

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



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Office of the Director

**Memorandum**

**TO:** District of Columbia Zoning Commission  
**FROM:** *ESPV*  
Ellen McCarthy, Director  
**DATE:** April 3, 2006  
**SUBJECT:** Case No. ZC-06-02: Setdown Report for Consolidated Planned Unit Development and Related Map Amendment for 4136 Georgia Avenue, N.W., filed by Pillsbury, Winthrop, Shaw & Pittman LLC for Petworth Holdings L.L.C.

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**APPLICATION**

Petworth Holdings L.L.C. has applied for a Consolidated Planned Unit Development (PUD) and related Map Amendment to rezone the site from the C-2-A to the C-3-A Zone District to accommodate a 57-unit apartment building with 4,884 square feet of ground floor retail.

**OFFICE OF PLANNING RECOMMENDATION**

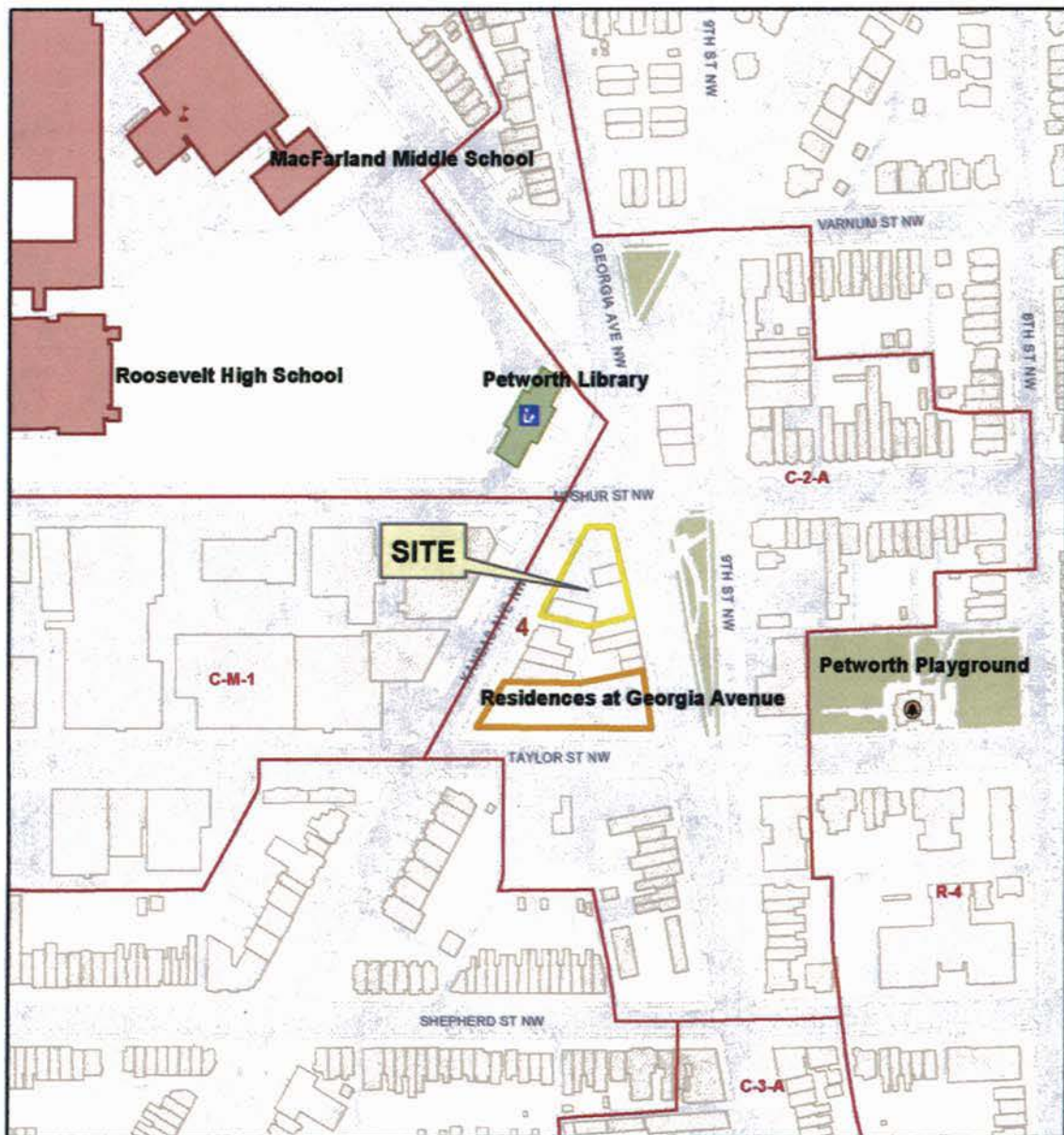
The Office of Planning recommends the case be set down for public hearing. This project will provide new housing and retail space, and contribute to the revitalization that has begun along Georgia Avenue. The proposed development is not inconsistent with the Generalized Land Use Map and Comprehensive Plan objectives for the area.

The applicant has requested relief from eight zoning requirements and a waiver from the minimum area requirement for a PUD. The Office of Planning believes that these can be granted as proposed. However, additional information has been requested to address the relationship of the proposed building to the existing adjacent commercial buildings to the south along Georgia Avenue frontage. Additional information has also been requested regarding the use of the lobby as residential recreation space, the reduced loading space length, and the width of drive aisle within the parking garage.

**AREA DESCRIPTION**

<b>Square:</b> 2910	<b>Lot:</b> 40	<b>Quadrant:</b> North West
<b>Area:</b> 13,149 square feet	<b>Zone District:</b> C-2-A	<b>ZONING COMMISSION</b>
<b>Building Restriction Line:</b> None	<b>Existing Improvements:</b> Gasoline filling station	<b>District of Columbia</b>
<b>Historic District:</b> None		

CASE NO. 06-02  
EXHIBIT NO. 16



Zoning Vicinity Map

**Surrounding Properties:**

- Northwest:** Across Kansas Avenue and Upshur Street is the Petworth Library, MacFarland Middle School and Roosevelt High School within the R-4 Zone District.
- Northeast:** Across Georgia Avenue and Upshur Street, commercial buildings within the C-2-A Zone District.

- East:** Across Georgia Avenue, a mixture of churches and commercial buildings within the C-2-A Zone District, beyond which are residential uses and a playground within the R-4 Zone District.
- South:** Two-story commercial buildings along Kansas Avenue and Georgia Avenue within the C-2-A Zone District housing an internet café, a carry-out restaurant and a commercial storage facility. A PUD for a seven-story mixed-use building, the Residences at Georgia Avenue, was recently approved by the Commission on the north side of Taylor Street within the subject square (ZC Case No. 05-19).
- West:** Across Kansas Avenue are 2 to 4 story buildings housing offices, a self-storage facility and an automobile repair shop within the C-M-1 Zone District.

The subject site has been used for a gasoline station for several decades.

The subject property is four blocks north of the Georgia Avenue-Petworth Metrorail Station on the Green Line.

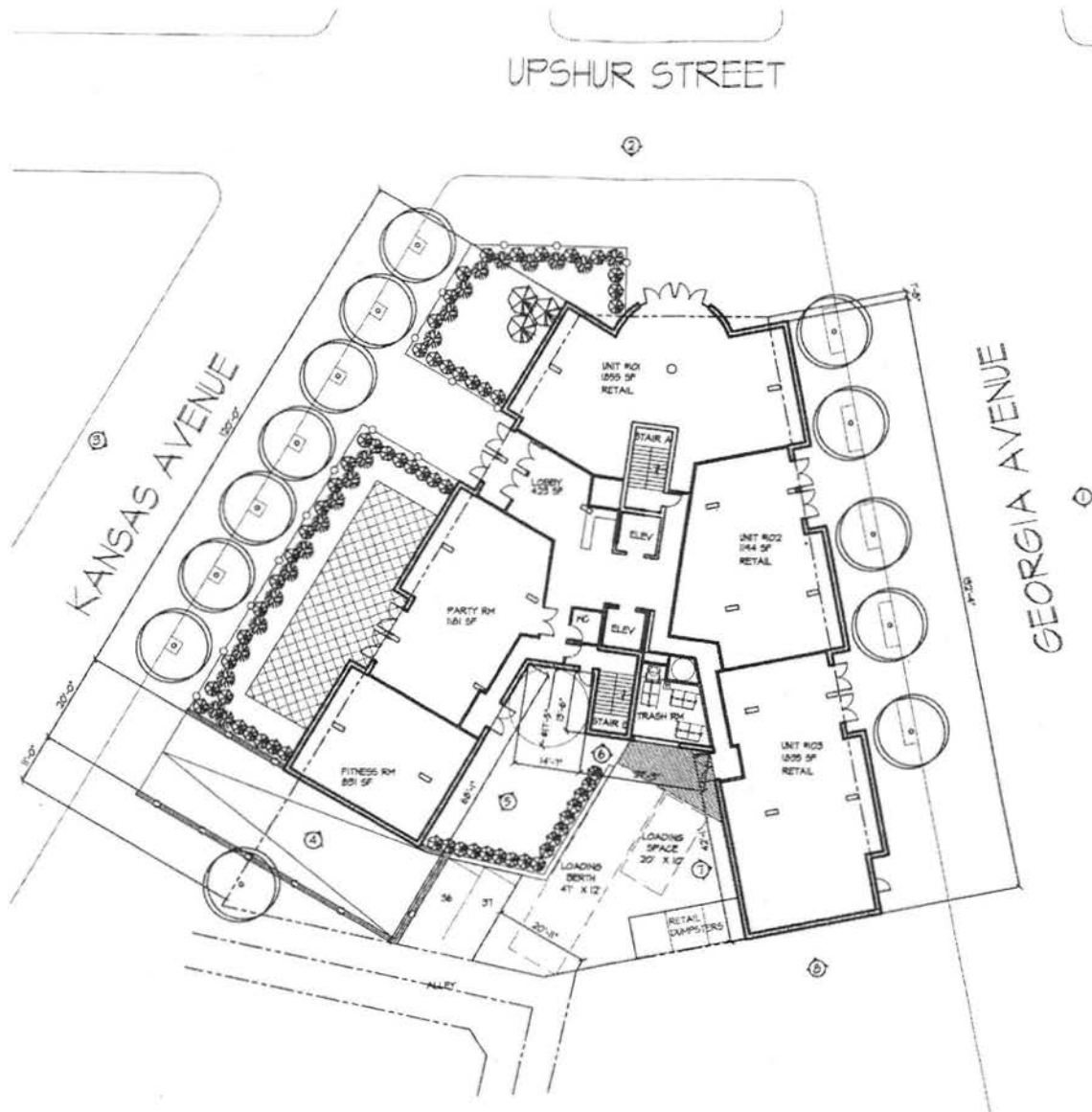
**Generalized Land Use Map: Mixed Use:** *A combination of land use categories are depicted in areas where a variety of uses (Moderate Density Residential and Low Density Commercial) are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes.*

Moderate density residential land use category- *"Row houses and garden apartments are the predominant uses; may also include low density housing."*

Low density commercial land use category: *"Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses."*

## **PROPOSAL**

The applicant proposes to construct a seven-story condominium apartment building with 57 dwelling units and three commercial spaces on the ground floor comprising 4,884 square feet. The applicant has indicated that a bank may locate within the commercial space at the north end of the site, with pedestrian access from Upshur Street. The other two commercial spaces face Georgia Avenue. A community room with an outdoor patio is proposed along the Kansas Avenue frontage, as is the lobby to the residential portion of the building.



**Ground Floor Plan**

Thirty-five underground parking spaces are to be located within a one-level garage beneath the structure. Access to the garage is to be from Kansas Avenue. An additional two parking spaces, the loading berth, the loading space and the delivery/service space will be accessible at the rear of the building (south side) via the existing public alley. This alley is proposed to be closed and the applicant has informed the Office of Planning that there will be an easement allowing them to cross it after closure.

Design of the building is in the shape of an inverted 'V'. At the apex of the V, located at Upshur Street, will be a tower that will extend above the roof line. Behind this tower will be a 4,165 square foot outdoor rooftop recreation area. Additional recreation area will be provided within the courtyard behind the building, as well as within the building within a party room, a fitness room and the lobby on the

ground floor. Only the western portion of the courtyard will be for recreational use, in the general vicinity of the party and fitness rooms.

The exterior of the building is proposed to be a red brick veneer, accented with stone, painted metal panels, fabric awnings and steel and glass canopies over the pedestrian entrances. A landscaped patio will be located within the Kansas Avenue public space, between the building lobby and garage entrance. Retail dumpsters will be located on the south side of the property, behind one of the commercial spaces and within close proximity of the loading space and loading berth..

### ZONING

The site is currently zoned C-2-A and the applicant proposes a PUD related map amendment to C-3-A to accommodate the proposed PUD. The project is designed to conform to the permitted height and FAR for the requested C-3-A Zone District. Generally, properties fronting along Georgia Avenue are in the C-2-A and the C-3-A zone districts. Properties in the C-3-A Zone District are located less than two blocks to the south.

The following table is a comparison of the C-2-A standards, the C-3-A/PUD standards, and the proposed development:

Table 1

	C-2-A	C-3-A/PUD	Proposal
<b>Area</b>	N/A	15,000 sq. ft.	13,149 sq. ft. <sup>1</sup>
<b>Height</b>	50 ft.	90 ft.	75 ft.
<b>FAR</b>	Retail – 1.5 Residential – 2.5 TOTAL – 2.5	Retail – 3.0 Residential – 4.5 TOTAL – 4.5	Retail – 0.37 Residential – 4.04 TOTAL – 4.41
<b>Lot Occupancy</b>	Residential – 60%	Residential – 75%	Residential – 66%
<b>Side Yard</b>	Minimum 2" per 6' of building height if provided, but no < 6 ft.	Minimum 2" per 6' of building height if provided, but no < 6 ft	23 ft.
<b>Parking</b>	Retail - 6 Residential - 29 TOTAL - 35	Retail – 6 Residential – 29 TOTAL - 35	Retail – 7 Residential – 30 TOTAL - 37
<b>Loading</b>	1 loading berth @ 55 ft deep 1 loading platform @ 200 sq ft 1 service/delivery space @ 20 ft	1 loading berth @ 55 ft deep 1 loading platform @ 200 sq ft 1 service/delivery space @ 20 ft.	1 loading berth @ 47 ft deep <sup>2</sup> 1 loading platform @ 206 sf ft 1 service/delivery @ 20 ft
<b>Residential Recreational Space</b>	20%	15% (7,967 sf ft)	15.9% (8,444 sf ft)

<sup>1</sup> Waiver requested per § 2401.2

<sup>2</sup> Relief requested

### **WAIVER REQUEST**

The applicant requests a waiver pursuant to § 2401.2 of the Zoning Regulations, in order to permit a C-3-A PUD on a site consisting of less than 15,000 square feet. The Commission is empowered to waive up to 50 percent of the minimum area required for a PUD located outside the Central Employment Area, subject to the following requirements:

- a. The Commission shall find after public hearing that the development is of exceptional merit and in the best interest of the city or country; and
- b. The Commission shall find that least 80 percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.

The subject property is located outside of the Central Employment Area and approximately 83 percent of the gross floor area of the development is for dwelling units and uses accessory thereto. The application indicates that they consider the proposed development to be of exceptional merit.

### **FLEXIBILITY**

The following relief is required from the Zoning Regulations:

#### **Parking**

The application requests flexibility related to three sections of Chapter 21, Parking.

§ 2115.4: This section requires compact parking spaces to be in contiguous groups of no less than five spaces. Layout of the site is proposed to permit one group of three within the garage and one group of two on the south side of the building. The application indicates that the need for this relief results from the triangular shape of the lot and the applicant's attempt to utilize the parking area in the most efficient manner possible.

§ 2117.6: This section requires a minimum aisle width of 20 feet for an aisle serving 90 degree compact parking spaces. Due to the location of columns within the garage the application requests to reduce the aisle width to 15 feet, 2.5 inches. The Office of Planning will request DDOT's opinion regarding the feasibility of this proposal.

§ 2117.8(a): This section requires that the vertical transition of the of the driveway entrance to the underground garage to begin at the property line. Due to the width of the lot and its triangular shape the applicant requests that the vertical transition begin just behind the sidewalk. The Office of Planning will request DDOT's opinion regarding the feasibility of this proposal.

#### **Roof Structures**

§ 400.7(b): This section requires that roof structures be set back a distance equal to their height. The proposed roof structure at the south end of the building, at a maximum height of 16 feet, provides no setback from the edge of the building. However, due to the inverted V shape of the building this roof structure will be centrally located within the property, minimizing its visibility from the surrounding streets. In addition, shifting the location of this roof structure to provide the required setback will push it toward the proposed tower at the north end of the building, detracting from the prominence of the tower



as an architectural feature. It will also adversely affect the layout of the building by shifting the location of a stairwell and an elevator shaft.

§ 411.5: This section requires that the enclosing walls of a roof structure be of equal height. The application proposes that only the portion of the roof structure accommodating the elevator overrun be at a height of 16 feet so as not to detract from the tower at the north end of the building and to minimize the appearance of the roof structure from the street.

#### Court Width

§ 776.5: Two courts are proposed. One is required to be 27 feet, 1 inch in width and the other 24 feet, one inch in width. The application proposed that these courts be 17 feet, 5 inches and 14 feet, 5 inches, respectively. Reduced court widths are the result of the location of the stairwell located on the south side of the building and within the center of the inverted V shape of the building, creating two courts out of what would otherwise be one.

#### Loading

§ 2201.1: This section requires that a loading berth be 55 feet in length. The application proposes one 47 feet long, 8 less than the minimum required. The Office of Planning will request DDOT's opinion regarding the feasibility of this proposal.

§ 2204.2: This section requires that all service/delivery spaces be directly accessible from a street or alley. Access to the service/delivery space is proposed to from across the loading space. The Office of Planning will request DDOT's opinion regarding the feasibility of this proposal.

#### **PUD EVALUATION STANDARDS**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is "designed to encourage high quality developments that provide public benefits." In order to maximize the use of the site consistent with the zoning regulations and be compatible with the surrounding community, the applicant is requesting that the proposal be reviewed as a consolidated PUD. This will allow the utilization of the flexibility stated in Section 2400.2.

*The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience."*

The applicant has requested a related change in zoning of the property to gain additional twenty-five (25) feet in height and 25,115 square feet in floor area over that permitted by-right. Public benefits proposed by the applicant are discussed below. The applicant also plans to meet with the community to determine what additional benefits they desire.

Section 2403 further outlines the standards under which the application is evaluated.

*2403.3 The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.*

Georgia Avenue is beginning to experience revitalization of new commercial and residential projects. The development of the subject site will contribute to the general improvement of the area and will compliment the Residences at Georgia Avenue building at Taylor Street by providing a building on the north end of the square that will be similar in use and building height

### **PUBLIC BENEFITS AND AMENITIES**

The Office of Planning is concerned that the benefits proposed by the applicant are weak in balance within the increased density and zoning relief requested. The applicant has informed the Office of Planning that they intend to meet with the community to work on the benefits and amenities. In addition, the subject property is also located within close proximity to many public facilities, including schools, a playground, a library and public parks that may be able to benefit from the amenity package.

Section 2403.9 outlines *"Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:*

- (a) Urban design, architecture, landscaping, or creation or preservation of open spaces;*
- (b) Site planning, and efficient and economical land utilization;*
- (c) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;*
- (f) Housing and affordable housing;*
- (h) Environmental benefits, such as stormwater runoff controls and preservation of open space or trees;*
- (i) Uses of special value to the neighborhood or the District of Columbia as a whole;*

The Office of Planning is generally supportive of the architecture and design of the proposed building. The applicant has responded to initial comments from OP regarding the color of the brick and has agreed to refine the relationship of the proposed building to the existing buildings adjacent to the south on Georgia Avenue.

### **Affordable Housing**

The application proposes 19.2 percent of the bonus density to be provided as affordable housing. Proposed regulations for inclusionary housing, when adopted, will require that 8 percent of the residential floor area be devoted to affordable housing for projects that are located within the C-3-A Zone District. The subject application proposes 9.1 percent of the residential floor area be devoted to affordable housing, in excess of the proposed minimum requirement.

Four affordable dwelling units are proposed, spread throughout the building. No more than one will be located on each floor, with two of the units facing Kansas Avenue and two facing Georgia Avenue. The



four affordable units include one deluxe two-bedroom, the largest unit available in the building, a standard two-bedroom and two one-bedroom units. This mix reflects only the larger units that will be built. None of the studios or junior one-bedrooms, which account for 37 percent of the units and are the smallest units proposed for the building, are proposed as affordable units.

#### Urban Design and Architecture

The application indicates that the building consists of “exemplary urban design and architecture” and that enhanced landscaping will be provided. The applicant modified the color of the brick at the request of the Office of Planning to allow the building to better blend in with existing surrounding structures and has agreed to refine the relationship of the proposed building to adjacent existing buildings. A landscape plan has yet to be submitted and the Office of Planning has indicated the importance of the planting of shade trees to the environment and the softening of the landscape.

The building as currently designed includes no green architecture. Although the applicant has indicated that a green roof is not practical due to the extensive outdoor recreation space proposed for the roof, there are many other green options available. These include building designs to reduce the energy demand of the building, reducing the amount of storm water runoff from the site or even the use of environmentally friendly materials in the construction of the building.

#### Site Planning

The application proposes the provision of “Mom & Pop” retail space in the two commercial spaces fronting on Georgia Avenue. Additional information from the applicant is needed to demonstrate how this is to be accomplished. The Office of Planning has also recommended that the applicant consider reserving the commercial space set aside for a bank at the north end of the building for a use that could make use of the proposed outdoor space near the corner of Kansas Avenue and Upshur Street in order to create a livelier urban environment. The bank could then be located within one of the other two commercial spaces.

#### Effective and Safe Vehicular and Pedestrian Access

The application indicates that the pedestrian and vehicular entrances to the building will be separate. Separation of the two is necessary and hardly rises to the level of a public benefit. However, as indicated above, if the outdoor area at the corner of Kansas Avenue and Upshur Street is converted into something such as an outdoor seating area serving a commercial use, increasing the amount of activity on the street, this could have the potential to increase pedestrian safety.

#### Revenue for the District

The addition of 57 dwelling units and three commercial spaces will contribute to taxes collected by the District, either in the form of income, sales, use or employment taxes. As this benefit is the provision of the building, this is a minor benefit.

#### First Source Employment Program

The applicant has agreed to enter into an agreement to participate in the Department of Employment Services First Source Employment Program to promote and encourage the hiring of District of Columbia residents.

Local Business Opportunity Program

The applicant has agreed to enter into a Memorandum of Understanding with the Local Business Opportunity Commission to use their resources to utilize LSDBE's in the development of the project.

**COMPREHENSIVE PLAN AND PUBLIC POLICIES**

The proposed development is consistent with the Comprehensive Plan including the following major themes of the Plan:

- Section 102 - Stabilizing and Improving District Neighborhoods
- Section 110 – Promoting Enhanced Public Safety

The proposed development will replace a gasoline station with 57 residences and commercial space that will contribute to serving the day-to-day needs of the neighborhood. The residential use will bring more people into the community, promoting a healthier Georgia Avenue and could help improve public safety in the neighborhood, as it will provide more “eyes on the street.” In combination with the approved PUD at Taylor Street, this proposed project will have a positive effect on stabilizing the Upshur Neighborhood Area.

The proposed development meets many of the goals and objectives of the Comprehensive Plan as outlined in the Housing, Urban Design, and Land Use Elements.

The application is consistent with Chapter 3, Housing Element, of the Comprehensive Plan. The general objectives for housing are “...to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.” (§ 302.1) Four of the proposed dwelling units will be affordable, with the rest to sold at market rate.

Chapter 7, Urban Design Element, outlines objectives and policies in support the Urban Design goal to “... promote the protection, enhancement, and enjoyment of the natural environments and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.” (Section 701)

708 *Buildings*

708.2 (a) *Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and*

(b) *Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.*

709 *Streetscape*

709.2 (a) *Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;*

(i) *Encourage the planting and maintenance of street trees as the single most important streetscape element along commercial and residential streets to provide shade, design continuity, spatial relief, and a juxtaposition of the natural and built environments.*

*710 Areas Of Strong Architectural Character*

- 710.2 (d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;*  
*(e) Encourage building massing and scale of new development to be sensitive to established patterns;*

*712.1 The areas in need of new and improved character objective are to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.*

*712.2 The policies established in support of the areas in need of new and improved character objective are as follows:*

- (a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;*  
*(b) Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;*

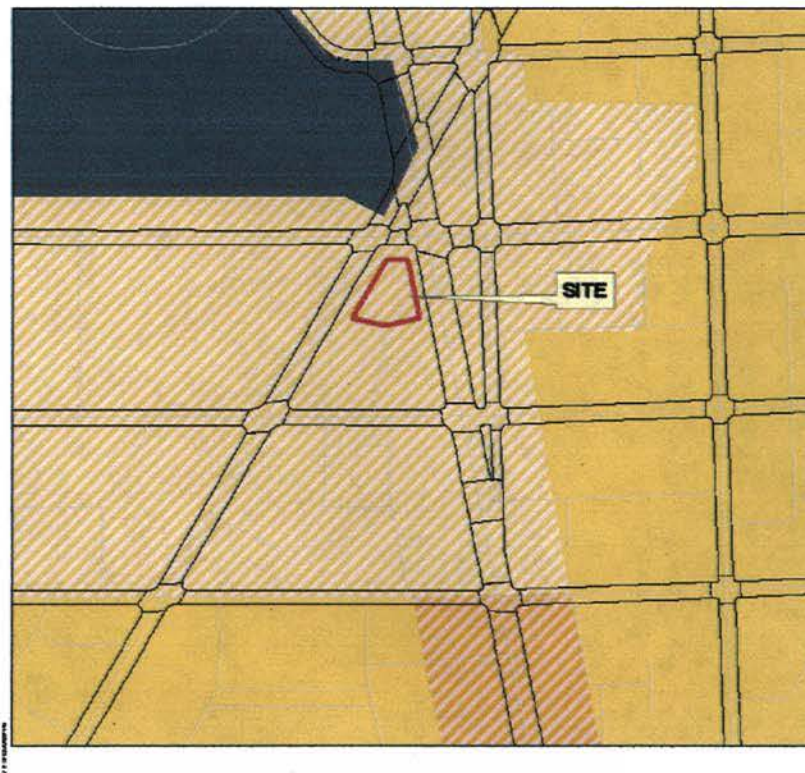
Specifically, the application is consistent with the Ward 4 Plan:

Section 1508 outlines objectives for Urban Design including:

- (a) Provide for the housing needs of low and moderate-income households, improve the District's low-rent housing programs, encourage home ownership and reduce the overall cost of housing among low-moderate-income households in the ward.*  
*(c) 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.*

**COMPREHESIVE PLAN GENERALIZED LAND USE MAP**

The Generalized Land Use (see below) recommends the subject site for a mixture of uses, moderate density residential and low density commercial. The mixed-use category also includes existing commercial areas and areas proposed for significant land use changes. The proposed C-3-A zoning is more equivalent to medium density residential uses. The zoning pattern along the Georgia Avenue corridor is predominantly C-2-A and C-3-A. An area of C-3-A zoning is a block and a half away from the subject property. Almost the entire corridor, starting at Howard University and continuing all the way to the District line, has a rhythm of moderate density zoning (predominantly C-2-A) punctuated by medium density zoning in the few areas of C-3-A. This pattern, in combination with the Comprehensive Plan language regarding housing and economic development in Ward 4 along Georgia Avenue (discussed below), led the Office of Planning to conclude that the C-3-A zone is not inconsistent with the Comprehensive Plan.



Comprehensive Plan Map



## GEORGIA AVENUE-PETWORTH METRO STATION AREA CORRIDOR PLAN

The Office of Planning recently undertook a revitalization strategy for the Georgia Avenue corridor that resulted in the Georgia Avenue-Petworth Metro Station Area Corridor Plan. This plan is a supplement to the Comprehensive Plan and it will be submitted to the City Council in the spring of 2006 for adoption.

The revitalization strategy is a framework to guide growth and development and preserve and enhance the quality of life in the neighborhoods along the corridor. The site is within the Upshur Neighborhood Area and is identified as an under-utilized property that provides an opportunity for redevelopment. The Plan recognizes that the Georgia Avenue Corridor is mostly zoned C-2-A with a few areas of C-3-A zone. Since the adoption of the Comprehensive Plan and Zoning Regulations it has been difficult to get enough critical mass of residential to have a viable amount of retail use. The Corridor has an abundance of vacant retail space and what exists is largely redundant and substandard. The Plan therefore focuses on enhancing the area by increasing the allowed densities in the vicinity of the Metro stations and discouraging retail in the areas that are in between the Metro stations.

As seen in the *Comprehensive Plan and Public Policies* section of this report, the language provides further guidance that supplements the Generalized Land Use Plan Map. Further, the strategy for redevelopment encourages the inclusion of affordable units. An affordable component is included as a part of the PUD application, consistent with the proposed Inclusionary Zoning requirements.

Georgia Avenue is one of the eight streets identified in the Districts Great Streets Initiative. These streets have been identified as arterials that have great opportunities for commerce, vitality and city living. The District Government is providing financial resources to revitalize these areas. Along Georgia Avenue investments have been made in many new residential projects to bring new residents and shoppers to the neighborhoods.

The Office of Planning therefore finds that the proposed development at a FAR of 4.41 and a mixture of residential and retail uses is not inconsistent with the Comprehensive Plan.

#### **AGENCY REFERRALS AND COMMENTS**

If this application is set down for a public hearing, it will be referred to the following District government agencies for review and comment:

- DC Public Schools (DCPS);
- DC Water and Sewer Agency (WASA);
- Department of Employment Services (DOES);
- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- District Department of Transportation;
- Fire and Emergency Medical Services Department (FEMS); and
- Metropolitan Police Department (MPD).

#### **COMMUNITY COMMENTS**

The applicant has given preliminary presentations on the proposal to the ANC-4C. The ANC is expected to vote on the application at their regularly scheduled meeting April.

#### **RECOMMENDATION**

The Office of Planning supports the proposal for a new mixed-use building providing space for residential and commercial uses. The proposed PUD and related map amendment are not inconsistent with the elements of the Comprehensive Plan. Therefore, the Office of Planning recommends that the application be set down for public hearing. The Office of Planning will continue to work with the applicant towards a more detailed review prior to the public hearing.