

Docket Item #12-A
TEXT AMENDMENT #2004-0007

Planning Commission Meeting
November 4, 2004

CASE: TEXT AMENDMENT #2004-0007
AMENDMENT TO FLOOR AREA RATIO IN THE CD-X ZONE

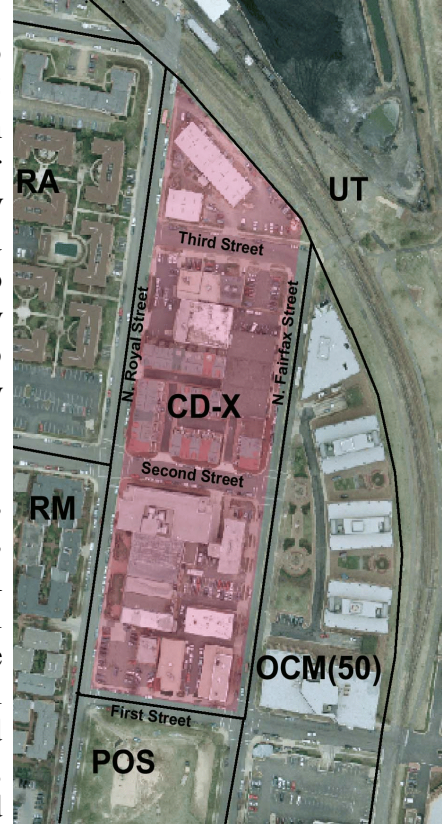
ISSUE: Consideration of an amendment to Section 4-606 of the Zoning Ordinance to increase the residential floor area ratio in the CD-X zone from 1.25 to 2.0 with a special use permit.

I. SUMMARY:

The proposed text amendment will amend the floor area ratio permitted within the CD-X zone for residential uses from 1.25 to 2.0, if a special use permit is approved consistent with prescribed development standards, including provision for underground parking, affordable housing, and publicly accessible open space. Although the small area plan for Old Town North expressly encourages residential uses in order to achieve a mixed use area, the CD-X zone now discourages it by permitting higher densities for commercial development, up to 2.5 with a special use permit. The change in zoning will apply only to three blocks in Old Town North.

To encourage a better balance of residential and commercial uses in an area that is primarily commercial uses, staff is recommending that residential uses be permitted up to a 2.0 FAR with a special use permit, with standards to assure maximum accompanying public and neighborhood benefit. Residential use within the limited mixed use area will provide a transition between the predominantly residential uses to the west, and office uses to the east, both in use and in scale. Additionally, residential use will further support the existing retail and neighborhood services in the surrounding neighborhood. A balance of uses clearly promotes the Old Town North small area plan objectives of creating a vibrant pedestrian character and establishing the traditional urban fabric in Old Town North.

Staff has met with the affected and adjoining property owners and civic associations. The proposed text amendment has been received positively, and staff believes that with the discretionary reviews provided by the requirement of a special use permit, the appropriateness of density can be reviewed on a case by case and site by site basis.



Three CD-X Blocks affected by the proposed text amendment.

II. BACKGROUND:

Historically, Old Town North has been an area comprised of predominantly commercial and industrial uses with limited residential uses, having been primarily an industrial area until approximately 1960. In recent decades the area has increasingly become a mixed use area of commercial, residential and retail uses with remnants of the industrial uses. Since the adoption of the current Master Plan it has been the goal of the City and the community to extend the fabric of Old Town, with its visual and physical continuity, traditional pedestrian activity, and sense of place, to Old Town North to better integrate these two neighborhoods. Thus the small area plan encourages an appropriate mix of uses, with particular emphasis on residential uses to mitigate the extensive amount of office use that had been constructed within Old Town North in the 1970s and 1980s. Currently office use comprises a significant area of Old Town North. The Master Plan specifically seeks to “expand and reinforce a sense of residential community, in particular by extending the residential scale and flavor of the historic district northward into as much of Old Town North as possible.”



Boundary of the Old Town North Small Area Plan with affected area inset .

To accomplish the objectives of the Master Plan, several zones, designed to encourage and enhance mixed uses, were created that are only located in Old Town North such as the CD-X zone. In addition there are retail focus areas, a concept unique to the Old Town North area, that were established to require consolidated areas of ground floor retail in targeted locations to encourage pedestrian activity and vibrance. Old Town North is also one of the areas in the City that is subject to established Urban Design Guidelines and an Urban Design Advisory Committee. All of these efforts show emphasis on both urban design and mixed uses and have helped guide several recent residential redevelopments in the area such as the Samuel Madden and Garretts Mill developments.

While the Master Plan encourages a balance of residential and commercial uses, the current zoning favors office and commercial by allowing those uses at considerably higher floor area of 1.5 with a site plan and 2.5 with a special use permit. For residential, 1.25 floor area is permitted; there is no increase provided for even with a special use permit. This inherent preference for commercial redevelopment is contrary to the intent of the Master Plan, which encourages residential use. In the interest of promoting a vibrant mix of

uses, compatible development, and a strong sense of community in the area, the proposed text amendment would increase the floor area for residential use to 2.0 with a special use permit.

III. PROPOSED TEXT AMENDMENT:

A. Application of Text Amendment

One of the concerns with any text amendment is that the change to the language within the zone impacts all properties within the City in the same zone. In this case there are three areas within the City that are zoned CD-X, and all of them are located within Old Town North. Therefore, a change to the text language within the zone will impact only the Old Town North area of the City.

When staff met with the Planning Commission in May 2004 regarding the initiation of this text amendment, staff raised the issue of the need to ensure that the text amendment with its increase in floor area did not impact properties within the Historic District or adjacent to Washington Street (Staff's memorandum to the Planning Commission discussing the text amendment initiation is attached). Based on the discussion at that time, staff has limited the application of the potential for increased FAR in the CD-X zone to only three specific areas of CD-X zoning that are located outside of the Historic District and are not located adjacent to Washington Street.

The affected area is comprised of approximately three city blocks located between North Fairfax and North Royal Streets, and bounded by First Street to the south and the waterfront open space to the north. Staff has analyzed these three areas to understand what the likely impacts would be to the existing uses and development pattern. Staff estimates that there is the potential for approximately 35% of the properties within this area, including the Windows Catering and Postmasters locations, to redevelop. Redevelopment has already occurred on over 50% of the block immediately north of Second Street, with the Hearthstone Mews townhouse development.

B. Density Level

The text amendment provides for a potential 2.0 FAR for residential development, and staff chose that density because it was compatible with other uses and potential density in the area, and because, that level of density is sufficient to allow a desirable residential project. The Master Plan designates this three block area as a "transitional area" between the taller office buildings on the east and smaller scale primarily residential uses on the western portion of this area. The uses within this "transitional area" range from office, service commercial, and retail to residential use and the floor area for these uses ranges from 1.19(residential) to 2.5 (Office). In addition the CD-X zone permits an office



The affected area will provide a "transition" between the uses and densities of blocks to the east and west.

use of up to 2.5 with a special use permit. Therefore, staff believes that up to a 2.0 floor area for residential use would be compatible with the intent of the Master Plan and existing development pattern. A residential development with an FAR of 1.25 or less will still be allowed without a special use permit.

C. SUP Standards

The language of the proposed text amendment includes a series of minimum development standards and requirements that a development must meet in order to qualify for the increased FAR allowed by the SUP. This is similar to recent approaches for special use permits within East Eisenhower and Arlandria that have minimum standards as part of the special use permit process. The proposed standards include the following:

- A minimum of 5% affordable housing;
- All parking to be located below grade;
- A maximum building height of 50 feet, with required building variation;
- All overhead utilities be located below grade;
- Enhanced architectural design and building materials;
- Green and sustainable building techniques;
- Minimum 25% ground level open space; at least a portion of which must be visually and physically accessible from the streets;
- Pedestrian and streetscape improvements; and
- Increased ground floor retail within the retail focus areas.

The proposed discretionary special use permit process will allow assessment of a proposed development based on a minimum level of development amenities which should be included in the best urban developments, and are now routinely included in other SUP development approvals. Beyond those minimum requirements, the special use permit process will enable the City to evaluate each of the proposals on a case-by-case basis to ensure issues such as mass and scale and compatibility with the character of the neighborhood. While staff believes that an increase in floor area for residential uses is appropriate, in general, it may not be appropriate for each site within the three block area. Rather staff is recommending that each proposal be evaluated within the context of the special use permit process.

IV. COMMUNITY PROCESS:

As part of the initiation of the text amendment by the Planning Commission, staff agreed to involve the community in the process extensively. In the past several months, staff has had numerous meetings with the adjoining civic and community groups including the Old Town North Advisory Committee. In addition, staff has sent letters to all of the properties that would be impacted by the proposed text amendment. In addition to meeting with the community groups, staff has met with many of the affected property owners to address their individual concerns and comments.

The proposed text amendment has been received positively by the property owners and by the adjoining civic associations. Some of the concerns that have been raised by the community relate to ensuring high quality design, appropriate transitions to existing developments, inclusion of retail and neighborhood service uses and retaining the MetroStage and Mariana's restaurant. Staff believes these issues can be addressed through the standards for the increased floor area and the discretionary special use permit process.

V. STAFF ANALYSIS:

Staff recommends approval of the proposed text amendment for three CD-X zoned blocks of Old Town North to allow an increase in floor area from 1.25 to 2.0 with specific minimum standards and as part of a discretionary special use permit process. The development standards are intended to ensure high quality development, public improvements, and limitations on development in order to best serve the existing neighborhood and promote the goals of both the Old Town North Small Area Plan and the Old Town North Urban Design Guidelines. This proposed text amendment will help achieve a balanced mix of commercial, retail and residential uses, consistent with the Master Plan, in order to create a cohesive, pedestrian friendly environment for Old Town North.

While staff is recommending approval there are concerns raised by the proposal that include:

- Compatibility with adjoining development;
- Provision of an appropriate mix of retail uses; and
- Minimizing impact on the residential and commercial and retail uses.

Compatibility with adjoining development:

One of staff's concerns and an issue raised by the community, is whether additional FAR for residential uses will necessarily be compatible with existing developments. For example, the owners of Hearthstone Mews townhouse development are concerned that any new development on the Windows Catering site be developed in a way that is compatible with the neighboring townhouses. Old Town North includes a number of lower scale developments, including townhouses or townhouse scale developments.

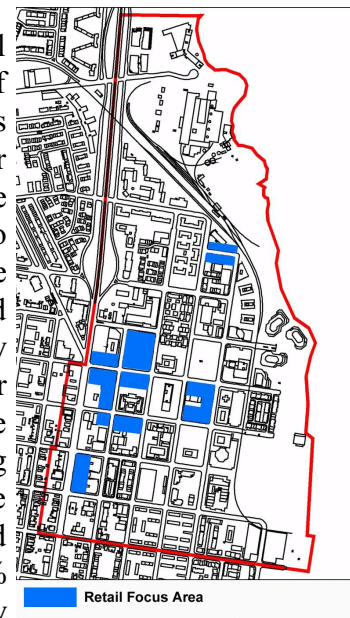
The proposed text amendment requires that all of the applications requesting the additional floor area be required to request special use permit approval. The special use permit enables each application to be considered on a discretionary case-by-case approval based upon issues such as compatibility of the scale with the adjoining developments. Through the discretionary use permit process issues such as mass and scale can be evaluated to ensure that the a proposal is compatible with the adjoining developments. In fact, the text amendment expressly states as a development standard that the mass and scale must be compatible with the character of the surrounding residential and commercial uses and the neighborhood. In addition, requirements for 25% ground-level open space

and integrated publicly accessible open space at the public right-of-way will encourage transitional opportunities.

Staff believes that the special use permit process affords adequate protection to judge the compatibility of each development on its own merit, and to ensure that it respects its unique location and adjacent and nearby uses.

Provision of an appropriate mix of retail uses:

One of the issues raised by the proposal is whether allowing additional residential use as part of a special use permit will reduce the amount of retail that can or would have otherwise have been provided within this portion of Old Town North. The small area plan and the zoning for Old Town North designate specific “retail focus areas” and require within that mapped area that 1/12 or 8.3% of the lot area be devoted to retail uses. That requirement, suggested by and supported by the residents of Old Town North, was designed to ensure that retail would be provided at strategic locations within the neighborhood. Any development that occurs on these sites, whether residential or commercial, must provide the required retail on the ground floor. The proposed text amendment acknowledges and improves on the existing program by increasing the amount of retail space required, given the increase in residential floor area. Specifically, the required ground floor retail will be increased from the current amount of 8.3% to 10% to provide the amount of activity and vibrancy that are envisioned by the Master Plan.



“Retail Focus” Areas identified in the Old Town North Small Area Plan

Minimizing impact on the residential and commercial and retail uses.

One of the concerns is whether residential uses will adversely impact any of the existing commercial uses. The commercial uses within the affected three block area include a day-school facility, a dry cleaning store, offices, a furniture store, a catering business, a theater (MetroStage), and the Marianna’s Café restaurant. Staff believes these uses are compatible with, and supported by, residential use and can be harmonized in an urban setting through appropriate scale and buffers where appropriate.

The existing theater, restaurant and retail uses now provide considerable benefit and vitality to the City and the neighborhood and are uses that staff and the community believe should be retained. In addition, staff does not believe this location, adjacent to the Mirant power plant, its coal pile and the

railroad lines, is an appropriate location for residential use. Despite the incompatibility of use, the current CD-X zoning permits residential use at a 1.25 floor area ratio and a height of 50 feet.

Staff has included the site in the area affected by this text amendment, but has addressed the issue of the adjoining industrial uses by requiring a 50 foot setback from the property line to provide a buffer, setback and screening from the active rail lines and power plant. This approach is consistent with the intent of the Master Plan; where industrial uses exist, suitable buffers and visual screening should be provided to minimize the adverse impacts.

Overall, the text amendment is designed to enable the vibrant mix of uses adjacent to the waterfront that is critical to Old Town North's identity and best for a balanced community neighborhood. The business owners and the residents agree that coordinated planning of a mix of uses is necessary to ensure that Old Town North is a vital, desirable urban neighborhood in which people can live, work, shop and recreate. Further, promoting residential use will help to establish and reinforce the retail component and help to mitigate the domination of office uses in this portion of the City. For these reasons, staff recommends approval of the text amendment.

STAFF: Eileen P. Fogarty, Director, Planning and Zoning;
Jeffrey Farner, Chief, Development;
Lucia deCordre, Urban Planner.

VI. STAFF RECOMMENDATION:

Staff recommends approval of the text amendment to Article IV, Section 4-606 (B) (2) of the Zoning Ordinance to permit residential use up to a 2.0 floor area ratio with a special use permit with the standards as outlined below.

Note: Underlining denotes new text.

~~Strikeout~~ denotes existing text that is proposed to be deleted.

ARTICLE IV: Commercial, Office, and Industrial Zones

Sec. 4-600 CD -X\Commercial Downtown Zone (Old Town North)

4-606 Bulk regulations

(B) Floor area ratio

(2) Residential.

(a) The maximum permitted floor area ratio for residential use is 1.25, not to exceed 35 dwelling units per acre, except that for properties greater than 500 feet from the centerline of Washington Street, the floor area ratio may be increased to 2.0, not to exceed ~~number of dwelling units may be increased to~~ 100 units per acre with a special use permit with the standards as outlined below.

(b) In addition to compliance with section 11-500, special use permit applications under this section shall show compliance with the following minimum standards:

(i) A minimum of 5% affordable housing shall be provided or the proposal shall meet the requirements of the city-wide affordable housing policy that is in effect at the time the plan is submitted, whichever requirement is greater. The location of the affordable housing (on-site or off-site) shall be determined by the City.

(ii) No parking reductions shall be granted and all parking shall be located below grade.

(iii) All overhead utilities (existing and proposed) on all public street frontages shall be located below grade.

- (iv) The maximum height may not exceed 50 feet, with portions of the buildings and/or townhouses providing significant variation in building heights less than the 50 ft.
- (v) Residential buildings and/or use(s) and/or parking for lot(s) adjacent to the existing rail lines and/or the power plant shall be setback a minimum of 50 feet from the property line and this area shall include a significant landscape buffer, trees and landscaping.
- (vi) All units shall orient their facades with main entries toward the public street(s). Mews units are prohibited.
- (vii) The buildings shall consist of a traditional architectural style(s), scale, and treatment. The materials of the building(s) shall be limited to masonry (brick, stone or precast) and wood or comparable high quality materials.
- (viii) A minimum of twenty-five (25%) ground level open space shall be provided. The ground level open space shall be visually and physically accessible from the public streets. A portion of the ground level open space shall also be accessible to the public through the use of public access easements. Public art and/or sculpture shall be provided within the open space
- (ix) Pedestrian and streetscape improvements shall be provided, including but not limited to the provision of continuous brick sidewalks, street trees and public connections to the waterfront or existing parkland to the extent possible.
- (x) Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding residential and commercial uses and neighborhood.
- (xi) Green and sustainable building technologies shall be incorporated as part of the building and building systems.
- (xii) The project shall comply with the Old Town North Urban Design Guidelines.
- (xiii) The retail requirement within a retail focus areas shall be a minimum of 10% of the area of each lot in a retail focus area.

TA#2004-0007
Amendment to the CD-X Zone

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**