

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**STATEMENT IN SUPPORT OF  
AN APPLICATION FOR A ZONING MAP AMENDMENT  
FROM THE RF-1 ZONE DISTRICT TO THE  
ARTS-2 ZONE DISTRICT**

**\*\*\***

**SQUARE 442, LOTS 88, 108, 110, 810 & 811**

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**S STREET VILLAGE LLC**

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**September 13, 2021**

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**List of Exhibits**

<b>Exhibit</b>	<b>Description</b>
A	Plat of Subject Property from the D.C. Surveyor's Office
B	Relevant portion of the 2016 Zoning Map showing existing zoning of the Subject Property
C	Relevant portion of the 2016 Zoning Map showing proposed zoning of the Subject Property
D	Relevant portion of the Comprehensive Plan Future Land Use Map
E	Relevant portion of the Comprehensive Plan Generalized Policy Map
F	Names and mailing addresses of the owners of the property to be rezoned
G	Form 100 – Zoning Commission Application Signature Form
H	Letters of Authorization
I	Certificate of Proficiency
J	Notice of Intent, Certificate of Notice, and List of Addresses of Owners of Property within 200 feet of the Subject Property

## I. INTRODUCTION

S Street Village LLC (the “**Applicant**”)<sup>1</sup> submits this Statement in Support (“**Statement**”) as the owner of Lot 88, 110, 810 and 811 in Square 442, and as the designated representative for Manna, Inc., which is the owner of Lot 108 in Square 442, for an amendment to the Zoning Map of the District of Columbia (the “**Zoning Map**”) pursuant to 11-X DCMR § 501.1 and 11-Z DCMR §§ 201.2(e) and 304 of the 2016 Zoning Regulations of the District of Columbia (the “**Zoning Regulations**”). More specifically, the Applicant is seeking to rezone property located along the south side of S Street, NW, which is more particularly known as Lots 88, 108, 110, 810, and 811 in Square 442 (collectively, the “**Subject Property**”), from the Residential Flats (RF)-1 zone to the Mixed-Use Uptown Arts (ARTS)-2 zone (the “**Application**”). A building plat showing the lots to be rezoned is attached as Exhibit A.

As required pursuant to 11-X DCMR § 500.1, the requested Zoning Map amendment is not inconsistent with the Comprehensive Plan (the “**Comp Plan**”) and with other adopted public policies and active programs related to the Subject Property. The requested rezoning is also consistent with the purposes of the Zoning Act, as it will create conditions that are favorable to public health, safety, welfare, and convenience. As discussed herein, the current RF-1 zoning of the Subject Property is inconsistent with its designation on the Comp Plan Future Land Use Map (“**FLUM**”), which is Mixed Use – Medium Density Residential / Medium Density Commercial, and with applicable Comp Plan policies. The proposed Zoning Map amendment to ARTS-2 will remedy this inconsistency and also advance the objectives and recommendations of the Convention Center Area Strategic Development Plan (the “**Convention Center Plan**”) and the Uptown Destination District (DUKE) Plan (the “**DUKE Plan**”), both being Small Area Plans adopted by the City Council that govern development at this location. Furthermore, the requested rezoning is not inconsistent with the Comp Plan when analyzed through a racial equity lens.

As demonstrated below, the requested rezoning from the RF-1 to the ARTS-2 Zone will result in positive outcomes for the Subject Property and for the city at-large. The proposed ARTS-2 Zone is not inconsistent with the Comp Plan, will advance the purposes and objectives of the Convention Center Plan and the DUKE Plan, and is consistent with the purposes of the Zoning Act. Specifically, the proposed rezoning will achieve the following:

1. Establish zoning on the Subject Property that is not inconsistent with the Comp Plan, as required under the Home Rule Charter;
2. Establish zoning on the Subject Property that will allow medium-density mixed use development as supported by the Subject Property’s FLUM designation of Mixed Use -- Medium Density Residential / Medium Density Commercial;

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<sup>1</sup> The Notice of Intent to File named Manna, Inc. as the applicant. S Street Village LLC is the owner of the majority of the Subject Property.

3. Permit uses on the Subject Property that are currently not permitted or unnecessarily limited in allowable density, and facilitate the future redevelopment of an underutilized site consistent with Subject Property's GPM designation as a Neighborhood Enhancement Area.
4. Advance the goals and objectives of the Convention Center Plan and the DUKE Plan, namely by diversifying the housing stock of the city, encouraging additional pedestrian activity on and around the Subject Property, and improving the character and stability of the Shaw neighborhood.
5. Facilitate progress towards achieving racial equity by advancing numerous Comp Plan policies geared towards fostering an inclusive city, and by providing new housing opportunities and access to other desirable neighborhood amenities to households that may not otherwise be able to afford to live in the Shaw neighborhood.
6. Create opportunities to provide new housing and affordable housing units, as well as ground floor retail/service uses at this location – across the street from the Shaw-Howard University Metro Station – furthering the zoning goal of transit oriented, mixed-use development.

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

The Subject Property is located in the northwest quadrant of the District and contains approximately 22,144 square feet of land area in Square 442. The square is generally bounded by S Street to the north, 6<sup>th</sup> Street, to the east, Rhode Island Avenue to the south, and 7<sup>th</sup> Street to the west. The Subject Property has approximately 135 linear feet along S Street, and abuts a 20-foot public alley known as Glick Court to the south, a 15-foot wide public alley to the east, and private property to the west that is zoned ARTS-2. With a Walk Score of 98 (walker's paradise) and a Transit Score of 83 (excellent transit), the Subject Property is located within a pedestrian-oriented area with immediate proximity to transit. Indeed, the Subject Property is located immediately to the southeast of the Shaw-Howard University Metrorail station, and is also within 0.25 miles of eleven (11) Metrobus routes. The Subject Property is located in Ward 6 and lies within the boundaries of Advisory Neighborhood Commission 6E-02.

Presently the Subject Property is a collection of underutilized lots with existing uses and conditions described as follows:

- **614 S Street, NW (Lot 108, Sq. 442):** Improved with a three-story brick building that is operational with office, program and church space. The resident manager lives on the second floor of the existing building.

- **618 S Street, NW (Lot 88, Sq. 442); 620 S Street, NW (Lot 810, Sq. 442); and 622-624 S Street, NW (Lots 110 and 811 in Sq. 442):** Improved with two-story row structures.

The immediate area surrounding the Subject Property can be characterized as a mix of residential and non-residential uses, including retail, office, and religious establishments. The properties to the west of the Subject Property are zoned ARTS-2. The properties to the east of the Subject Property, across the existing 15-foot public alley and moving towards the intersection of Florida and Rhode Island Avenues, are zoned RF-1. As such, the Subject Property marks a transition point between the moderate-density row house neighborhood to the east and the medium-density, mixed use corridor along 7<sup>th</sup> Street to the west.

As shown on the portion of the FLUM attached hereto as Exhibit D, the land use designation for the Subject Property is Mixed Use -- Medium Density Residential / Medium Density Commercial.<sup>2</sup> A detailed discussion of the Subject Property's FLUM designation is offered below in Section V.A.1.

As shown on the portion of the Comp Plan Generalized Policy Map ("GPM") attached hereto as Exhibit E, the Property is located within a Neighborhood Enhancement Area. Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant and underutilized land. The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development responds to the existing character, natural features, and existing/planned infrastructure capacity. Moreover, new housing should be encouraged to improve the neighborhood and must be consistent with the land-use designation on the FLUM and with Comp Plan policies. 10A DCMR § 225.6.

The Property is also located within the boundaries of the Convention Center Plan and the DUKE Plan, both being Small Area Plans adopted by the D.C. Council.

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

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

As shown in Exhibit B, the Subject Property is presently zoned RF-1, which is described in the Framework Element and the Zoning Regulations as a moderate-density residential zone. The purpose of the RF-1 Zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. 11-E DCMR § 300.1. The maximum permitted building height, not including the penthouse, in the RF-1 Zone District is 35 feet and 3 stories, except that new construction of three or more immediately adjoining

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<sup>2</sup> This designation reflects an adjustment from the Subject Property's prior FLUM designation of primarily Moderate Density Residential, as recently approved by the D.C. Council under the "Comprehensive Plan Amendment Act of 2020."

residential row dwellings or flats, built concurrently on separate record lots, can have a maximum building height of 40 feet and 3 stories. 11-E DCMR §§ 303.1 – 303.2. The maximum permitted lot occupancy in the RF-1 Zone is 60% for detached dwellings, semi-detached dwellings, row dwellings, flats, conversions of buildings or structures to an apartment house, and places of worship. For all other structures the maximum permitted lot occupancy is 40%. 11-E DCMR § 304.1. The minimum lot width for a row dwelling or flat is 18 feet (16 feet with Inclusionary Zoning (“**IZ**”)); 30 feet for a semi-detached dwelling, and 40 feet for all other structures. 11-E DCMR § 201.1. The minimum lot area for a row dwelling or flat is 1,800 square feet (1,500 square feet with IZ); 3,000 square feet for a semi-detached dwelling; and 4,000 square feet for all other structures. *Id.*

The Subject Property’s current zoning is inconsistent with the Comp Plan, particularly because the RF-1 Zone only permits multifamily dwellings in a very limited number of circumstances, whether as matter-of-right or by special exception. *See* 11-U DCMR §§ 301.2 – 301.5 and 320.2 – 320.4. As discussed in Section V.1 of this statement, such limitations are incompatible with the anticipated land uses under the Subject Property’s Mixed Use -- Medium Density Residential / Medium Density Commercial FLUM designation.

## **B. Proposed Zoning**

Pursuant to 11-Z DCMR § 201.2(e), the Applicant requests a Zoning Map amendment to rezone the Property to the ARTS-2 Zone District. The purposes of ARTS zones are, among other things, to encourage pedestrian activity, especially residential, retail, and entertainment uses, and to strengthen the design character and identity of the area by means of physical design standards. *See* 11-K DCMR § 800.1. Specifically, the ARTS-2 Zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development. 11-K DCMR § 800.3.

Notwithstanding other provisions in Subtitle K, Chapter 801, the maximum density in the ARTS-2 Zone district is a floor area ratio (“**FAR**”) of 3.5 (4.2 FAR with IZ, of which no more than 1.5 FAR can be devoted to non-residential uses).<sup>3</sup> 11-K DCMR § 801.1. Notably, a building that includes 3.0 FAR or more devoted to residential use is entitled to a bonus of 0.5 FAR. 11-K DCMR § 802.3. Therefore, a building that complies with IZ and includes at least 3.0 devoted to residential use may achieve up to a 4.7 FAR (i.e., 4.2 FAR + 0.5 FAR). Additional bonus density may be achieved through the provision of preferred uses. 11-K DCMR § 802. The maximum permitted height in the ARTS-2 Zone is 65 feet (70 feet with IZ) and no limit on the number of stories. 11-K DCMR § 803.1. The maximum permitted penthouse height in the ARTS-2 Zone is

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<sup>3</sup> In an ARTS-2 Zone, an existing building on a lot with an area of ten thousand square feet (10,000 sq. ft.) or less may have a maximum FAR of 2.0 for non-residential uses, provided the non-residential uses are located in the ground story, and the story directly above the ground story and the use of the additional 0.5 FAR shall not include eating or drinking uses.

12 feet and one story, except 18 feet, 6 inches and a second story is permitted for penthouse mechanical space. 11-K DCMR § 803.5. The maximum lot occupancy for residential uses is 80%. 11-K DCMR § 804.1.

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

The requested Zoning Map amendment is submitted as a contested case pursuant to 11-Z DCMR § 202.1(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 a number of 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.

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

##### **A. Comprehensive Plan**

###### *Overview and Application*

The rezoning of the Subject Property to the ARTS-2 Zone District is not inconsistent with the policies and goals of the Comp Plan, including the FLUM and GPM. The Comp Plan is the one plan that guides the District’s development. Thus, it carries special importance in that it provides overall direction and shapes all other physical plans that the District government adopts. 10A DCMR § 103.2. The Comp Plan includes detailed maps and policies for the physical development of the District, and addresses social and economic issues that affect and are linked to the development of the city and its citizens. The Comp Plan allows the District to ensure that its resources are used wisely and efficiently and that public investment is focused in the areas where



it is needed most. 10A DCMR § 100.13. Subsection 228.1(d) of the Comp 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.”

The Comp Plan is not intended to be a substitute for more detailed plans nor dictate what other plans must cover. Rather it is the one document that bridges all topics and is cross cutting in its focus. The Comp Plan provides the “big picture” of how change will be managed in the years ahead and thus is intended to be interpreted broadly, with implementation accomplished through agency strategic plans, operational plans, long-range plans on specific topics, and focused plans for small areas of the city. *See* 10A DCMR § 103.5. The Comprehensive Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the Comp Plan is not binding.” *Friends of McMillan Park v. D.C. Zoning Comm’n* 211 A.3d 139, 144 (D.C. 2019) (citing *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 167-68 (D.C. 2013)). Accordingly, “the Commission may balance competing priorities” in determining whether a project would be inconsistent with the Comprehensive Plan as a whole. *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013). Thus, if an application arguably “conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.” *Durant*, 65 A.3d 1161, 1168.

### *Racial Equity Lens*

As a result of the most recent Comp Plan amendment process, a primary focus of the Comp Plan, as reflected throughout its various policies, is achieving racial equity. The Framework Element of the Comp Plan defines racial equity as the moment when “race can no longer be used to predict life outcomes and outcomes for all groups are improved.” 10A DCMR § 213.7. Indeed, the importance of equity to District residents was made abundantly clear when the DC Office of Planning (OP) conducted its DC Values survey in Spring 2019. In addition to equity, District residents also expressed concerns about rising costs and inequitable access to opportunities for housing, businesses, employment, and other necessities. Overall, livability, equity, and safety were considered the most critical values. 10A DCMR §§ 107.17 – 107.22.

As stated in the Framework Element, equity is both an outcome and a process. 10A DCMR § 213.6. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. It is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. An important factor to advancing racial equity is to acknowledge that equity is not the same as equality. *Id.* “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 states; and when racial divides no longer exist between people of color and their white counterparts. 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.

For its part, the Commission shall apply a racial equity lens when reviewing zoning requests against the relevant standard of review set forth in the Zoning Act and/or the Zoning Regulations. In this case, the Commission shall evaluate the requested Zoning Map amendment through a racial equity lens to make its determination as to whether the requested rezoning is not inconsistent with the Comp Plan as a whole.

In its supplemental report filed in Z.C. Case No. 20-24 (the “Barry Farm Text and Map Amendment”), OP stated “[t]he direction to consider equity as part of its [Comp Plan] consistency analysis indicates that the equity analysis is intended to be based on the policies of the Comp Plan and part of the Commission’s consideration of whether a proposed zoning action is ‘not inconsistent’ with the Comp Plan, rather than a separate determination about a zoning action’s equitable impact. And as is the case whenever the Commission considers Comp Plan consistency, the scope of the review and Comp Plan policies that apply will depend on the nature of the proposed zoning action.” *See* Z.C. Case No. 20-24, Exhibit 176 at p. 3. (Emphasis added.) Equity is conveyed throughout the Comp Plan, particularly in the context of zoning, where certain priorities are distinguished, including affordable housing, displacement, and access to opportunity. To help guide the Commission in applying a racial equity lens to its decision-making, the Implementation Element states that “[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas of the District. 10A DCMR § 2501.6.

The following sections of this Statement reflect the Applicant’s thorough evaluation of the proposed Zoning Map amendment’s overall consistency with the Comp Plan, including the FLUM, GPM, Near Northwest Area Element, and the Citywide Elements. Given the wide range of topics address in the Comp Plan, certain Citywide Elements may have little to no applicability to requests for rezoning. Such is the case for this requested Zoning Map amendment. Nonetheless, in conducting its Comp Plan evaluation the Applicant has thoroughly analyzed the goals and policies of every Comp Plan element and has determined that, individually and as a whole, the proposed Zoning Map amendment is not inconsistent with the elements of the Comp Plan. For those 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 determination that the proposed Zoning Map amendment is not inconsistent with that respective element. Finally, in accordance with the guidance provided by the District of Columbia Court of Appeals (“**DCCA**”), the Applicant’s evaluation also includes a specific assessment of potential inconsistencies with the Comp Plan. As

discussed below, to the extent the requested Zoning Map amendment is actually inconsistent with a limited number of individual Comp Plan policies, such inconsistencies are outweighed by other policies of the Near Northwest Element and Citywide Elements relating to: (i) land use; (ii) housing; (iii) transportation; (iv) environmental; and (v) arts and culture.

## **1. Future Land Use Map**

The FLUM shows the general character and distribution of recommended and planned uses across the city, and, along with the GPM, is intended to provide generalized guidance on whether areas are designated for conservation, enhancement, or change. 10A DCMR §§ 200.5 and 224.4. The land use category descriptions on the FLUM describe the general character of development in each area, citing typical Floor Area Ratios as appropriate. However, the granting of density bonuses may result in heights that exceed those typical ranges stated in the land use category descriptions. 10A DCMR § 228.1(c).

The Comp Plan does not require that each block “strictly correspond” with the general description of the associated land use designation on the FLUM. *See* Z.C. Order No. 08-15, Finding of Fact No. 74(a). Further, the “Future Land Use Map is not a zoning map. 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 [FLUM] is to be interpreted broadly and the land use categories identify desired objectives.” 10A DCMR § 228.1(a). Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comp 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 D, the FLUM designates the Subject Property as Mixed Use -- Medium Density Residential / Medium Density Commercial. According to the Framework Element, the Medium Density Commercial FLUM designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with IZ or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. 10A DCMR § 227.12.

The Medium Density Residential FLUM category describes “neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation may also apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas.

Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning. The RA-3 Zone District, which permits a maximum FAR of 3.6 with IZ, is consistent with the Medium Density Residential category, and other zones may apply. 10A DCMR § 227.7.

The preceding discussion focused on the individual land use categories that comprise the Subject Property's Mixed Use FLUM designation. However, a "Mixed Use" designation on the FLUM is not intended to be interpreted according to its separate land use categories. Rather, "Mixed Use" on the FLUM is a specific land use category, and is primarily intended for larger areas where no single use predominates, or areas where a diverse mix of uses are envisioned. The Mixed Use designation indicates where the mixing of two or more land uses is especially encouraged, but should not be confused with the Mixed Use (MU) zoning district, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances: (i) established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses; (ii) commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing; (iii) large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and (iv) development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved ... in a zone district that allows such a mix of uses. 10A DCMR § 227.20. (Emphasis added.)

The Subject Property is consistent with the locational characteristics of areas typically assigned a Mixed Use designation. The Subject Property is located just to the east of 7<sup>th</sup> Street, NW, a pedestrian-oriented corridor that is already bolstered by various residential and commercial uses. However, many more comparable uses should and can be accommodated nearby, especially given the Subject Property's proximity to multiple modes of public transit. Moreover, both the Convention Center Plan and the DUKE Plan place a particular emphasis on enhancing pedestrian activity in the surrounding neighborhood. *See, e.g.*, DUKE Plan at pg. 40-41 (citing 7<sup>th</sup> and S Street (north entrance of the Shaw-Howard University Metro station) as a priority public placemaking opportunity).

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. 10A DCMR § 227.23. The Framework Element states that the general density and intensity of development within a given Mixed Use area 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 in the mix. 10A DCMR § 227.21.

In this case, the FLUM does not indicate a preference as both commercial and residential categories are assigned to medium density. However, the Comp Plan Area Elements may also provide detail on the specific mix of uses envisioned. *Id.* The Near Northwest Area Element, within which the Subject Property is located, provides further guidance as to whether there is a preference for one use over another. Specifically, the Subject Property is located within the Shaw/Convention Center Policy Focus Area (the “**Focus Area**”), which includes policies that are informed by the Convention Center Plan and the DUKE Plan, both of which are discussed in further detail below. Like the Small Area Plans, the Focus Area promotes residential use on the Subject Property by recommending, among other things, the creation of new quality housing, production of new affordable housing, and mixed-income residential development near the Shaw-Howard Metro station. So while the FLUM does not express a preference for either residential or commercial uses, the policies and recommendations provided by the Near Northwest Area Element and the Small Area Plans clearly promote increased residential use more than they do commercial use. Thus, the Applicant’s request to rezone the Subject Property to the ARTS-2 Zone District is consistent with the FLUM since the ARTS-2 Zone generally favors residential use over commercial use by allowing an overall density of 4.7 (FAR with IZ and bonus FAR for sufficient residential use), but capping non-residential density at 1.5 FAR. *See* 11-K DCMR §§ 801.1 and 802.3.

The proposed rezoning of the Subject Property is also consistent with the surrounding neighborhood context. As stated above, the area to the east of the Subject Property is zoned RF-1, a moderate density residential zone. Thus, owing to its ability to be a transitional zone between lower density areas and higher-density mixed use corridors, the proposed ARTS-2 Zone will allow development on the Subject Property that will provide an appropriate transition between the adjacent row home neighborhood and the higher density mix of uses to the west and along the 7<sup>th</sup> Street corridor. Furthermore, the requested rezoning will encourage activity and further development around the Shaw-Howard University Metrorail station, as is desired by the Comp Plan and the applicable Small Area Plans.

## **2. Generalized Policy Map**

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comp Plan and in follow-up plans, to manage this change. 10A DCMR § 225.1. The GPM is intended to “guide land use decision-making in conjunction with the Comp Plan text, the FLUM, and other Comp Plan maps. Boundaries on the map are to be interpreted in concert with these other sources as well as the context of each location. 10A DCMR § 225.1.

As indicated in Exhibit E, the GPM designates the Subject Property as a Neighborhood Enhancement Area. The Comp Plan’s Framework Element describes Neighborhood Enhancement Areas as follows:

“Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character, as well as mixed-use and industrial areas. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged.” 10A DCMR § 225.7.

The proposed Zoning Map amendment is consistent with the objectives for Neighborhood Enhancement Areas since it will support the future redevelopment of the Subject Property with a mixed use building, inclusive of affordable housing, that is consistent with the height and densities that exist along the block to the east of 7<sup>th</sup> Street. The Subject Property is characterized currently as a “patchwork” of existing buildings and incongruous uses that presents an opportunity for revitalization. The proposed amendment to ARTS-2 permits development that would also remain compatible with the moderate-to-low density areas surrounding the Subject Property. Additional height and density at the Subject Property enables development that provides expanded opportunities for residential use in upper story levels. This type of redevelopment of a currently underutilized property will facilitate critical housing opportunities and serve neighborhood needs. Moreover, redevelopment of the Subject Property will support transit use given its proximity to Metrorail and other transit options; and, with the future redevelopment of the Subject Property, streetscape improvements are likely to enhance the pedestrian experience within the immediate block. As recommended for Neighborhood Enhancement Areas, the Subject Property presents an excellent opportunity for development of an infill site that will include housing, especially affordable housing; thus, enabling the type of housing diversity encouraged by the District, and most recently by the Mayor’s housing initiative. In light of the foregoing, the proposed amendment to ARTS-2 is not inconsistent with the GPM.

### **3. Near Northwest Area Element**

The Subject Property is located within the Near Northwest Area Element of the Comp Plan. The potential development of the Subject Property would help to foster a number of the policies listed within the Near Northwest Area Element as discussed below.

- *Policy NNW-1.1.1: Residential Neighborhoods*  
*Maintain and enhance the historic, architecturally distinctive mixed-density character of Near Northwest residential neighborhoods, including Burleith, Georgetown, Foggy Bottom, Dupont Circle, Sheridan-Kalorama, Logan Circle, Mount Vernon Square, and Shaw. Ensure that infill development within these areas is architecturally compatible with its surroundings and positively contributes to the identity and quality of each neighborhood, while providing new housing opportunities, especially affordable housing options. [10A DCMR § 2108.2.]*

The Zoning Map amendment provides an opportunity to redevelop an underutilized site with a mixed use building consisting of new affordable housing options that will favorably contribute to the Shaw neighborhood. Consistent with the goals of Policy NNW-1.1.1, new development will be located on an infill site and, through height, density, and uses permitted under the proposed ARTS-2 Zone district, will be compatible with surrounding development.

- *Policy NNW-1.1.3: Neighborhood Commercial Vibrancy*  
*Support the vibrancy of neighborhood shopping areas along 7th, 9th, 11th, 23rd, and North Capitol Streets NW. The vibrancy of the established businesses on these streets should be strongly encouraged, and new businesses that provide needed goods and services to District residents should be attracted. [10A DCMR § 2108.4.]*

The Zoning Map amendment will allow for the construction of a new mixed use building containing neighborhood-serving retail use on the ground floor on a block that is directly adjacent to 7<sup>th</sup> Street, NW. This type of targeted retail development and use create new opportunities for local businesses to establish themselves in Shaw and provide easily accessible goods and services to residents of the project and the surrounding area.

- *Policy NNW-1.1.4: Nonprofits and Private Service Organizations*  
*Work with private service and nonprofit organizations in the Near Northwest area to ensure that their locations and operations complement neighboring properties and enrich the surrounding communities. In particular, the campus plans of Georgetown University and GW should minimize negative impacts to surrounding residential areas and should aspire to improve such areas through improved landscaping, better lighting, safer pedestrian connections, cultural amenities, and enhanced community policing. [10A DCMR § 2108.5.]*

Manna, Inc. is a non-profit entity, that currently maintains offices on the Subject Property. The Zoning Map amendment will facilitate the renovation of Manna's existing office space in a manner that ensures operations will complement neighboring properties and enrich the surrounding Shaw neighborhood.

- *Policy NNW-1.1.8: Affordable Housing*  
*Preserve the existing stock of affordable housing in the Near Northwest Planning Area. by bringing to bear new measures to preserve and produce affordable housing in a way that advances fair housing goals and minimizes displacement. [10A DCMR § 2108.8.]*

The Zoning Map amendment will allow for the construction of a new mixed use building that will contribute to the District's affordable housing stock.

#### 4. Shaw/Convention Center Area Policy Focus Area

In addition to being consistent with the Near Northwest Area Element, the Zoning Map amendment is also consistent with the Shaw/Convention Center Area Policy Focus Area within the Near Northwest Area Element. As part of its description of this Policy Focus Area, the Comp Plan references the Convention Center Plan which is intended to guide private and public investment in the area.<sup>4</sup> The Comp Plan identifies several issues for the area, including the need to conserve affordable housing, generate new quality housing, revitalize local businesses, improve sidewalks and public spaces, upgrade parks and public facilities, provide stronger design controls, and expand the Shaw Historic District. 10A DCMR § 2111.3. Consistent with these goals, the Zoning Map amendment will foster the development of quality new housing and ground floor retail and service uses. Redevelopment of the Subject Property will also incorporate public space improvements adjacent to the Subject Property that will enhance the pedestrian experience on a block directly adjacent to the 7<sup>th</sup> Street corridor.

Moreover, the Zoning Map amendment is consistent with several policies and actions within the Shaw/Convention Center Policy Focus Area of the Comp Plan, as discussed below.

- *Policy NNW-2.1.1: Affordable Housing*  
*Preserve existing affordable housing within the Shaw/Convention Center area and produce new affordable housing and market rate housing on underutilized and future development sites. Use a range of tools to retain and develop affordable housing in the Planning Area, including tenant organization and public education, inclusionary zoning, renewing project-based public housing contracts, tax abatements, public-private partnerships, and affordable housing when development on publicly-owned land includes a residential component. [10A DCMR § 2111.5.]*

The Zoning Map amendment will help foster the development of new affordable housing at the Subject Property, which is currently underutilized.

- *Policy NNW-2.1.2: Reinforce Existing Development Patterns*  
*Stabilize and maintain existing moderate-density row house areas within the Shaw/Convention Center area. Locate multi-unit buildings in areas already zoned for greater density, including areas near the Mount Vernon Square and Shaw/Howard University Metro stations, and on publicly owned land with the potential for housing. Ensure that development on infill sites scattered throughout the row house portions of the Shaw/Convention Center area is sensitive to and complements the neighborhood's character. [10A DCMR § 2111.6.]*

The Subject Property is located on a block with a varied development pattern consisting of medium density mixed use and institutional development to the west and south that transitions to moderate density residential to the east. A similar pattern can be found in the block to the immediate north.

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<sup>4</sup> *Infra* Section V.C.1.



The Zoning Map amendment will reinforce this existing development pattern by extending the ARTS-2 Zone that already exists immediately west of the Subject Property. The ARTS-2 Zone will be extended to the public alley along the east side of the Subject Property, thus marking a typical, and logical transition point to the RF-1 zone to the east. Further, under the parameters of the ARTS-2 Zone, the proposed map amendment creates an opportunity for a new mixed use project that is compatible with the surrounding development patterns and supports existing uses.

- *Policy NNW-2.1.6: Public Realm*  
*Improve streets and open spaces throughout the Shaw/Convention Center area. Open space in the area should promote a sense of community, provide a high level of public safety, and address multiple needs. Connections between the area's parks and open spaces should be strengthened and opportunities for new recreational activities should be accommodated where feasible. [10A DCMR § 2111.10.]*

In conjunction with a future redevelopment of the Subject Property, the Zoning Map amendment can lead to streetscape improvements along S Street, NW, as well as the creation of open space elements – e.g., a courtyard – that will promote a sense of community and strength opportunities for recreational activities in this area of the Shaw neighborhood. Additionally, ground floor uses programmed within the new mixed use building will trigger enhancements to the public realm near the Subject Property.

- *Action NNW-2.1.A: New and Affordable Housing*  
*Support the development of mixed-income housing above retail space on 7th and 9th Streets NW, and encourage development of multi-family apartments and condominiums on parcels that are vacant or that contain buildings identified as non-contributing to the Shaw Historic District on 11th Street NW. [10A DCMR § 2111.12.]*

The Zoning Map amendment will allow for the development of multifamily dwellings on an underutilized site. The proposed ARTS-2 Zone will facilitate the creation of new and affordable housing on a block directly adjacent to the 7<sup>th</sup> Street corridor.

## **5. Land Use Element**

The Land Use Element is the cornerstone of the Comp Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, preservation, and land-use compatibility issues. The Land Use Element describes the range of considerations and balancing of priorities involved in accommodating an array of land uses within Washington, DC. 10A DCMR § 300.1. Because the Land Use Element integrates and balances competing policies of all the other District Elements, it should be given greater weight than other elements. 10A DCMR § 300.3.

The District's underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, District-wide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents, institutions, and businesses; to address past and current inequalities disproportionately impact of color, to sustain, restore, or improve the character, affordability, and equity of neighborhoods in all parts of the District; to provide for additional housing and employment opportunities; and to effectively balance the competing demands for land to support a growing population and the many activities that take place within Washington, DC's boundaries. 10A DCMR §302.1.

The proposed Zoning Map amendment will advance these important goals by furthering the policies and actions listed below and set forth in the Land Use Element of the Comp Plan.

- *Policy LU-1.4.2: Development Around Metrorail Stations*  
*In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for 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 § 307.10.]*

The proposed Zoning Map amendment will support new multifamily development around Metrorail stations. The Subject Property is located just to the southeast of the Shaw-Howard University Metrorail station and on land that is underutilized. Due to its transit oriented location, future development enabled by the Zoning Map amendment will minimize automobile dependency and encourage transit ridership.

- *Policy LU-1.4.3: Housing Around Metrorail Stations*  
*Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. [10A DCMR § 307.11.]*

Consistent with this policy, the Zoning Map amendment will allow for multifamily development at the Subject Property that will include new affordable housing in proximity to the Shaw-Howard University Metrorail station. New multifamily development in this location is therefore likely to reduce transportation costs and present new opportunities for moderate- and low-income households.

- *Policy LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing Near Metrorail Stations*  
*Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations,*

*given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. [10A DCMR § 307.12.]*

The proposed Zoning Map amendment will facilitate new affordable housing in close proximity to the Shaw-Howard University Metrorail station. Future streetscape improvements are also likely to create an improved pedestrian experience between the station and the site. As such, residents will be encouraged to adopt and embrace car-free and car-light living. The proposed rezoning directly advances Policy LU-1.4.4.

- *Action LU-1.4.C: Metro Station and Inclusionary Zoning*  
*Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. [10A DCMR § 307.21.]*

By virtue of the proposed map amendment to ARTS-2, the Subject Property can be redeveloped with a mixed use project that offers greater affordable housing than what is currently possible under its current RF-1 zoning. Given the Subject Property's close proximity to the Shaw-Howard University Metro station, the proposed rezoning aligns with this action of the Land Use Element.

- *Policy LU-1.5.1: Infill Development*  
*Encourage infill development on vacant land within Washington, DC, 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 reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern. [10A DCMR § 308.6.]*

Future redevelopment of the Subject Property permitted by the proposed Zoning Map amendment will allow for additional development on land that is underutilized and creates a gap in the surrounding urban fabric. New development will be consistent with the ARTS-2 Zone district, which is a zone that allows for heights and densities that are consistent with the surrounding neighborhood, particularly to the west along the 7<sup>th</sup> Street corridor, and will complement the established character of the Shaw neighborhood.

- *Policy LU-2.1.1: Variety of Neighborhood Types*  
*Maintain a variety of neighborhoods, ranging from low-density to high-density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. [10A DCMR § 310.7.]*

Redevelopment of the Subject Property under the ARTS-2 Zone District will not have negative impacts on the existing identity and character of the neighborhood because it will rehabilitate and

activate the site, provide much needed new affordable housing, and generally serve as a positive addition to the surrounding area. The proposed rezoning will facilitate the construction of new housing that can help accommodate anticipated population growth and advance affordability, racial equity, and opportunity.

- *Policy LU-2.2.4: Neighborhood Beautification*  
*Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations. [10A DCMR § 311.5.]*

As part of any redevelopment project enabled by the Zoning Map amendment, the public streetscape surrounding the Subject Property will be improved to meet the District Department of Transportation (“DDOT”) standards and will beautify the public space adjacent to the Subject Property.

- *Policy LU-2.3.6: Places of Worship and Other Religious Facilities*  
*Recognize places of worship and other religious facilities as an ongoing, important part of the fabric of the District’s neighborhoods. Work proactively with the faith-based community, residents, ANCs, and neighborhood groups to address issues associated with these facilities’ transportation needs, operations, and expansions so that existing and new religious facilities may be sustained as neighborhood anchors and a source of spiritual guidance. Recognize also that places of worship or religious assembly, and some other religious facilities or institutions, are accorded important federal constitutional and statutory protections under the First Amendment (U.S. Const. Amend. I) and the Religious Land Use and Institutionalized Persons Act of 2000, approved September 22, 2000 (114 Stat. 803; 42 U.S.C. 2000cc). The missions of many religious institutions involve service to those in need, and institutions offer important services, such as providing food banks, meals, clothing, counseling services, shelter, and housing. [10A DCMR § 312.8.]*

The Zoning Map amendment recognizes the existing church as an important part of the fabric of the Shaw neighborhood and will allow the religious use to continue at the Subject Property. Institutional, religious-based uses are permitted as a matter-of-right in the ARTS-2 Zone District. 11-U DCMR §§ 512.1(a), 700.2. The Applicant will continue to work proactively with the faith-based community to ensure that any future development of the Subject Property is compatible with the needs and operations of the religious facility, as it can also provide critical services to those in need.

- *Policy LU-2.3.12: Arts and Culture Uses in Neighborhoods*  
*Recognize the importance of low-profile, neighborhood-serving arts and culture as assets for community preservation and building. Encourage the preservation or expansion of arts and culture in discretionary review of development projects. [10A DCMR § 312.14]*

The proposed Zoning Map amendment is consistent with this policy because rezoning the Subject Property to ARTS-2 creates opportunities to expand arts and culture uses in the Shaw neighborhood. Some of the stated purposes of the ARTS zones are to (i) promote the creation of arts, arts related, and arts supporting uses and (ii) provide for an increase presence and integration of the arts and related cultural and arts related support uses. 11-K DCMR § 800.1. Given these objectives, any future development at the Subject Property may contemplate the integration of neighborhood serving arts and culture establishments, such as within the ground floor of a new mixed use building.

## **6. Housing Element**

The District’s overarching goal for housing is to provide a safe, decent, healthy, and affordable housing supply for current and future residents in all of Washington, DC’s neighborhoods by maintaining and developing housing for all incomes and household types. 10A DCMR § 501.1. A multi-pronged strategy is needed to facilitate production, address regulatory and administrative constrains, and deliver a substantial number of the new units that are affordable to District residents, particularly to moderate and lower income residents. 10A DCMR § 502.5. The Comp Plan also notes that “an adequate supply of appropriately zoned land” can help meet expected housing needs. 10A DCMR § 503.1. Accordingly, the proposed Zoning Map amendment serves the District’s housing goals and advances several policies of the Housing Element, as discussed below:

- *Policy H-1.1.1: Private Sector Support*  
*Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. [10A DCMR § 503.3.]*

Through the Zoning Map amendment, the Subject Property can be developed with new market-rate and affordable housing to help meet the needs of present and future District residents. Under the existing RF-1 zone district, multifamily dwellings are only permitted in a very limited number of circumstances, which significantly limits the ability to take advantage of the Subject Property’s proximity to transit and several other amenities. Consistent with the Mayor’s housing initiative, the proposed Zoning Map amendment will allow for greater amounts of new housing in a “high opportunity” location. The proposed map amendment is consistent with the District’s land use goals, as noted above, as well as with related transportation goals, which encourage greater density surrounding public transportation options.

- *Policy H-1.1.3: Balanced Growth*  
*Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District 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 § 503.5.]*

The Zoning Map amendment will allow for the development of new multifamily housing on underutilized land. The proposed ARTS-2 Zone, which is consistent with the FLUM, will help to ensure that the Subject Property is zoned in a manner that can leverage development opportunities that are compatible with the surrounding area and help the city meet its long-term housing needs.

- *Policy H-1.1.4: Mixed-Use Development*  
*Promote moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations. [10A DCMR § 503.6.]*

The proposed Zoning Map amendment is entirely consistent with this policy. The purpose of the ARTS-2 Zone is intended to permit medium-density, compact mixed-use development with an emphasis on residential development. The rezoning will facilitate mixed use development at a site that is in close proximity to the Shaw-Howard University Metrorail Station and on a block that is directly adjacent to the 7<sup>th</sup> Street corridor.

- *Policy H-1.1.5: Housing Quality*  
*Require the design of affordable and accessible housing to meet or exceed the high-quality architectural standards achieved by market-rate housing. Such housing should be built with high-quality materials and systems that minimize long-term operation, repair, and capital replacement costs. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance, should be generally compatible with the design character of the surrounding neighborhood, and should address the need for open space and recreational amenities. [10A DCMR § 503.7.]*

Any future affordable housing developed at the Subject Property will be required to meet certain housing quality standards. As such, the proposed map amendment aligns with this policy.

- *Policy H-1.1.9: Housing for Families*  
*Encourage and prioritize the development of family-sized units and/or family-sized housing options which generally have three or more bedrooms, in areas proximate to transit, employment centers, schools, public facilities, and recreation to ensure that the District's most well-resourced locations remain accessible to families, particularly in areas that received increased residential density as a result of underlying changes to the Future Land Use Map. Family-sized units and/or family-sized housing options include housing typologies that can accommodate households of three or more persons and may include a variety of housing types including townhomes, fourplexes and multi-family buildings. To address the mismatch between meeting the needs of larger households and the financial feasibility of developing family-sized housing, support family-sized housing options through production incentives and requirements that address market rate challenges for private development that may include zoning, subsidies or tax strategies, or direct subsidy and regulatory requirements for publicly owned sites. [10A DCMR § 503.11.]*

- *Policy H-1.3.1: Housing for Larger Households*  
*Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. [10A DCMR § 505.8.]*

Both of the above-cited policies advocate for larger housing that is capable of accommodating families. The proposed ARTS-2 Zone advances this objective by enabling the construction of new multifamily housing consisting of numerous new dwelling units for with a diverse offering of bedroom options. The Subject Property is indeed at a well-resourced location, as it is in close proximity to public transit, certain District of Columbia Public Schools (e.g., Thomson Elementary School), neighborhood-serving retail, and other uses that can satisfy family needs and lifestyles. The resulting increase in residential density is appropriate for the Subject Property given its FLUM designation and its accessibility to family oriented uses.

- *Policy H-1.2.3: Affordable and Mixed-Income Housing*  
*Focus investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire District by developing goals and tools for affordable housing and establishing a minimum percent affordable by Planning Area to create housing options in high-cost areas, avoid further concentrations of affordable housing, and meet fair housing requirements. [10A DCMR § 504.10.]*
- *Policy H-1.2.5: Moderate-Income Housing*  
*In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of those earning moderate incomes with wages insufficient to afford market rate housing in the District. [10A DCMR § 504.13.]*

These policies are geared towards encouraging new housing that can accommodate various income levels and at strategic locations throughout the District. The proposed ARTS-2 Zone District advances these policies because it allows for the future development of new affordable housing at the Subject Property. In this particular case, a rezoning of the Subject Property can help the city advance a housing objectives at a highly desirable location in the Shaw neighborhood. Importantly, the proposed ARTS-2 Zone District will result in new housing opportunities for both low- and moderate-income individuals.

## **7. Transportation Element**

The overarching goal for transportation is the District is to “[c]reate as safe, sustainable, equitable, efficient, and multimodal transportation system that meets the access and mobility needs

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

The proposed Zoning Map amendment advances this goal by allowing for new residential development on property located within a block of a major District corridor and in immediate proximity to a Metrorail station and multiple Metrobus routes. The Zoning Map amendment also advances the specific policies and actions discussed below.

- *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. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. [10A DCMR § 403.10.]*
- *Policy T-1.1.7: Equitable Transportation Access*  
*Transportation within the District shall be accessible and serve all users. Residents, workers, and visitors should have access to safe, affordable and reliable transportation options regardless of age, race, income, geography or physical ability. Transportation should not be a barrier to economic, educational, or health opportunity for District residents. Transportation planning and development should be framed by a racial equity lens, to identify and address historic and current barriers and additional transportation burdens experienced by communities of color. [10A DCMR § 403.13.]*

These policies under the Transportation Element of the Comp Plan advocate for transit oriented development that is equitably accessible to residents and users throughout the District. The Zoning Map amendment will support transit oriented development by allowing for the construction of new mixed use development within immediate proximity to the Shaw-Howard Metrorail Station and multiple Metrobus routes that connect to all areas of the District. As part of redevelopment of the Subject Property, the streetscape surrounding the Subject Property also is likely to be enhanced, ensuring that pedestrians have safe and convenient pathways to access these various public transportation options.

## **8. Environmental Protection Element**

The Environmental Protection Element addresses the protection, conservation, and management of Washington DC’s land, air, water, energy, and biological resources. The biological, chemical, and hydrologic integrity of the environment are key indicators of the quality of life in the District. Furthermore, environmental sustainability is linked to resilience, population health, and community prosperity. 10A DCMR § 600.1. The proposed Zoning Map amendment supports environmental sustainability goals and advances the specific policies discussed below:



- *Policy E-1.1.2: Urban Heat Island Mitigation*  
*Wherever possible, reduce the urban heat island effect with cool and green roofs, expanded green space, cool pavement, tree planting, and tree protection efforts, prioritizing hotspots and those areas with the greatest number of heat-vulnerable residents. Incorporate heat island mitigation into planning for GI, tree canopy, parks, and public space initiatives. [10A DCMR § 603.6.]*
- *Policy E-2.1.2: Tree Requirements in New Development*  
*Use planning, zoning, and building regulations to promote tree retention and planting, as well as the removal and replacement of dying trees when new development occurs. Tree planting and landscaping required as a condition of permit approval should include provisions for ongoing maintenance. [10A DCMR § 605.6.]*
- *Policy E-2.1.3: Sustainable Landscaping Practices*  
*Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands. [10A DCMR § 605.7.]*
- *Policy E-3.2.3: Renewable Energy*  
*Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption.. [10A DCMR § 612.5.]*
- *Policy E-3.2.7: Energy-Efficient Building and Site Planning*  
*Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. Encourage new development to exceed minimum code requirements and contribute to energy efficiency and clean energy goals. [10A DCMR § 612.9.]*
- *Policy E-4.1.1: Maximizing Permeable Surfaces*  
*Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce runoff. [10A DCMR § 615.3.]*
- *Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff*  
*Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. [10A DCMR § 615.4.]*

- *Policy E-4.2.1: Support for Green Building*  
*Broaden the requirements for the use of green building methods in new construction and rehabilitation projects to include all building typologies and develop green building standards for minimum performance or continued improvement of energy use through improved operation and maintenance activities. [10A DCMR § 616.3.]*

In accordance with the policies listed above, future development of the Subject Property enabled by the Zoning Map amendment will incorporate energy efficient systems to reduce energy use and potentially provide alternative energy sources to contribute to the District’s energy efficiency goals. Redevelopment of the Subject Property also could potentially trigger new landscaping and environmentally friendly enhancements to the abutting streetscape. Moreover, any future development will be required to comply with the Green Building Act and the District’s storm water management regulations, and will be consistent with the Sustainable DC Plan.

## **9. Arts and Culture Element**

The Arts and Culture Element provides policies and actions dedicated to the preservation and promotion of the arts and culture in Washington, DC. Its focus is strengthening the role of the arts and culture in shaping the physical form of the District. 10A DCMR § 1400.1. The overarching goal for arts and culture is to facilitate a cultural environment in Washington, DC that is inclusive, equitable and accessible. 10A DCMR § 1401.1. The proposed Zoning Map amendment supports arts and culture goals for the city and advances the specific policy identified below:

- *Policy AC-1.2.5: Arts Districts*  
*Sustain the Downtown, H Street NE, and Uptown Arts Districts as the preeminent locations in Washington, DC for region-serving arts and cultural venues, including theaters, concert halls, galleries, and museums. [10A DCMR § 1404.10]*

Any future redevelopment of the Subject Property will help to sustain the Uptown Arts Districts as a preeminent arts hub in the city. A new mixed use building would bring an influx of residents that would support nearby arts and cultural venues in the Shaw neighborhood, such as the Howard Theater. Additionally, any potential retail use in the ground floor could provide a place for theater goers to gather before or after a nearby show or event. For these reasons, the proposed rezoning of the Subject Property advances this policy.

### **B. Analysis of Potential Inconsistencies with the Comprehensive Plan**

Notwithstanding the numerous policies across the Comp Plan’s various elements that the proposed Zoning Map amendment would advance, an analysis of potential inconsistencies with the Comp Plan is also necessary to demonstrate that the ARTS-2 Zone “is not inconsistent with the Comprehensive Plan[.]” 11-X DCMR § 500.3. As established by DCCA, it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency

with the Comp Plan. Rather, because of the overlap within and between the elements the evaluation must also recognize where there may be potential inconsistencies.<sup>5</sup>

In the event there are inconsistencies, an explanation must be provided as to why said inconsistencies are outweighed by the advancement of other policies and considerations. A “roadmap” of sorts for evaluating a proposal’s consistency with the Comp Plan can be found in the Court’s initial review of the McMillan PUD:

The Comprehensive Plan is a “broad framework intended to guide the future land use planning decisions for the District.” *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm’n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). “[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.” *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the Plan is not binding.” *Id.* at 1167, 1168 (internal quotation marks omitted). Thus “the Commission may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole.” *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013). “[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.” *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016) (brackets and internal quotation marks omitted).

As discussed above, the FLUM designates the Subject Property as Mixed Use -- Medium Density Residential / Medium Density Commercial. The Applicant has specifically analyzed the proposed zoning for potential inconsistencies with the Comp Plan. After a full review of the elements, the Applicant has found very few areas of potential inconsistency, and even those are tenuous at best. Those policies are addressed below:

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<sup>5</sup> Since first being adopted by the D.C. Council, the Comprehensive Plan has always recognized that there is intentional overlap between its individual components (elements), and that it is intended to be a policy framework that is to be interpreted broadly and provide guidance to all executive and legislative decision making. Indeed, the first Comprehensive Plan adopted in 1984 stated “[t]he primary dynamic of the District elements of the Plan are the overlapping of its elements’ goals. This overlapping is intentional.” (Section 102, District of Columbia Comprehensive Plan Act of 1984). The current Implementation Element reflects the same language: “[r]ecognize the overlapping nature of the Comprehensive Plan elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” 10A DCMR § 2504.6.

- *Policy LU-2.1.4: Rehabilitation Before Demolition*  
*In redeveloping areas characterized by vacant, abandoned, and underused older buildings, generally encourage rehabilitation and adaptive reuse of architecturally or historically significant existing buildings rather than demolition. [10A DCMR § 310.11]*

The Zoning Map amendment could be viewed as being inconsistent with this policy, as it would facilitate the complete redevelopment of an underutilized, transit oriented site. In accordance with this policy, the city in some instances may desire in some instances the rehabilitation of the existing improvements. However, the policies discussed above, particularly those under the Land Use Element and the Housing Element, far outweigh any desire to maintain the Subject Property in its current underutilized state. Furthermore, there are no improvements on the Subject Property that are designated as historic landmarks, nor is the Subject Property located within an historic district. Finally, by virtue of a Memorandum of Understanding entered into between Manna, Inc. and Advisory Neighborhood Commission 6E, the facades of the row dwellings at Lots 88 and 810 (618 and 620 S Street, NW, respectively) will be preserved and incorporated into the project constructed on the Subject Property. Thus, the Zoning Map amendment, and any resulting demolition, would not impact a site of historical significance. For these reasons, the Zoning Map amendment, on balance, is consistent with the District's goals and objectives.

- *Policy LU-2.1.7: Row House Neighborhood Character*  
*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]*

Given the location of the Subject Property, being at a transition point between the medium-density 7<sup>th</sup> Street, NW corridor and the moderate-density area to the east, the proposed rezoning could potentially be viewed as being inconsistent with this policy. But on balance, the Zoning Map amendment does not undermine or compromise a certain row house neighborhood character. The Subject Property is not necessarily embedded within an established row house neighborhood, rather, it is situated along the western boundary of a row house development pattern. Indeed, the immediate development pattern around the site is quite varied with respect to densities and uses. Notably, an existing 15-foot wide public alley also buffers the Subject Property from the RF-1 zoned properties to the east. Moreover, as noted above, the Applicant has committed to retaining two of the existing building facades; thus, further strengthening the transition from the west to the moderate density pattern to the east. Notwithstanding the foregoing counter justifications, to the extent the Zoning Map amendment is deemed inconsistent with Policy LU-2.1.7, such inconsistency is outweighed by the numerous policies advanced by the proposal, as discussed in Section V.A of this Statement.

- *Policy LU-2.1.9: Alterations to Row Houses and Apartments*  
*Generally discourage alterations to existing row houses and apartments that result in a loss of family-sized units. Encourage alterations if it results in an increase in family-*

*sized units. Roof structures should only be permitted if they respect the architectural character of the building on which they are proposed and of other nearby buildings.*  
[10A DCMR § 310.16]

The Zoning Map amendment might be considered inconsistent with this policy that generally discourages alterations to existing apartments that result in a loss of family-sized units. But as discussed throughout this statement, the Applicant seeks a rezoning of the Subject Property to the ARTS-2 Zone district to facilitate the construction of a new mixed-use development that will provide a diverse unit mix that will likely skew toward family-sized units. Thus, the Zoning Map amendment serves as the vehicle to increase family-sized units at the Subject Property. Any potential inconsistency with Policy LU-2.1.9 is tenuous at best, and outweighed by the proposal's overwhelming consistency with Comp Plan policies relating to land use and housing.

### **C. Small Area Plans**

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”). The Comp Plan also states that small area policies appear in “separately bound Small Area Plans for particular neighborhoods and business districts.” 10A DCMR § 104.2. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comp Plan. *See* D.C. Code § 1-306.03(c)(4).

#### **1. The Convention Center Strategic Development Plan**

The Subject Property is located within the boundaries of the Convention Center Plan, which was prepared to help the District and the community guide development to realize several key objectives. Among those objectives is to: (i) generate quality housing that will ensure that the community remains demographically diverse and offers a wide range of housing types; and (ii) strengthen neighborhood businesses by attracting new businesses in Shaw through capital investment that meets the needs of visitors and tourists and creates job opportunities and tax revenues for local services. *See* Convention Center Plan at pg. 2. As stated in the Convention Center Plan’s Development Guide Framework, the overarching goal is to: “[m]aintain a diverse housing stock with a deep range of affordability, enhance the variety and appearance of retail areas, and ensure that properties, facilities and right-of-way maintained by the District are used to their greatest benefit.” *See* Convention Center Plan at pg. 23.

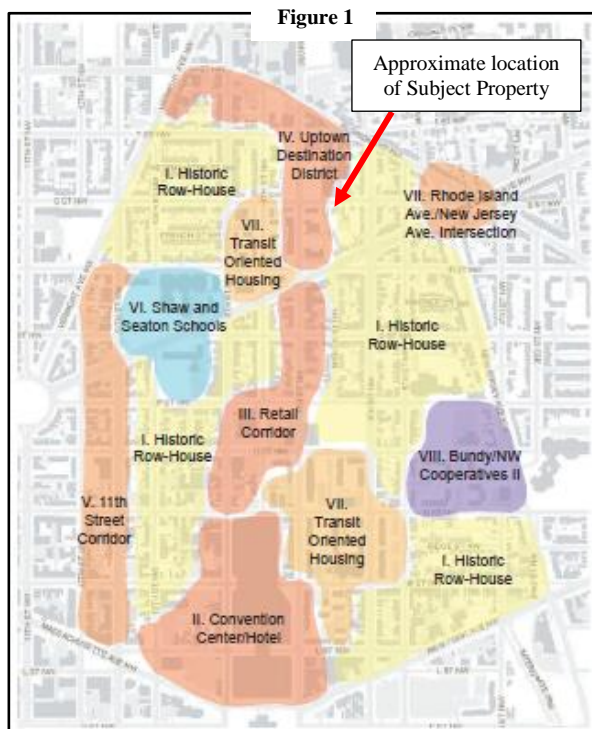
Consistent with this goal, the proposed Zoning Map amendment will enable the construction of high quality housing and affordable housing on an underutilized site to ensure that the community remains demographically diverse. The Zoning Map Amendment will also enable ground floor, neighborhood serving retail uses, a need that is discussed in the Convention Center

Plan. *See* Convention Center Plan at pg. 18.<sup>6</sup> Doing so will not only support the residents of a mixed use building on the Subject Property, but will strengthen the local economy by creating space for new retailers, generating job opportunities for District residents, producing additional tax revenue for the city, and providing goods and services to meet the needs of visitors and residents to the surrounding neighborhood.

As shown on Page 29 of the Convention Center Plan (*see* Figure 1), the Subject Property is located more or less between the boundaries of the Convention Center Plan’s Historic Row-House and Uptown Destination District sub-areas.

The Historic Row-House sub-area is defined by consistent residential scale of the two- and three- story row houses and occasional apartment building. *See* Convention Center Plan at pg. 29. Both long-time and new residents live in this area. *Id.* As buildings are restored and vacant lots filled with new row houses, change in this area will need to be monitored to ensure the existing character is protected and maintained. *Id.* The development objective for the Historic Row-House sub-area is to “[c]onstruct new housing on vacant lots and on parcels with underutilized and non-contributing buildings.” *Id.* at pg. 31. Furthermore, new development should be “designed to be consistent with neighborhood character.” *Id.* The Zoning Map amendment will enable the exact type of development desired for the Historic Row-House sub-area. The ARTS-2 Zone will facilitate the construction of new housing at an underutilized site, and will be designed to complement the surrounding neighborhood.

The Uptown Destination District is defined by its numerous African American cultural landmarks and proximity to Howard University. *See* Convention Center Plan at pg. 29. The redevelopment of the Howard Theatre, and the extension of the lively street life between the Howard and the Lincoln theatres, will make this area a destination. *Id.* The vision for this sub-area includes streets “lined with ground floor shops” and “upper levels of other buildings [that] are residential, with larger projects including affordable units. *Id.* at pg. 36. The proposed Zoning Map amendment will help materialize the vision for the Uptown Destination District, as the increased



<sup>6</sup> (“A market analysis of the Study Area found that stores and restaurants are primarily small in size and fail to meet the retail needs of residents.”)

height and density will allow for the incorporation of significant new affordable housing and ground floor retail.

The Zoning Map amendment will also help to advance the more general policies set forth in the Convention Center Plan for future development of the neighborhood. The Convention Center Plan's Development Guide Framework sets forth the following recommendations and implementation tools to create dense residential and retail development in the study area: (i) maintain or increase the existing number of affordable housing units; (ii) concentrate multi-unit buildings in areas with good access to mass transit; (iii) maximize development opportunities on sites suitable for multiple-unit buildings; and (iv) reinforce existing patterns of residential development. *Id.*

Rezoning the Subject Property to the ARTS-2 Zone District aligns with the aforementioned principles because it will allow for greater residential development with significant new affordable housing on an underutilized site. New development at the Subject Property will be located in very close proximity to multiple forms of public transportation, including the Shaw-Howard University Metrorail station and numerous Metrobus routes. Moreover, the Subject Property is located at a transitional position between the active 7<sup>th</sup> Street corridor and moderate-density uses to the east. As such, the density and height achieved through the proposed Zoning Map amendment will enable development of a building that will revitalize the surrounding area, yet remain compatible with the existing character of the neighborhood.

The Convention Center Plan's Development Guide Framework also establishes principles for guiding retail growth to best serve residents and create the best environment for businesses to exceed. These principles include: (i) concentrating ground floor retail in locations that reinforce a traditional main street pattern of commercial development and creates a unified identity for the community; (ii) develop a retail corridor that will attract convention goers, tourists and residents from other parts of the DC metropolitan area; and (iii) create a successful retail environment that includes mixed-use developments with old and new businesses. *Id.* The proposed Zoning Map amendment will facilitate retail uses that are consistent with each of these principles.

In light of the Convention Center's objectives regarding retail growth, the proposed Zoning Map amendment is favorable. Increased height and density permissions at the Subject Property will create opportunities to reinforce and extend the traditional main street pattern of commercial use along 7<sup>th</sup> Street, as local business may be drawn to new ground floor tenant spaces. Additionally, an influx of new residents, particularly at this transit oriented location is likely to benefit existing retail within the immediate area and throughout the Shaw neighborhood. Thus, the proposed Zoning Map amendment will facilitate the successful retail environment desired by the Convention Center Plan.



## 2. The DUKE Plan

The Subject Property is located within the boundaries of the DUKE Plan. The DUKE Plan provides direction to the community, private sector and public agencies in revitalizing the neighborhood to achieve a cohesive and inclusive district that meets the community and District government development goals. *See* Duke Plan at pg. 4. The Duke Plan calls for “land use adjustments that can be implemented through amendments to the zoning map, planned unit developments, and amendments to the zoning text [and] [t]his Plan provides additional guidance to the Zoning Commission as they consider zoning actions for the area.” *Id.* at 37.

The Subject Property falls just along the southeastern edge of the DUKE Plan’s Howard Theatre Sub-district and just along the northeastern edge of the Rhode Island Avenue Sub-district. (*See* DUKE Plan at pg. 32; *see also* [Figure 2](#).) The Howard Theater Sub-district – referred to the

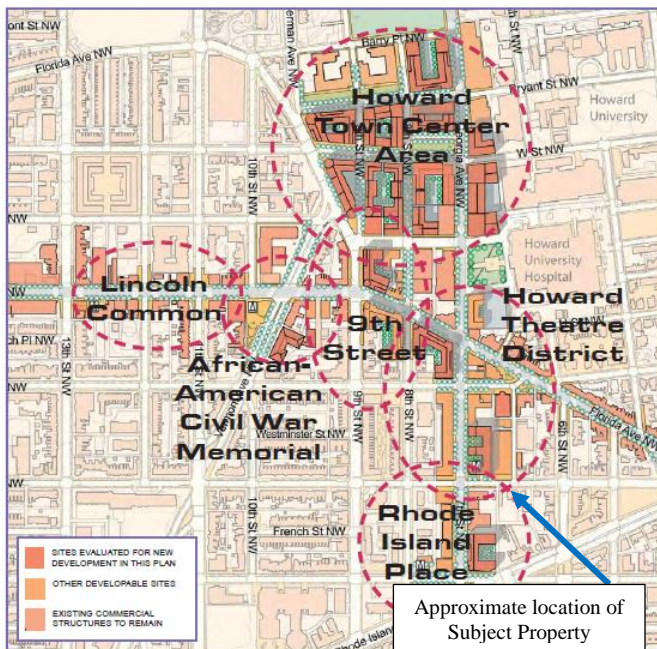


Figure 2

“Performing Arts Anchor” – is envisioned to be a “vibrant center” with properties “to complement and support a ‘complete’ destination with restaurants, outdoor cafes/dining, intimate music clubs, bars, bookstores, art galleries, modest priced retail and other destination uses.” *See* DUKE Plan at pg. 14. The Rhode Island Avenue Sub-district – referred to as “The Residences” – is desired to “be an architecturally distinct gateway to the Shaw community and this neighborhood destination district..” *Id.* at 24. Moreover, the intended primary use within the Rhode Island Avenue Sub-district is “high density residential above neighborhood retail uses.” *Id.*

By virtue of the Zoning Map amendment, the Subject Property will be well positioned to advance the objectives of both sub-districts. The height and density permissions of the ARTS-2 Zone will enable the production of a significant number of housing units. This creates potential to attract an influx of new residents that would support the commercial, arts-centric character envisioned for the Howard Theater Sub-district. Furthermore, the proposed Zoning Map amendment would enable the redevelopment of an underutilized site with a mixed use project consisting of new residential and ground floor neighborhood retail uses. Such development would be consistent with the goals for the Rhode Island Avenue Sub-district, a priority residential area in the DUKE Plan.



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

The proposed Zoning Map amendment will further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the ARTS-2 Zone will allow the Subject Property to be put to more productive use, thus contributing to the ongoing revitalization of the 7<sup>th</sup> Street corridor, and the neighborhoods located near the Shaw-Howard U Metrorail Station, in a manner that is compatible with surrounding development. The Zoning Map amendment will protect the health and safety of District residents by allowing for future redevelopment of the Subject Property with a height and density that is consistent with the recommendations of the Convention Center Plan and the Duke Plan; is not inconsistent with the Comp Plan, including the FLUM and GPM; and is compatible with the scale of development that is envisioned around the Shaw-Howard University Metrorail station without causing adverse impacts on adjacent properties. The Zoning Map amendment will also promote the general welfare through the substantial amount of new housing that would not otherwise be permitted on the Subject Property under existing zoning; jobs created as a result of the redevelopment of the Subject Property, both short-term and long-term; and significant new tax revenue generated.

**E. No Adverse Consequences**

The Zoning Map amendment will not result in adverse consequences. Conversely, the requested rezoning will contribute to several positive and important benefits as it will facilitate the redevelopment of a significantly underutilized site located within a high priority neighborhood of the District. Redevelopment will improve the Subject Property's current condition, thereby enhancing the quality of the entire community and increasing revenue for the District. The Zoning Map amendment will not generate any negative external effects, but will instead promote the efficient use of high value land in a manner that will enhance the city's image and increase the city's affordable housing supply. Moreover, the Zoning Map amendment will facilitate progress towards achieving racial equity in the District, as it does not lend to predictable outcomes based on one's socioeconomic status.

**F. Proposed ARTS-2 Zone Would Create Favorable Conditions**

As described above, the proposed Zoning Map amendment will bring the zoning of the Property into conformance with the Mixed Use -- Medium Density Residential / Medium Density Commercial FLUM designation. The Subject Property is well positioned as a transitional site between the RF-1 zoned properties to its east and the ARTS zoned properties along the 7<sup>th</sup> street corridor to its west. The requested rezoning will advance a number of policies embodied in the various elements of the Comp Plan, and will further the recommendations of the Convention Center Plan and the DUKE Plan. Further, the Zoning Map amendment will cultivate a more inclusive city, and expand opportunities for persons of all socioeconomic levels. Overall, the rezoning will promote the efficient use of high value land in a manner that will,

among other things, increase the city’s affordable housing stock and strengthen the viability of this transit oriented location within the Shaw neighborhood.

## **VI. COMMUNITY OUTREACH AND ANC COORDINATION**

The Subject Property lies within the boundaries of Advisory Neighborhood Commission (“ANC”) 6E. Under the Zoning Regulations, ANC 1B is also an affected ANC because a portion of the Subject Property is on a segment of S Street that serves as a boundary line between ANC 1B and ANC 6E.

Notably, ANC 6E considered the land use and zoning for the Subject Property in 2017, in connection with the application to amend FLUM designation on the Subject Property from Low Density Residential to Mixed Use - Medium Density Residential / Medium Density Commercial. At that time, the Manna, Inc. and the ANC entered into a Memorandum of Understanding (“MOU”), whereby, as consideration of the ANC’s support of the Comp Plan amendment and the proposed rezoning to ARTS-2, the Applicant agreed to preserve the facades of the row dwellings on Lots and 810 (618 and 620 S Street, NW) with the redevelopment of the Subject Property.

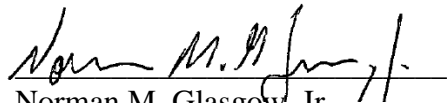
On July 28, 2021, the Applicant met with Commissioner Alex Lopez, the Single-Member District (“SMD”) representative for Advisory Neighborhood Commission (“ANC”) 6E-02, to discuss the Subject Property and the proposed Zoning Map amendment. The Applicant intends to present this rezoning application to the ANC 6E Zoning Advisory Committee on September 30<sup>th</sup>, and to the full ANC on October 25<sup>th</sup>. With the filing of this application, the Applicant will also be in communication with Commissioner Larry Handerman, the representative for ANC 1B-01, the SMD on the north side of S Street.

## **VII. CONCLUSION**

For all of the reasons stated herein, the Applicant submits that the proposed rezoning of the Subject Property from the RF-1 to the ARTS-2 Zone meets all of the requirements for an amendment to the official Zoning Map of the District of Columbia. The proposed Zoning Map amendment is consistent with the District’s plans and policies for the Subject Property and the surrounding area. Furthermore, the proposed rezoning is not inconsistent with the Comp Plan and 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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