

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



October 31, 2007

Via E-Mail & U.S. Mail:

Marcel Acosta
Acting Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case No. 06-48 (Georgia Avenue Commercial Overlay District)

Dear Mr. Acosta:

Please find attached copies of the proposed rulemaking for the above-referenced case.

The above proposed rulemaking will be published in the *D.C. Register* on November 9, 2007, for a 30-day comment period. The comment period will end on December 9, 2007. Accordingly, these cases will be considered for final action at the Zoning Commission's public meeting scheduled for December 10, 2007.

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

A handwritten signature in black ink that reads "Sharon S. Schellin".

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Marjorie Marcus (via e-mail)

ZONING COMMISSION
District of Columbia
CASE NO. 06-48
EXHIBIT NO. 44

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

ZC Case No. 06-48

**(Text and Map Amendments to Establish and Map the Georgia Avenue Commercial
Overlay District)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat.797; D.C. Official Code § 6-641.01 hereby gives notice of its intent to amend Chapter 13 of the Zoning Regulations (Title 11 DCMR), by adding new §§ 1327 through 1331, and to amend the Zoning Map of the District of Columbia to establish the Georgia Avenue Commercial Overlay District.

Original § 328.5, which appeared in the advertised text, has been removed on the advice of the Office of the Attorney General ("OAG"). The OAG advised that the subsection was merely precatory language and, therefore, did not constitute a proper rule. The deleted language was intended to encourage new driveways only from alleys, and not from Georgia Avenue. At final rulemaking, the Zoning Commission will have the opportunity to address the question of the location of new driveways and whether there should be a prohibition on new driveways from Georgia Avenue.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

A. The Zoning Map of the District of Columbia is amended as follows:

1. Rezone from C-2-A to GA C-2-A:

Square 2892, Lots 98, 102, 103, 104, 105, 114, 804, 805, 806, 875, 879, 903, 904, 909, 910, 911;

Square 2893, Lots 54, 68, 69, 70, 71, 91, 92, 93, 94, 95, 96, 97, 828, 830, 875, 879, 2001-2062;

Square 2894, Lots 61, 75, 76, 89, 90, 898, 911;

Square 2909, Lots 24, 25, 38, 39, 40, 64, 65, 66, 70, 812, 813;

Square 2910, Lots 33, 34, 35, 40, 805;

Square 3026, Lots 45, 46, 47, 48, 805, 807, 808, 809;

Square 3034w, Lots 1, 801, 802;

Square 3039, Lots 118, 119, 120, 135, 822, 823, 848;

Square 3040, Lots 105, 106, 107, 130;

Square 3041, Lots 25, 26, 27, 28, 29, 53, 54; and

Square 3042, Lots 28, 29, 801, 807, 809.

2. Rezone from C-3-A to CG/C-3-A:

Square 2895, Lots 123, 124, 125, 134, 135, 136, 137, 822, 824, 825, 826, 830, 831;

Square 2897, Lots 54, 55, 56, 131, 132, 133, 134, 135, 136, 137, 145, 147, 808, 841;

Square 2898, Lot 47;

Square 2900, Lots 820, 821, 822;
Square 2905, Lots 30, 809;
Square 2906, lots 88, 846, 848, 849;
Square 3027, Lots 24, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 74, 77, 78, 81, 82, 813, 814;
Square 3028, Lots 39, 40, 51, 52, 53, 54, 55, 809, 818;
Square 3029, Lots 12, 18, 19, 20, 25, 805, 806;
Square 3030, Lots 805, 806;
Square 3031, Lots 233, 805, 806;
Square 3032, Lots 28, 29, 30, 31, 32, 150, 803, 832, 839;
Square 3033, Lots 81, 82, 83, 89, 827; and
Square 3038, Lots 54, 61, 62, 63, 64, 65, 94, 834, 2009-2011, 2053.

B. Title 11 DCMR (Zoning) is proposed to be amended as follows:

Add new §§ 1327 through 1331 to Chapter 13, "Neighborhood Commercial Overlay District."

1327 GEORGIA AVENUE COMMERCIAL OVERLAY DISTRICT

1327.1 The Georgia Avenue Commercial (GA) Overlay District applies to all properties zoned C-2-A and/or C-3-A along both sides of Georgia Avenue, N.W., from the north side of the intersection of Georgia Avenue and Kenyon Street to the south side of the intersection of Georgia Avenue and Varnum Street.

1327.2 The provisions of the GA Overlay shall not apply to public schools.

1327.3 In addition to the purposes in § 1300, the purposes of the GA Overlay District are to:

(a) Implement the objectives of the Georgia Avenue – Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia on July 7, 2006 (Res. 16-686; 53 DCR 5444);

(b) Implement the goals of the Great Streets Framework Plan for 7th Street – Georgia Avenue, published by the District Department of Transportation and dated 2006;

(c) Encourage additional residential uses along the Georgia Avenue corridor;

(d) Encourage improved commercial uses;

- (e) Provide uniform building design standards;
- (f) Set guidelines for development review through PUD and special exception proceedings; and
- (g) Encourage vertically-mixed uses (ground floor commercial and residential above) within a quarter mile of the Georgia Avenue – Petworth Metrorail Station along Georgia Avenue, from Park Road to Shepherd Street.

1328 DESIGN REQUIREMENTS (GA)

- 1328.1** The design requirements of §§ 1328.2 through 1328.11 shall apply to any lot in the GA Overlay District for which a building permit was applied for after December 11, 2006.
- 1328.2** Buildings shall be designed and built so that not less than seventy-five percent (75%) 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.
- 1328.3** In the GA/C-2-A Zone District, seventy percent (70%) lot occupancy shall be permitted for mixed use buildings that include residential use.
- 1328.4** On-grade parking structures with frontage on Georgia Avenue, N.W. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.
- 1328.5** Each building on a lot that fronts on Georgia Avenue, N.W. shall devote not less than fifty percent (50%) of the surface area of the street wall at the ground level to entrances to commercial uses or to the building's main lobby, and to display windows having clear or clear/low emissivity glass. Decorative or architectural accents do not count toward the fifty percent (50%) requirement.
- 1328.6** Security grilles over windows or doors shall have no less than seventy percent (70%) transparency.
- 1328.7** Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk.

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 06-48

PAGE 4

- 1328.8 Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.
- 1328.9 The ground floor level of each building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.).
- 1328.10 Buildings subject to § 1328.9 shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter-of-right in the underlying zone.
- 1328.11 Notwithstanding 11 DCMR § 2116.2, off-street surface parking shall be permitted in rear yards only.
- 1329 USE PROVISIONS (GA)
- 1329.3 The following uses are prohibited within the GA Overlay District:
- (a) Automobile and truck sales;
 - (b) Automobile laundry;
 - (c) Boat or marine sales;
 - (d) Any use that includes a drive-through;
 - (e) Gasoline service station;
 - (f) Liquor store;
 - (g) Pawn shop;
 - (h) Repair garage;
 - (i) Storage facilities; and
 - (j) Surface parking lot.

- 1330 SPECIAL EXCEPTION (GA)
- 1330.1 The following uses are permitted by special exception within the GA Overlay District regardless of whether the use is permitted as a matter of right in the underlying zone, pursuant to §§ 1304 and 3104.
- (a) Fast food establishments including any within twenty-five feet (25 ft.) of a Residence District, subject to the additional criteria contained in § 733
 - (b) Construction of a building on a lot that has twelve thousand square feet (12,000 ft.²) or more in land area.
 - (c) Enlargement, by fifty percent (50%) or more, of the gross floor area of a building located on a lot that has twelve thousand square feet (12,000 ft.²) or more of land area.
- 1330.2 Exceptions from the design requirements of the Georgia Avenue Commercial Overlay District, as set forth in § 1328, shall be permitted as a special exception if approved by the Board of Zoning Adjustment in accordance §§ 1304 and 3104 and subject to the criteria below.
- (a) The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located;
 - (b) Vehicular access and egress shall be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions;
 - (c) Parking and traffic conditions associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences; and
 - (d) Noise associated with the operation of a proposed use shall not significantly affect adjacent or nearby residences.
- 1330.3 The Board may impose requirements pertaining to design, appearance, massing, landscaping, and other such factors as it deems necessary to protect neighboring property and to achieve the purposes of the Georgia Avenue Overlay District.

1331 PLANNED UNIT DEVELOPMENT PROVISIONS (GA)

1331.1 A planned unit development (PUD) in the GA Overlay District shall be subject to the following provisions in addition to those of Chapter 24 of this Title:

- (a) Any additional height and floor area above that permitted as a matter-of-right in the underlying zone shall be for residential use only; and
- (b) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be a total of ten thousand square feet (10,000 ft.²).

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.