

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: September 22, 2017
SUBJECT: ZC Case 17-11– Final Report for a Proposed Zoning Map Amendment
 Petition to Re-Map 3200 Pennsylvania Ave, S.E. from MU-3 and R-1-B to MU-4

I. RECOMMENDATION

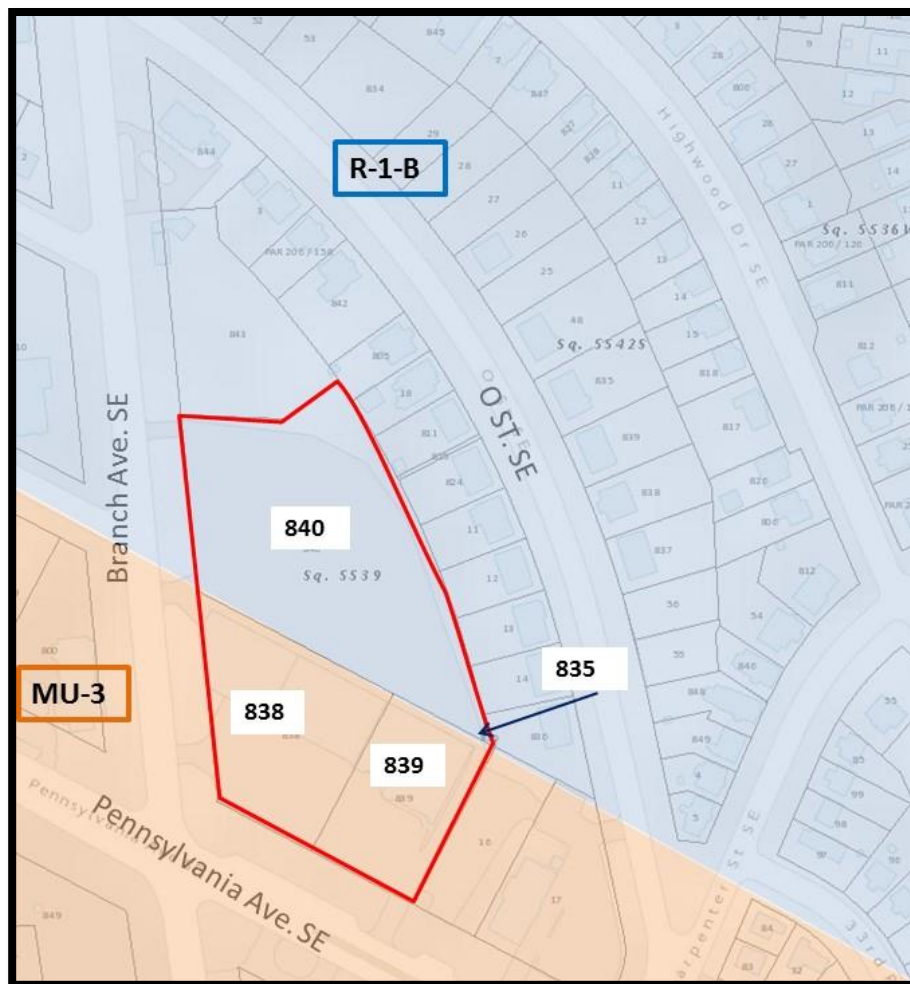
The Office of Planning recommends the Zoning Commission **Approve** the proposed map amendment for 3200 Pennsylvania Avenue, SE. (Square 5539, Lots 835,838,839,840) from R-1-B and MU-3 to MU-4. The proposed map amendment is not inconsistent with the Comprehensive Plan and furthers many specific policies.

II. APPLICATION-IN-BRIEF

Applicant	3200 Penn Ave PJV, LLC
Proposed Map Amendment	From MU-3/R-1-B to MU-4
Legal Description	Square 5539, Lots 835, 838, 839,840
Property Size	155,643 sq.ft. (3.5 acres)
Generalized Policy Map Designation	Neighborhood Commercial Centers/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
Set Down Meeting Date	June 26, 2017

III. SITE AND AREA DESCRIPTION

The subject site is approximately 3.5 acres and is composed of lots 840, 838, 839, and 835 in Square 5539. The site is bordered by Branch Avenue, SE, to the west, Pennsylvania Avenue SE to the south, and vacant land to the north. 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 improved with the two-story Penn Branch shopping center and its associated parking lot in the rear. 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 subject site is currently split zoned with the lots along Pennsylvania Avenue SE, lots 838 and 839, zoned MU-3 and the other lots, 840 and 835, zoned R-1-B. The Applicant is proposing to rezone the subject site to MU-4. The MU-4 zone permits moderate density mixed-use development and is intended to be located in low and moderate-density residential areas with access to main roadways or rapid transit stops (11DCMR Subtitle G, § 400.3).

Existing and Proposed Zoning.

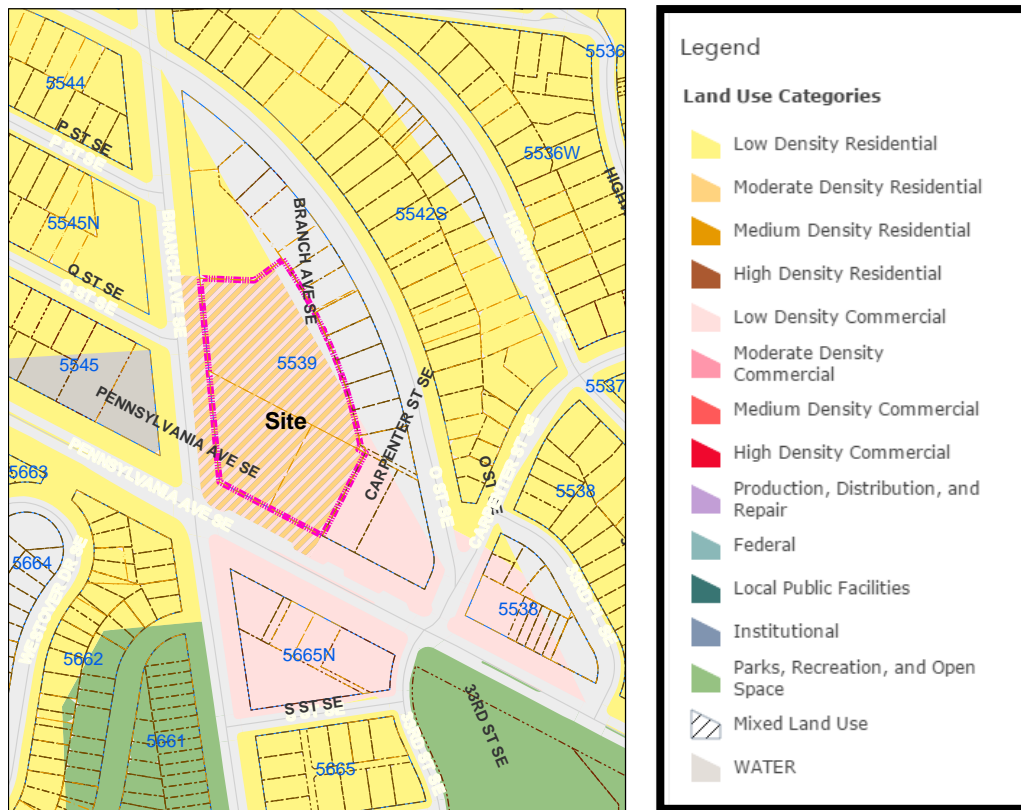
A comparison of the existing and proposed zoning parameters follows:

	Existing Zone: R-1-B	Existing Zone: MU-3	Proposed Zone: MU-4
Height (max.)	40 feet	40 feet	50 feet
Floor Area Ratio (max.)	N/A	1.0 (1.0 non-residential) 1.2 with inclusionary zoning	2.5 (1.5 non-residential) 3.0 with inclusionary zoning
Residential Lot Occupancy (max.)	60% (places of worship) 40% (all other structures)	60% 60% (IZ)	60% 75% (IZ)
Rear Yard (min.)	25 feet	20 feet	15 feet
Permitted Uses	<u>R-Use Group A</u> Mainly low density residential with some with some institutional uses such as a scholar or places of worship	<u>MU-Use Group D</u> Multifamily residential, office, retail, and service uses	<u>MU-Use Group E</u> Multifamily residential, office, retail, and service uses

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.¹ 225.4

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 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.² 225.8

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

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

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*

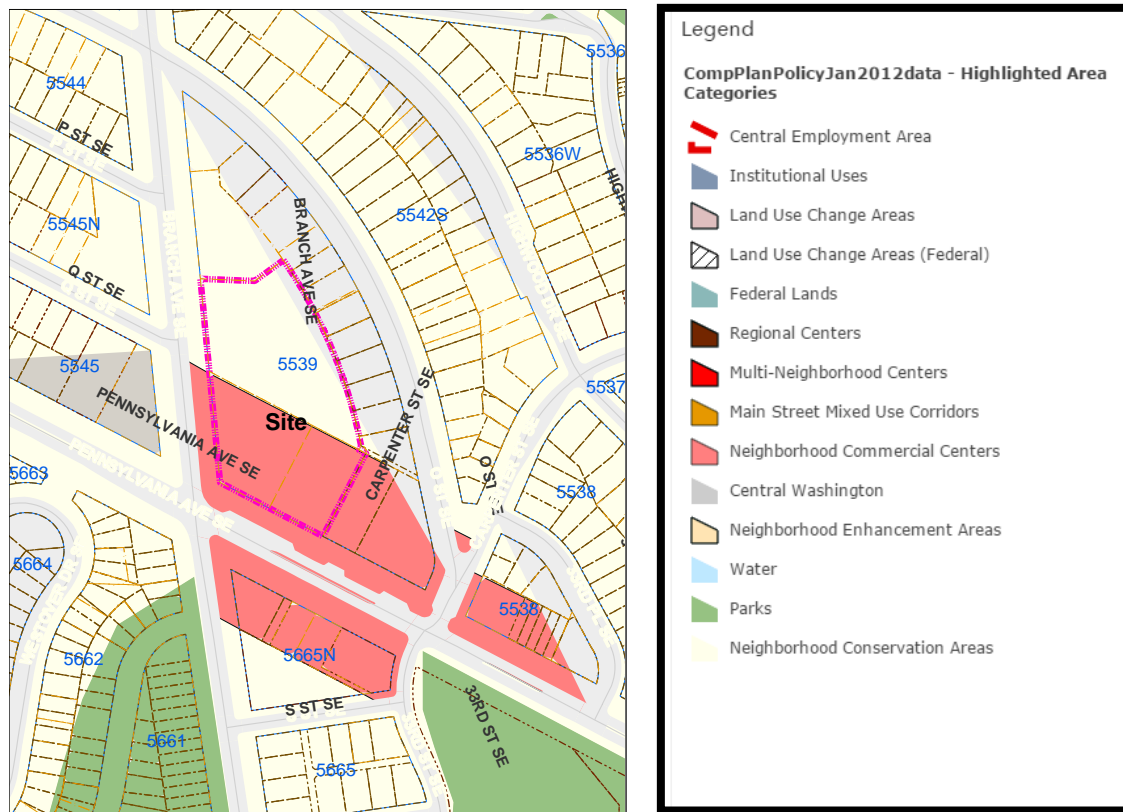
The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant 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-4 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. The Neighborhood Commercial Center portion is generally the current MU-3 portion, developed with the existing shopping center. MU-4 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. Major changes intensity over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated...* 223.4

Neighborhood Commercial Centers: *Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the 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 business, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations.* 223.15

Unlike Main Street Retail Corridors, the Neighborhood Commercial Centers include both auto-oriented centers and pedestrian-oriented shopping areas. Examples include Penn Branch Shopping Center on Pennsylvania Avenue, SE and the Spring Valley Shopping Center on Massachusetts Avenue, NW. New development and redevelopment within Commercial Area must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses. 223.16

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-4 is consistent with these Comp Plan policies.

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

The subject 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 it. It recommends rezoning the subject site under one zone and allowing more density and height. 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 decision.

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.

The proposed map amendment would be consistent with these recommendations.

IX. AGENCY REFERRALS

DDOT informed OP that the proposed rezoning would likely result in an increase in traffic. When a development is planned for the site, DDOT will work with the Applicant to manage any traffic circulation concerns it may generate.

DHCD, in an email dated July 25, 2017, indicated that it did not oppose the application, "so long as any future development complies with IZ." Since IZ applies to the site, any future residential development would be required to meet IZ. The slightly higher density allowed through this map amendment would facilitate additional affordable units, compared to the current zoning.

No other District agencies submitted comments for this application.

VII. COMMUNITY COMMENTS

Ward 7 Councilmember Gray submitted a letter in support of the proposal (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.

As of the writing of this report, no comments have been received by ANC 7B.

JS^{AICP}/cm^{AICP}

Attachment 1

The Three “Tiers” of Planning:

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- a. Citywide policies*
- b. Ward-level policies*
- c. Small area policies. 104.1*

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “Small Area Plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2

Citywide and Area Elements - *Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. 104.6*

Small Area Plans - *As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. 104.8*

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

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." Seven corridors are designated Great Streets (including Pennsylvania Avenue, SE) as part of an integrated economic development, transportation and urban design strategy. 306.6

The "reach" of transit-oriented development around any given station or along a high volume transit corridor should vary depending on neighborhood context. While ¼ to ½ mile is generally used across the country to define the walkable radius around each station, and therefore the area in which higher densities may accommodate growth without increased traffic congestion, applying a uniform radius is not appropriate in the District. The established character and scale of the neighborhood surrounding the station should be considered, as should factors such as topography, demographics, and the station's capacity to support new transit riders. Many stations abut historic or stable low density neighborhoods. 306.8

To avoid adverse effects on low and moderate density neighborhoods, most transit-oriented development should be accommodated on commercially zoned land. Possible rezoning of such land in a manner that is consistent with the Future Land Use Map and related corridor plans should be considered. 306.9

LU-1.37: TOD Boundaries

Tailor the reach of transit-oriented development (TOD) policies and associated development regulations to reflect the specific conditions at each Metrorail station and along each transit corridor. The presence of historic districts and conservation areas should be a significant consideration as these policies are applied. 306.16

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-2.1.5: Conservation of Single Family Neighborhoods

Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 309.10

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 Penn Branch to expand and better utilize the land currently serving as excess parking area for the site, MU-4 and it would be consistent with FLUM. MU-4 would allow for more mixed use transit-oriented development along Pennsylvania Avenue, which is a "Great Street". The moderate increase in commercial and residential density would allow for the enhancement and revitalization of the subject site's underutilized land. 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 MU-4 zone is appropriate for a neighborhood commercial center and 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

Rezoning the subject site from MU-3 and R-1-B to MU-4 zoning would allow the private sector the density and height needed to provide more housing on underutilized land in the Penn Branch neighborhood commercial center. While the proposed new zone does not require additional housing, the existing zoning limits housing and neighborhood serving retail below what the Comprehensive Plan maps anticipated.

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-1.4.3: Avenue/Boulevard Vistas and View Corridors

Protect views and view corridors along avenues/boulevards, particularly along streets that terminate at important civic monuments or that from distant landmarks. Vistas along such streets should be accentuated by creating more well-defined street walls, improving landscaping, and requiring the highest architectural quality as development takes place. 906.11

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 for the city. It would help to promote more development on Pennsylvania Avenue, SE, which is a street that leads to important civic monuments and landmarks. The additional density and height under the

MU-4 zone should 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-1.1.1: 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. 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. 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: Pennsylvania Avenue Southeast Corridor

Pennsylvania Avenue SE is one of the busiest arterials in the District of Columbia, carrying 96,000 vehicles a day across the Sousa Bridge and 53,000 vehicles per day between Minnesota and Branch Avenues. For several years, a Citizens Task Force has been exploring strategies for addressing traffic congestion on the avenue while mitigating related problems such as noise, pedestrian safety, and cut-through traffic on local streets. Parallel efforts by the District have looked at land use and design issues, including the character of the street environment and the quality of the business districts in Fairlawn, Penn Branch, and For Davis. In 2005, plans to redesign the Sousa Bridge/I-295 on the off-ramps were announced as part of a broader strategy to improve the corridor and invest in new sidewalks, lighting, and trees. 1716.1

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 for protecting the single family neighborhoods by allowing for moderate amounts of growth in an area that would strengthen the surrounding community. MU-4 in this location would allow an appropriate level and types of residential and retail uses on the subject site, consistent with the FLUM, to benefit the surrounding neighborhood. This would be especially beneficial for the underutilized R-1-B portion of the subject site, which is currently occupied by a parking lot but designated for low to moderate density mixed use development, consistent with the MU-4 zone. The proposed MU-4 zoning on Pennsylvania Avenue should help fulfill Plan policies to see more growth concentrated on Pennsylvania Avenue.