



CITIZENS ASSOCIATION
of GEORGETOWN

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**THE PROPOSED GEORGETOWN CUSTOMIZED ZONES
[SUBMITTED BY THE CITIZENS ASSOCIATION OF
GEORGETOWN TO THE DC OFFICE OF PLANNING]**

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As part of a comprehensive effort to review and revise the zoning regulations of the District of Columbia the Zoning Commission has charged the DC Office of Planning (OP) with preparing a draft of the proposed new regulations. While the OP draft Subtitle D Residential House (“R”) Zones Regulations clarify and improve upon existing law in several respects, applied to Georgetown they would permit development inconsistent with preserving the historic character of D.C.’s only National Historic Landmark District. Georgetown was incorporated in 1751 and preserves to-this-day through its small historic houses and narrow streets, some with cobble stones, the look and feel of the colonial port town that it once was. Its unique historic identity helps draw the 25-million annual visitors to Washington, who are attracted by the well-preserved historic housing, parks and the premier collection of retail establishments that line the M Street and Wisconsin Avenue commercial corridor. The Citizens Association of Georgetown (“CAG”) therefore believes that the revised zoning regulations for the District of Columbia must include Customized Zones for the Georgetown historic district which will preserve the identity and character of Georgetown for future generations.

Accordingly a Subcommittee of the Historic Preservation and Zoning Committee reviewed the original OP draft of the residential zoning regulations applicable to Georgetown and met with OP staff on several occasions to discuss the issues presented for Georgetown. With the encouragement of OP the Subcommittee prepared a draft of the changes in the generic regulations required in Georgetown, and following approval of the full Committee and the Board of CAG presented CAG’s proposals to OP on March 2012. OP is currently in the process of reviewing them.

Set forth below is a brief summary of the principal components of the Georgetown Customized Zones and how they differ from the OP draft general regulations of January 31, 2012. The bulk of Georgetown

is zoned R-3; the area south of M Street is zoned W-2 and a small portion of upper Georgetown, including the historic Tudor House and Evermay properties, is zoned R-1B. The Wisconsin/M St. commercial corridor is zoned C-2A. The Customized Zones summarized below are proposed for the areas currently zoned R-1B and R-3.

COMPONENTS OF THE GEORGETOWN CUSTOMIZED ZONES

Height

While the maximum height in Georgetown has been set at 40 feet for many years, most of Georgetown was built before that zoning regulation came into effect and the buildings are generally 35 feet or lower in the older sections of Georgetown. Some blocks, especially in upper Georgetown, do have buildings that are as high as 40 feet. To ensure additions, replacements and infill are consistent with the other buildings on their blockface (the adjoining lots on the same side of the street), CAG believes the general height limit should be 35 feet unless immediately adjacent buildings on the same blockface are 40 feet or taller in which event the maximum height should be 40 feet. In addition, parapets which are not firewalls, penthouses, skylights, pergolas and similar roof top structures are disfavored since not historically appropriate and should be required to meet the applicable height requirements rather than be allowed to add an additional 10 feet to the building height.

Lot Occupancy

The historic Georgetown District is a pastiche of fully attached row houses, semi-detached buildings and fully detached buildings. Detached buildings are the norm in R-1-B but are also found in many blocks zoned R-3, along with semi-detached buildings. Under existing law semi-detached and detached houses, which are generally on larger lots than row houses, are limited to 40% lot occupancy, while row houses because of their generally smaller size are permitted 60% lot occupancy. Retaining existing lot occupancy requirements in Georgetown is important to prevent the overdevelopment of lots, which eliminates green space and creates buildings with excessive bulk and scale inconsistent with the historic district. The proposed Customized Zones for Georgetown retain the 40% maximum lot occupancy for detached and semi detached houses and limit an increase in lot occupancy by special exception to 50% (70% for attached row houses).

Front Setback

While “existing range of blockface” is an appropriate standard for R-1-B in Georgetown, it could lead to inappropriate infill development in R-3 because the

existing range of the blockface could permit an inappropriate front setback in some cases. An infill interior lot row house should be consistent with its immediate neighbors, and in the presence of variability in the front setback of its immediate neighbors, at least match one of them.

Side Setback

Under existing law the minimum side setback for detached and semi-detached house in Georgetown is 8 ft. The general regulations propose to change that to 5 ft in R-1-B and 0 ft. in R-3. While existing nonconforming side lots are grandfathered we believe that additions to a house in R-1-B should generally meet the existing 8 ft side setback requirement and that any addition to a detached or semi-detached building in R-3 should generally maintain a side setback of at least 5 ft. Maintaining minimum side setbacks and associated green space is critically important to preserve the historic streetscape of Georgetown which is an integral part of the look and feel of the historic district.

To remove the incentive that exists under existing law for a detached or semi-detached building to eliminate a side setback in R-3 and thereby gain the greater lot occupancy permitted an attached building, an addition to an existing semi-detached or detached principal building should be required to meet the side setback requirements for that type of building. Attempts to convert semi-detached houses into attached houses have been uniformly rejected by the Old Georgetown Board, but it would be useful to have the zoning law for Georgetown in sync with historic preservation objectives, and harmful to change the law in a way that would seem to permit any building in the R-3 area of Georgetown to become an attached building.

Nonconforming Side Setbacks

Nonconforming side setbacks in the form of narrow row house courts are common in the R-3 area of Georgetown. Existing law and the draft OP regulations provide that when an attached row house has such a side setback any extension of it must be at least 5' wide. To avoid creating an incentive to eliminate a rear yard side setback when building an addition to such a building rather than comply with a minimum 5 ft side setback, the minimum side setback should be set at 3 ft. in such cases. In general in R-3 an addition to building with a non-conforming side setback of at least 3 feet should be able to be extended (subject to lot occupancy and other relevant development restrictions). In addition, to avoid historically inappropriate additions to a main building which has an existing second story side setback, the vertical plane of the second story setback should be maintained for the

length of the second story addition. In R-1B nonconforming side setbacks would continue to be capable of being extended subject to a 5 foot minimum setback requirement and other relevant development restrictions.

Use Categories

Part of the historic fabric of Georgetown is the existing mix of residential, commercial and institutional uses. Any significant expansion of non-residential uses in Georgetown would change the historic character and appearance of the neighborhood. In addition to its many neighborhood stores, schools and churches, Georgetown is also bisected east-and-west, and north-and-south by the commercial corridor. While the draft use regulations may be appropriate for neighborhoods lacking such amenities, Georgetown is adequately served at the present time. Permitting a 7-Eleven or Starbucks on every street corner is inconsistent with preserving Georgetown as an historic district. Accordingly, the draft Customized Zone differs from the proposed general regulations by requiring commercial stand alone uses to be approved by special exception with stricter limits on the number and location of such non-residential uses.

Under CAG's proposal Art Design and Creation, Food and Alcohol Service and Retail/Service stand alone new commercial uses require special exception approval, are limited to no corner stores and no more than one of each such subcategory of commercial use every 750 feet, roughly a block and one half. Existing mid-block stores are grandfathered. OP's latest draft regulations contain a similar corner store restriction but permits up to four stores pre block. In addition mid-block buildings can be used for commercial purposes if the building was ever in its history used for such purposes. Given Georgetown's long history the historical use provision was viewed as potentially disruptive of a residential block.

In addition, provisions in the OP draft permitting unspecified institutional uses as a matter of right and commercial parking lots and health care centers by special exception in both R-1-B and R-3 were deleted as inconsistent with an historic residential neighborhood.

Accessory Buildings

The proposed development regulations for accessory buildings in §501.2 would permit out of scale accessory buildings in both R-1-B and R-3 in Georgetown that would create historically inappropriate density, loss of green space and negatively impact the historic streetscape. While the Old Georgetown Board would generally not approve the construction of such inappropriate structures, the

Georgetown Customized Zones seek to create consistency between the zoning regulations for Georgetown and historic preservation goals. The maximum height of such accessory buildings should be the height specified in existing law (20 ft in R-1-B and no more than one story or 15 ft in R-3) and also require new structures of that height to be built in the rear of the lot adjacent to an alley. The maximum building area footprint for such a new structure should be the footprint required for a two car garage (450 sq. ft). The maximum building footprint for a new accessory structure like a pool equipment enclosure or storage shed not abutting a public alley should be 100 sq. ft. and the maximum height ten feet.

Accessory Dwelling Units

Under existing law in Georgetown an accessory apartment within a principal dwelling can be approved by special exception only if the building is detached and meets other specific conditions: (1) the building must contain at least 2,000 sq ft; (2) the accessory dwelling unit must not represent more than 25% of the total square footage; (3) either the principal building or the accessory dwelling unit must be owner occupied; and (4) the total number of occupants of the building can not exceed six. However, many row houses contain apartments built or claimed to be built prior to the enactment of the 1958 zoning regulation which are grandfathered as non-conforming uses.

Accessory dwelling units in accessory structures are permitted in Georgetown in R-1B (as a matter of right) only in a garage apartment for the exclusive use of domestic employees of the owner of the principal building. In R-3 an accessory dwelling unit in an accessory building, such as a garage, requires a variance.

CAG believes it is appropriate to permit apartments to be located in all houses in Georgetown that meet the specified criteria, not just in detached buildings. Such permission should continue to be granted by the Board of Zoning Adjustment by special exception. The special exception procedure performs the important function of providing neighbors notice and an opportunity to object that one or more specified conditions, such as owner occupancy, are not in fact met. The BZA also has the ability to waive the square footage and percent requirements in appropriate cases.

In addition CAG supports permitting a dwelling unit to be located in an accessory building in R-1B by special exception without restricting occupancy to domestic employees, subject to certain conditions (e.g. owner occupancy of the

accessory building or the principal building). In the case of non-compliance with more than two conditions, approval would require a variance.

In the R-3 area of Georgetown an accessory dwelling unit could be located within an accessory building as a special exception under specified conditions. The conditions limit such an accessory dwelling use to situations where the accessory building is an existing two story structure, such as a garage, adjacent to an alley. A proposed dwelling use in an accessory building not meeting these conditions would be processed as a request for a variance.

Alley Lot Buildings

Some buildings in Georgetown once had associated stables, carriage houses or other small structures on their own lot on an alley behind the main house. CAG supports adaptive reuse of these existing structures, many of which have already been converted into dwelling units. However permitting an increase in such small dwelling units has impacts on parking, trash generation and collection, and potentially noise generation in close proximity to other neighboring buildings. Accordingly CAG is requesting as part of its customized zone for Georgetown that new dwelling units in alley lot buildings be reuses of existing two story structures on existing alley lots (as opposed to new structures on new lots created by subdivision), and be occupied by the owner of the lot.

New OP Draft Regulations

OP has recently added a revised draft of the Residential zoning regulations to its website which includes a draft Georgetown Customized Zone containing some, but not all, of the provisions requested by CAG. Additional discussions with OP are expected to take place with the goal of further improving the draft Georgetown regulations to reflect the above objectives.

For a copy of the current draft OP regulations and additional information concerning the DC city-wide re-write of the zoning regulations go to <http://www.dczoningupdate.org/documentcenter.asp?area=dcr>.

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