

Testimony in Support of Amendment to Bill 18-867
“The Comprehensive Plan Act of 2010”

Map Amendment for 1700 1st Street, NW
9/28/2010

1. In 1897, the building at 1700 1st Street was built as a commercial building with storefront windows, outdoor awnings, tall commercial ceilings, etc.. It has operated for over 100 years as a commercial establishment off old Boundary Street (which is now the Florida Avenue Commercial Corridor).
2. In 2007/2008, we prepared an application/argument to correct the DC Zoning Map so that the building would be formally recognized as commercial, and so the business could more fully operate as a commercial business. This application/argument was presented to the ANC 5C in 2008 and the ANC 5C voted (9-1) to approve/support the proposed zoning change. (the support letter and meeting minutes are attached)
3. On Sept. 8th, 2009 the Office of Planning submitted a proposed amendment to the Comprehensive Plan “to acknowledge the existing and historic use of [1700 1st Street] as commercial; provide more certainty regarding potential land use to this business and to the neighborhood; and consistency between the Land Use Map and the existing use.” (tracking #184 in 2009 amendment proposals - attached)
4. In 2010 our application was reviewed by the Office of Planning. OP concluded that the zoning change was consistent with the Comprehensive Plan and recommended the case be approved for "set down" by the Zoning Commission. (the OP argument is attached)
5. The Zoning Commission approved our case for set-down on July 26th, 2010. The final Map Amendment public hearing is pending.
6. On September 28th, 2010 at the DC Council Committee of the Whole Legislative Hearing the Council will review Bill #18-867, “The Comprehensive Plan Amendment Act of 2010,” that includes the proposed amendment changes to the Comprehensive Plan to officially recognize 1700 1st Street as a part of the Florida Ave Commercial Corridor. [tracking number 184, Comp Plan Map Amendment Summary Matrix, Bill #18-867]

Supporting Documents

Office of Planning – Comprehensive Plan Amendment Recommendation, 2009

ANC 5C - Vote of Support, 2008 minutes (vote 9-1)

Office of Planning – Support Argument for “Set down” for the Zoning Commission

Commissioner ANC 5C-04 - Letter of Support



Comprehensive Plan 2009 Amendment Cycle Draft Recommendations

Tracking Number: 184

Applicant: DCOP

Text or Map: M

Address related information: 1700 First St NW

Element affected: Land Use Map

Existing text or map designation: Low density residential

Proposed amendment: Low density mixed use - residential / commercial

Rationale: Although the Comp Plan Future land Use map is generalized, this change would acknowledge the existing and historic use of the site as commercial. Provide more certainty regarding potential land use to this business and to the neighborhood, and consistency between the Land Use Map and the existing use.

Draft recommendation: The amendment proposal is recommended for Council consideration.

Justification: The amendment proposal corrects a map error and provides consistency between the Future Land Use Map and the existing use. The change would acknowledge the existing and historic use of the site as commercial.

Tracking Number: 185

Applicant: DCOP

Text or Map: M

Address related information: Corner of Cathedral Ave NW and Hawthorne St NW Devonshire PI NW to the north, Hawthorne St NW to the east, Cathedral Ave NW to the south and Connecticut Ave NW to the west Square 2210; Lot 0001, 0006, 0007, 0010, 0011

Element affected: Land Use Map

Existing text or map designation: Moderate density residential

Proposed amendment: High density residential

Rationale: This block of Cathedral is zoned R5D. It is developed in the same character as Connecticut Ave. However, FLU designates this block as R4, moderate density residential. The current designation is not consistent with the zoning designation and the surroundings

Draft recommendation: The amendment proposal is recommended for Council consideration.

Justification: The amendment proposal corrects a map error.

- Another public space near Metro.
- Maybe a meeting space/public space at 8th and Monroe.
- South is a townhouse component to transition into single family homes. Architecture: echo the turn of the 20th Century architecture, but create a new look.
- Retail: would be small scale but compatible with what is going on 12th St.

12- to 18-month process before the development built.

Action Item: Vote on Zoning Change for 1700 First Street, NW: Last month, Commissioner Davenport summarized the need for this zoning change for his business property. Commissioner Bonds moved that we approve the zoning. Commissioner Wright seconded the motion. Aye: 9. No 1 (Daneker), Commissioner Davenport recused himself from the vote. Motion approved. Letter will be written the Zoning Commission.

Emergency Action Item: Dominican House Driveway Relocation: Commissioner Grant introduced Father Thayer, Brendan Beck, and Brian Whelan of the Dominican House, which is at Michigan and Monroe Avenues, NE. To improve safety and access to the property, they have asked the ANC to support their efforts to move their driveway 30 feet.

Commissioner Wright moves that ANC 5C support the move of the driveway for public safety and send a letter of support to the Public Space Permit Division of DDOT. Commissioner Salatti seconded Motion approved unanimously.

Progress Reports: Introductions by Commissioner Grant

- St. Paul's Housing: Jack Lester, EYA, updated the ANC on this project. Because of additional meetings EYA has had in the last month with Commissioner Grant and neighbors, Office of Planning, and Zoning, EYA has made some changes to their plans. The plan now has fewer units (14-15) for total of 237, more buffer, opened courtyard, same architecture (stone architecture, typical of Brookland), increased affordable units (from 23 to 24 (more than 10% affordable; 50 to 80% AMI, \$350,000 subsidy per unit; \$5M total subsidy)). Quality and design same as market-rate units. Energy-star rated homes and LEED standards.
- Tree Watering Campaign: Liz Tylander, DDOT Urban Forestry Admin, gave out info about UFA and watering trees.

Part IV: Information of Interest

- Progress Report on Single-Member District Issues: Commissioner Wright: Walk-thru in Eckington was successful. Highlights: (1) the 300 block of W St. will receive speed humps and markings to narrow look of street; (2) 300 block of Randolph sidewalk will be paved; (3) Todd St alley between Lincoln Road and North Capitol Street has been repaved.

Part V: Committee of the Whole Executive Session

- 1) Pay Bills: Commissioners Day and DeFoe report no bills to be paid.
- 2) Operations Resolutions: To facilitate the signing of checks, Commissioner Farmer-Allen stated that the ANC needs to have a third, bonded person who can co-sign checks. That way we are more likely to have two eligible signers available.

She moved that we bond a third commissioner to be able to sign checks in the absence of the Treasurer. Commissioner Daneker moves that we table the vote on Commissioner Farmer-Allen's motion; Commissioner Day seconds Commissioner Daneker's motion. Motion approved unanimously.

- 3) Items for July 2008 Meeting Agenda 1 Economy Corp. and St. Paul's housing Project

Meeting Adjourned: Commissioner Daneker moved adjournment. Commissioner Farmer-Allen seconded the motion. Motion approved unanimously and the meeting adjourned at 9:25 P.M.



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Stengasser, Deputy Director
DATE: July 16, 2010
SUBJECT: Preliminary Report on Zoning Commission Case Number 10-14 – Stuart Davenport – Proposed Zoning Map Amendment (Setdown Report)

PROPOSAL

Stuart Davenport (“Applicant”) filed a petition requesting the Zoning Commission to rezone Lot 800 in Square 3103 from residential (R-4) to commercial (C-2-A) zoning.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission setdown this application for a public hearing.

SITE DESCRIPTION

The site proposed for rezoning is located at 1700 1st Street N.W. (hereinafter, the “Property”). It is situated at the northwest corner of R Street N.W. and 1st Street. The Property measures approximately 1,222 square feet and is improved with a two-story row building (“Building”) that dates from the early twentieth century. The Property directly abuts a 15’ wide improved alley to the west and a residential row dwelling to the north. It is zoned R-4, but borders a C-2-A zone to the south.

The Building has a long history of commercial use. A 1905 “application for permit to repair or reconstruct buildings” identified the building use as a “store.” The Building has entrances nearly at grade (in contrast to many of the neighboring row dwellings) and the first floor features high ceilings. A review of certificates of occupancy (CoFO) since the 1950s reveals a pattern of grocery store and delicatessen uses on the first floor and basement, with more recent growth to a cafe/restaurant with related seating. For example, a 1955 CoFO identified the use as “grocery (non-conforming)” and a 1986 CoFO described the use as “Delicatessen and grocery – no seating.” In 2006, the certificate of occupancy approved a “grocery store” use, which it described as “Delicatessen (8 seats) & retail grocery on first floor with basement storage (non-conforming use with previous CoFO); rental unit on second floor.” The most recent certificate of occupancy (April 23, 2010) lists the use as “restaurants – A-2” for Big Bear Cafe, describing the operation as a “(restaurant/prepared food shop w/49 seats and market) located in basement and first floor.” The requested rezoning would allow the Property’s zoning designation to reflect the historic and current use of the site. It would also support the Applicant’s expressed desire to increase the amount of seating and expand the restaurant. According to the application, the second floor would continue to be used as a residential rental unit.¹

AREA DESCRIPTION

Square 3103, where the Property is located, is split-zoned. The bulk of the Square is zoned R-4 and generally consists of single family, flat, and apartment uses. The southwest portion of the Square is zoned C-2-A and is composed mostly of residential uses. There are a few commercial uses (such as the Abyssina Market) located near the intersection of 2nd Street N.W. and Florida Avenue. The Bloomington Farmers Market is held adjacent to the Property on R Street between 1st Street and Florida Avenue.

¹ There is a two bedroom residential apartment accessed by a rear staircase.

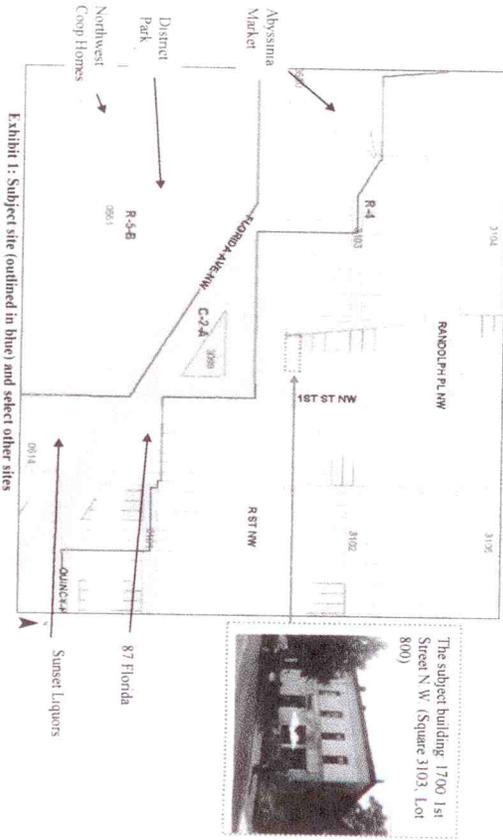
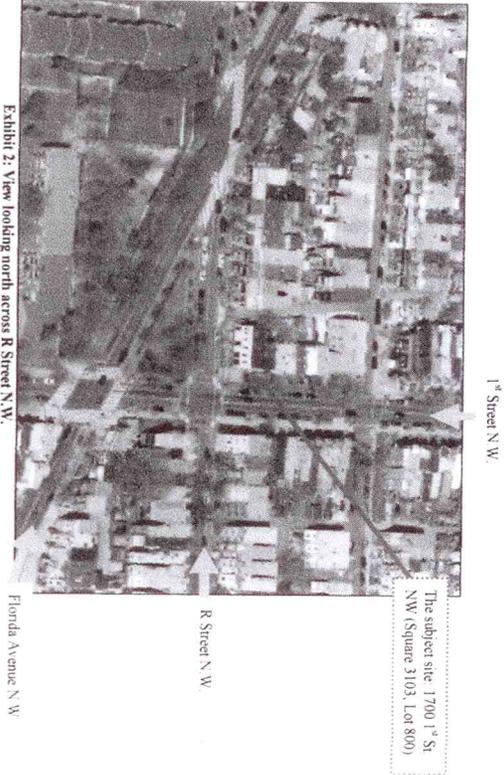


Exhibit 1: Subject site (outlined in blue) and select other sites

The Property is proximate to a commercially zoned (C-2-A) span of Florida Avenue between roughly Rhode Island Avenue and North Capitol Street. This stretch is characterized by sporadic commercial uses, including some vacant storefronts, as well as low and medium density residential uses. To the immediate south of Square 3103 is a triangular federal reservation and a District park. The Northwest Cooperative Homes garden apartments are on the south side of Florida Avenue and are zoned R-5-B. Among other uses, there is an existing studio and exhibition space (87 Florida) and a commercial store (Sunset Liquors) in a C-2-A zone at the northeast and southeast corners, respectively, of the 1st Street and Florida Avenue intersection. To the north and east of the Square are predominantly residential uses zoned R-4.



ZONING

The Applicant is proposing that the Property be rezoned from R-4 to C-2-A, which would extend north the abutting C-2-A zone district. Generally, the R-4 zone includes those areas now developed primarily with row dwellings. The C-2-A zone, in contrast, is designed to provide facilities for shopping and business needs, housing, and mixed uses. The key difference between the zones is the range of commercial uses permitted by right or special exception in a C-2-A zone. For example, in a C-2-A zone a restaurant use would be permitted by right and a prepared food shop with more than 18 seats would be permitted by special exception.² A comparison of the bulk requirements for the existing and proposed zoning districts is provided below.

	R-4	C-2-A
Maximum Lot Occupancy	60%	Residential lot occupancy limited to 60%
Maximum Height	40'	50'
Maximum FAR	None prescribed	2.5 (nonresidential limited to 1.5 FAR)

COMPREHENSIVE PLAN

The 2006 Comprehensive Plan ("Comp Plan") Future Land Use Map appears to identify the Property as substantially Moderate Density Residential. The southwestern portion of the Property also appears to

² A "restaurant" is defined as "a place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. Any facilities for carry-out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises." A "prepared food shop" is defined as "a place of business that offers seating or carry-out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments." This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor."

overlap with the Low Density Commercial/Moderate Density Residential designation, which looks to be the designation generally applied to properties fronting this stretch of Florida Avenue. The Moderate Density Residential designation is used to define the District's row house neighborhoods, as well as its low-rise garden apartments, and is generally consistent with R-3, R-4, and R-5-A zone districts. The Low Density Commercial designation is used to define shopping and service areas that are generally low in scale and character, and is generally consistent with C-2-A, C-2-B, and C-3-A zone districts.

As part of the Comprehensive Plan 2009 Amendment Cycle, OP recommended a Future Land Use Map change to fully designate the Property as "low density mixed use residential/commercial." The stated motivation for the amendment is to correct a map error and to provide consistency between the Future Land Use Map and the existing use and to acknowledge the existing and historic use of the site as commercial. The recommendation is one of many proposed Comp Plan map amendments that are currently before the Council for consideration. OP anticipates that a hearing on the amendments will occur in early fall.

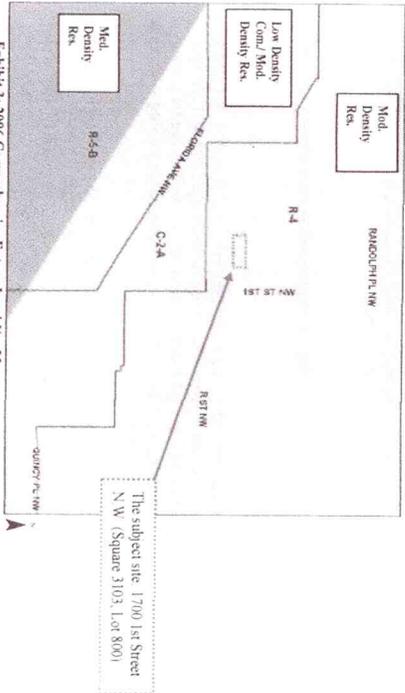


Exhibit 3: 2006 Comprehensive Future Land Use Map

The 2006 Comp Plan Generalized Policy Map appears to show the Property as just west of a designated Main Street Mixed Use Corridor, which is an area where "their common feature is that they have a pedestrian-oriented environment with traditional storefronts [and] in many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs." The current and proposed use of the Property exhibits characteristics referenced by this commercial corridor designation.

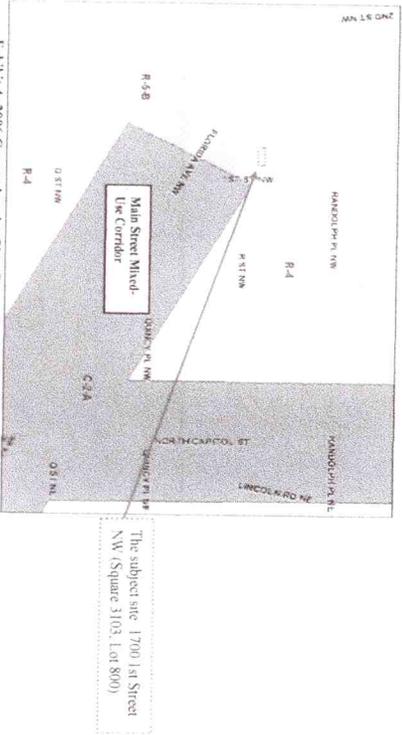


Exhibit 4: 2006 Comprehensive Plan Generalized Policy Map

The Comp Plan also provides the following land use policy guidance:

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."

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. Renovation 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."

Policy ED-3.1.1: Neighborhood Commercial Vitality

"Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents."

ED 3.2 Small and Locally-Owned Businesses

"Small goods and services businesses are an important part of what makes the District's neighborhood areas work. They provide full and part time employment opportunities for city residents and contribute to the city's base. They help sustain the diversity of neighborhood shopping areas, and enable the marketplace to respond to changing business conditions and consumer preferences. It is the city's small business proprietors that have initiated many of the District's commercial revitalization efforts, driven by a desire and commitment to upgrade their businesses, properties, and neighborhoods.... The success of small businesses in these sectors and others is particularly important in the city's economically-distressed communities. Small businesses in these areas can catalyze neighborhood renewal and provide local jobs."

Policy MC-2.7.1: North Capitol/Florida Business District

"Upgrade the commercial district at Florida Avenue North (Capitol New York Avenue, restoring vacant storefronts to active uses and accommodating compatible neighborhood-serving infill development."

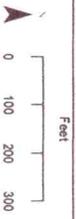
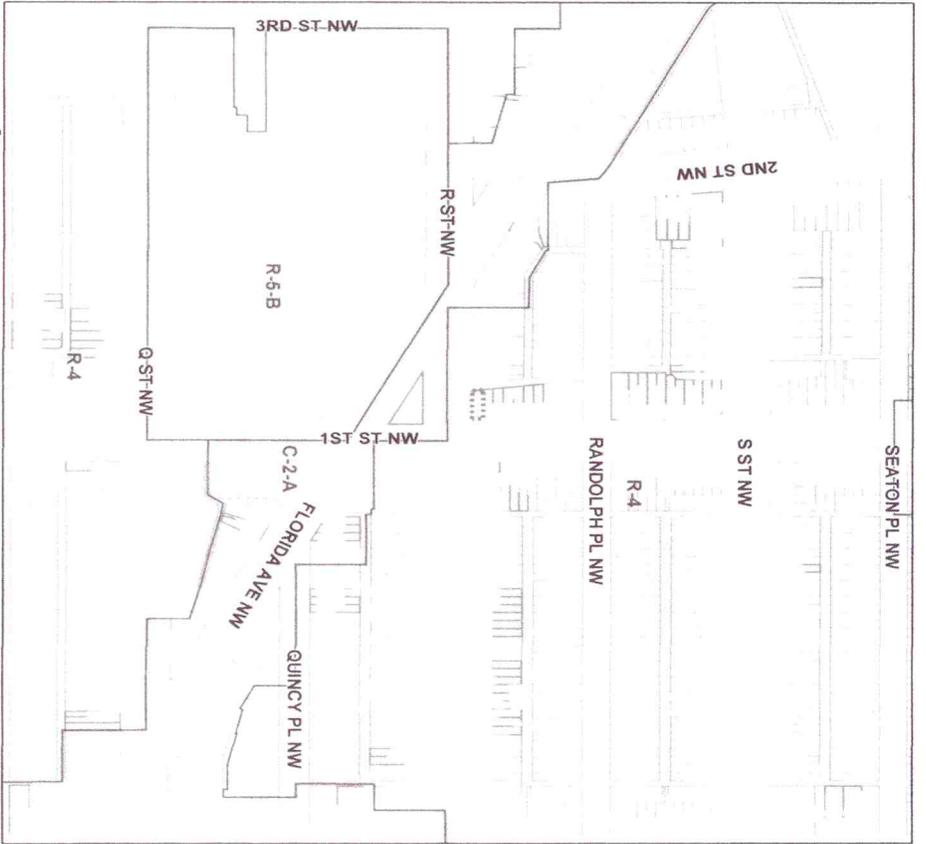
Taken together, the Future Land Use Map and General Policy Map are intended to provide "generalized guides for development." The Future Land Use Map "is to be interpreted broadly," and the "zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans." A C-2-A zoning designation would not be inconsistent with the Comp Plan guidance, a determination that would be further reinforced should the Council approve the identified Future Land Use Map amendment.

CONCLUSION

The Office of Planning **recommends** that the proposed amendment to the Zoning Map be **setdown for public hearing** before the Zoning Commission. The proposed map amendment would not be inconsistent with the 2006 Comp Plan and Future Land Use Map.

JL,SPJ
Paul Goldstein, Case Manager

Attachment: Map - View of the project area and vicinity and the current zoning



Attachment 1: View of the subject area and zoning



Government of the District of Columbia
 Adrian M. Fenty, Mayor

Office of Planning ~ July 1, 2010

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Picometry, International

-  Subject Site
-  Zoning Districts

- Buildings
- Roads
- Alleys and Parking
- Streets
- Parks