

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**STATEMENT IN SUPPORT OF APPLICATION FOR A ZONING MAP AMENDMENT  
FROM THE RA-2 ZONE TO THE MU-8A ZONE**

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**1100 6<sup>th</sup> STREET, NW (SQUARE 0449, LOT 0064)**

Preservation DC L&6 LLC

**May 6, 2022**

**I. INTRODUCTION.**

Preservation DC L&6 LLC (the “**Applicant**”), owner of the property located at Square 0449, Lot 64 (the “**Subject Property**”) submits this statement in support of a Map Amendment Application (the “**Application**”) to amend the Zoning Map of the District of Columbia (the “**Zoning Map**”) to rezone the Subject Property from RA-2 to the MU-8A zone.

As described herein, the proposed rezoning of the Subject Property from RA-2 to the MU-8A Zone is not inconsistent the Comprehensive Plan (the “**Comp Plan**”), including the Comprehensive Plan Future Land Use Map (the “**FLUM**”), and Generalized Policy Map. The Subject Property is designated as Residential-Medium Density and Commercial Medium Density on the FLUM and is located in a Neighborhood Conservation area on the Comprehensive Plan Generalized Policy Map. The rezoning may eventually result in more affordable units as this development would be designated as an IZ Plus (“**IZ+**”) development. Furthermore, the requested rezoning is not inconsistent with the Comp Plan when analyzed through a racial equity lens.

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

The Subject Property is located in the RA-2 Zone and the Mount Vernon Square Historic District. It is a corner lot bounded by 6<sup>th</sup> Street, NW to the east and L Street, NW to the south. To the west of the Subject Property is a small commercial property. Abutting the Property to the north is a small condo building. The Property is located about 0.2 mi. from the Mt. Vernon Metro Station (a 4-minute walk). The area is made up of a mix of commercial and residential uses. The Subject Property was most recently used for commercial purposes. Photographs of the Subject Property and surrounding area have been included with this Application.

**III. DEVELOPMENT CAPACITY.**

**A. Zone Change Overview**

Development Standard	RA-2 (Existing)	MU-8A (proposed)
FAR	1.8, 2.16 w/IZ	5.0, 6.0 (IZ); 1.0 NR
Height	50 feet	70 ft.
Lot Occupancy	60%	100%
Rear Yard	4 in/1 ft. height, 15 ft.	2.5 in./1 ft., 12 ft.
GAR	0.3	0.25
Uses	Limited to residential primarily	Mixed-use, including commercial uses

The Property has a history of commercial uses and there have been multiple attempts to redevelop the site, including as part of a PUD. The Property is currently underutilized, and the expectation is that the Map Amendment will allow for a wider range of uses on site, including but not limited to, increased residential density, lodging, and commercial uses such as service and retail that would not be restricted or require BZA approval.

**B. IZ Plus Analysis**

In this case, going from the RA-2 Zone to the MU-8A Zone will trigger a 233% increase in FAR if the maximum permitted FAR (6.0) is utilized. The change in percentage will be enough to trigger a 20% set aside requirement per Chapter C of the Zoning Regulations. Included with this Statement is an exhibit detailing approximate projected IZ square footage amounts (“IZ Plus Analysis”) based on the maximum permitted footprint and FAR for the MU-8A zone. As demonstrated on IZ Plus Analysis, if a future development were to maximize the permitted IZ lot occupancy (100%, or with a rear yard ~80%) and FAR (6.0) the total expected IZ square footage could be upwards of 9,300 net square feet. Keeping the current zoning would only produce about 1,500 net square feet of IZ square footage (10% of the total possible net square footage.

Accordingly, the Map Amendment would effectively triple or quadruple the amount of IZ square

footage possible on the Subject Property. Mixed-use options are of course available, or lodging, but any future residential component of a development is required to comply with IZ+.

**IV. STANDARDS APPLICABLE TO A ZONING MAP AMENDMENT AND COMPLIANCE WITH THE COMPREHENSIVE PLAN**

**A. Overview**

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.

Pursuant to Z § 304.7(d), an Applicant for a Map Amendment must provide a “detailed description of the Map Amendment’s consistency with the Comprehensive Plan and any other adopted public policies and active programs related to the subject site.” Rezoning the site and

permitting development consistent with the MU-8A zone would help achieve the applicable policies, allow for the development of an underutilized site and further the Comprehensive Plan Map designations of medium-density residential and commercial uses.

**B. Framework Element, Policy Maps, and Small Area Plan.**

1. General Framework

In terms of the general Framework Element outlined in Title 10A, Chapter 2, the comprehensive plan encourages balancing preservation, housing, and reinvigorating neighborhoods through development. It specifically notes that “the preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter-and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 10-A DCMR 218.3” and “protecting historic resources through preservation laws and other programs is essential to retain the heritage that defines and distinguishes the city. Special efforts should be made to conserve row houses as the defining element of many District neighborhoods, and to restore neighborhood “main streets” through sensitive renovation and updating. 10-A DCMR 218.4”

It also notes that “redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6.”

The proposal balances these goals by allowing the adaptive reuse and expansion of a Historic resource near a metro station and other public transit.

## 2. Generalized Policy Map

Regarding the Comp Plan Generalized Policy Map, the Property is located in a “Neighborhood Conservation” Area. The proposed amendment is not inconsistent with the Generalized Policy Map as Neighborhood Conservation Areas still allow for limited redevelopment opportunities: “The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.” (10A DCMR § 223.5).

## 3. Future Land Use Map

Finally, the proposed Map Amendment is consistent with the designation on the FLUM. As indicated on the FLUM, the Subject Property is designated as Commercial-Medium Density and Residential Medium Density. The MU-8 (previously C-3-B) Zone is a corresponding zone district under the medium density commercial designation:

This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. 225.10

**C. 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 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.

The Map Amendment will further the goals around racial equity. Specifically, the change in zoning will facilitate additional density and a mix of uses that could result in additional market-rate and affordable housing. It also opens the door for additional commercial uses. Even though the property has had commercial uses in the past, due to its location in the RA-2 zone, most changes of the commercial use require BZA approval. The change in zoning will facilitate the ability to provide new commercial uses without requiring a BZA use variance. The use variance process adds significant time, expense, and uncertainty to the process of opening a business in this location. Accordingly, the Map Amendment will lower the barrier to entry and open the door to business owners who do not have the resources or financial backing to pursue a use variance. Greater commercial uses provide the opportunity for additional employment opportunities in extremely close proximity to a metro station. In conclusion, the Map Amendment is not inconsistent with the Comprehensive Plan, including the Comprehensive Plan’s racial equity goals. Therefore, as



detailed above, the Commission's approval of the rezoning would further actions that would increase racial equity.

**D. Other Citywide Elements**

**1. Land Use Element:**

Some of the main goals of this element include providing adequate housing, particularly affordable housing; conserving, creating, and maintaining inclusive neighborhoods, while allowing new growth that that fosters equity, including racial equity, and accessibility; and enhancing neighborhood commercial districts and centers. While not an exhaustive list, the proposed Map Amendment advances the policies of the Land Use Element as follows:

***Policy LU-1.4.1: Station Areas as Neighborhood Centers***

Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasize affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 307.9

***Action LU-1.4.B: Zoning Around Transit***

With public input, develop and use zoning incentives to facilitate new and mixed-use development, and particularly the provision of new housing, and new affordable housing in high opportunity areas to address more equitable distribution, 307.20

***Policy LU-1.4.6: Development Along Corridors***

Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods,

using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14

The proposed Map Amendment will encourage mixed-use development near a metro station where there is an existing commercial building that has been grandfathered in rather than permitted by-right in this zone.

## 2. Transportation Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Transportation Element as follows:

### ***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. 403.10

### ***Policy T-1.3.1: Transit-Accessible Employment***

Support more efficient use of the region's transit infrastructure with land use strategies that encourage employment locations near underused transit stations. Work closely with the federal government and suburban jurisdictions to support transit-oriented and transit-accessible employment throughout the region. This would expand the use of major transit investments such as Metrorail. Encourage approaches that improve transit access to jobs for low-income residents. 405.7

The proposed Map amendment will produce transit-oriented development around a major transportation corridor, as it is located a block and a half from the metro. This will naturally incentivize investment into surrounding infrastructure. It will also allow for additional job opportunities near a metro station.

## 3. Housing Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Housing Element as follows:

***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. 503.3

***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. 503.5

***Policy H-1.2.9: Advancing Diversity and Equity of Planning Areas***

Proactively plan and facilitate affordable housing opportunities and make targeted investments that increase demographic diversity and equity across Washington, DC. Achieve a minimum of 15 percent affordable units within each Planning Area by 2050. Provide protected classes (see H-3.2 Housing Access) with a fair opportunity to live in a choice of homes and neighborhoods, including their current homes and neighborhoods. 504.17

***Action H-1.2.H: Priority of Affordable Housing Goals***

To advance racial equity in housing, prioritize public investment toward housing production and preservation serving very-low and extremely-low income households. Prioritize public investment in the new construction of, or conversion to, affordable housing in Planning Areas with high housing costs and few affordable housing options. Consider land use, zoning, and financial incentives where the supply of affordable units is below a minimum of 15 percent of all units within each area. 504.29

The proposed Map Amendment will encourage new development on underutilized land.

This will help meet the need for higher-density and affordable housing in the area.

4. Environmental Protection Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the

Environmental Protection Element as follows:

***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. 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. 615.4

The proposed amendment would allow for the development of new buildings compliant with the Green Energy codes, which could include green roofs and other planting elements currently not on site.

#### 5. Economic Development Element

While not an exhaustive list, the proposed Map Amendment advances the policies of the Economic Development Element as follows:

***Policy ED-2.3.1: Growing the Hospitality Industry***

Develop an increasingly robust tourism and convention industry, which is underpinned by a broad base of arts, entertainment, restaurant, lodging, cultural and government services. Strive to increase the total number of visitors to the District, the number of visitors staying in the District, and longer visitor stays in the District. Promote the District not only as the preferred base for exploring Washington, DC's attractions, but also the preferred overnight base for visiting regional attractions. 709.5

***Policy ED-1.1.4: Promote Local Entrepreneurship***

Support District residents, including women-owned businesses and equity impacts enterprises (small, resident-owned Black and Brown business) seeking entrepreneurship opportunities through layered programs, including technical assistance, promotion of District products and services, and market development. 703.15

***Policy ED-1.1.5 Build Capacity and Opportunities***

Focus on building capacity and opportunities to participate in core and growth industries for minority- and women-owned businesses. Ensure under-represented entrepreneurs have access to business opportunities created through public sector spending, anchor institution spending, and corporate supply chains. Provide layered support through technical assistance, product promotion, and market development. 703.16

The Map Amendment will lower the barrier to entry and open the door to business owners who do not have the resources or financial backing to pursue a use variance. Greater commercial uses provide the opportunity for additional employment opportunities in extremely close proximity to a metro station.

6. Near Northwest Area Element:

Per the Comprehensive Plan:

The most significant challenge facing the Near Northwest Planning Area is retaining the physical and social fabric of the community in the face of intense economic pressure. Parts of the area are still trying to find the right balance between development and preservation. This plays out in daily debates on physical planning issues like height, scale, and design, and on social issues relating to changing demographics and cultural values. Policies are needed to address a host of local issues, including the preservation and production of affordable housing; strengthening the opportunities for small and local businesses; maintaining existing and expanding new infrastructure and services, such as schools and recreational spaces, to serve a growing population of families in the area; and addressing the tensions that inevitably result from the area's highly diverse mix of land uses and densities. 2100.9

While not an exhaustive list, the proposed Map Amendment advances the policies of the Near Northeast Area Element and the Mount Vernon Triangle Corridor as follows:

***Policy NNW-1.2.9: Design Review***

Use the historic preservation design review process to promote high quality architecture and urban design in Near Northwest's designated historic districts, including Georgetown, Sheridan-Kalorama, Strivers Section, Dupont Circle, Foggy Bottom, Massachusetts Avenue NW, Mount Vernon Square, 14<sup>th</sup> Street NW, Logan Circle, Blagden Alley, and Shaw. 2109.9

***Policy NNW-2.1.3: Shaw/Howard University and Mount Vernon Square/7<sup>th</sup> Street NW-Convention Center Metro Stations***

Encourage mixed-income residential development with underground parking adjacent to the Shaw/Howard and Mount Vernon Square Metro stations, particularly on existing surface parking lots and Metro station entrances. 2111.7

The proposal balances these goals as the existing building is a contributing building and any additions will go through the Historic Preservation Review Board design process.

**V. CONCLUSION.**

The Applicant is submitting this Petition to amend the Zoning Map for the Subject Properties from RA-2 to MU-8A as is consistent with the Comprehensive Plan, the FLUM, and the policies noted above.