GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Zoning Commission

FROM: Ellen McCarthy,
Interim Director

DATE: March 11, 2005

SUBJECT: Supplemental Report on Zoning Commission Case Number 04-16, A Proposed Zoning Text Amendment to Create the Takoma Neighborhood Commercial Overlay District and Map Amendment to Map the Overlay

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The Zoning Commission set down this petition during its public meeting on June 14, 2004. The Commission afforded the Office of Planning (OP) additional time to continue working with the Office of the Attorney General and further refine the draft amendment text Revised draft text was advertised on August 13, 2004, for a public hearing scheduled for January 24, 2004

During the public hearing, the Zoning Commission, after expressing concern about the lack of public comment, instructed that the public record be kept open to allow the Advisory Neighborhood Commission (ANC) time to file a recommendation The Commission also directed OP to prepare a supplemental report contrasting the current proposal with issues raised or requests made by the community

The proposed Takoma Neighborhood Commercial Overlay District would.

- designate portions of the ground floors of new construction along Central District arteries for designated neighborhood-serving uses,
- limit office-type uses that would not add vitality to the retail street frontage,
- require a ground floor height of 14 feet clear sufficient to accommodate the designated neighborhood serving uses,
- limit restaurant uses and prohibit drive-through accessory uses,
- limit additional curb cuts that would further disrupt the potential continuity of retail store frontages, and
- set new construction back 13-feet[1] to provide uniform space along right-of-way frontages to accommodate pedestrian circulation.

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[1] measured from the abutting curbline

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District of Columbia
CASE NO.04-16
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The current OP proposal would modify previously advertised amendment text to make the proposed overlay zone district more consistent with the Preferred Land Use Concept in the 2002 Takoma Central District Plan by

- exempting new residential construction along Blair Road frontage of Square 3187, and Cedar Street frontage of Square 3352 and 3353 (western portion) from the proposed Section 1302 4, and
- not allowing subsequent changes to ground floor residential uses in exempted buildings that do not meet other requirements of the overlay, including a minimum ceiling height of 14 feet clear

An Office of Planning representative participated in a joint meeting of single-member districts 4B01 and 4B02 on Monday evening, February 21, 2005 (President's Day) Staff did not attend a special meeting of ANC 4B held on Saturday, March 5, 2005

ORGANIZATION
The balance of this report consists of a table outlining ANC and citizen comments from the public record on the current legislation, and OP's categorical responses (refer to Exhibit 1)

RECOMMENDATION
Based on comments received, the Office of Planning continues to support Text and Map Amendments recommended for approval per the Final Report dated October 18, 2004

Attachments. Exhibit 1 Comment, Suggestion and Response Table

AA/afj

Exhibit 1

Comment, Suggestion and Response Table

#	Comments/Change Suggestions	Categorical Response
	Eight (8) letters support the proposed text and map amendments.	
1.	• **ANC 4B** voted 5-2 to accept the Takoma Overlay Plan (Z.C. 04-16) with a quorum present on March 5, 2005 • **Plan Takoma** voted to support the proposed overlay on March 5, 2005 • Letter from Ric Doery dated February 22, 2005 • Letter from G. Kerr and M. Ringwald stamped February 23, 2005 • Letter to Zoning Commission from Jena Price dated February 28, 2005 • Letter from Nancy and Stephen Smith dated March 1, 2005 • Letter from Lisa Cutler dated March 4, 2005 • Letter from David K. Arthur dated March 7, 2005	Support current recommendation per Final Report dated October 18, 2005. **Recommendation:** Adoption of the current legislation as amended.
	Eight (8) letters suggested limiting building heights either to 4 stories or 50 feet [2]	
2.	• Letter from S. Baron and L. Pearsall, Historic Takoma, Inc. dated March 7, 2005 • Letter from Leonard and Vivien Rubin dated March 3, 2005 • Letter from Richard Holzager dated March 1, 2005 • Letter from Clara B. Scott dated March 2, 2005 • Letter from Ruth E. Foster dated March 4, 2005 • Letter from Carol Rende stamped March 7, 2005 • Letter from Sara Green dated March 7, 2005 • Letter from Loretta Neumann dated March 7, 2005	Reference to proposed Section 1310.10 The intent of this provision is to maintain the current residential potential under the C-2-A zone district. Maintaining this potential will encourage the critical mass of residents necessary to support a revitalized Central District. New construction is only eligible for the additional 5 feet of height over that portion of the building with a minimum floor to ceiling height of 14 feet clear on the ground floor. With regard to concerns about the building height potential under the proposed overlay, note that:

[2] A related suggestion raised during the joint single-member district meeting was to modify the allowable height where the overlay abuts residences.

#	Comments/Change Suggestions	Categorical Response
		• the existing C-2-A zone district currently allows a maximum height of 50 feet, sufficient for 5 floors of construction; • the additional 5 feet alone is not sufficient to create a usable floor level; • the additional building height offsets the more favorable floor-to-ceiling dimension of 14 feet clear on the ground floor; and • the C-2-A zone district does not limit the number of stories. Historic Preservation Review Board (HPRB) would continue to scrutinize the potential impacts of new construction on historic properties and contributing buildings within the Takoma Historic District. In the past, the Board has successfully worked with developers to resolve issues related to inappropriate building heights and massing. **Recommendation:** Adoption of the current legislation as amended including the new definition of "floor-to-clear height clear."
Two (2) letters expressed concern about the impact on historic properties.		
3.	• Letter from S. Baron and L. Pearsall, Historic Takoma, Inc. dated March 7, 2005 • Letter from Loretta Neumann dated March 7, 2005	Reference the preceding Categorical Response

#	Comments/Change Suggestions	Categorical Response
	One (1) letter questioned the need for the 13-foot setback from the curb.	
4.	• Letter from Leonard and Vivien Rubin dated March 3, 2005	Reference to proposed Section 1310.8 One of the goals of this overlay is to ensure a minimum building setback from the curb line. The intent is that, over time, continuous open space would remain available for pedestrian circulation and for abutting enterprises to extend their business onto the streetscape. Active retail streets would make the Central District more attractive to potential retail brokers and tenants. The overlay setback would not require sidewalk construction. **Recommendation:** Adoption of the current legislation as amended.
	One letter (1) sought additional design controls for new construction	
5.	• Letter from Clara B. Scott dated March 2, 2005	Architectural design standards Urban Design guidelines under the Implementation Plan of the Takoma District Plan include, "Improve built edges, public frontages, and retail storefronts along major commercial corridors and pedestrian connections." A related Action Item is "Improve overall streetscape quality" (refer to page 62). Historic Preservation Review Board (HPRB) would continue to scrutinize the potential impacts of new construction on historic properties and contributing buildings within the Takoma Historic District. In the past, the Board has successfully worked with developers to resolve issues related to inappropriate building heights and massing. **Recommendation:** Adoption of the current legislation as amended including the new definition of "floor-to-ceiling height clear."

#	Comments/Change Suggestions	Categorical Response
One (1) letter was concerned about the lack of community discussion.		
6.	• Letter from Sara Green dated March 7, 2005	Public participation and review Over an 8-month period, the Takoma Central District Plan Working Group, consisting of citizens from D.C. and Maryland, and area business owners, worked with planning and design consultants and OP to draft a framework for revitalizing the Takoma Central District. Extensive input and suggestions were received from area residents throughout the course of this effort. The resulting Plan was subsequently approved by the Council of the District of Columbia on June 4, 2002 OP representatives presented the proposed legislation to the community on two occasions prior to the Zoning Commission set down meeting: a meeting arranged and hosted by Plan Takoma on April 27, 2004 (we understand the three affected single-member district members were present); and with owners of property within the proposed overlay district boundaries district on June 1, 2004. After the Zoning Commission Public Hearing was rescheduled from October 28, 2004 to January 24, 2004, OP staff forwarded copies of the Final Report dated October 18, 2004 to single-member representatives of ANC 4B01, 4B02 and 4B07. After the January public hearing, staff participated in a combined meeting of single-member districts 4B01 and 4B02 on February 14, 2005 (President's Day). No staff was present for the special ANC meeting on March 5, 2005. The proposed text and map amendment is intended to reflect, in large part, both Action Items listed under the Land Use section of the Revitalization Implementation Plan component:

#	Comments/Change Suggestions	Categorical Response
		• Establish a zoning overlay district to along Carroll and 4th Streets "to require retention and establishment of ground floor retail uses;" and • "Limit negative activities and inappropriate uses through targeted rezoning." The legislation also encompasses the following Action Item under Market Economics (refer to page 61): • "Investigate a zoning overlay district that ensures retention and establishment of small to moderate scale ground floor retail uses in a continuous pattern along Carroll Street." **Recommendation:** Adoption of the current legislation as amended.
Other concerns raised by S. Baron and L. Pearsall, Historic Takoma, Inc.:		
7.	• Ensuring that the 55-foot height is not exceeded anywhere on-site.	Measurement of building height Section 199.1 of the Zoning Regulations defines "Building Height" and "Natural Grade" as amended per Final Order 02-35. OP does not support revising these definitions for the Central District, or revising Section 411 that allows additional height for certain roof structures. **Recommendation:** Adoption of the current legislation as amended.
8.	• That the requirement for a floor-to-ceiling height of 14 feet clear on the ground floor not apply to historic buildings renovated for retail use.	Ground floor heights in contributing buildings Proposed Section 1310.9 would only require a minimum clear floor-to-ceiling height of 14 feet on the ground floor level of new construction and building additions. Renovations of existing historic or contributing buildings would not be subject to this

#	Comments/Change Suggestions	Categorical Response
		requirement. Issues related to additions to the same would first be subject to HPRB review, and could be subject to special exception relief under existing Section 1304 (as are all other provisions of Neighborhood Commercial Overlay zone districts). **Recommendation:** Adoption of the current legislation as amended.
9.	• Possibly make the referenced ground floor height requirement optional.	<u>Consistency of the preferred floor-to-ceiling height</u> OP considers it important that new retail space is constructed to a consistent minimum height in order to effectively market the burgeoning Central District. Consultants to OP recommended 14 feet as the minimum height necessary to be competitive for quality retail in the current market. Providing a lesser height for an initial tenant (that could be achieved by means of a drop ceiling, for example) should not be allowed to impact subsequent leasing decisions by future tenants desiring more standard lease space. **Recommendation:** Adoption of the current legislation as amended.
Other concerns raised by Loretta Neumann		
10.	• Information that the current proposal is an "all or nothing" proposition because additional suggestions would requires a new study.	<u>Consideration of legislation changes.</u> OP has explained, in response to inquiries, that changes to the pending legislation that *exceed* or are *more* restrictive than advertised (for example, restricting building heights or requiring new setbacks) would probably merit re-advertising the modified language, soliciting additional public comment and possible rehearing prior to final Commission action. However, less restrictive changes may not require additional public comment. In either case, the Commission would make the final

#	Comments/Change Suggestions	Categorical Response
		determination.
11.	• The overlay would give a false impression that area sites can be developed to the maximum allowed under zoning.	Reference previous Categorical Responses to Comment & Change Suggestions #2., 4., and 5
12.	• That future development not exacerbate current traffic and parking problems in the area.	Impacts of future development Matter-of-right development proposals would still have to meet requirements of current Zoning Regulation and Building Code provisions, including parking requirements. Please note that the intensity of planned unit developments (PUD) under the Takoma Overlay District would be limited to matter-of-right floor area and height limits per Section 1305 of the current Zoning Regulations, and would be reviewed by the Department of Transportation.