

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Zoning

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MEMORANDUM

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ³
Secretary to the Zoning Commission
Date: May 16, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 25, 2007:

- ~~1. Z.C. Notice of Public Hearing (Case No. 06-48);~~
2. Z.C. Notice of Public Hearing (Case No. 07-09);
3. Z.C. Notice of Public Hearing (Case No. 07-15);
4. Z.C. Notice of Proposed Rulemaking (Case No. 06-47); and
5. Z.C. Notice of Proposed Rulemaking (Case No. 07-03).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 06-48

EXHIBIT NO. 4

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ZONING COMMISSION
District of Columbia
CASE NO.06-48
EXHIBIT NO.4

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, July 19, 2007, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 06-48 (Text and Map Amendments to Establish and Map the Georgia Avenue Commercial Overlay District)

THIS CASE IS OF INTEREST TO ANC 1A AND ANC 4C:

The District of Columbia Office of Planning ("OP") requested that the Zoning Commission establish and map a new Commercial Overlay for commercially-zoned properties fronting Georgia Avenue, N.W. from Kenyon Street, N.W. to Varnum Street, N.W. The Office of Planning setdown report was filed on December 1, 2006, and the Zoning Commission set down the case for public hearing at its meeting of December 11, 2006. The Office of Planning setdown report serves as the pre-hearing statement for this case.

SUMMARY

This overlay is part of the implementation of the Georgia Avenue – Petworth Metro Station Area and Corridor Plan, which received final approval from the Council of the District of Columbia on June 20, 2006. The overlay seeks to encourage additional residential uses and improved commercial uses along the Georgia Avenue corridor and to provide common design standards, set guidelines for development review, and establish vertically-mixed uses within a quarter mile of the Georgia Avenue – Petworth Metrorail Station along Georgia Avenue.

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. 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

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

The Corridor Plan describes the area to be encompassed within the overlay as one 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 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 Metrorail Station. Another goal is the redevelopment of vacant and underused properties to encourage the consolidation of small lots into larger properties.

(1) 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, direct access into individual businesses, minimization of solid walls, and vehicular access across sidewalks.

(2) Special Exception Provisions

Two special exception uses are set forth in the overlay text. The first is fast food restaurants. Fast food restaurants are currently special exception uses within the C-2-A, but permitted as a matter-of-right within the C-3-A Zone District, subject to more additional criteria. A drive-through is permitted within the C-3-A Zone District, but not 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 desirable within the entire overlay, whether the underlying zone is C-2-A or 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 of 12,000 square feet or more, which could also result from the consolidation of smaller lots, 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.

(3) Planned Unit Development (PUD) Provisions

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 for a PUD 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 survival and expansion of the commercial establishments.

PROPOSED TEXT AMENDMENT

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. It therefore applies to those lots zoned either C-2-A or C-3-A in Squares 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.

1327.2 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 (PR16-0758);
- (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) Establish 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 1328.14 shall apply to any lot in the GA Overlay District for which a building permit was applied 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 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 Off-street parking, loading, and vehicular access shall be provided from existing alleys whenever possible.
- 1328.6 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, and to display windows having clear or clear/low emissivity glass, but not including decorative or architectural accents in that fifty percent (50%).
- 1328.7 Security grilles shall have no less than seventy percent (70%) transparency.
- 1328.8 Each commercial use with frontage on Georgia Avenue, N.W. shall have an individual public entrance directly accessible from the public sidewalk.
- 1328.9 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.
- 1328.10 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.).

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- 1328.11 Buildings subject to § 1328.10 shall be permitted an additional five feet (5 ft.) of building height over that permitted as a matter-of-right in the underlying zone.
- 1328.12 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.

1329 USE PROVISIONS (GA)

- 1329.1 The uses that are permitted within the underlying zone districts within the GA Overlay District shall be permitted in the same manner in the combined district, except as otherwise provided in §§ 1329.2 and 1329.3.
- 1329.2 The following uses shall be permitted by special exception within the GA Overlay District, pursuant to §§ 3104 and 1304.
- (a) Notwithstanding § 741.3(c), pertaining to C-3 zone districts, fast food restaurants, 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.
- 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) Gasoline service station;
 - (e) Liquor store or other similar establishment which primarily sells alcoholic drinks for off-premises consumption;
 - (f) Pawn shop;
 - (g) Repair garage;
 - (h) Storage facilities; and

- (i) Any use that includes a drive-through.

1329.4 Public schools and public charter schools are exempt from the provisions of the GA Overlay District.

1330 SPECIAL EXCEPTION REQUIREMENTS (GA)

1330.1 The uses listed in § 1329.2 and 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 after public hearing, based on § 3104 and § 1304 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.

1330.2 The Board may impose requirements pertaining to design, appearance, signs, 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) The additional height and floor area above that permitted as a matter-of-right in the underlying zone shall be for residential use only.
- (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).

PROCEDURES

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, GREGORY N. JEFFRIES, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.