

OP Staff Report

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: July 13, 2018
SUBJECT: ZC Case 17-11– Final Report for a Proposed Zoning Map Amendment
 Petition to Re-Map 3200 Pennsylvania Ave, S.E. from R-1-B to MU-4A

I. RECOMMENDATION

The Office of Planning recommends the Zoning Commission **approve** the proposed map amendment for 3200 Pennsylvania Avenue, SE. (Square 5539, Lots 835 and 840) from R-1-B to the new MU-4A zone¹. The proposed map amendment is not inconsistent with the Comprehensive Plan and furthers many specific policies.

II. APPLICATION-IN-BRIEF

Applicant	3200 Penn Ave PJV, LLC
Proposed Map Amendment	From R-1-B to MU-4A
Legal Description	Square 5539, Lots 835 and 840
Property Size	1.98 acres
Generalized Policy Map Designation	Neighborhood Conservation Area
Future Land Use Map Designation	Mixed Use: Low Density Commercial and Moderate Density Residential uses
Applicable Small Area Plan	Pennsylvania Avenue SE Corridor, approved by Council July 15, 2008 (before the most recent update to the Comprehensive Plan)
Ward, ANC	Ward 7, ANC 7B
Historic District	None

¹ The new MU-4A zone is being considered as case 18-06; final action on case 18-06 will be needed prior to final action on this case.

Previous Meeting and Hearing Dates	Set Down: April 30, 2018 (modified boundaries and MU-4A) Hearing: October 2, 2017 Set Down: June 26, 2017
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II. BACKGROUND

On October 2, 2017, the Zoning Commission held a public hearing for case 17-11 to consider rezoning the property at 3200 Pennsylvania Avenue, SE. (Square 5539, Lots 835, 838, 839, 840) from MU-3 (low density mixed-use) and R-1-B (low density residential) to MU-4 (moderate density mixed-use). At the hearing, owners of the adjacent single-family residences along O Street expressed concern about the adjacency of a new mixed-use development to their lower density single-family residential properties.

The Commission asked the petitioner in case 17-11 to work with the community to draft a new zone that would be responsive to the adjacency issues. As a result of these discussions, a modified version of the MU-4 zone was drafted and OP introduced Case 18-06 to create a new MU-4A zone and to rename the original MU-4 zone to MU-4B. The new MU-4A zone would include additional development standards to address the relationship of increased density on sites adjacent to lower density residential areas. The MU-4A zone text amendment was set down by the Commission on April 30, 2018.

At the same April 30, 2018 hearing, the Zoning Commission also approved the petitioners request to revise the original case and set down an amended petition to remap only lots 840 and 835 of Square 5539, 3200 Pennsylvania Ave, SE from R-1-B to the new MU-4A. The remainder of the original version of the site considered in the original petition (lots 838 and 839) are not a part of this case; their MU-3 zoning would not be changed by this case.

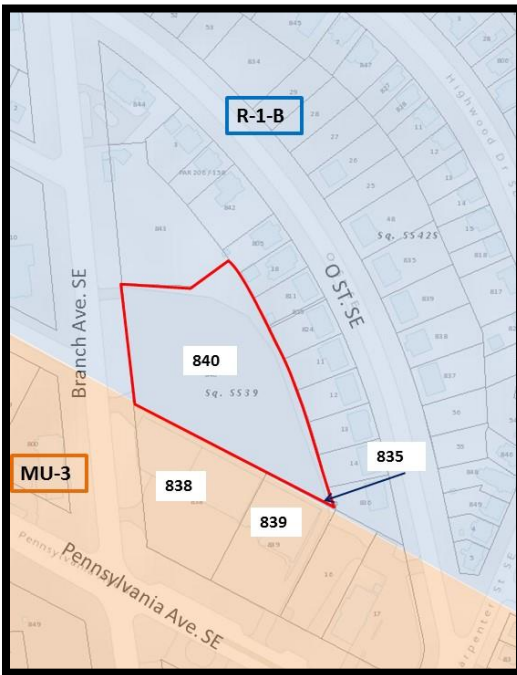
III. SITE AND AREA DESCRIPTION

The subject site is now approximately 1.98 acres and is composed of lots 840, and 835 in Square 5539. The site is bordered by Branch Avenue, SE, to the west, the Penn Branch shopping center to the south. To the north and east of the subject site are single family houses along O Street SE and a laundromat with surface parking lot on Pennsylvania Avenue. The subject site is the associated parking lot for the two-story Penn Branch shopping center. The stores are located on the MU-3 portion of the site and the main parking lot is to the rear on the R-1-B portion of the site.

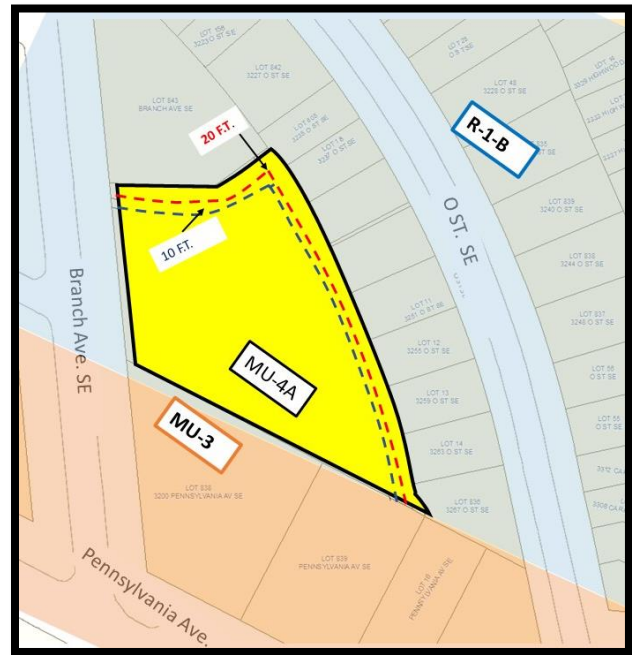
III. EXISTING AND PROPOSED ZONING

The Applicant is proposing to rezone the subject site to the new MU-4A. The MU-4A zone would permit moderate density mixed-use development with transition setbacks to reduce the impact of higher density development on lower density residential communities.

Existing Zoning



Proposed Zoning with Transition Setbacks



Existing and Proposed Zoning.

A comparison of the existing and proposed zoning parameters follows:

	Existing Zone: R-1-B	Proposed Zone: MU-4A
Height (max.)	40 feet	50 feet
Floor Area Ratio (max.)	N/A	2.0 (1.5 non-residential) 2.4 with inclusionary zoning
Residential Lot Occupancy (max.)	40% (all other structures) 60% (places of worship)	60% 75% (IZ)
Rear Yard (min.)	25 feet	15 feet
Side Yard (min)	8 ft.	8 feet for semidetached or detached. Otherwise not required except potentially as noted below

	Existing Zone: R-1-B	Proposed Zone: MU-4A
Transition Setbacks	N/A	<p>20-foot min. from any lot line directly abutting any R zone</p> <p>Additional 10-foot min. setback above 40 feet or top of third story</p> <p>Any transition setback area required shall not be used for loading</p> <p>Min. first 6' of transition setback (measured in from lot line) to be landscaped to specified conditions</p> <p>A transitional setback may be inclusive of a required side or rear yard provided all conditions of each section are met</p>
Permitted Uses	<p><u>R-Use Group A</u></p> <p>Mainly low density residential with some with some institutional uses such as a scholar or places of worship</p>	<p><u>MU-Use Group E</u></p> <p>Multifamily residential, office, retail, and service uses</p>

IV. COMPREHENSIVE PLAN MAPS

Section 226 of the Framework Element of the Comprehensive Plan talks to how to use the maps and states *The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.*

The Future Land Use Map (FLUM)

On the Future Land Use Map (FLUM), the subject property is striped for a mix of low density commercial use and moderate density residential use. Section 225 of the Framework Element provides description of the FLUM land use designations.

Moderate Density Residential: *This designation is used to define the District's row house neighborhoods, as well as 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. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, 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.² 225.4*

Low Density Commercial: *This 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*

² Corresponding ZR16 zone names are R3=R-3, R-4=RF-1, R-5-A=RA-1 and R-5-B=RA-2

*surrounding neighborhoods to larger business districts uses 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.*³ 225.8

Mixed Use Categories: *The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages.*

The Mixed Use category generally applies in the following three circumstances:

- a. Established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses;*
- b. Commercial corridors or districts which may not contain substantial amounts of housing today but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing; and*
- c. Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared.* 225.18

The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, "Moderate Density Residential/Low Density Commercial"). The Comprehensive Plan Area Elements may also provide detail on the specific mix of use envisioned. 225.19

The proposed map amendment to MU-4A would be fully consistent with these land use designations as it would permit by right development at a low density commercial and low to moderate density residential level.

The Generalized Policy Map

The Generalized Policy Map identifies the subject site as being located partially within a Neighborhood Conservation area and a Neighborhood Commercial Center. The current R-1-B portion is within the Neighborhood Conservation Area, and is currently a parking lot that serves the existing shopping center, which is now outside of the site boundary. MU-4A is intended for low to moderate density development so it would allow for infill development that would be modest in scale at a density that would be compatible with the neighborhood character and Policy map direction.

Generalized Policy Map

Section 223 of the Framework Element provides description of the Policy Area designations.

Neighborhood Conservation Areas: *Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses.*

³ Corresponding ZR-16 zone names are C-1=MU-3, C-2-A=MU-4.

Major changes intensity over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated...223.4

V. COMPREHENSIVE PLAN POLICIES

The subject site is located in the Far Northeast and Southeast Element of the Comprehensive Plan. Policies within the Far Northeast and Southeast Element and in many of the Citywide Elements provide guidance for this proposal. The Comprehensive Plan encourages directing more growth along Pennsylvania Avenue, SE including more neighborhood-serving retail and housing uses. A review of the proposal against the Comprehensive Plan policy statements is provided as Attachment 1.

The proposed map amendment to MU-4A is consistent with these Comp Plan policies.

VI. PENNSYLVANIA AVENUE S.E. CORRIDOR SMALL AREA PLAN

The site is within the Council approved Pennsylvania Avenue S.E. Corridor Small Area Plan. The Small Area Plan was approved by Council on July 15, 2008 and was incorporated into the Comprehensive Plan. The Small Area Plan acknowledges that the existing split zoning could cause a challenge to redeveloping the site and recommends the subject site with be under one zone. It also recommends that the new zoning should allow for more housing and neighborhood serving commercial uses. The proposed zone map amendment would further this recommendation.

Penn Branch Shopping Center Site Opportunities and Recommendations:

Development of this site will be 5 stories from the lowest point of the site with 65' maximum height, 5 stories with 65' maximum height on south side of Pennsylvania Avenue as well. New development and redevelopment within Neighborhood Commercial Areas must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses. (page 67)

The proposed map amendment would be consistent with these recommendations. The proposed new zone would limit the height of new development to 50 feet which has the same result as the small area plan guidance of 65 feet measured from "lowest point of the site".

IX. AGENCY REFERRALS

As of the writing of this report, no other District agencies have submitted comments for the revised version of the application.

VII. COMMUNITY COMMENTS

Fairfax Village Association provided a letter in support of the revised text amendment (Exhibit 57).

Letters and comments had also been submitted for the earlier version of the case, which was for rezoning lots 835,838, 839, and 840 to the original MU-4 zone. Ward 7 Councilmember Gray submitted a letter in support (Exhibit 10). The adjacent neighbor to the north, who owns 1558 Branch

Avenue SE and 3201 O ST SE, submitted a letter in opposition (Exhibit 20), with concerns related more to process than the requested map amendment.

The ANC also submitted a report in support for the earlier version of the case (Exhibit 23).

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Attachment 1

COMPREHENSIVE PLAN POLICIES

The subject site is located in the Far Northeast and Southeast Element of the Comprehensive Plan. Policies within the Far Northeast and Southeast Element and in many of the Citywide Elements provide guidance for this area. The Comprehensive Plan encourages directing more growth along Pennsylvania Avenue and more neighborhood-serving retail and housing uses.

Citywide Elements

Land Use

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. 307.5

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. 309.8

Policy LU-2.3.2: Mitigation of Commercial Development Impacts

Manage new commercial development so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas. Before commercial development is approved, establish requirements for traffic and noise control, parking and loading management, building design, hours of operation, and other measures as needed to avoid such adverse effects. 311.4

LU-2.4: Neighborhood Commercial Districts and Centers

Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses. Greater efforts must be made to attract new retail uses to these areas by improving business conditions, upgrading storefronts and the street environment, and improving parking and pedestrian safety and comfort. The location of new public facilities in such locations, and the development of mixed use projects that include upper story housing, can encourage their revival. 312.2

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of the District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5

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. 312.9

Policy LU-2.4.6: Scale and Design of New Commercial Uses

Ensure that new uses within commercial districts are developed at a height, mass, scale, design that is appropriate compatible with surrounding areas. 312.10

The proposed map amendment would allow for an appropriate mix of uses and a moderate increase in density and height, allowing development on the subject site to benefit the surrounding neighborhood. It should allow a better utilization of the land currently serving as excess parking area for the site, MU-4A would allow for a moderate increase in residential and commercial density. The new zoning would allow for the site’s underutilized land to be enhanced and revitalized. Furthermore, any redevelopment involving more than 50,000 sq. ft. of non-residential development would require large tract review which would assess potential impacts noted above. The scale of development permitted by the proposed MU-4A zone is appropriate for this neighborhood commercial center and through setbacks would complement the established character of the area.

Housing

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. 503.2

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. 503.4

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. 503.5

While, the proposed MU-4A zone does not require additional housing, the existing R-1-B zoning limits housing and neighborhood serving retail below what the Comprehensive Plan maps anticipated. Rezoning the subject site from the R-1-B zone to the MU-4A zone would allow the density and height anticipated by the Comprehensive and small area plan for mixed-use development on the site.

Economic Development

Policy ED-2.2.3: Neighborhood Shopping

Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 708.7

The proposed map amendment would allow for more opportunity for neighborhood serving retail on underutilized land in the Penn Branch neighborhood.

Urban Design

Policy UD-2.2.3: Neighborhood Centers

Undertake strategic and coordinated efforts to create neighborhood centers, civic buildings, and shopping places that reinforce community identity. 910.10

Policy UD-2.2.7: Infill Development

Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15

The proposed map amendment would encourage more development along a significant corridor of the city. The additional density and height under the proposed MU-4A zone would help to create a stronger neighborhood center for the Penn Branch community by providing a more defined urban form along Pennsylvania Avenue, SE.

AREA ELEMENT: Far Northeast and Southeast Area Element

The subject site is within the Far Northeast and Southeast Area and specifically largely within the Pennsylvania Avenue, SE Policy Focus Area.

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 areas 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. 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. The areas should be safe, inviting, pedestrian-oriented places 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 1708.5

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. 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.

The proposed map amendment would allow the subject site to be redeveloped in line with the Comprehensive Plan’s vision and the small area plan’s recommendations for protecting the single-family neighborhoods by allowing for moderate amounts of growth in an area that would strengthen the surrounding community. The proposed new MU-4A zone in this location would allow an appropriate level and type of residential and retail uses on the subject site which is identified within the Great Street section of Pennsylvania Avenue, consistent with the Comprehensive Plan text and FLUM. The rezoning would allow for improved pedestrian access to these areas, and improve the visual and urban design qualities of the site.