMUNITY COORDINATION**

Pursuant to 11-Z DCMR § 304.5, the Applicant mailed a Notice of Intent to file the subject application to the owners of all property located within 200 feet of the perimeter of the Subject Properties and to Advisory Neighborhood Commission (“ANC”) 6A on September 11, 2019.

The Applicant also engaged with ANC 6A for a number of months prior to filing the application. The Applicant formally presented the request at ANC 6A’s Economic Development and Zoning Committee on July 17, 2019, which voted to recommend support for the request to the


full ANC. At ANC 6A's regularly scheduled, duly noticed public meeting on September 12, 2019, the ANC voted unanimously to support the application request. Prior to the September 12, 2019 ANC 6A meeting, the Applicant invited all residents (via hand delivered letter) on the 700 block of 11th, 1100 block of G, and 700 block of 12th, Streets NE to attend a community meeting. At the meeting, the Applicant explained the Zoning Map amendment application, presented the conceptual redevelopment plans for Lots 65 and 70, and fielded questions. The Applicant will continue to work with ANC 6A and the surrounding community as the application moves forward.

## **VII. CONCLUSION**

For all of the reasons stated herein, the Applicant submits that the requested rezoning of the Subject Properties from the NC-16 and MU-4 zones to the NC-17 zone meets all of the requirements applicable to a Zoning Map amendment under the Zoning Regulations. Furthermore, the subject application is not inconsistent with the Comprehensive Plan, including the FLUM and GPM designations applicable to the Subject Properties, and is also not inconsistent with the H Street Plan. Moreover, the application will further each of the specific objectives set forth in the Zoning Act. Accordingly, the Applicant respectfully requests that the Commission schedule a public hearing on this application and grant the requested Zoning Map amendment.

Respectfully submitted,

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