

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: DC Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: August 27, 2007

SUBJECT: Final Report on Zoning Commission Case Number 07-14A, a Proposed Zoning Map Amendment to Make Proposed Lot 817 on Square 3848, and Lots 800, 801 and 802 on Square 3854 Consistent with the Generalized Land Use Map of the 2006 Comprehensive Plan

BACKGROUND

The Office of Planning (OP) presented its preliminary report on a rezoning application submitted by Israel Manor, Inc., on behalf of Brentwood Outlets, LLC, to rezone 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) on May 14, 2007. The stated purpose of this application was to make the current zoning more consistent with the Generalized Land Use Map of the "Comprehensive Plan Amendment Act of 2006."

In response to concerns expressed by the Zoning Commission, the Office of Planning compared the zoning pattern on surrounding properties south of Rhode Island Avenue, N.W., north of Brentwood Road, and east of the railroad rights-of-way with the current Comprehensive Plan designations in the amendment, then recommended that additional properties be included for consideration in this zoning consistency case.

RECOMMENDATION

The Office of Planning (OP) recommends approval of the proposed map amendment to rezone lot 56 and proposed lot 817 and on Square 3848, and lots 800, 801 and 802 on Square 3854 from M and C-M-2 districts to a C-2-B district.

ANALYSIS

As stated previously, OP made the following determinations based on a review of the Comprehensive Plan and zoning patterns:

- the referenced Mixed-use Medium-Density residential and Medium-Density commercial designation extends from the middle of the railroad right-of-way, across the Washington Metropolitan Transit Authority (WMATA) Rhode Island Metro Station property and subject property, to the approximate eastern boundary of the branch bank property, and

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CASE NO. 07-14A
EXHIBIT NO. 8

south onto Brentwood Shopping Center and Brentwood Postal Facility sites on Square 3605 and a portion of Square 3854;

- a majority of the shopping center property to the south and west is designated Moderate Density commercial which is consistent with the existing shopping center use on Squares 3854; and
- nearly all the postal facility property on a portion of Square 3605 is designated for Federal use (refer to Exhibit 1).

The following properties were subsequently eliminated from rezoning consideration:

- The US postal facility development on Square 3605 because it is currently in an M district, which is not inconsistent with its current federal land use designation.
- The existing Rhode Island Metro Station commuter parking, site of the approved Rhode Island Metro Station Planned Unit Development (PUD) that will redevelop the lot for mixed-use residential and retail development in accordance with Order 04-24. The associated Map Amendment rezoned the site from M to a C-2-B district that allows moderate to medium density mixed residential and commercial development, which is not inconsistent with its current Mixed-use Medium-Density residential and Medium-Density commercial designation.

Remaining properties are:

Site	Comprehensive Plan Designation	Existing Zoning	Consistent with Comp Plan?
Entire 22-acre shopping center tract	Moderate Density commercial; and Mixed-use Medium-Density residential commercial	Split-zoned: high-density M, medium-density C-M-2 and moderate-density C-M-1 industrial	No; zones do not allow residential
Adjacent branch bank property	Mixed-use Medium-Density residential and Medium-Density commercial	C-M-2 industrial	No; does not allow residential uses.

The zoning map in the vicinity of the subject area currently includes the following zone districts:

- The C-2-C district is north of the site across Rhode Island Avenue, N.W. C-2-C is a medium to high density community business commercial district.
- The C-2-B district is the zone associated with the approved PUD. C-2-B is a moderate to medium density community business district.
- The C-3-A district is shown west of the railroad tracks and north of Rhode Island Avenue, NE. C-3-A is also a moderate to medium density major business commercial district.

Since the surrounding commercial and mixed-use projects are (or will be) developed to a moderate density, the C-2-B district was recommended for the remaining two properties.

Matters related to zoning regulations and the Comprehensive Plan are established by Section 5-414 of the D.C. Code, which reads, in relevant part: "Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan...." The role of the Comprehensive Plan in guiding government action is also provided for in the law: "The purposes of the District elements of the Comprehensive Plan for the National Capital are to . . . [g]uide executive and legislative decisions [and to] [g]uide private and public development in order to achieve District and community goals [.]" (Sec. 1-245(b))

COMMUNITY COMMENT

The Office of Planning contacted the Advisory Neighborhood Commission (ANC) 5A single-member district representative for the area of the proposed rezoning about making a presentation to their constituents. The representative agreed to arrange a community meeting where this application could be presented. When contacted about a similar presentation before the full ANC, the ANC Chair deferred to the community directly impacted by this rezoning proposal.

After the OP presentation at Israel Baptist Church on August 6, 2007, residents and the representative expressed concerns about the ultimate reasons for this rezoning, and the potential long-term impacts of the zone change upon the community in terms of undesirable land uses (such as adult uses) and additional traffic congestion. OP staff stressed that, although prompted by a rezoning application for a single proposed lot, this expanded rezoning proposal attempts to consider area zoning-consistency under the new Generalized Land Use Map in a more comprehensive manner. It was also emphasized that future matter-of-right development would not be allowed unless it meets the requirements of the Zoning Regulations, and other applicable development standards.

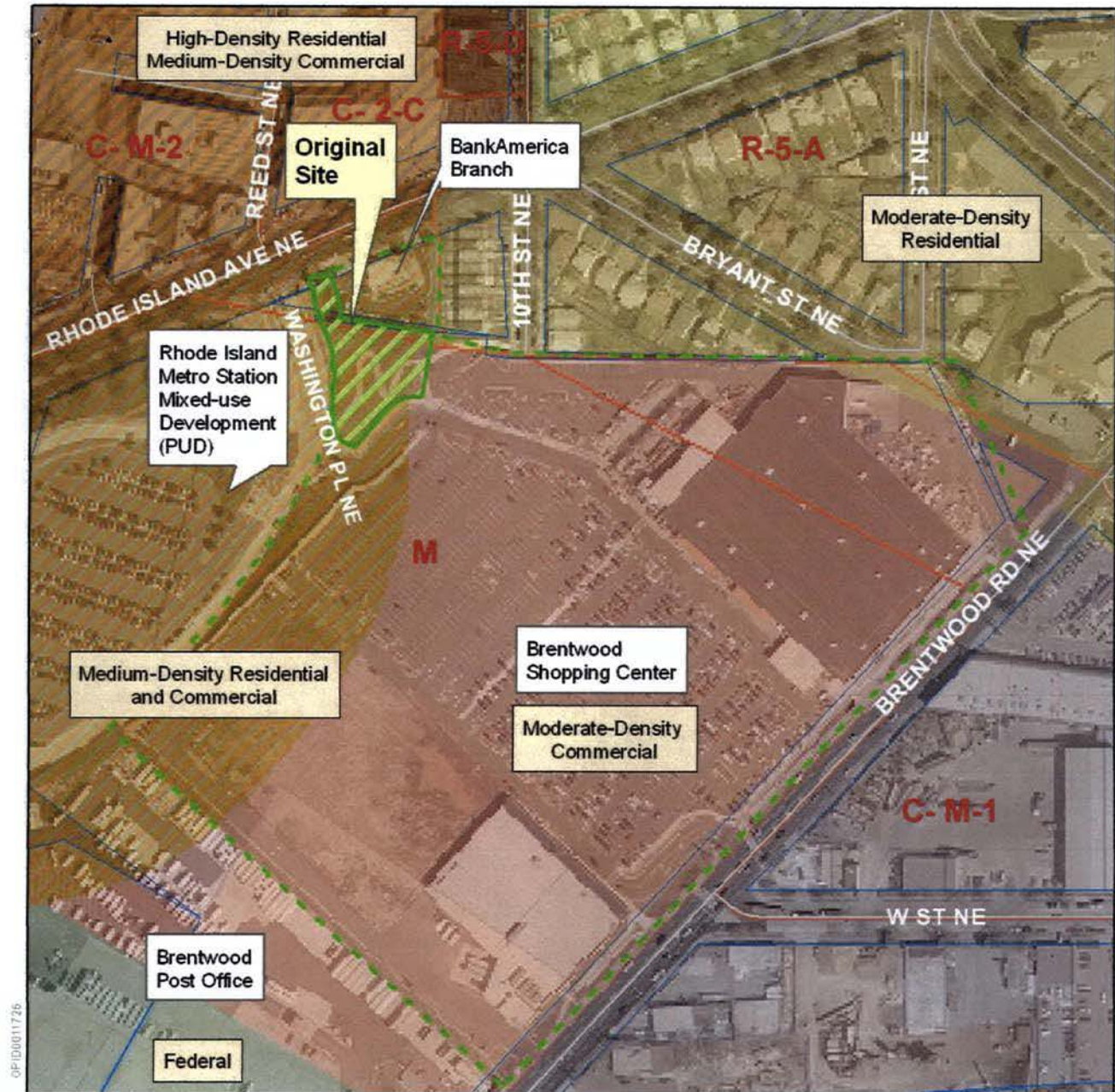
A presentation is scheduled before the Brentwood Hills Civic Association on September 4, 2007.

CONCLUSION

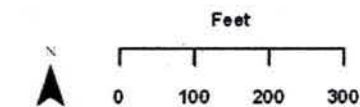
The Office of Planning recommends approval of the proposed map amendment to rezone lot 56 and proposed lot 817 and on Square 3848, and lots 800, 801 and 802 on Square 3854 from M and C-M-2 districts to a C-2-B district to so these properties will not be inconsistent with the Generalized Land Use Map of the "Comprehensive Plan Amendment Act of 2006."

JS/afj

Attachment: Exhibit 1 Area of Proposed Rezoning



**Zoning Commission Application No. 07-14A
(Expanded Area of Consideration)**



★ ★ ★ Government of the
District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ May 31, 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

- Street Centerlines
- Property Squares
- Zoning Districts
- Tax Lots
- Record Lots
- Parcels