

Office of the Director

MEMORANDUM

ZONING COMMISSION
District of Columbia

TO: D. C. Zoning Commission

CASE NO. 07-31

FROM: Jennifer Steingasser, Deputy Director *JS*

EXHIBIT NO. 20

DATE: July 9, 2008

SUBJECT: Final Report on Zoning Commission Case Number 07-31, a Proposed Zoning Map Amendment to Change Lots 24, 25, 26, 27, 801, 821 and 822 on Square 416 from R-4 to C-2-A or C-2-B with an Uptown Arts Overlay District, in the Alternative, to Make these Properties Consistent with the Adopted Comprehensive Plan

BACKGROUND

The Office of Planning presented its preliminary report on this consistency petition during a regular scheduled Zoning Commission meeting on March 10, 2008. One Commissioner stated that a strong case had not been made for the future use of the subject properties to be commercial rather than residential in accordance with the current zoning.

The Zoning Commission authorized a public hearing notice with the following options for changing the zone district covering these properties:

- from R-4 to C-2-A or
- from R-4 to C-2-B with an Uptown Arts Overlay District (which would essentially extend further west the existing zoning along the Georgia Avenue frontage of this square), in the alternative.

RECOMMENDATION

The Office of Planning (OP) recommends rezoning the subject properties to C-2-A.

ANALYSIS

Comprehensive Plan

The Generalized Land Use Map plan designation for most of Square 614 including the subject properties (refer to Exhibit 1) is for mixed-use consisting of low-density commercial and moderate density residential (refer to Exhibit 2). Zone districts that correspond with this designation are C-2-A, C-2-B and C-3-A. The subject properties fall within the Neighborhood Enhancement Area corridor on the Generalized Policy Map between 9th Street and Georgia Avenue, NW. The guiding philosophy of enhancement areas is to ensure new

development “fits in” and is responsive to the existing character, natural features, and existing/planning infrastructure capacity. The Plan also includes the following land use policies:

- Policy LU-2.1.2: Neighborhood Revitalization states, *“Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need [309.7]”*
- Policy LU-2.3.4: Transitional and Buffer Zone Districts, *“Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas ... should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character [311.6].”*

Rezoning the properties to C-2-A or C-2-B would support these policies by:

- Encouraging reuse of the existing underutilized low-intensity commercial buildings; and
- Allowing for future mixed-use development while limiting the potential density so that it would “step down” from the potential high density development along Georgia Avenue to surrounding moderate-density residential neighborhoods.

Zoning Pattern

Properties south and east of U Street and Georgia Avenue fall under the following zone districts:

District	Predominant Use	Floor Area Ratio		Height
		Allowable Residential/ Max FAR	Allowable Non-Residential	
ARTS/ C-2-B	Residential, mixed uses to a high-density	3.5	1.5	65 feet Unlimited stories
ARTS/ C-2-A	Residential and mixed uses to a medium density	2.5	1.5	50 feet Unlimited stories
C-M-1	Warehousing, light manufacturing, office and automotive uses	Not allowed	3.0	40 feet, 3 stories
R-4	Row dwellings with apt. conversions	No maximum	Not allowed	40 feet, 3 stories

Based on the applicant’s testimony and site visit by OP, the one-story buildings on the subject property have always existed and functioned as commercial uses. The

nonconforming status of these properties has expired such that the current R-4 zone only allows moderate residential uses and institutional uses as a matter-of-right and by special exception. *The R-4 zone is therefore inconsistent with the mixed-use designation referenced above on Generalized Land Use Map.*

OP recommends changing the zoning the subject properties to the C-2-A zone district as the most appropriate choice in terms of the potential use intensity, massing and creating transition from future development along Georgia Avenue to the R-4 zoned residential neighborhood to the west. C-2-A is similarly used along the U Street and Georgia Avenue corridors in small pockets between the higher density C-2-B and the R-4 zones. The regulations also state:

“720.3 The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.

720.4 The C-2-A District shall permit development to medium proportions.”

Although the regulations refer to “medium proportions”, allowable floor area ratios (FAR) of 1.5-2.5 are consistent with low-moderate density land use.

Matters related to the Zoning Regulations and Comprehensive Plan are established by §5414 of the DC Code, which reads, in relevant part, “Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the Comprehensive Plan ...” “The goal 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]).”

Applicant Response to Commission Comment

In their Supporting Statement dated April 30, 2008, the applicant made reference to ongoing changes occurring in the Shaw community: an article summarizes new development proposals under consideration, changing neighborhood demographics and ease of access to mass transit. These factors combine to not only make the area more attractive to future residents, but to increase the need for small commercial establishments to support the influx of residents that are attracted to the area.

In addition, the status of adjacent properties on this square has changed since this petition. In May 2007, Washington Metropolitan Area Transit Authority (WMATA) issued a call for development proposals in light of an unsolicited proposal to redevelop three properties it controls on the subject Square 416 and Square 383. On June 29, 2008, the WMATA Board authorized agency staff to negotiate a Development Agreement with Banneker Ventures LLC, Metropolis Development Company, LLC, and District Development Group, LLC to partner with the agency to redevelop

three referenced parcels. Two of the three parcels are lot 31 at the north end of Square 416 and abutting lot 30 where the CVS Pharmacy is currently located (refer to Exhibit 2). The associated preliminary development proposal includes 104 dwelling units with 12,000 square feet of ground floor arts and retail uses along the Georgia and Florida Avenue frontages of the square.

Given together, the trends referenced by the applicant and plans announced by WMATA for its parcels on the balance of the Square 416 make it more practical, and thus more likely for the subject properties currently developed with low-density commercial building to remain commercial or be redeveloped for mixed-use. Neither of these options would be inconsistent with the current Comprehensive Plan designations.

COMMUNITY COMMENTS

This proposal was forward to Advisory Neighborhood Commission (ANC) 1B for its consideration. To date no final recommendation has been entered into the case file.

RECOMMENDATION

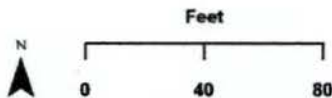
In light of the above analysis, OP recommends rezoning the subject properties to C-2-A

Js/afj

Attachments: Exhibit 1 Aerial Map with Zoning
Exhibit 2 Zoning and Future Land Uses



Zoning Commission Application No. 07-31 Aerial with Zoning



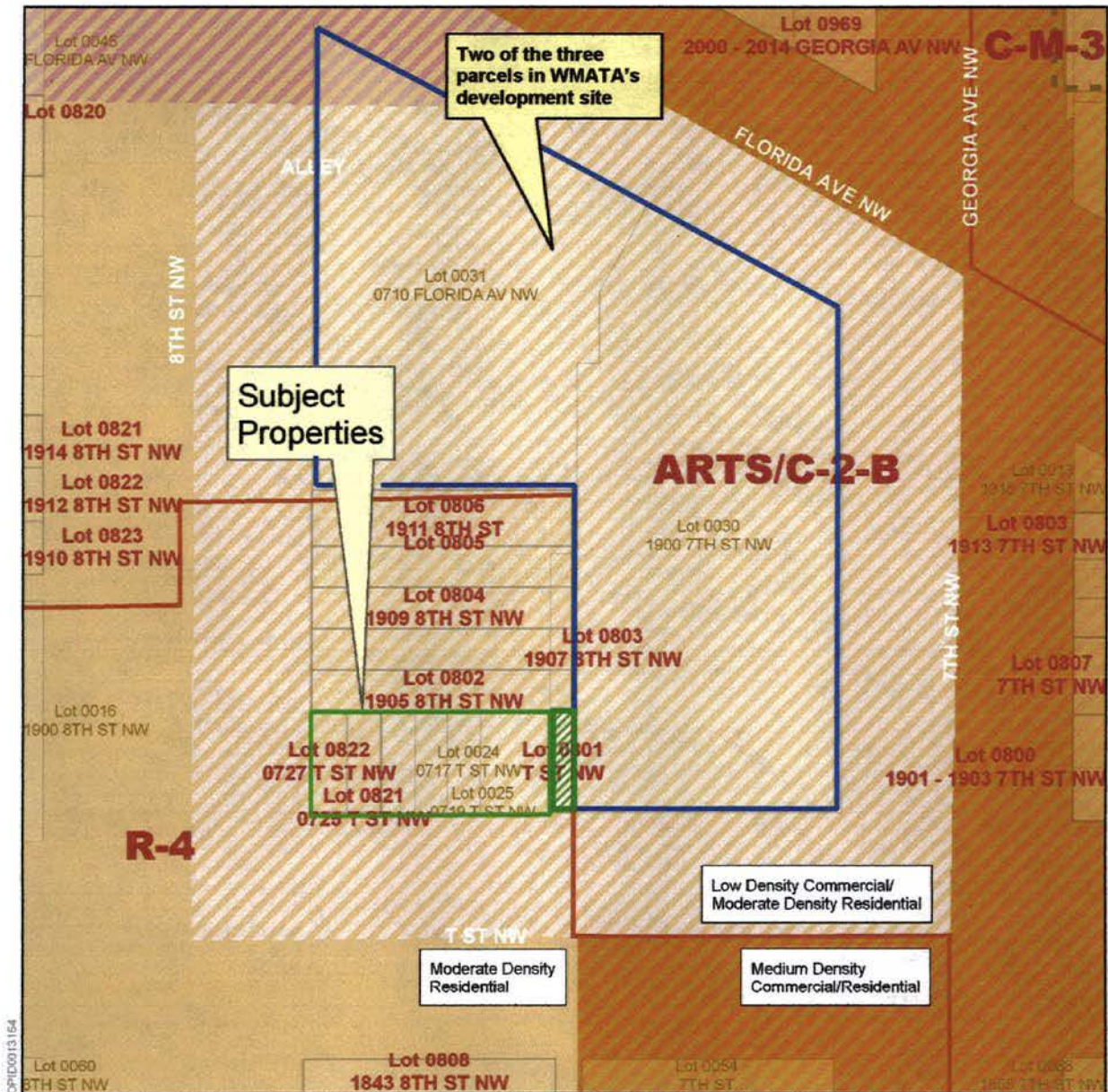
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Office of Planning ~ December 13, 2007

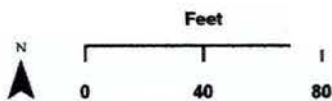
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LEGEND

- Street Centerlines
- Water
- Parks



Zoning Commission Application No. 07-31 Zoning and Future Land Use



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