

**4911 ASHBY STREET, NW
WASHINGTON, DC 20007**

September 27, 2017

Anthony J. Hood, Chair
DC Zoning Commission
441 4th Street, NW, Suite 220-S
Washington, DC 20001

RE: CASE NO. 17-11 (3200 Penn Ave PJV, LLC – Map Amendment @
Square 5539, Lots 835, 383, 839, and 840)

Dear Chairman Hood and Members of the Zoning Commission:

The meeting notice states “THIS CASE IS OF INTREST TO ANC 7B,” but this case should be of interest to all ANCs that have low density mixed use zones within their boundaries. Across the city, low density MU zones are under siege by developers attempting to max out their investment dollars. In the end the community is left with something that just doesn’t fit – something like Cinderella’s shoe where a size 10 foot is trying to squeeze into a size 6 shoe. In this case the Zoning Commission (ZC) is holding a size 6 shoe and Penn Ave PJV, LLC has asked the ZC if it will let the shoe be stretched to fit its size 10 foot.

Proposed Map Amendment is in Conflict with the Comprehensive Plan

This case points out an obvious conflict between ZR16 and the Comprehensive Plan which has been noted in the ZR16 Technical Corrections Module. While the Future Land Use Map of the Comprehensive Plan defines MU-3 [previously C-1 and C-2-A] zones as Low Density Commercial – generally low in scale and character, ZR16 Subtitle G separates the two zones into MU-3 and MU-4 with MU-3 being defined as permitting low density mixed use development. Subtitle G § 400.3 defines the MU-4 zone as (a) Permitting moderate-density mixed-use development. ZR-16 has upped the size of the development foot for MU-4 zones. The moderate density development shoe does not fit the low density zoning foot. The ZC must recognize that it approved up zoning for the MU-4 zone through

ZR16. Some previous low density commercial zones are now classified as moderate density commercial zones although they are characterized as being predominately low density in character.

The Future Land Use Map (FLUM) clearly shows the subject site is surrounded by a predominance of low density residential (R-1-B). Although the site is striped on the FLUM for mixed use, i.e., low density commercial and moderate density residential use, the R-1-B housing which abuts the development site is not comprised of row houses or garden apartments as implied in the Office of Planning report (page 4). It also seems contrary to zoning that these homes should be viewed as future tear downs to allow more height and density.

Proposed Map Amendment is in Conflict with the Small Area Plan

The Future Vision/Urban Design section of the Pennsylvania Avenue, SE Corridor Small Area Plan notes

the Penn Branch Sub-Area “represents the best opportunity for new retail in the corridor...The predominant land use throughout this sub area is residential. A change from the existing zoning to moderate density at key nodes will allow for a mix of uses need to support the desire retail of the community. Transition between land uses: New development should physically step down towards existing residential uses, particularly to the side and rear, and provide a buffer of trees and other plantings.”

The SAP recommends stepping down NOT stepping up towards existing residential uses.

To briefly return to the conflict which has been created between zoning and the Comprehensive Plan, a balance was intended between mixed use commercial and residential to ensure compatibility of density and scale. That is not what is being proposed in this case. The foot and the shoe would be incompatible; and, it is clear the same incompatibility would exist with what is recommended in the SAP – “New development should be physically step down towards existing residential use, particularly to the side and rear...”

Existing and Proposed Zoning

Creating a single MU-4 zone district would allow height to increase by a minimum of 10 ft. not counting the allowed penthouse which was not envisioned when the

SAP was approved; FAR would increase on some lots from 40% to 60%; the O Street neighbors' setback would be reduced from 25 ft. to 15 ft.; and, the Permitted Uses to vary from R-Use Group A and MU-Use Group D to MU-Use Group E or multifamily residential, office, retail and service uses. Again, the Use Groups for low density residential and those for moderate density mixed use are very different and incompatible with the abutting low density residential development. The proposed use group changes has the potential to create objectionable conditions for existing homeowners.

Conclusion

This proposed 75% lot occupancy allowance cries out for a neighborhood mixed-use (NC) overlay to provide overall protection for the area. The new penthouse regulations and proposed map amendment permit development height where a step down is needed to preserve and protect the current scale and character of the community. The proposed map amendment only serves the financial needs of the developer and sets precedent for additional out of scale development in the same area. Rather than enhance and protect neighborhood character, this proposal promotes the destruction of neighborhood character.

The Zoning Commission needs to send the Office of Planning back to the drawing board to consider a neighborhood mixed use zone with a substantial buffer of trees between the mixed use and residential development areas to ensure the protection of abutting low density residential properties. There is opportunity to right size this proposal so the investments of residential property owners are respected and protected. Low density residential properties should not be rezoned to MU-4 mixed use commercial status to allow 3200 Penn Ave PJV, LLC to max out development dollars – the investment dollars of current residential properties must be carefully weighed also as new mixed use development interests are considered. There is no reason development cannot be realized and compatible provided the Zoning Commission ensures new development is not inconsistent with guidance provided in both the FLUM and the SAP.

Sincerely,



Alma H. Gates
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