

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: D. C. Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: December 10, 2008

SUBJECT: Waiver of Rules for Late Submittal of the Final Report on Zoning Commission Case Number 08-11

The attached report concerning a consistency petition to rezone lot 1 on Square E-475 from Residential (R-4) to Community Business Center (C-2-A), amendments, is submitted less than 10 days prior to the Zoning Commission Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

ZONING COMMISSION
District of Columbia

CASE NO. 08-11
EXHIBIT NO. 19

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: D. C. Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: December 10, 2008

SUBJECT: Final Report on Zoning Commission Case Number 08-11, a Proposed Zoning Map Amendment to Bring 1800 New Jersey Avenue, NW (Square E-475 Lot 1) into Consistency with the 2006 Comprehensive Plan

BACKGROUND

During a regular scheduled Zoning Commission meeting on July 28, 2008, the Office of Planning presented its preliminary report on a consistency petition from Henok Araya, the applicant, to rezone lot 1 on Square E-475 (refer to Exhibits 1 and 2) from Residential (R-4) to Community Business Center (C-2-A), a zone district more consistent with the 2006 District of Columbia Comprehensive Plan Generalized Land Use Map.

One Commissioner requested a larger area map to understand why the mixed-use Moderate Density residential and commercial designation boundary extended across the rear yards of several properties fronting S Street, NW.

The Zoning Commission authorized a public hearing notice to rezone the subject property from an R-4 district to a C-2-A district.

RECOMMENDATION

The Office of Planning (OP) cannot support rezoning the subject property to a C-2-A District.

ANALYSIS

The 2006 Comprehensive Plan Future Land Use Map designates the northeastern half of Square E-475 (generally north of the alley) for Moderate Density residential and commercial, and the southwestern half of the square for Moderate Density residential (refer to Exhibit 3). The approximate boundary of the referenced mixed-use designation encompasses most of the subject property and about half of 435 and 437 S Street, abutting lots 14 and 15 to the west.

However, a larger scale Future Land Use Map reveals that the Moderate Density residential and commercial designation actually extends along the centerline of the Florida Avenue, NW corridor. Thus it appears that this designation targeted properties with frontage along this corridor and not along New Jersey Avenue (Exhibit 4) which is a well defined rowhouse residential street.



Zoning Commission Application 08-11 1800 New Jersey Avenue, NW



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District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ December 13, 2007

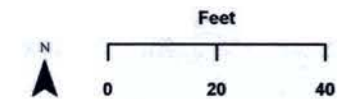
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LEGEND

- Zoning Districts
- Property Squares
- Street Centerlines
- Water
- Parks



**Zoning Commission Application 08-11
View Looking to the West**



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

Office of Planning ~ December 13, 2007

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LEGEND

- Zoning Districts
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The preliminary report noted that the Comprehensive Plan provides the following policy guidance:

- The Land Use Element of the Comprehensive Plan lists the following among the critical land use issues facing the District of Columbia: ...
 - *Promoting neighborhood conservation*
 - *Creating and maintaining successful neighborhoods ...*
 - *Directing growth and new development to achieve economic vitality while minimizing adverse impacts on residential areas and open space ...*
- 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 subject property to C-2-A would support these policies by allowing for future mixed-use development although the extent of any future development on the subject property would be very limited given its size and would not conserve the residential nature of this corner. Additional guidance is provided under:

- Managing Non-Residential Uses in Residential Areas (Policy LU-2.3.1), “*Maintain zoning regulations and development review procedures that:*
 - (a) prevent the encroachment of inappropriate commercial uses in residential areas; and*
 - (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood [311.3].*”

The subject property is also located within the boundaries of the 2005 Convention Center Area Strategic Development Plan study area. Study area analysis included mapping the location of areas zoned for commercial development as well as area corner stores in residential zones (refer to Exhibit 5). The study concluded there was excess commercially zones property in this area. The adopted plan strategy called for concentrating retail uses on 7th and 9th Streets.

Accordingly, rezoning the subject property along New Jersey Avenue from residential to commercial and increasing the amount of commercially zoned area in the study area would be contrary to the goals of this small area plan.

Applicant Responses to Office of Planning Comments

In an email to staff, the applicant provided the following responses to issues raised in the OP Preliminary Report:

- Would extending the C-2-A district south of the alley to include a vacant residential property would negatively impact the stable residential neighborhood that is S Street? – *That applicant stated this change will positively impact the neighborhood. First, the main entrance to property is off New Jersey and there is no access to the property through S Street. The neighborhood will benefit from a local store where it will minimize vehicle commute expense thus reducing green house gases plus saving neighbors from travel time and expenses. It will also help the city earn extra sales tax.*
- Would additional commercial zoning impact the viability of the Georgia Avenue Mixed Use Corridor? *The applicant responded that a new store in the proposed location would have no impact on the several hundred retail shops lining Georgia Avenue. Furthermore, the small store will not carry everything so neighbors will still go to Georgia Avenue for other needs.*
- Would the establishment of a commercial use on this small property near a busy intersection complicate the traffic situation (at the New Jersey Avenue/S Street intersection)? *New Jersey, Florida and Rhode Island Avenues have a regular flow of traffic and no history of congestion. The (District Department of Transportation) shows average traffic of around 20,000 vehicles and those numbers have been consistent throughout the years. This indicates that NO new traffic will be created due to this small store opening. And, most common goods will be found elsewhere so there will be no need for outsiders to drive down to this particular store.*

Furthermore, the store will have limited supply due to space restriction. Therefore the average customer (would be cash and carry). There will not be a need to drive. Since most small stores are ONLY frequented by nearby residents, there will be no impact on the current traffic flow.

While the impact of the suggested retail store use may not impact the existing traffic congestion, increasing the amount of commercially zoned area in this area would be contrary to the stated goal of the small area plan.

Conclusion

The current R-4 zoning only allows residential and institutional uses as a matter-of-right. While the rear yards of this property appears to be designated for a mixture of moderate density residential and commercial uses indicated on the Generalized Land Use Map, this designation is actually focused on the properties fronting Florida Avenue. Moreover, designation of rear portions of the other subject property and adjacent properties fronting S Street, NW appears to be the result of broadly illustrating where this land-use mix should occur along Florida Avenue. A referenced planning study also indentified an excess of commercially zoned land in the area. In light of this information, retention of the current R-4 zone and keeping the subject property in a residential zone district would not be inconsistent with the intent of Generalized Land Use Map and other plan guidance.

OP therefore does not support changing the zoning the subject property from R-4 to the C-2-A.

COMMUNITY COMMENTS

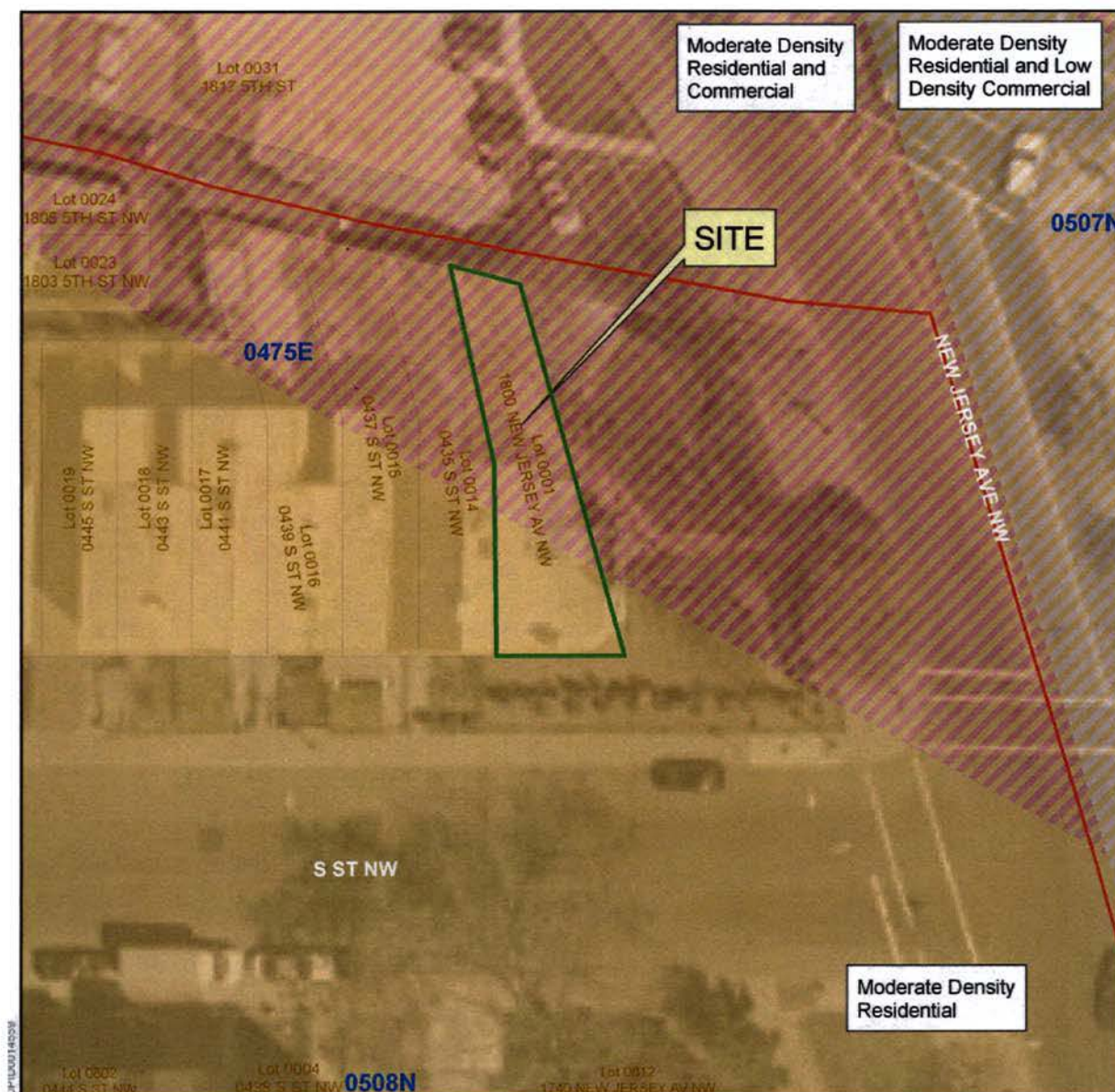
Advisory Neighborhood Commission (ANC) 2C discussed this application during a regularly scheduled meeting on December 3, 2008. Single-member District Representative Kevin L. Chapple indicated that Commissioners voted 2-1 to oppose the petition with one Commissioner abstaining. The applicant was not present at this meeting.

RECOMMENDATION

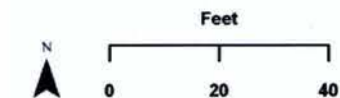
OP cannot support rezoning the subject property to C-2-A.

JS/afj

Attachments:	Exhibit 1	Aerial Map with Zoning
	Exhibit 2	View to the West
	Exhibit 3	Future Land Use Designations
	Exhibit 4	Planned Land Use in the Vicinity
	Exhibit 5	Convention Center Area Development Plan Map



Zoning Commission Application 08-11



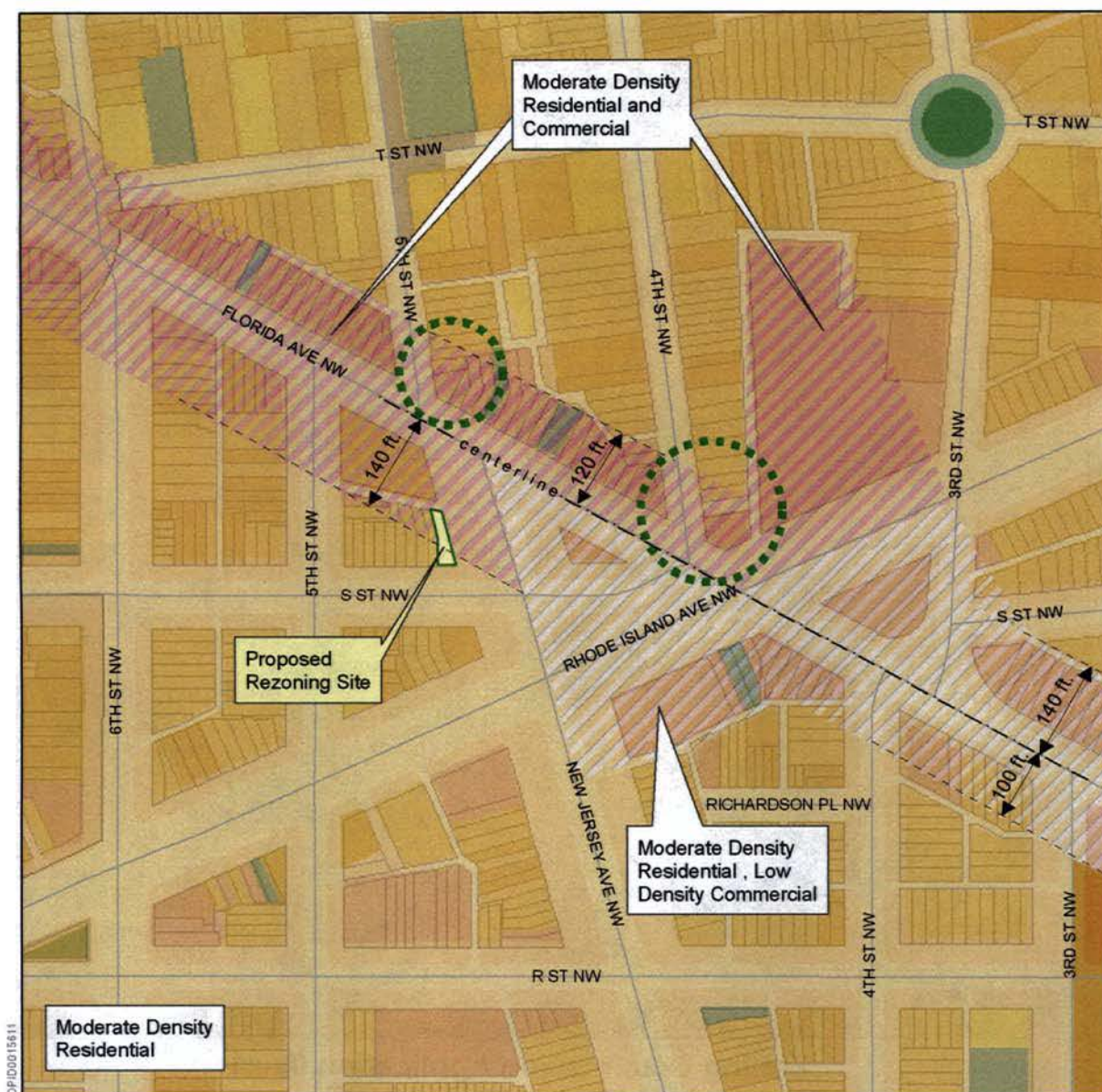
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Adrian M. Fenty, Mayor**

Office of Planning ~ December 13, 2007

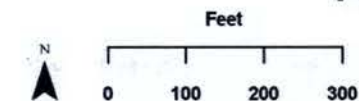
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LEGEND

-  Property Squares
-  Owner Points (Lite)
-  Street Centerlines
-  Water
-  Parks



Zoning Commission Application 08-11 Planned Land Use in the Vicinity



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Office of Planning ~ December 8, 2008

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Existing Landuse

Land Use Designation

- Low Density Residential
- Low-Medium Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Transport, Communication, Utilities
- Industrial
- Mixed Use

- Institutional
- Federal Public
- Local Public
- Public, Quasi-Public, Institutional
- Parks and Open Spaces
- Parking
- Roads; Alleys; Median
- Transportation Right of Way
- Undetermined
- Water

Convention Center Area Strategic Development Plan Map

