

**BEFORE THE ZONING COMMISSION  
OF THE  
DISTRICT OF COLUMBIA**

**3200 PENN AVE PJV, LLC**

**STATEMENT IN SUPPORT OF**

**A PETITION FOR A MAP AMENDMENT**

**FROM THE MU-3 / R-1-B ZONE TO  
THE MU-4 ZONE**

**FOR**

**PROPERTY LOCATED AT  
3200 PENNSYLVANIA AVENUE, SE  
(SQUARE 5539, LOTS 835, 838, 839, AND 840)**

**May 26, 2017**

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### **LIST OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
A	Plat of Subject Property from the D.C. Surveyor's Office
B	Relevant portion of the 2016 Zoning Map
C	Relevant portion of the Comprehensive Plan Future Land Use Map
D	Relevant portion of the Comprehensive Plan Generalized Policy Map
E	List of ANC and other community organization / resident meetings attended by the Applicant
F	Names and mailing addresses of the owners of the property to be rezoned
G	200-foot property owners list
H	Form 101 – Petition to Amend the Zoning Map
I	Letter of authorization from the Applicant

## **I.** **INTRODUCTION**

3200 Penn Ave PJV, LLC (the “Applicant”), through undersigned counsel, submits this statement in support of its petition to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone property located at 3200 Pennsylvania Avenue, SE (Square 5539, Lots 835, 838, 839, and 840) (the “Subject Property”), from the MU-3/R-1-B Districts to the MU-4 District. A building plat showing the lots to be rezoned is attached as Exhibit A.

As described herein, the current zoning of a significant portion of the Subject Property is consistent with the Comprehensive Plan and the remainder is not fully consistent with the Comprehensive Plan. The requested map amendment would serve to bring the Zone Map into consistency with the Comprehensive Plan land use designation for the Subject Property; advance the objectives and recommendations of the Pennsylvania Avenue SE Corridor Land Development Plan, a Small Area Plan adopted by the D.C. Council in July 2008 (the “Pennsylvania Avenue SAP”); and will not create any adverse impacts on surrounding properties. Consistent with the objectives and recommendations of the Pennsylvania Avenue SAP, the proposed Zoning Map amendment will capitalize on the potential of the Subject Property to meet the substantial demand for higher quality housing and increased neighborhood-serving retail in this area of the District by facilitating the redevelopment and productive use of the underutilized site.

## **II.** **DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA**

The Subject Property is located in Square 5539, which is bounded by Pennsylvania Avenue, SE to the south, Branch Avenue, SE to the west, and O Street, SE to the north and east. As shown on the portion of the Zoning Map attached hereto as Exhibit B, Square 5539 is split-

zoned, with properties located along Pennsylvania Avenue zoned MU-3 and properties located along Branch Avenue and O Street zoned R-1-B. The properties in Square 5539 with frontage at the intersection of Pennsylvania and Branch Avenues, SE are presently improved with one- and two-story commercial developments and associated surface parking; the remaining properties located along O Street are improved with single-family detached dwellings.

The Subject Property is irregularly-shaped and consists of approximately 155,643 square feet of land area (approximately 3.5 acres). The Subject Property has approximately 261 linear feet of frontage along Pennsylvania Avenue to the south, approximately 460 linear feet of frontage along Branch Avenue to the west, and is otherwise surrounded by private property to the north and east. As detailed below, Lots 838 and 839 within the Subject Property are zoned MU-3, and Lots 835 and 840 within the Subject Property are zoned R-1-B. As shown on the Comprehensive Plan Future Land Use Map ("FLUM") attached hereto as Exhibit C, the Subject Property is designated Mixed-Use: Moderate Density Residential/Low Density Commercial.

The Subject Property is presently improved with the two-story Penn Branch Shopping Center and associated surface parking. The neighborhood surrounding the Subject Property is primarily residential, with commercial uses located along the Pennsylvania Avenue. Directly adjacent to the Subject Property are other one-story commercial developments with surface parking. Farther along Pennsylvania Avenue to the east and west are single- and multi-family residential dwellings, other commercial developments, and religious and academic institutions.

At least eight different Metrobus routes, some of which are specifically identified in Subtitle C § 702.1 as Priority Corridor Network Metrobus routes, run along Pennsylvania and Branch Avenues, with stops located directly adjacent to the Subject Property. The closest Metrorail station is the Naylor Road Metrorail station, which is located approximately 1.3 miles

to the south of the Subject Property and services the Green Line. A Capital Bikeshare station is located adjacent to the Subject Property on Pennsylvania Avenue.

### **III. EXISTING AND PROPOSED ZONING**

#### **A. Existing Zoning**

As indicated above, the portion of the Subject Property located along Pennsylvania Avenue, SE (Lots 838 and 839) is zoned MU-3, and the remaining portion of the Subject Property (Lots 835 and 840) is zoned R-1-B.

The MU-3 District is intended to permit low-density mixed-use development and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood. The MU-3 District permits a maximum density of 1.0 floor area ratio ("FAR")(1.2 FAR with Inclusionary Zoning ("IZ")). The MU-3 District permits a maximum building height of 40 feet and 3 stories, and a maximum lot occupancy of 60%. *See* 11-G DCMR §§ 400.2, 402.1, 403.1 and 404.1.

The R-1-B District is intended to provide for areas predominantly developed with detached houses on moderately sized lots. The R-1-B District requires a minimum lot width of 75 feet and a minimum lot area 7,500 square feet. The R-1-B District permits a maximum building height of 40 feet and 3 stories, and a maximum lot occupancy of 40%. *See* 11-D DCMR §§ 300.3, 302.1, 303.1 and 304.1.

#### **B. Proposed Zoning**

The Applicant requests a Zoning Map amendment to rezone the Subject Property to the MU-4 District. The MU-4 District is intended to permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed-uses outside of the central core; be located in low- and moderate-density residential areas with access

to main roadways or rapid transit stops; and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The MU-4 District permits a maximum density of 2.5 FAR (3.0 FAR with IZ), of which no more than 1.5 FAR can be devoted to non-residential uses. The MU-4 District permits a maximum building height of 50 feet and a maximum residential lot occupancy of 60% (75% with IZ). 11-G DCMR §§ 400.3, 402.1, 402.2, 403.1, 404.1.

C. Effect of the Proposed Map Amendment

As described in detail below, the requested Zoning Map amendment will serve to bring the Zone Map into consistency with the Comprehensive Plan land use designation for the Subject Property, advances the objectives and recommendations of the Pennsylvania Avenue SAP, and will further the objectives of the Zoning Act. Furthermore, the requested rezoning of the Subject Property to the MU-4 District satisfies each of the statutory standards applicable to Zoning Map amendments.

**IV.**  
**STANDARDS APPLICABLE TO A PETITION**  
**FOR A ZONING MAP AMENDMENT**

The requested Zoning Map amendment is submitted as a rulemaking pursuant to 11-Z § 201.7(b)(2) which states, in relevant part, that rulemaking cases may be initiated by a petitioner that “owns all of the property proposed to be rezoned, but the ownership pattern is geographically scattered or otherwise of a character that raises land use policy questions to a greater degree than highly localized issues of fact and effects on neighboring properties.” (emphasis added). As discussed below, the Subject Property is identified in the Pennsylvania Avenue SAP as the site along the Pennsylvania Avenue, SE corridor that has the most potential to address the well-known deficiencies in neighborhood-serving retail that exist throughout the neighborhoods located east of the Anacostia River, an issue that is also addressed in the

Comprehensive Plan through land use and economic development policies that promote expansion of the retail sector and development of grocery stores in underserved areas of the District. The proposed Zoning Map amendment will help address this important land use policy question.

The Zoning Act sets forth a number of criteria that must be applied by the Zoning Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital ...." D.C. Code § 6-641.01 (2001). The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein. D.C. Code § 6-641.02 (2001).

The Commission must apply these standards and criteria in determining whether to approve a requested map amendment. The proposed rezoning of the Property from the MU-3/R-1-B Districts to the MU-4 District will promote each of the purposes described above.



V.  
**EVALUATION OF PROPOSED MAP AMENDMENT AND COMPLIANCE WITH  
STATUTORY STANDARDS**

A. Comprehensive Plan

The rezoning of the Subject Property to the MU-4 District is not inconsistent with the policies and goals of the Comprehensive Plan, including the FLUM and Generalized Policy Map (“GPM”). In fact, the requested rezoning will bring the zoning of the Subject Property more into conformance with the current Mixed Use (Low Density Commercial / Moderate Density Residential) FLUM designation

1. Future Land Use Map

The FLUM, which is adopted as part of the Comprehensive Plan Land Use Element, sets forth a generalized depiction of intended land uses over a period of approximately 20 years. The Framework Element of the Comprehensive Plan states that the FLUM is not a zoning map. *See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28. Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the FLUM does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. *Id.* By definition, the FLUM is to be interpreted broadly. *Id.* Decisions on requests for rezoning shall be guided by the [FLUM] read in conjunction with the text of the Comprehensive Plan (Citywide and Area Elements) as well as Small Area Plans pertaining to the area proposed for rezoning. *Id.* at § 2504.5.

As shown on Exhibit C, the FLUM designates the Subject Property as Mixed Use (Low Density Commercial / Moderate Density Residential). The Low Density Commercial designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger

business districts that draw from a broader market area. The corresponding zone districts are generally C-1 and C-2-A, although other districts may apply.<sup>1</sup> 10A DCMR § 225.8.

The Moderate Density Residential designation is used to define the District's row house neighborhoods and its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. The R-3, R-4, and R-5-A zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. 10A DCMR § 225.4.<sup>2</sup>

The Applicant's proposal to rezone the Subject Property to the MU-4 District is fully consistent with the FLUM designation for the Subject Property. The proposed MU-4 zoning classification is consistent with the Low Density Commercial land use designation, and is identified to accommodate mixed-use development, including facilities for shopping and business needs outside of the central core and located in low- and moderate-density residential areas with access to main roadways or rapid transit stops. The MU-4 zone anticipates the development of office employment centers, shopping centers, and moderate bulk mixed-use centers, which are the types of uses anticipated for the Subject Property. *See* 11-G DCMR § 400.3.

## 2. Generalized Policy Map

The purpose of the GPM is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. 10A DCMR §

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<sup>1</sup> The Comprehensive Plan Framework Element was prepared prior to the adoption of the 2016 Zoning Regulations and thus refers to the zone districts contained in the 1958 Zoning Regulations. Under the 2016 Zoning Regulations, the zone districts that correspond to those identified in the Framework Element description of the Low Density Commercial designation include MU-3 and MU-4.

<sup>2</sup> Under the 2016 Zoning Regulations, the zone districts that correspond to those identified in the Framework Element description of the Moderate Density Residential designation include R-3, RF-1, RA-1, and RA-2.

223.1. The GPM is intended to “guide land use decision-making in conjunction with the Comprehensive Plan text, the FLUM, and other Comprehensive Plan maps.” *Id.* at § 223.2. Boundaries on the map are to be interpreted in concert with these other sources, as well as the actual physical characteristics of each location shown. *Id.*

As indicated on Exhibit D, the GPM designates the portion of the Subject Property located along Pennsylvania Avenue as a Neighborhood Commercial Center, and designates the portion of the Subject Property located along Branch Avenue as a Neighborhood Conservation Area. Neighborhood Commercial Centers are intended to meet the day-to-day needs of residents and workers in adjacent neighborhoods. Their service area is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 10A DCMR § 223.15.

The guiding philosophy for Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the FLUM. 10A DCMR § 223.5.

The proposed Zoning Map amendment will help implement the policies embodied in the GPM by allowing for a new mixed-use development that fits in well with surrounding development patterns and land uses. Moreover, the MU-4 District will permit development at a height and density that is compatible with the existing scale and architectural character of the area.

### 3. Land Use Element

The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. 10A DCMR § 302.1.

The proposed Zoning Map amendment will advance this important goal by complying with the policies listed below and set forth in the Land Use Element of the Comprehensive Plan.

***Policy LU-1.3 Transit-Oriented and Corridor Development:*** While transit-oriented development is most commonly thought of as a strategy for Metrorail station areas, it is also applicable along premium transit corridors and the city's "Great Streets." Six "Great Streets" were named in 2005 as part of an integrated economic development, transportation, and urban design strategy. 10A DCMR §306.6.

Among the streets designated as Great Streets in 2005 was Pennsylvania Avenue, SE. Thus, consistent with Policy LU-1.3, the Zoning Map amendment will allow for transit-oriented development along a prioritized District corridor. Moreover, the Subject Property is surrounded by both Pennsylvania Avenue and Branch Avenue, which together host a number of Metrobus routes that serve the city, some of which are specifically identified in Subtitle C § 702.1 as Priority Corridor Network Metrobus routes. Therefore, the proposed Zoning Map amendment will allow for new development that significantly advances the transit-oriented and corridor development policies set forth in the Comprehensive Plan.

***Policy 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. 10A DCMR § 307.5.

The proposed Zoning Map amendment will further the objectives of Policy LU-1.4.1 by allowing the underutilized Subject Property to be redeveloped with a new mix of uses on land

that has historically created a gap in the urban fabric and detracted from the character of the Pennsylvania Avenue, SE corridor. The majority of the Subject Property's land area is currently utilized as surface parking. The proposed Zoning Map amendment will facilitate redevelopment of the Subject Property with a mix of high-quality housing and new commercial uses that will help address the well-known deficiencies in neighborhood-serving retail that exist throughout this area of the District. New development on the site will be at a height and density that are appropriate for the Pennsylvania Avenue corridor, and will complement the established character of the surrounding residential area.

***Policy 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 row house neighborhoods that are currently zoned for multi-family development. 10A DCMR § 307.7*

Similar to Policy LU-1.4.1, the proposed Zoning Map amendment will fulfill the goal of Policy LU-1.4.3 by ensuring that the zone designation of the infill Subject Property is compatible with the prevailing development pattern in the surrounding neighborhood. The MU-4 District will allow for a height and density that is appropriate for the Pennsylvania Avenue, SE corridor, a designated "Great Street," while still respecting the surrounding low-density residential development. In addition, as shown on the GPM, the proposed rezoning of the Subject Property is in keeping with the Neighborhood Commercial Center designation assigned to the portion of the site along Pennsylvania Avenue, SE.

***Policy LU-2.4.2: Hierarchy of Commercial Centers:*** *Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs. 10A DCMR § 312.6*

The proposed Zoning Map amendment will facilitate the redevelopment and substantial improvement of the Penn Branch Shopping Center to include a range of higher quality shopping opportunities that will help address the known retail and service deficiencies that exist in this part of the District and build upon the Subject Property's designation as a Neighborhood Commercial Center on the GPM.

***Policy LU-2.4.5: Encouraging Nodal Development:*** Discourage auto-oriented commercial "strip" development and instead encourage pedestrian-oriented "nodes" of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 10A DCMR § 312.9

The proposed Zoning Map amendment will permit an appropriate amount of additional development that will incentivize long-needed improvements to the Penn Branch Shopping Center. The shopping center is one of a collection of commercial nodes located along the Pennsylvania Avenue, SE corridor spanning from Capitol Hill to Southern Avenue, and is considered to have the most potential for addressing the retail and service deficiencies that exist in the neighborhoods located east of the Anacostia River (See Far Northeast and Southeast Area Element Policy FNS-1.1.4 and Pennsylvania Avenue SAP at Pgs. 10 and 66). The Zoning Map amendment will facilitate compact moderate-density mixed-use development on the Subject Property, particularly on the expansive surface parking lot that exists on the northern portion of the site. The permitted height, mass, and scale of the development permitted by the requested MU-4 zoning is appropriate given the site's location along the Pennsylvania Avenue, SE corridor, and is compatible with the development pattern of the surrounding residential areas.

#### 4. Transportation Element

The overarching goal for transportation in the District is to "[c]reate a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity;

and enhances the quality of life for District residents. 10A DCMR § 401.1. The proposed Zoning Map amendment advances this goal by allowing for new, mixed-use development on a major District corridor. New development at the Subject Property will enhance Pennsylvania Avenue's potential as a multi-modal transportation system that meets the needs of District residents, the regional workforce, and visitors. Moreover, the new mixed-use development permitted on the Subject Property as a result of the Zoning Map amendment will help to support the local economy and enhance the quality of life for District residents. The Zoning Map amendment also advances the specific policies listed below:

***Policy T-1.2.3: Discouraging Auto-Oriented Uses:*** Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 10A DCMR § 404.8.

The proposed Zoning Map amendment will discourage auto-oriented uses by allowing for the productive use of an existing surface parking lot on a key urban boulevard.

***Action T-1.3.A: Regional Jobs/Housing Balance:*** Continue the efforts to ensure that the concepts of infill, mixed-use and transit-oriented development are promoted at the regional level; to design transportation systems that connect District residents to local jobs; and to provide opportunities for non-resident workers to also live in DC. 405.14

The Zoning Map amendment will advance policies related to infill, mixed-use, and transit-oriented development. Redevelopment of the Subject Property may include retail, office, and residential uses, thus providing non-resident workers opportunities to live in the District and reducing the need for District residents to use a car to fulfill daily needs. Residents of the Subject Property and the surrounding residential neighborhood will be able to walk to the Subject Property's neighborhood-serving retail and office components. Similarly, employees of the office space will be able to walk to the retail and service offerings before, during, and after work,

thus minimizing the number of daily trips needed. Altogether, the proposed Zoning Map amendment will help to create the type of jobs/housing balance envisioned by Action T-1.3.A.

5. Housing Element

The District's overarching goal for housing is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia. 10A DCMR § 501.1. The proposed Zoning Map amendment will advance this goal and several policies within the Housing Element as follows:

***Policy H-1.1.1: Private Sector Support:*** *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. 10A DCMR § 503.2.*

The proposed Zoning Map amendment will allow the Applicant to provide new, high-quality housing on the Subject Property to meet the needs of existing and future District residents. As stated herein, the location of the Subject Property along a transit-oriented "Great Street," and the mix of uses likely to be developed on the Subject Property, are consistent with the District's land use policies and objectives.

***Policy H-1.1.3: Balanced Growth:*** *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. 10A DCMR § 503.4.*

The proposed Zoning Map amendment will allow for the development of new housing on a significantly underutilized site which will expand the range of housing types in the area and advance this Policy's directive to ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs.



***Policy H-1.1.4: Mixed Use Development:*** *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. 10A DCMR § 503.5.*

The proposed Zoning Map amendment will allow for development of a mix of uses, including housing, on the Subject Property. The Subject Property is located along the Pennsylvania Avenue, SE corridor, a designated “Great Street.” Furthermore, consistent with its Neighborhood Commercial Center GPM designation, the Subject Property will be redeveloped as a commercial center with retail, office, and residential uses, which will advance the District’s goals in Policy H-1.1.4.

6. Economic Development Element

The goal of the Economic Development Element is to:

[s]trengthen the District’s economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy. 10A DCMR § 701.1.

The proposed Zoning Map amendment advances this overarching goal as well as specific policy objectives by facilitating redevelopment of a site that will generate new jobs for District residents, provide office space that can support small businesses, and revitalize the Penn Branch neighborhood commercial center. Furthermore, the redevelopment of the Subject Property that would be facilitated by the proposed Zoning Map amendment will help advance the continued revitalization of Pennsylvania Avenue, SE, and bring patrons to new and existing local businesses along this important corridor.

More specifically, the Zoning Map amendment will advance the following specific policies of the Economic Development Element:

***Policy ED-2.2.1: Expanding the Retail Sector:*** Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 10A DCMR § 708.4.

Consistent with Policy ED-2.2.1, the Zoning Map amendment will allow for retail growth in a currently underserved area. Doing so will capitalize on the spending power of existing and future residents of the neighborhood and will encourage additional retail growth along the corridor. Furthermore, given the Subject Property's location along a major corridor into Washington's core, the additional retail growth will also capitalize on the spending power of commuters living outside the District that use Pennsylvania Avenue to commute to and from work.

***Policy ED-2.1.5: Infill and Renovation:*** Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space. 10A DCMR § 707.10,

The Zoning Map amendment will allow for small-scale office use on an infill site that also involves the major renovation of an existing retail center to produce new high-quality retail, residential, and office uses.

***Policy ED-2.2.6: Grocery Stores and Supermarkets*** - Promote the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and other shopping services. Because such uses inherently require greater depth and lot area than is present in many commercial districts, adjustments to current zoning standards to accommodate these uses should be considered. 10A DCMR §708.10

As part of its redevelopment of the Subject Property, the Applicant intends to pursue a new full-service grocery store, which is a highly-desired neighborhood-serving amenity that is substantially lacking in this area of the District.

#### 7. Far Northeast and Southeast Area Element

The Subject Property is located within the Far Northeast and Southeast Area Element of the Comprehensive Plan. The Far Northeast and Southeast Area Element recognizes the need to

provide a variety of new housing choices. More density is appropriate on land within one-quarter mile of Metrorail stations, and the commercially zoned land along the “Great Streets” also offer opportunities for somewhat denser uses than exist today. These areas may provide opportunities for apartments, condominiums, townhomes, assisted living facilities and other types of housing, provided that measures are taken to buffer adjacent lower density neighborhoods, address parking and traffic issues, and mitigate other community concerns. 10A DCMR § 1707.2(b).

The neighborhood is underserved by retail stores and services, including the “basics” such as sit-down restaurants, banks, dry cleaners, hardware stores, and drug stores. These uses should be accommodated in the future by encouraging both public and private reinvestment in the established commercial districts. 10A DCMR § 1707.2(c). The proposed Zoning Map amendment is consistent with the following specific policies within the Far Northeast and Southeast Area Element:

***Policy FNS-1.1.1: Conservation of Low Density Neighborhoods*** - Recognize the value and importance of Far Northeast and Southeast’s stable single family neighborhoods to the character of the local community and to the entire District of Columbia. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect and protect the existing low density land use pattern while allowing for infill development that is compatible with neighborhood character. 10A DCMR § 1708.2.

***Policy FNS-1.1.2: Development of New Housing*** - Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area’s major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents. 10A DCMR § 1708.3.

***Policy FNS-1.1.3: Directing Growth*** - Concentrate employment growth in Far Northeast and Southeast, including office and retail development, around the Deanwood, Minnesota Avenue and Benning Road Metrorail station areas, at the Skyland Shopping Center, and along the Nannie Helen Burroughs Avenue, Minnesota Avenue, Benning Road, and Pennsylvania Avenue SE “Great Streets” corridors. Provide improved pedestrian, bus, and automobile access to these areas, and improve their visual and urban design qualities. These areas should be safe, inviting, pedestrian-oriented places. 10A DCMR § 1708.4.

***Policy FNS-1.1.4: Retail Development*** - Support the revitalization of the neighborhood commercial areas listed in Policy FNS-1.1.3 with new businesses and activities that provide needed retail services to the adjacent neighborhoods and that are compatible with surrounding land uses. 10A DCMR § 1708.5.

The Subject Property is also located within the Pennsylvania Avenue Southeast Corridor Policy Focus Area. The Comprehensive Plan notes that the future of Pennsylvania Avenue has profound impacts on the adjacent neighborhoods, and that its designation by the District as an official “Great Street” speaks to its historic reputation as America’s Main Street and its capacity to shape the appearance and impression of the surrounding community. 10A DCMR § 1716.2. The proposed Zoning Map amendment is consistent with this vision for Pennsylvania Avenue, and also complements the following specific policies listed within the Pennsylvania Avenue Southeast Corridor Policy Focus Area:

***Policy FNS-2.6.1: Pennsylvania Avenue “Great Street”*** - Plan the Pennsylvania Avenue SE corridor in a manner that reduces traffic impacts on adjacent neighborhoods, improves its role as a Far Northeast and Southeast commercial center, and restores its ceremonial importance as a principal gateway to the nation’s capital. 10A DCMR § 1716.3.

***Policy FNS-2.6.2: Neighborhood Shopping Improvements*** - Promote a wider variety and better mix of neighborhood-serving retail shops at the shopping centers at Pennsylvania and Alabama Avenues, and Pennsylvania and Branch Avenues. 10A DCMR § 1716.4.

B. Pennsylvania Avenue SE Corridor Small Area Plan

As set forth above, the Subject Property is located within the boundary of the Pennsylvania Avenue SAP, adopted by the DC Council on July 15, 2008, pursuant to PR 17-706 (the “Resolution”). As indicated in the Resolution, the Pennsylvania Avenue Plan is intended to provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comprehensive Plan. The Resolution indicates that the Pennsylvania Avenue SAP outlines strategies to:

- i. Provide clear direction *concerning land use and zoning policy* for the commercial corridor;
- ii. Unify and transform Pennsylvania Avenue, SE into a world-class boulevard;
- iii. Create opportunities for mixed-use development, *including enhanced retail amenities and affordable, workforce and market rate housing*; and
- iv. Support important streetscape and infrastructure investments that will aid in revitalizing one of the District's major corridors.

(emphasis added)

The Pennsylvania Avenue SAP makes the following findings, which support the proposed rezoning of the Subject Property:

- i. The current range of uses along the Pennsylvania Avenue corridor does not mesh with the expressed needs of the community, nor does it provide the range of goods and services specified by the residents during this and earlier public input processes. *See Pennsylvania Avenue SAP*, p. 6.
- ii. There is significant unmet retail demand, especially neighborhood serving retail demand, in the areas east of the Anacostia River. *Id.*
- iii. The Penn Branch Shopping Center is one of seven identified redevelopment opportunity areas, is the one with the most potential to address well-known retail deficiencies, and is the only one of these sites recommended for rezoning. *Id.* at 10.
- iv. Development of the Pennsylvania Avenue SAP involved public input, which resulted in several themes and goals, including:
  - i. Redevelopment: consistent design, diversity of housing types, more affordable housing, increased mixed-use development, and
  - ii. Retail attraction: retail with more street presence, large grocery store east of the river, increase neighborhood oriented retail, redevelopment has to address parking issues. *Id.* at 12.
- v. There are few commercial nodes east of the Anacostia River, and the quality of that existing retail is poor and not integrated into neighborhoods. *Id.* at 31.
- vi. The area east of the Anacostia River is experiencing strong redevelopment pressure due to pent up demand for higher-quality housing and retail from within the existing community. *Id.*

- vii. The strongest retail market opportunity is infill neighborhood-serving retail, especially in underserved areas. *Id.* at 35.
- viii. Approximately 300,000 to 350,000 square feet of retail can be supported along corridors east of the Anacostia River. The Subject Property is specifically noted as having the most potential to accommodate a big portion of this retail demand because it “offers strong redevelopment market opportunity, given the size of the site and the motivations of a single owner.” *Id.*

The Pennsylvania Avenue SAP also makes the following specific recommendations regarding the Subject Property, which further support the proposed Zoning Map amendment to the MU-4 District:

- i. The Penn Branch Sub-Area represents the best opportunity for new retail in the corridor. *Id.* at 66.
- ii. The current split-zoning of the Subject Property creates impediments for viable redevelopment to occur. *Id.* at 67.
- iii. The Subject Property needs design flexibility that will increase the likelihood of redevelopment in a manner that attracts the types of tenants desired by the surrounding community. *Id.*

C. Health, Safety, and General Welfare

The proposed Zoning Map amendment would further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the MU-4 Zone District will allow the Subject Property to be put to a more productive use, thus contributing to the ongoing revitalization of the Pennsylvania Avenue corridor, and the neighborhoods located east of the Anacostia River, in a manner that is compatible with surrounding development. The Zoning Map amendment will protect the health and safety of District residents by replacing / rehabilitating a large surface parking lot and two-story commercial center with a new mix of residential, retail, and office uses that will generate additional activity along the Pennsylvania Avenue corridor. The Zoning Map amendment will also promote the general welfare through the

jobs created as a result of the redevelopment of the Subject Property, both short-term and long-term, and through significant new tax revenue for the District government. .

D. No Adverse Consequences

The Zoning Map amendment will not result in adverse consequences. Rather, the requested rezoning will contribute to several positive benefits as it will facilitate the redevelopment of a significantly underutilized site located along one of the District's designated "Great Streets." The redevelopment will improve the Subject Property's current condition, thereby enhancing the quality of the entire community and increasing revenue for the District. The Zoning Map amendment will not generate any negative external effects, but will instead promote the efficient use of high-value land in a manner that will enhance the city's image.

E. Proposed MU-4 Zone Would Create Favorable Conditions

As discussed above, the proposed Zoning Map amendment will bring the zoning of the Subject Property more into conformance with the current Mixed Use (Low Density Commercial / Moderate Density Residential) FLUM designation. Furthermore, the requested rezoning will advance a number of policies embodied in the various elements of the Comprehensive Plan, and will further the recommendations of the Pennsylvania Avenue SAP.

**VI.**  
**COMMUNITY OUTREACH AND ANC COORDINATION**

As shown in Exhibit E, the Applicant has already had extensive coordination with Advisory Neighborhood Commission 7B (the "ANC"), the ANC within which the Subject Property is located, as well as with relevant civic associations and community groups to discuss its intent to file the proposed Zoning Map amendment and future plans to redevelop the Subject Property. The Applicant discussed the subject application with the ANC at its regularly scheduled public meeting held on May 18, 2017, and has also had multiple discussions with

Commissioner Phil Hammond, Single Member District (“SMD”) 7B04, the SMD within which the Subject Property is located.

In addition, the Applicant has had several discussions with members of the local civic associations, including the Penn-Branch Civic Association, Hillcrest Civic Association, and Dupont Park Civic Association, as well as discussions with representatives from the Pennsylvania Avenue East Economic Development Committee. During these meetings, no direct concerns regarding the proposed Zoning Map amendment were raised by the community. Rather, the input provided by the community thus far has largely focused on the types of retail desired at the Subject Property, and on questions related to typical issues surrounding development such as traffic, parking, and construction. The Applicant currently plans to hold an open house on June 10, 2017, to continue its outreach and provide the community another opportunity to discuss the project. The Applicant will continue to coordinate with the ANC, civic associations, and other interested stakeholders through the Zoning Map amendment process and future redevelopment of the Subject Property.

## **VII.** **CONCLUSION**

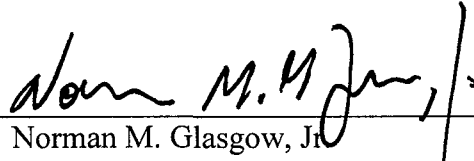
For all of the reasons stated herein, the Applicant submits that the proposed rezoning of the Subject Property from the MU-3/R-1-B District to the MU-4 District meets all of the requirements for an amendment to the 2016 Zoning Map. The proposed Zoning Map amendment is consistent with the District's plans and policies for the Subject Property and the surrounding area. Furthermore, the proposed rezoning is not inconsistent with the Comprehensive Plan and will further each of the specific objectives set forth in the Zoning Act. Accordingly, the Applicant respectfully requests that the Commission schedule a public hearing on this petition and grant the requested Zoning Map amendment.



Respectfully submitted,

HOLLAND & KNIGHT LLP

By:

A handwritten signature in black ink, appearing to read "Norm M. Glasgow, Jr.", written over a horizontal line.

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## CERTIFICATE OF SERVICE

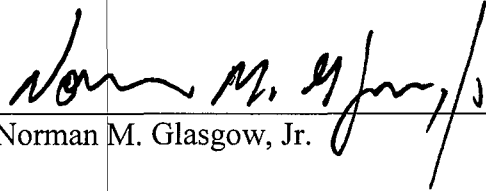
I hereby certify that on May 26, 2017, an electronic copy of the foregoing Applicant's petition to the Zoning Commission of the District of Columbia for a map amendment was served on the following. In addition, hard copies of the Applicant's petition were hand delivered to the same recipients on May 26, 2017.

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