

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



RECEIVED  
D.C. OFFICE OF ZONING  
2006 NOV 31 PM 3:39  
Dec 1

Office of the Director

**MEMORANDUM**

DATE: November 29, 2006

TO: District of Columbia Zoning Commission

FROM: *ELS fv*  
Ellen McCarthy, Director

SUBJECT: **Z.C. Case No. 06-48 - Text and Map Amendment – Setdown Report for Georgia Avenue Commercial Overlay District (Georgia Avenue – Petworth Metro Station Area and Corridor Plan)**

---

**SUMMARY**

The Office of Planning recommends that the Zoning Commission set down text for a new commercial overlay district and a map amendment to establish the boundaries of the new commercial overlay. This Overlay District would implement objectives of the Georgia Avenue – Petworth Metro Station Area and Corridor Plan, approved by the City Council on July 7, 2006 as Resolution No. 16-686. In that resolution the Council found that “[t]he Georgia Avenue Corridor, a prime location for revitalization, needed strategy to attract investment, create jobs, enhance the corridor’s image and celebrate community pride.”

The Corridor Plan, under Market Economics on page 23, recommends applying “an Overlay Zone to stabilize and encourage redevelopment...” This petition for a commercial overlay district is in response to the recommendation.

In addition to implementing the objectives of the Corridor Plan, the proposed commercial overlay district also seeks to:

- Implement the goals of the Great Streets Framework Plan for 7<sup>th</sup> Street – Georgia Avenue, published by the District Department of Transportation in 2006.
- Encourage additional residential uses along the Georgia Avenue corridor;
- Encourage improved commercial uses;
- Provide common design standards;

ZONING COMMISSION  
District of Columbia  
CASE NO. 06-48  
EXHIBIT NO. 1

ZONING COMMISSION  
District of Columbia  
CASE NO. 06-48  
EXHIBIT NO. 1

- Set guidelines for development review through Planned Unit Development (PUD) and special exception proceedings; and
- Establish vertical mixed use within a quarter mile of the Georgia Avenue – Petworth Metrorail Station along Georgia Avenue.

## **PUBLIC INVOLVEMENT**

The Office of Planning views the affected Georgia Avenue community as a partner in the development of the Georgia Avenue Commercial Overlay District. A meeting with the community was held on the evening of November 15, 2006 at Park View Elementary School to present a draft of the proposed overlay district, and to receive feedback from the community regarding the proposal. Following setdown of this petition the Office of Planning will continue to meet with community members as the proposed regulations are refined and before any public hearings on this case are scheduled by the Zoning Commission.

A follow-up meeting with ANC 4C and the Office of Planning is scheduled for Tuesday, December 12, 2006, and a follow-up meeting with ANC 1A and the Office of Planning is scheduled for Wednesday, December 13, 2006. On October 31, 2006 the Office of Planning sent out over 500 letters to the business community notifying them of this proposal and soliciting their comments. A meeting with the business community is scheduled for December 12, 2006. As stated in the Corridor Plan, “[f]or the Georgia Avenue vision to be realized, continued involvement from all stakeholders – residents, businesses, property owners, institutions, private investors, elected officials, and government agencies is imperative.”

## **DISCUSSION**

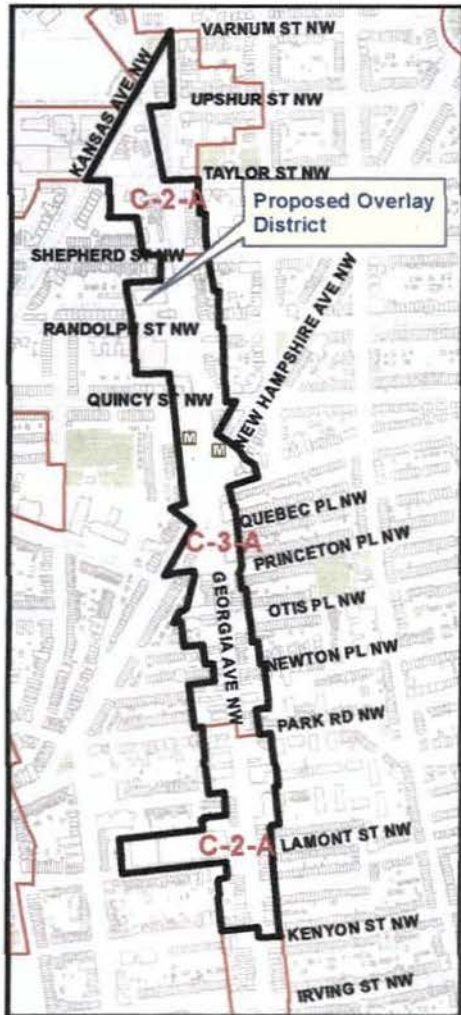
### **Location**

The overlay district is proposed to consist of all C-2-A and C-3-A zoned properties that are located along the Georgia Avenue corridor, from Kenyon Street on the south to Varnum Street on the north, as depicted on the map to the below. Commercially zoned properties located within the following squares are included in the overlay:

2892, 2893, 2894, 2895, 2897, 2898, 2900, 2905, 2906, 2909, 2910, 2915, 3024w, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3038, 3039, 3040, 3041 and 3042.

At the center of the overlay is the Georgia Avenue – Petworth Metrorail Station on the Green Line. The existing C-3-A Zone District extends out from this station to the north and to the south approximately one quarter of a mile, or from Park Road on the south to Shepherd Street on the north. The remainder of the overlay is currently zoned C-2-A and is divided into two parts, one from Kenyon Street to Park Road on the south and the other from Shepherd Street to Varnum

Street on the north side. The boundaries of the overlay extend out to the east and west only as far as the existing commercial zone districts. The underlying zone districts will not change and no residential zone districts are included.



The Corridor Plan describes the overlay as an area that contains a high proportion of commercial vacancies. The reasons for these vacancies are varied, and include outdated commercial spaces and insufficient population base to support to them. Therefore one of the goals of this overlay is to increase the population density along the corridor, especially within a quarter mile of the metro station. Another is the redevelopment of vacant and underused properties to encourage the consolidation of small lots into larger properties.

As previously stated, this overlay is intended to:

- Encourage more housing along the corridor;
- Encourage improved commercial use;
- Restrict additional undesirable uses;
- Provide design standards for new buildings;
- Set guidelines for Planned Unit Developments (PUDs) and special exception proceedings;
- Establish mixed-use development within the C-3-A zoned portion of the Overlay; and
- Encourage a pedestrian friendly environment.

The proposed overlay would foster new development built to zoning maximums near the Metrorail Station and to create opportunities for public review of large projects.

### Existing Uses and Buildings

The provisions of this overlay pertain only to new uses and buildings established after the set down date of this petition. All existing uses and buildings will be permitted to remain and continue to be used and will not be phased out. Although some existing business and uses will become nonconforming uses as a result of this petition, they will be grandfathered subject to the provisions of Chapter 20 of the Zoning Regulations, Nonconforming Uses and Structures. Although nonconforming uses may not expand, they may remain unless discontinued *“for a period of more than three (3) years.”* (§ 2005.1)

### **New Buildings and Uses**

All new buildings and uses will be subject to the provisions of the Overlay District. These provisions come in the form of either use provisions or design requirements.

### **Use Provisions**

The use provisions contain a list of prohibited uses and a list of uses that will be permitted as special exceptions within the overlay, irrespective of the underlying zoning. Any uses that are not permitted within the underlying zone district will continue to not be permitted, as will any uses that are currently special exception uses continue to be permitted only by special exception.

### **Prohibited Uses**

The uses the Office of Planning has proposed to be prohibited include those that are not viewed as contributing to an enhanced pedestrian environment. Although all are not found within the boundaries of the proposed overlay, their inclusion in the list is meant to prevent them from becoming established within the corridor. Generally, the uses included are those that cater primarily to the automobile, rather than the pedestrian.

The following uses are proposed to be prohibited:

1. Automobile and truck sales;
2. Automobile laundry;
3. Boat or marine sales;
4. Gasoline service station;
5. Off-premises alcoholic beverage sales;
6. Surface parking lots;
7. Pawn shop;
8. Repair garage;
9. Storage facilities; and
10. Any use that includes a drive-through.

### **Special Exception Uses**

Two additional special exception uses have been added. The first is fast food restaurants. Fast food restaurants are currently special exception uses within the C-2-A and the C-3-A zone districts, but subject to more restrictive criteria in the C-2-A. The Office of Planning proposes to

make those criteria consistent throughout the entire overlay. Therefore, it is recommended that all fast food restaurants be subject to the provisions of § 733, the specific criteria for the C-2-A Zone District, as follows:

1. No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.
2. If any lot line of the lot abuts an alley containing a zone boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.
3. Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.
4. The use shall not include a drive-through.
5. There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.
6. The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.
7. The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.
8. The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.
9. There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.
10. The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

A drive-through is currently permitted within the C-3-A Zone District, but not within the C-2-A. As one of the goals of the overlay is to enhance the pedestrian environment, the addition of a drive-through is not desired within the entire overlay, including the C-3-A.

The second special exception proposed for the overlay district would be applicable to the development of any property consisting of 12,000 square feet or more. Lots consisting of 12,000 square feet constitute the larger properties within the corridor. As the larger properties, these are the most likely to result in larger buildings, and would have the greatest impact on how the corridor is perceived, viewed and used. Larger lots, especially within parts of the overlay developed with shallow lots directly abutting residential uses to the rear have a greater potential to affect those residential uses. Special exception review can help to ameliorate any adverse impacts. Therefore these larger lots, which could also result from the consolidation of smaller lots resulting in an area of 12,000 square feet or more, should have the additional review from the Office of Planning and the public that is provided through the special exception process. A special exception would also be required for building expansions of 50 percent or more on lots of 12,000 square feet or more.

The Office of Planning selected 12,000 square feet as the benchmark for requiring special exceptions within this overlay district because of the numerous small lots that the corridor contains and because of comments received from the community at the meeting held on December 15, 2006. Two other overlays require special exceptions based on lot size. H Street NE Neighborhood Commercial Overlay requires a special exception for lots of 6,000 square feet and Macomb-Wisconsin Neighborhood Commercial Overlay requires one for lots of 10,000 square feet. The 6,000 square foot number was deemed to be too small for the Georgia Avenue corridor due to the numerous small lots that exist, and would end up requiring a special exception for more than just the larger building lots. The community expressed concern that 10,000 square feet may also be too small at the December 15<sup>th</sup> meeting. As a result the Office of Planning is recommending 12,000 square feet. The net effect of this area requirement is to reduce the number of existing properties that would have required a special exception under this provision from approximately 10 percent of the existing lots to approximately 8 percent. This is still a sizeable proportion of the existing lots to accomplish the goal of design review for the larger properties.

The specific special exception criteria for properties 12,000 square feet in area or more is similar to the approved in the H Street NE Neighborhood Commercial Overlay District, and is as follows:

1. The project is consistent with the design intent of the design requirements of this overlay district and the design guidelines of the Georgia Avenue – Petworth Metro Station Corridor Plan;
2. The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;
3. Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian

3. Parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five (65) percent of the ground level frontage as commercial space.
4. Off-street parking, loading and vehicular access shall be accessed through existing alleys whenever possible.
5. Each new building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty (50) percent of the surface area of the street wall at the ground level of each building to display windows having clear or clear/low emissive glass, except for decorative or architectural accents, and to entrances to commercial uses or to the building.
6. Security grilles shall have no less than seventy (70) percent transparency.
7. Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk.
8. Buildings shall be designed so as not to preclude an entrance every forty (40) feet on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.
9. The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen (14) feet.
10. Buildings subject to No. 8 above shall be permitted an additional five (5) feet of building height over that permitted in the underlying zone.
11. Each new building shall be designed to conform to the streetscape recommendations of the 7<sup>th</sup> Street – Georgia Avenue, N.W. Great Streets Framework Plan published by the District Department of Transportation and dated 2006.
12. English basements shall not be permitted on lots with frontage on Georgia Avenue.
13. Off-street surface parking shall be permitted in rear yards only. No surface parking shall be permitted in side yards or in front of buildings.

## **COMPREHENSIVE PLAN**

The Comprehensive Plan has many goals and objectives that are furthered by the proposed text and map amendments. Applicable elements include Economic Development, Transportation, Urban Design, Land Use, Ward 1 and Ward 4.



ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;

4. Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences; and
5. Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences.

#### Exempted Uses

The overlay does not apply to public and public charter schools. One public charter school is under construction.

#### Planned Unit Developments (PUD)

Within the C-2-A and the C-3-A zone districts an applicant may apply for a PUD if the property under consideration consists of a minimum of 15,000 square feet (§ 2401.1(c)). The Zoning Commission is empowered to reduce this amount by up to 50 percent subject to specific criteria contained within § 2401.2, or to a minimum 7,500 square feet. Due to the many smaller lots within the proposed overlay district and the many advantages that can be afforded the District and the community through the PUD process, including public review of development proposals, the Office of Planning recommends that the minimum lot size be reduced to 10,000 square feet. This will still encourage some lot consolidation, which increases the design options available to the builder, but not be overly burdensome in a densely developed area of relatively small lot sizes. It is also recommended that any additional floor area acquired through the PUD process be dedicated to residential use. This is to further increase the residential presence within the corridor, necessary for the expansion and survival of the commercial establishments.

#### Design Requirements

The design requirements recommended for the overlay are intended to improve the pedestrian experience on the street. Generally, they are designed to provide more openness between the pedestrians and buildings. Minimization of solid walls, vehicular access across sidewalks, and direct access into individual businesses are all included.

The following is a list of the proposed design requirements:

1. Buildings shall be designed and built so that not less than seventy-five (75) percent of the street wall at the street level shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to all property lines abutting public streets.
2. In the C-2-A Zone District seventy (70) percent lot occupancy shall be permitted for mixed use buildings that include residential use.



### Economic Development Element

- 200.11 Economic development outside of the Central Employment Area is of equal importance to the District.
- (a) Revitalization of older business areas is a high priority;
- 206.2 The policies established in support of the economic development outside the Central Employment Area objective are as follows:
- (d) Review and recommend appropriate amendments to the Zoning Regulations (Title 11 DCMR) in commercially and industrially zoned areas to be consistent with development objectives, yet allow for the orderly growth of appropriate economic activity in areas adjacent to residential communities;

### Transportation Element

- 502.2 The policies established in support of the general transportation objectives are as follows:
- (a) Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations;

### Urban Design Element

#### **713 COMMERCIAL ACTIVITY CORRIDORS**

- 713.1 The commercial activity corridors objective is to coordinate and strengthen the design function and image of commercial activity corridors that serve neighborhood centers.
- 713.2 The policies established in support of the commercial activity corridors objective are as follows:
- (c) Encourage the design of functionally active commercial centers within all areas of the District, especially in areas that are not now adequately served;
- (d) Encourage the design of mixed-use development for large-scale projects to create active use during both day and evening hours.
- (e) Orient major new development toward the street in order to emphasize the public space as a setting for active use;

- (g) Encourage special design quality around Metrorail stations to create aesthetically pleasing physical concentrations of activity and development;
- (h) Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers;
- (i) Focus special design attention on corridors and centers in areas of the District that have poor images, low development of activity concentrations, and are underserved;
- (l) Emphasize the activity function and visual character of corridors and centers through special signs, lighting, design, or other means which contribute to their overall identity and sense of place, but also allow for the unique identities of the individual businesses; and
- (m) Encourage the design of in-fill developments within commercial corridors to be appropriately sited in order to strengthen functional and image guidelines.

Ward 1 Element

**1202 WARD 1 POLICIES IN SUPPORT OF ECONOMIC DEVELOPMENT OBJECTIVES**

1202.1 The policies in support of economic development objectives are as follows:

- (d) To consider recommending appropriate amendments to the Zoning Regulations consistent with development objectives to allow for orderly and controlled growth of appropriate economic activity in areas adjacent to residential communities;

Ward 4 Element

**1506 WARD 4 ACTIONS IN SUPPORT OF ECONOMIC DEVELOPMENT**

1506.1 The policies in support of economic development are as follows:

- (d) Upgrade local neighborhood centers to better serve and support the community:
  - (1) Local neighborhood business centers,... show a decline of small business operations. These centers need to be upgraded to provide a better mix of retail and convenience goods and service to support nearby residential communities;

## **RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission set down this text amendment and map amendment. The Office of Planning believes the proposal furthers the purposes of the Georgia Avenue – Petworth Metro Station Corridor and Plan by encouraging and increasing residential and mixed use development.

### **Attachments:**

1. Georgia Avenue – Petworth Metro Station Area and Corridor Plan (Commissioners only)
2. Proposed Text

EMc/sjm<sub>AICP</sub>