

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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D.C. OFFICE OF ZONING

RECEIVED

Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: *H.S. Fev*
Harriett Tregoning,
Director

DATE: May 2, 2007

SUBJECT: Preliminary Report on Zoning Commission Case Number 07-14, a Proposed Zoning Map Amendment to Make Proposed Lot 817 on Square 3848 Consistent with the Adopted Comprehensive Plan

PETITION

In May 1, 2007, Israel Manor, Inc. filed a petition with the Office of Zoning on behalf of Brentwood Outlets, LLC, the applicant, requesting that the Zoning Commission rezone the area of proposed lot 817 on Square 3848 from General Industry (M) and Commercial-Light Industry (C-M-2) districts to Commercial Business Center (C-2-B), a classification more consistent with the Generalized Land Use Map of the "Comprehensive Plan Amendment Act of 2006."

If approved, Israel Manor, Inc., contractor purchaser of this property, currently plans to construct a 4-story building on the new lot with approximately 33 units of low-income or affordable senior housing.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down this application for a public hearing.

BACKGROUND

Area Description

This area is a portion of the 22-acre Brentwood Shopping Center tract and the subdivision plat for this lot has not been filed with the Office of the D.C. Surveyor. The subject 22,961 square-foot (0.53 acre) land area extends southeast of the Washington Place intersection with Rhode Island Avenue, N.E. This area slopes down significantly from the southeast boundary towards Rhode Island Avenue and is currently undeveloped except for paved sidewalks along the Rhode Island Avenue and Washington Place frontages, and from 10th Street, N.E. to the Brentwood Shopping Center.

ZONING COMMISSION
District of Columbia

CASE NO.

07-14

EXHIBIT NO.

12

Surrounding development consists of automotive uses and light-industrial buildings to the north across Rhode Island Avenue, N.E., a NationsBank branch facility on the abutting property to the northeast, the extensive Home Depot Store parking area and the Brentwood Shopping Center atop the hill to the south and southwest, and the Washington Metropolitan Transit Authority (WMATA) Rhode Island Metro rail station commuter parking lot to the west across Washington Place, N.E. recently approved for a mixed-use development in Zoning Commission Case No. 04-24 which calls for construction of two 4-5-story medium-density residential buildings with 272 apartments, 70,000 square feet of ground floor commercial lease space, and 451 parking spaces within the existing commuter parking area.

The subject area is split zoned with the northern quarter within a C-M-2 district and remainder in an M district. The abutting bank branch is in the same C-M-2 district while properties further north across Rhode Island Avenue are in a Community Business Center (C-2-C) district. The shopping center to the south is in a M district, residences to the east along 10th Street, N.E. are in a R-5-A district and the WMATA property to the west across Washington Place is in a C-2-B district¹ (please refer to Exhibit 1).

Existing Zoning

The area of the proposed lot is subject to the following zoning requirements:

District	Predominant Use	Floor Area Ratio		Height
		Allowable Residential	Allowable Non-Residential	
C-M-2	Heavy commercial and light manufacturing uses	0	4.0	60 ft. Unlimited stories
M	Heavy industrial uses	0	6.0	90 ft. Unlimited stories

The current zoning pattern only allows retail, commercial and manufacturing uses while new residential uses² are not allowed, thus the existing pattern is inconsistent with the Generalized Land Use Map and Comprehensive Plan adopted with the 2006 amendment (refer to the Comprehensive Plan section below). The proposed C-2-B zone district has the following requirements:

District	Predominant Use	Floor Area Ratio		Height
		Allowable Residential	Allowable Non-Residential	
C-2-B	Mixed low-to-moderate retail, commercial and residential uses	3.5	1.5	65 ft. Unlimited stories

¹ Rezoned on September 15, 2005 per Zoning Commission Order No. 04-24, the First-Stage approval of a planned unit development for the station property that included a Zoning Map amendment

² Residential uses existing on May 12, 1958, apartments for a caretaker or as part of an artist's studio and hotels and motels are allowed

As stated in the Zoning Regulations:

“720.6 The C-2-B district is designated to serve commercial and residential functions similar to the C-2-A district, but with high density residential and mixed uses.

720.7 The C-2-B districts shall be compact and *located on arterial streets*, in uptown centers, *and at rapid transit stops*.

720.8 In the C-2-B district, *building use may be entirely residential, or may be a mixture of commercial and residential uses.*”(emphasis added)

Although the regulations make reference to high density development, allowable floor area ratios (FAR) of 1.5-3.5 are consistent with low-moderate density development. Otherwise the C-2-B district was created to support a mixture of retail, commercial and residential uses in compact areas near rapid transit. The proposed lot area is consistent with these characteristics. Establishing this district on this property would effectively extend the C-2-B district on the WMATA property, established under PUD Order 04-24, across Washington Place.

Comprehensive Plan

Under the 2006 Comprehensive Plan, the subject property falls within the Rhode Island Metro Land Use Change Area, an indication that the existing pattern of land uses and zoning should be considered for change. The specific future plan designation is for mixed-use consisting of medium density residential and medium density commercial land (refer to Exhibit 2). As a result, rezoning the property to allow a mixture residential and commercial uses would not be inconsistent with the referenced Land Use Policy Map designation. The proposed change would also support a number of policies in the Plan.

Policy LU-1.3.1, Station Areas as Neighborhood Centers, states, “Encourage the development of Metro stations as anchors for economic and civic development *in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, 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 which the stations provide. ...*Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station ... [306.10].”

Policy LU-1.3.2, Development Around Metrorail Stations, adds, “*Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance.*

Ensure that development above and around such stations emphasizes land uses and building forms which *minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas* [306.11].”

Policy LU-1.3.3, Housing Around Metrorail Stations, says, “*Recognize the opportunity to build senior housing and more affordable ‘starter’ housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations* [306.12].” ...

Policy LU-1.4.1, Infill Development, states, “*Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create ‘gaps’ in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern* [307.4].”

As explained in the introduction to Policy H-1.1, Expanding Housing Supply, “*Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs* [503.1].” Specifically this policy highlights the need for:

- Private Sector Support (Policy H-1.1.1): “*Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives* [503.2].” ...
- Balanced Growth (Policy H-1.1.3): “*Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing* [503.4].”
- Mixed Use Development (Policy H-1.1.4): “*Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations* [503.5].”(emphasis added)

This proposed rezoning supports these policies by:

- Increasing neighborhood stability by extending the mixed-zoning approved under Order 04-24 for the PUD site, thereby allowing greater flexibility for developing vacant and underutilized land near the Rhode Island Metro rail station;
- Increasing the potential for infill development and growth immediately adjacent to a Metro rail station area;
- Encouraging development of a scale similar to that approved under the adjacent Metro station PUD;
- Increasing the development potential of lands in a location with immediate access to mass transit on a site that reduces the need to use the automobile and would enhance transit ridership;
- Encouraging mixed use development, including housing, on commercially zoned land abutting the major commercial corridor of Rhode Island Avenue, N.E. and proximate to a Metro rail station; and
- Increasing the opportunities for housing and affordable housing with immediate access to shopping in an area "... consistent with District land use policies and objectives."

Establishing the proposed C-2-B district would also substantially reduce the overall maximum permitted height and density of development allowed under the current industrial zoning, thus eliminating the potential negative impacts of such large scale non-residential development on existing residential neighborhoods to the east, and the potential for future residential and mixed-use development to the north across Rhode Island Avenue, N.E.

Smart Growth Assessment

The proposed zone change would also supports the following Smart Growth principles by:

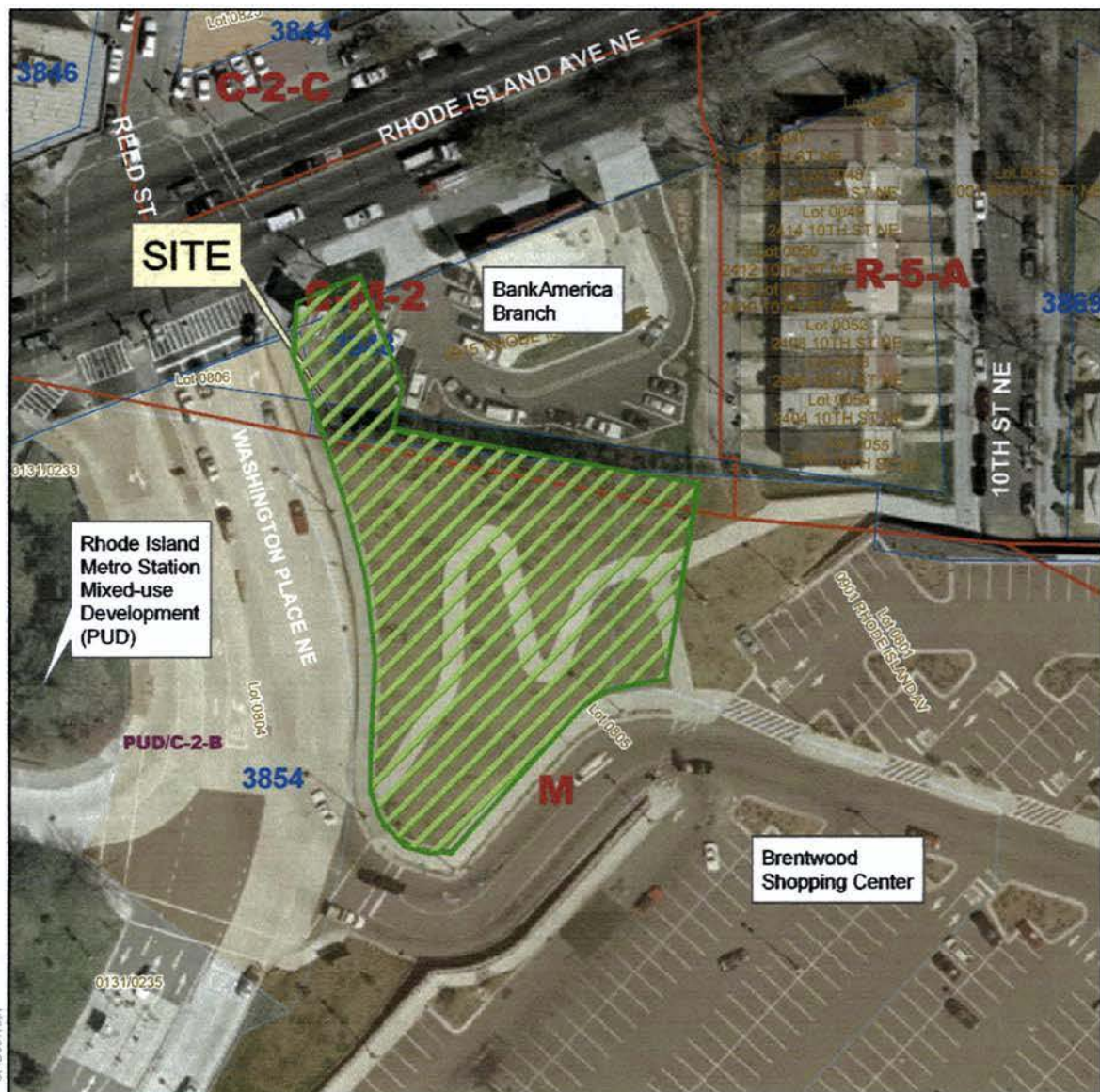
- Mix of Land Uses: Further integrating potential mixed land uses into the community;
- Take Advantage of Compact Building Design: Providing land use flexibility that encourages compact development on this 0.52 acre property;
- Create Range of Housing Opportunities and Choices: Creating addition housing opportunities in a desirable location to live, work, worship and address daily needs (shopping for clothes, groceries, etc.);
- Create Walkable Neighborhoods: Creating the potential for expanded housing and shopping opportunities around a multi-modal transportation hub;
- Strengthen and Direct Development Towards Existing Communities: Expanding development potential in an area already served by adequate infrastructure; and
- Make Development Decisions Predictable, Fair and Cost Effective: Increasing predictability by eliminating the possibility of industrial uses.

CONCLUSION

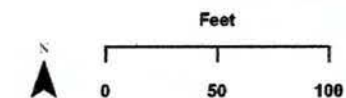
Based on the above information, the Office of Planning finds that the proposed map amendment would not be inconsistent with the District of Columbia Comprehensive Plan or the Future Land Use Map. It is also consistent with certain Smart Growth principals. OP therefore recommends the Zoning Commission set this case down for public hearing.

HT/afj

Attachments: Exhibit 1 Aerial Map with Zoning
Exhibit 2 Generalized Land Use Plan Designation



Zoning Commission Application No. 07-14



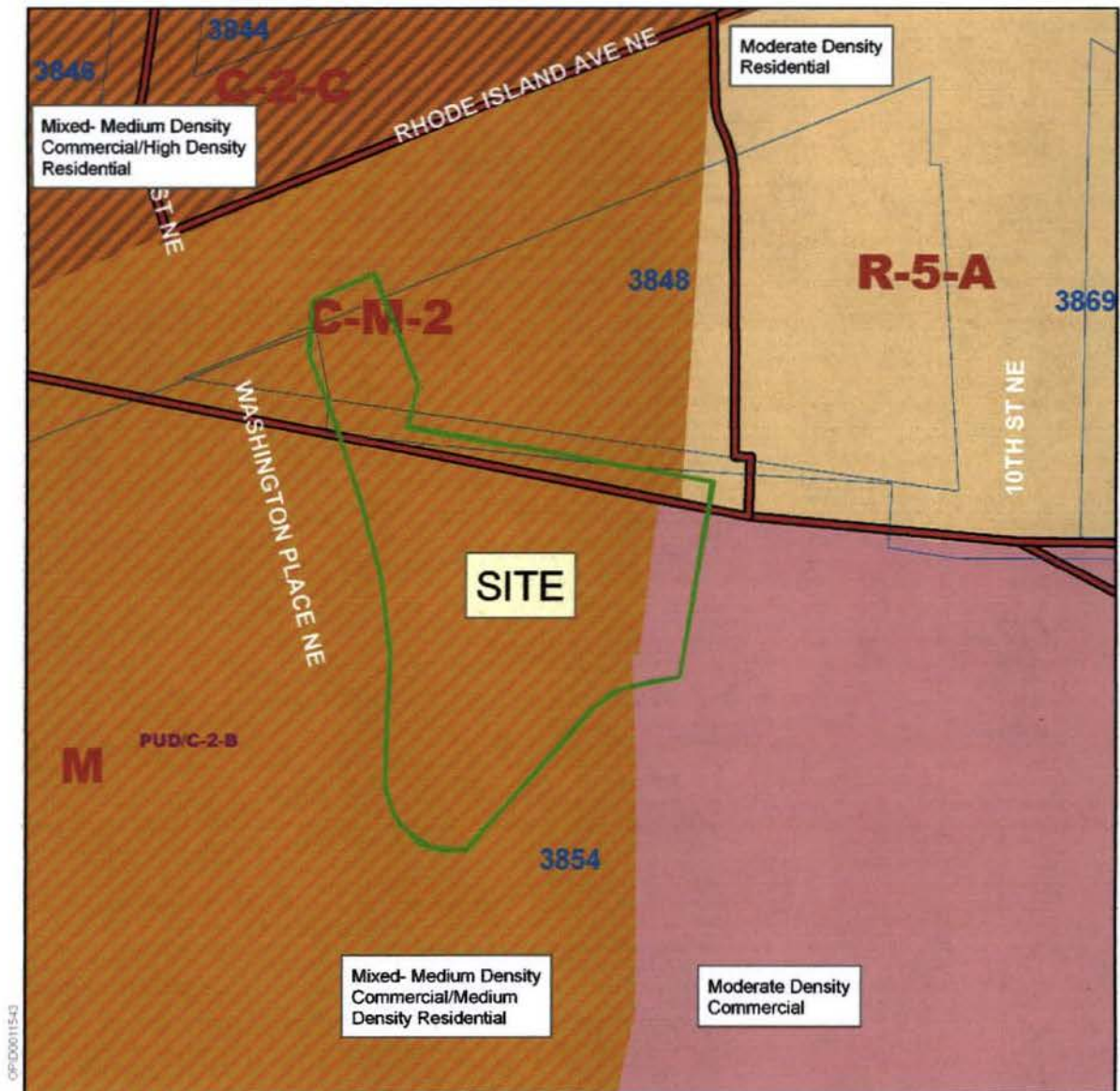
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District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ May 2, 2007

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.

Legend

- Property Squares
- Zoning Districts
- Tax Lots
- Record Lots
- Parcels
- Zoning Label



Zoning Commission Application No. 07-14 **Generalized Land Use Plan Designation**



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