

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser, Deputy Director

DATE: February 5, 2015

SUBJECT: Public Hearing Report for ZC #14-17, 2911 Rhode Island Avenue, NE Zoning Map Amendment

I. SUMMARY RECOMMENDATION

At its November 10, 2014 public meeting, the Zoning Commission set down for a public hearing a zoning map consistency case whereby the Applicant/Petitioner, AE Tower LLC, requests a portion of Lot 808 of Square 4310 located at 2911 Rhode Island Ave (the “Property”) be rezoned from the R-1-B District (low-density residential) to the C-2-A District (low-density commercial). The map amendment request is consistent with the Comprehensive Plan and policies for the area, and as such, the Office of Planning recommends approval.

II. APPLICATION-IN-BRIEF

Location: Square 4310, Lot 808. Generally, a triangular-shaped property bounded by Rhode Island Avenue, Monroe Street NE, and a public alley. Ward 5, ANC 5C.

Applicant: AE Tower LLC

Current Zoning: C-2-A (approx.25% of the lot) and R-1-B (approx.75% of the lot)

Comprehensive Plan Future Land Use Map Designation: Low-Density Commercial

Property Size: 27,618 square feet (0.6340 acres)

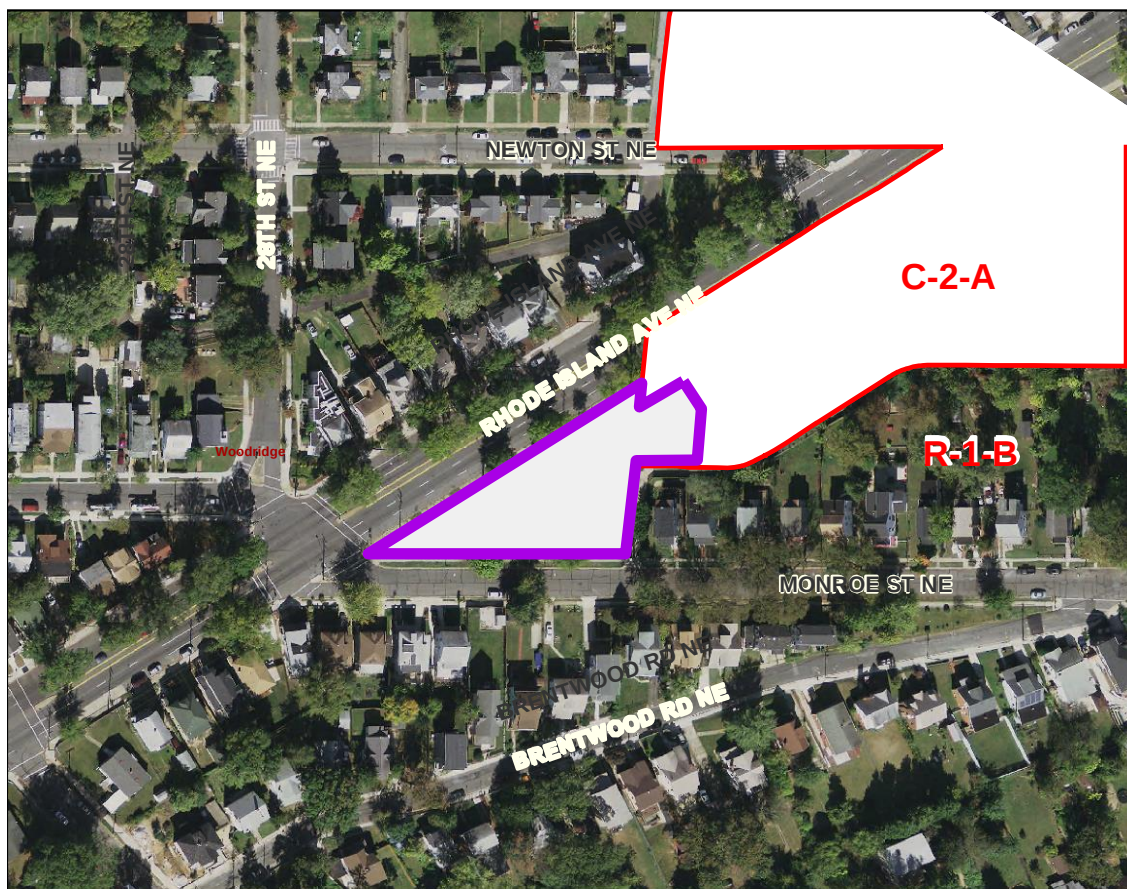
Proposal: A zoning map amendment from the R-1-B District to the C-2-A District for a portion of the Property.

III. SITE AND AREA DESCRIPTION

The triangular-shaped Property is located on Rhode Island Avenue NE, north of Monroe Street NE and is bounded by a public alley to the southeast. Please refer to the aerial vicinity map below. It consists of one, split-zoned lot totaling slightly over one-half acre in area. The

topography of the Property is generally flat along Rhode Island Avenue, but slopes down, towards the southeast near Monroe Avenue NE and the public alley, which is the eastern boundary of the Property. There currently is a surface parking lot (appears currently unused) on the R-1-B-zoned portion of the Property, and a vacant, one- story structure located in the C-2-A portion of the Property, between Rhode Island Avenue NE and the public alley. The adjacent property immediately to the east of the Property is a car lot/dealership. The Property is subject to BZA #14256 approved April 3, 1985 which allows special exception accessory parking spaces for the adjacent car dealership to the east.

The immediately surrounding neighborhoods to the north, south and west are zoned to the R-1-B District and primarily consist of single-family detached residences. To the northeast along Rhode Island Avenue towards Eastern Avenue/the District boundary, there exists low-scale commercial development including a gas station, convenience store, liquor store, etc., zoned to the C-2-A District. No other lots on the Square are split-zoned R-1-B and C-2-A.

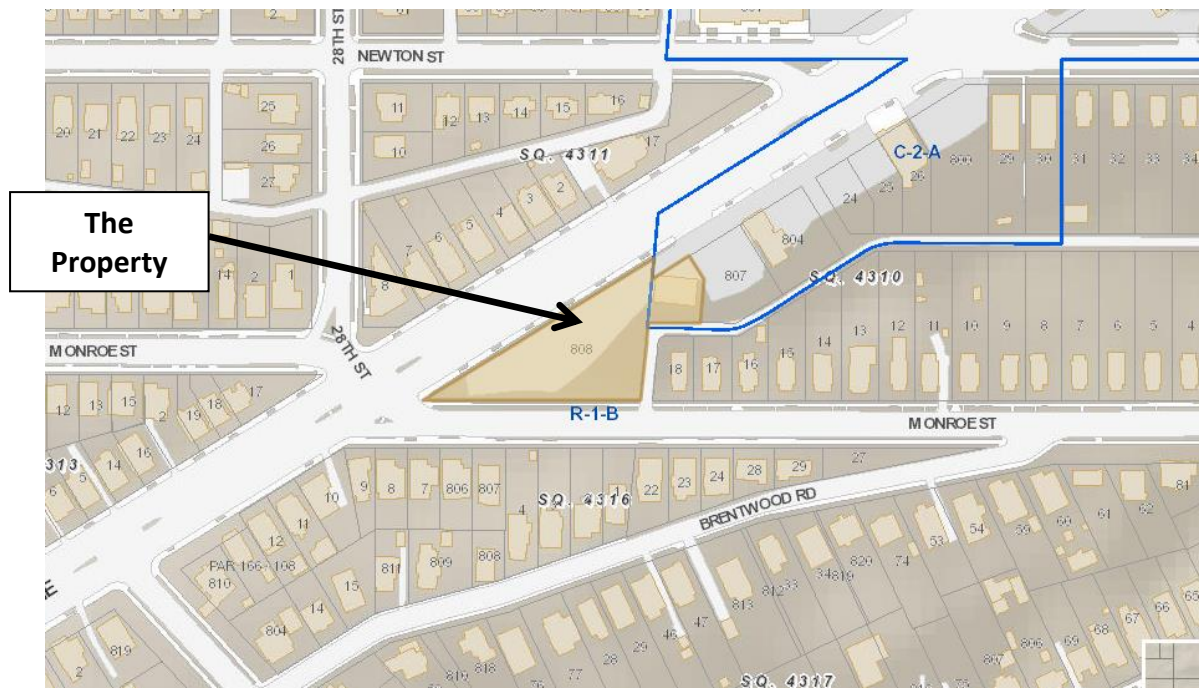


Vicinity Map/ Aerial Photo. Approximate bounds of the Property in purple. 2014 Google.

IV. COMPARISON OF EXISTING AND POTENTIAL DEVELOPMENT CAPACITY AND SET DOWN COMMENTS

The existing C-2-A zoning for a portion of the Property permits low-to-medium density commercial and residential uses. The purpose of the C-2-A District is to provide facilities for shopping and business needs, allow a mix of uses including residential, and is to accommodate commercial developments, serving local residential areas. The existing R-1-B zoning for the remainder of the Property allows for low-density single-family detached residential development on lots of 5,000 sf. It does not permit commercial or mixed-use development. A comparison of the matter-of-right height and bulk regulations of the two zones is contained in the table below.

	C-2-A	R-1-B
Height	50', no story limit	40', 3 stories
Floor Area Ratio (FAR)	2.5 total FAR (3.0 FAR with IZ) of which no more than 1.5 FAR max. may be non-residential use	none
Lot Occupancy	• 60% for residential use • None applicable for non-residential use	40%
Rear Yard	15'	25'
Use	Commercial/Residential mixed use	Low-density Residential use; commercial use not permitted



Current Zoning Map of the Property and surrounding area.

At the setdown meeting, the Zoning Commission asked for more information regarding the following: 1) how the Future Land Use Map (“FLUM”) designation of “low-density commercial” corresponds to the proposed C-2-A zoning; 2) what type of development the Applicant plans for the Property; and 3) a range of possible development scenarios on the Property under proposed C-2-A zoning. OP has provided more detailed information regarding these questions below.

FLUM and C-2-A Zoning: Under the Comprehensive Plan FLUM, the “low-density commercial” designation corresponds to areas that are low in scale and character and are primarily retail, office and service businesses. Per the Citywide Element of the Comprehensive Plan, “Areas with this designation range from small business districts that draw primarily from surrounding neighborhoods to large business districts that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding zone districts are generally C-1 and C-2-A, although other districts may apply.” (§ 225.8). In addition to the basis of map consistency, because a portion of the Property is zoned to the C-2-A District, as are other nearby properties along Rhode Island Avenue, it is an appropriate zone district to consider for the portion of the Property currently zoned to the R-1-B District (low-density residential).

Possible Development:

At the time of the writing of this report, according to the Applicant, a mixed-use development of ground-floor retail and several floor of residential use above is conceptually under study. The following chart provides a basic comparison of a mixed-use development and a purely commercial development.

Development scenarios under C-2-A	Ground Floor Retail	Residential	Office	Total FAR	Parking (approx.)
Mixed Use	3,000 – 10,000 sf	66,000 – 59,000 sf (100% residential= 82,500 sf with IZ)	0 sf	2.5 FAR (3.0 with IZ)	30-35 spaces 40 spaces
All Commercial	3,000 – 10,000 sf	0 sf	31,000 - 38,000 sf	1.5 FAR	60 spaces

Development Analysis: In analyzing the physical development potential of the Property, it appears there are several inherent site constraints that may pose a challenge in terms of massing and building placement on the Property. The constraints include a 20' building restriction line along Rhode Island Avenue; a fifteen foot (15') building restriction line along Monroe Street NE; the triangular-shape of the entire Property; as well as the odd-shape of the Property at the northeast corner.

In either development scenario of mixed-use or purely commercial use in the chart above, per the C-2-A District regulations, the full height and maximum density may be difficult to achieve, given the physical site constraints noted above coupled with market-demand ceiling heights for both the ground floor retail (typically greater than ten feet) and residential.

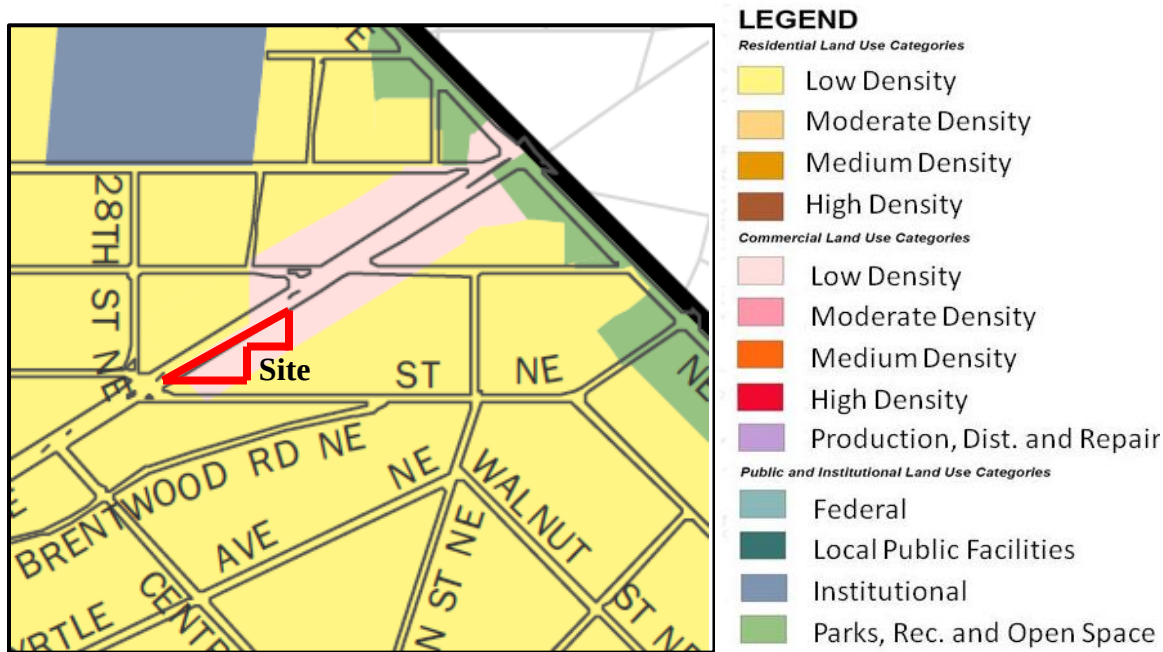
In terms of potential building scale and perceived massing, the large width of Rhode Island Avenue coupled with the twenty foot (20') building restriction line will help to create an appropriate massing and height for the area. There is also a fifteen foot (15') building restriction line along Monroe Street NE. In addition, forty feet (40') is the height limit for the surrounding R-1-B district and while it appears that most residences are between thirty (30) and thirty-five (35) feet in height, some homes surrounding the Property appear to approach forty feet (40') in height. Due to the setbacks and surrounding building heights, a maximum fifty foot (50') building may not be perceived as significantly out-of-scale with its surrounds in terms of height and massing; however it would be taller than most nearby structures, except for the five-story 2900 Newton Street NE office building which is located less than .1 miles from the Property to the northeast, along Rhode Island Avenue NE. In addition, other properties along Rhode Island Avenue are currently zoned C-2-A could be redeveloped to a by-right height of fifty feet (50').

For comparison purposes, development under the existing split-zoning of R-1-B and C-2-A, should it remain, was analyzed. A likely development could include a retail building on the C-2-A portion of the site, which could be a maximum of 5,000-6,000 sf. Under the R-1-B regulations pertinent to a portion of the Property, it appears only one lot could be generated due to the fifty foot (50') minimum lot width, 5,000 sf lot size requirement, the triangular-shape of the Property and the building restriction lines. The aforementioned development would appear to result in

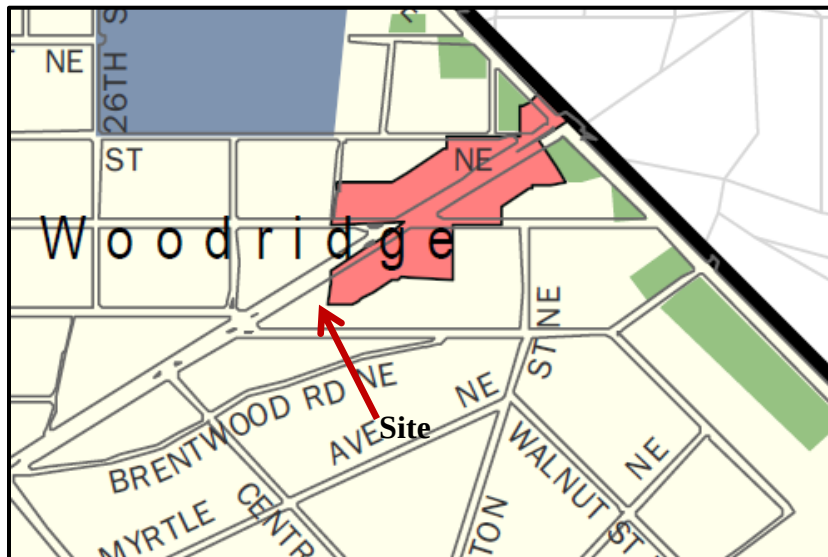
vacant land that could not be developed under the existing regulations and would continue to be inconsistent with the Future Land Use Map designation.

VI. COMPREHENSIVE PLAN LAND USE AND POLICY MAPS

The Future Land Use Map indicates that the site is appropriate for low density commercial development, shown as pink on the map excerpt below.



The Comprehensive Plan Generalized Policy Map describes the Property as within a Neighborhood Conservation Area, shown in the map below. Neighborhood Conservation Areas are primarily residential in character and have little vacant land. Where infill does occur, it should be modest in scale, primarily housing, public facilities or institutional uses. New development should be compatible with the scale and the architectural character of the existing neighborhood. (Comprehensive Plan, §§ 223.4 and 223.5) The Neighborhood Commercial Center designation (deep pink) is immediately adjacent to the parcel.



The purpose of the Policy Map is to categorize how different parts of the District may change by 2025. The Policy Map “*should be used to guide land use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps.*”

VII. COMPREHENSIVE PLAN POLICIES

The Property is located in the Upper Northeast Area of the Comprehensive Plan. There are several policies within the Upper Northeast Area Element, as well as policies in the Citywide Framework (primarily the Land Use Element), which encourage commercial infill development along Rhode Island Avenue, NE. These policies are detailed below. Development permitted in the C-2-A zone would help achieve the applicable policies; allow for the development of an underutilized site in a more coherent manner under the regulations of a single zoning district; and further the Comprehensive Plan Map designations of low-density commercial use and neighborhood conservation on the Property. Please note bold text was added for emphasis.

Citywide Guiding Principles:

- Framework Guiding Principle (6): “**Redevelopment and infill opportunities along corridors** and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs.” (§ 217.6)
- LU-1.3 Transit-Oriented and Corridor Development: While not named as one of the six of the City’s “Great Streets,” **Rhode Island Avenue** is shown on the “Great Streets and Transit Stations” as one of the “Potential Great Streets,” which recognizes their **potential for enhancement.** (§306.6 and 306.7)

- LU-1.4.1 Infill Development: “**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.” (§307.5)
- LU-1.4.3 Zoning of Infill Sites: “Ensure that the **zoning of vacant infill sites is compatible** with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single-family and rowhouse neighborhoods that are currently zoned for multi-family development.”

Upper Northeast Area Element (“UNE”):

- Planning and Development Priority e.: “Retail choices in Upper Northeast need to be expanded...Options have improved with the opening of Home Depot/Giant, and will get better still with planned new shopping center at Fort Lincoln, but these centers are auto-oriented and are not convenient to everyone in the community. Many of the commercial areas in Upper Northeast are dominated by used car lots, carry-outs, liquor stores, automotive uses and other activities that are not conducive to neighborhood shopping. More retail districts like Brookland’s 12th Street are desired to meet the day-to-day needs of residents. **Rhode Island Avenue, Benning Road...have the potential to become pedestrian-oriented shopping districts...**” (§2407.2)
- UNE-1.1.1: Neighborhood Conservation: “**Protect and enhance the stable neighborhoods of Upper Northeast, such as...Woodridge...**The residential character of these areas shall be conserved, and places of historic significance, gateways, parks, and special places shall be enhanced.” (§2408.2)
- UNE-1.1.5: Vacant and Abandoned Structures: “**Reduce** the number of **vacant, abandoned, and boarded up structures in Upper Northeast...**” (§2408.6)
- UNE-1.1.6: Neighborhood Shopping: “Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street NE in Brookland as walkable neighborhood shopping street and **encourage similar pedestrian-oriented retail development along Rhode Island Avenue...**” (§2408.8)
- UNE-2.5: Rhode Island Avenue-Brentwood Metro Station and Corridor: “The general character of the Avenue is not expected to change significantly over the next 20 years, but there are opportunities for **moderate density infill development** in several locations.

Filling in ‘gaps’ in the street wall would be desirable in the commercial areas, creating a more pedestrian-friendly environment. While most of the street is zoned for commercial uses, **development that includes ground floor retail uses and upper store housing would be desirable.** The surrounding area is under-served by retail uses and would benefit from new restaurants, **local-serving stores and other services.”** (§ 2415.4)

The proposed zoning map amendment is not inconsistent with the Comprehensive Plan map designations and text.

VIII. RHODE ISLAND AVENUE PLAN

There are recommendations regarding the redevelopment of the Property in the study entitled “Rhode Island Avenue: Diamond of the District Plan” completed in 2010 by the Office of the Deputy Mayor for Planning and Economic Development. The Property is located in Sub-Area 4 and subject to recommendations which include townhouse development on the portion of Square 4310 that fronts on Rhode Island Avenue, including the Property. Due to the triangular-shape of the Property, townhouse development may be difficult to achieve and would require a rezoning. The policies of the Comprehensive Plan listed above, as well as the adjacent C-2-A zoning, suggest commercial infill or residential uses with ground floor commercial uses are encouraged.

IX. AGENCY REFERRALS

At the time of the writing of this report, the status of other agencies’ reports is unknown. DDOT’s report will be filed under separate cover.

X. COMMUNITY COMMENTS

The site is located in ANC 5C. The Applicant has held an informational meetings with ANC 5C and most recently met with ANC 5C on January 21, 2014, where the ANC voted in favor of the project.

JS/mcr