

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

I. Background and Summary of Requested Action

This statement and attached documents support the application of Riggs Road Center, LLC and Avissar Riggs Road, LLC (collectively, the “**Applicant**”),¹ to the Zoning Commission for a Zoning Map Amendment for the property known as Square 3710, Lots 848, 849, and 199 (“**Property**”). The Property is located at 5642 3rd Street NE, 5648 3rd Street NE, and 5650 3rd Street NE in the Lamond-Riggs neighborhood in Ward 4. The Property consists of approximately 84,649 square feet, or approximately 1.94 acres, of land area and is bounded by 3rd Street NE to the east, commercial and industrial buildings to the north and south, and Metrorail and CSX tracks to the west. The Property is approximately one-half mile walking distance from the Fort Totten Metrorail Station. The Property is currently improved with industrial buildings and is zoned PDR-1, as shown on Exhibit A. The Applicant requests that the Property be rezoned to MU-4 to facilitate future redevelopment of the Property with a mixed-use project.

This application is being filed as a contested case pursuant to Subtitle Z §§ 201.2 and 304 and Subtitle X, Chapter 5 of the Zoning Regulations. As discussed in more detail below, the application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10A DCMR (Planning and Development) § 100 et seq. (the “**Comprehensive Plan**”), as well as the goals and policies of the District of Columbia.

Submitted in support of this application are completed application forms, a copy of the notice of intent to file a rezoning application that was mailed to surrounding property owners (with the certification of mailing and list of property owners), and a map depicting the zone districts for

¹ Although the Property is owned jointly by the Applicant, the owner is incorrectly listed as David Aaronson in the records of the D.C. Office of Tax and Revenue. Mr. Aaronson is a managing member of Riggs Road Center, LLC and has authorized the filing of this rezoning application. See Exhibit B.

the Property and surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a map amendment under Subtitle X, Chapter 5 and Subtitle Z, Chapter 3 of the Zoning Regulations.

II. Compliance with the Comprehensive Plan.

Pursuant to Subtitle X § 500.3, to approve a Zoning Map Amendment, the Zoning Commission is required to find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site. As discussed in detail below, the proposed MU-4 zoning is consistent with the Future Land Use Map (“**FLUM**”) designation for the Property, the Riggs Road and South Dakota Avenue Area Development Plan (“**Small Area Plan**”), the Rock Creek East Area Element of the Comprehensive Plan, and the Comprehensive Plan’s Land Use Element.

A. Future Land Use Map

The requested Zoning Map Amendment is fully consistent with the FLUM designation for the Property. The FLUM designates the Property for mixed use Moderate Density Residential and Moderate Density Commercial, as shown on Exhibit D. This designation was specifically recommended by the Riggs Road and South Dakota Avenue Area Development Plan approved in 2009, as discussed in more detail below, and has now been incorporated into the FLUM.

The Moderate Density Residential category is characterized by a mix of low-rise apartment buildings, 2–4 unit residential buildings, row houses, and single family homes. 10-A DCMR § 225.4. The Moderate Density Commercial designation is characterized by retail, office, and service businesses, with areas within this category ranging from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. *Id.* § 225.9. The corresponding zones for the Moderate Density Commercial

designation are generally “C-2-A, C-2-B, and C-3-A, although other districts may apply,” *id.*, which corresponds to the MU-4, MU-5-A, and MU-7 zones under the current Zoning Regulations adopted in 2016. Accordingly, the proposed rezoning to MU-4 is consistent with the Property’s FLUM designation.²

B. Small Area Plan

The proposed rezoning furthers the goals and objectives of the applicable Small Area Plan. The Property is located within the study area for the Riggs Road and South Dakota Avenue Area Development Plan, attached as Exhibit J, which was developed by the Office of Planning in partnership with the Lamond-Riggs Citizens Association and the Lamond-Riggs Development Task Force and was approved by the D.C. Council on March 3, 2009.

The Property is located within the Small Area Plan’s primary study area, which encompasses properties that are one quarter mile or less from the Fort Totten Metrorail Station. The Small Area Plan stresses the importance of the Fort Totten Metro Station as one of the only Metro exchanges outside of downtown, serving the Red, Green, and Yellow lines. The plan notes, however, that, “[d]espite the volume of public amenities and proximity to Metro, the project area has poor walkability and suffers from unclear pedestrian paths. See Exhibit J at 11. The Small Area Plan further states that “[t]he land uses [within the study area] are inconsistent with pockets of light and heavy industrial uses interspersed with residential and commercial development.” *Id.*

The Property is within an opportunity site identified in the Small Area Plan, specifically, the “Riggs Road North Industrial Site.” See Exhibit J at 2 and 30. The Riggs Road North Industrial Site epitomizes the conflicting land uses that the Small Area Plan seeks to rectify, with industrial

² We note that this application requests a rezoning to the current MU-4 zone under existing regulations. If the text amendments proposed in Z.C. Case No. 18-06 to create a new MU-4A zone are ultimately adopted, the Property would be redesignated to the MU-4B zone as proposed in that case.

warehouse uses backing up to low-rise residential development on 2nd Street NE and directly at odds with the residential neighborhood that is to the east of the site. Accordingly, the Small Area Plan specifically recommends a change in land use designation for the Riggs Road North Industrial Site, including the Property, from PDR to moderate density mixed-use. *Id.* at 30–31. This application seeks to rezone the Property in conformance with this recommendation, which is now reflected on the FLUM, as discussed above.

C. Area Element

The requested rezoning furthers the goals of, and is consistent with, the Rock Creek East Area Element of the Comprehensive Plan, in which the Property is located. Relevant to this application, the Rock Creek East Element emphasizes the need to resolve the inconsistency between the residential and industrial uses that currently exist in the area immediately surrounding the Property. The Area Elements states,

As neighborhood commercial areas are upgraded, the potential for conflicts due to traffic, noise, litter, and other environmental impacts must be recognized and proactively addressed. In addition, **conflicts caused by existing commercial and industrial uses in the community need to be addressed more effectively. This is particularly true in Petworth (along Georgia Avenue) and in Takoma and Lamond-Riggs near the CSX Railroad tracks. For years, these neighborhoods have dealt with semi-industrial uses such as auto repair shops, bus storage, maintenance yards, and distribution centers, in some cases immediately adjacent to single family homes.** These uses are important to the city and provide jobs and needed community services for Rock Creek East residents. But they also generate truck traffic, fumes, odors, noise, and vibration-often without buffering. **Over the next 20 years, steps should be taken to reduce the land use conflicts and visual blight associated with industrial uses in such locations as Blair Road, Chillum Place, and Upshur Street. In a few cases, this may mean phasing out industrial and “heavy commercial” uses and replacing them with housing or mixed uses.**

10A DCMR § 2207.2(d).

As discussed above, the Small Area Plan specifically identifies the Riggs Road North Industrial Site. Which includes the Property, as one of the areas in which industrial uses should be

transitioned to mixed-use development, and the proposed rezoning of the Property from PDR-1 to MU-4 achieves this objective.

D. Land Use Element

The proposed Zoning Map Amendment is consistent with the relevant provisions of the Comprehensive Plan's Land Use Element. Most notably, the requested rezoning furthers the District's planning objectives for transit-oriented development. The Land Use Element emphasizes that "[f]ully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and long transit corridors." 10A DCMR § 306.2. Further, while the Land Use Element observes the need to preserve the District's supply of industrial land, it explicitly recognizes that such sites should be rezoned if located near Metro or in the midst of stable residential neighborhoods. *See* 10A DCMR § 314.10, Policy LU-3.1.4: Rezoning of Industrial Areas. Here, the Property is both in close proximity to Metro — approximately one-half mile walking distance from the Fort Totten Metro Station — and adjacent to an existing residential neighborhood. Accordingly, the Property is precisely the type of site for which a change in zoning to mixed use is appropriate.

III. Community Outreach

The Applicant mailed a Notice of Intent on May 11, 2018, to Advisory Neighborhood Commission ("ANC") 4B and all property owners located within 200 feet of the Property. A copy of that Notice of Intent is included in Exhibit E. The Applicant presented the proposed rezoning to ANC 4B at its regularly scheduled public meeting on June 25, 2018. The Applicant has also been in contact with Commissioner Barbara Rogers, the Single Member District Representative for ANC 4B08, in which the Property is located. The Applicant will continue its community outreach as this application proceeds.

IV. Exhibits

The following exhibits are attached to this statement:

- Exhibit A Application Form
- Exhibit B Authorization Letters
- Exhibit C Zoning Map Excerpt
- Exhibit D Comprehensive Plan Future Land Use Map Excerpt
- Exhibit E Certificate of Notice
- Exhibit F Compliance with Regulations
- Exhibit G List of Publicly Available Documents
- Exhibit H List of Property Owners within 200 Feet of the Property
- Exhibit I Surveyor's Plat
- Exhibit J Riggs Road and South Dakota Avenue Area Development Plan

V. Conclusion

For the foregoing reasons, we respectfully request that the Commission set this Zoning Map Amendment application down for a public hearing at its earliest convenience.

Respectfully,

_____/s/_____
John T. Epting

_____/s/_____
Lawrence Ferris