



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

March 5, 2015

Vacant (1C01)

Hector Huezo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

To: Mayor Muriel Bowser
Councilmembers of the District Council
Zoning Commission

Re: Improvements in DCRA Administration of Zoning Regulations

Dear Mayor Bowser, Councilmembers, and Zoning Commission,

At a duly noticed public meeting held on March 4, 2015, with a quorum present, ANC1C voted 7-0 to adopt the attached resolution calling for improvements in the Department of Consumer and Regulatory Affairs' administration of the zoning regulations.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

ANC1C Resolution to Direct Improvements in DCRA Administration of Zoning Regulations

Whereas, single family row house dwellings in Adams Morgan located in the R-5-B zone are being converted into multi-unit dwellings that are being enlarged to accommodate additional Gross Floor Area (GFA), and

Whereas, neighborhoods in the R-5-B zones that are not in registered historic districts are not afforded protections provided by architectural review under the Historic Preservation Office (HPO) guidelines, and

Whereas, these conversions (so-called pop-ups), to the extent they add additional floors and lot coverage, typically lack compatibility and are uncharacteristic to the existing building height and massing, creating an appearance that is visually incongruous to abutting buildings and the historic streetscape as a whole, and

Whereas, some conversions (both completed and planned) may be non-compliant with R-5-B zoning regulations due to DCRA and developer actions that include: 1) GFA/Floor Area Ratio (FAR) calculations that designate lower level square footage as cellar space in order to exclude square footage from GFA and FAR calculations; 2) failure to define existing porch and balcony square footage in lot occupancy calculations; 3) building plans that contain calculation errors; 4) plans that contain potential violations of specific building code requirements for additional floors in terms of, for example, means of egress and structural building requirements; and 5) interpretation of parking requirements that result in sub-standard parking spaces in terms of number of spaces and space size, and

Whereas, there are examples of row house dwelling conversions that adversely impact the property rights of abutting properties, resulting in structural damage, a decrease in quality of life issues (e.g., loss of light, air and privacy), and a deleterious impact on abutters' property values, and

Whereas, all property owners are entitled to equal consideration of their property rights, and

Whereas, DCRA has two options for calculating the lower level square footage for inclusion in GFA and FAR but opts to use—almost exclusively— what DCRA characterizes as the “perimeter wall method” when making these calculations for attached row house dwellings, which results in a biased exclusion of lower level square footage from GFA and FAR calculations, and

Whereas the arbitrary use of the perimeter wall method for row houses results in an undercount of GFA and FAR, allowing for additional stories previously not developable under traditional methods, thus inflating the Floor Area Ratio (FAR) beyond Title 11 limits, and

Whereas, DCRA rarely uses the grade plane method to determine row house lower level square footage as basement or cellar, even though this methodology is currently an available option for use by DCRA, and

Whereas, the grade plane method is a more accurate methodology than the perimeter wall method for determining the basement versus cellar designation for row houses, is endorsed as such by the International Building Code, and is designated by the draft ZRR as the appropriate methodology for attached buildings, and

Whereas, the Mayor and/or the Council of the District of Columbia may have the authority to direct DCRA to make exclusive use of the grade plane method for attached row dwellings when defining lower level square footage as basement or cellar for purposes of assessing and issuing building permits in compliance with zoning regulations, and

Whereas, a review of DCRA's administration of zoning regulations for the purposes of improving its performance can be achieved through a comprehensive review and plans for enhancement of current operations.

Therefore Be It Resolved, that ANC 1C calls upon the Mayor of the District of Columbia, the Council of the District of Columbia and the Zoning Commission to utilize their defined authority to issue an administrative directive for DCRA to immediately stop using the perimeter wall method to calculate lower level GFA/FAR for row house dwellings and to instead use the grade plane method.

Be it Further Resolved, that ANC 1C calls upon the Mayor of the District of Columbia, the Council of the District of Columbia and the Zoning Commission to conduct an administrative review of DCRA operations in terms of 1) oversight of building permit assessments; 2) review of the accuracy of building plans and their compliance with building codes; 3) monitoring of permitted projects for compliance, 4) and implementation of new Zoning Regulations Review provisions currently under review, using the results to prepare a report within 120 days, whereby such report identifies specific and tangible changes that may be made in DCRA operations.

And Finally Resolved, that the Chair of ANC 1C shall be authorized to communicate this resolution to the Mayor, the Director and General Counsel of DCRA, the Zoning Administrator, members of the District Council and the Zoning Commission.



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

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Representing Adams Morgan

Commissioners:

April 6, 2015

Vacant (1C01)

Hector Huevo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

To: Mr. Lloyd Jordan
Chairperson, Board of Zoning Adjustment
441 4th Street NW, Room 220-South
Washington, DC 20001

Re: BZA Appeal #18980

Dear Board of Zoning Adjustment Members,

At a duly noticed public meeting held April 1, 2015, with a quorum present, ANC1C voted 6-0 to adopt the attached resolution stating ANC1C support for BZA appeal #18980, filed by Concerned Citizens of Argonne Place, and authorizing Commissioner Alan Gambrell to submit this resolution to the BZA and to represent ANC 1C before the BZA in connection with this matter.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

ANC1C Resolution to Support BZA Appeal 18980 by Argonne Place Residents

Whereas, Residential Zoning District R-5-B (covering most of Adams Morgan) has a FAR limit of 1.8 and a lot occupancy limit of 60%.

Whereas, District of Columbia DCMR zoning regulations rely on key definitions of terms such as Floor Area Ratio (FAR), lot occupancy, Gross Floor Area (GFA) and parking.

Whereas, International Building Codes establish standards to ensure quality and safety of construction.

Whereas, the District of Columbia is not consistently following established methods (perimeter wall method and grade plane method) for determining the lower level square footage as either cellar or basement for, respectively, exclusion or inclusion in GFA and therefore, FAR.

Whereas, in December 2014, in response to Argonne Place neighbor concerns shared and documented over several months regarding potential zoning violations at the subject property, 1636 Argonne Place NW, DCRA issued a Stop Work Order after determining that the subject property's FAR was 2.07, over the prescribed FAR limit for R-5-B.

Whereas, DCRA subsequently reversed the above ruling in mid December 2014, stating that the property was now in compliance with the 1.8 FAR limit as a result of issuance of a building permit revision allowing an alteration of the finished grade to redefine the lower level as a cellar and thus not countable in FAR.

Whereas, 15 Argonne Place neighbors (Concerned Citizens of Argonne Place) submitted a Board of Zoning Adjustment (BZA) appeal of the above ruling in February 2015, disputing DCRA's determination of FAR and lot occupancy of the subject property, citing two errors: incorrect designation of the lower level as a cellar (thus excluding this square footage from GFA and FAR) and incorrect GFA building area calculations (which affect FAR and lot occupancy determinations).

Whereas, failure to enforce zoning and building code regulations on the subject property will set a flawed precedent for similar and identical properties in Adams Morgan and other neighborhoods in the District of Columbia.

Be It Resolved, that ANC 1C supports BZA appeal #18980 filed by the Concerned Citizens of Argonne Place.

Be It Further Resolved, that the Chair of ANC 1C shall be authorized to communicate this resolution to the Board of Zoning Adjustment.

Finally Be It Resolved that ANC 1C authorizes Commissioner Alan Gambrell to submit this resolution to the BZA and to represent ANC 1C before the BZA in connection with this matter.



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

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Representing Adams Morgan

Commissioners:

May 9, 2015

Vacant (1C01)

Hector Huezo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

Melinda Bolling, Director
Department of Consumer and Regulatory Affairs
1100 4th Street SW
Washington, DC 20024

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 200-S
Washington, DC 20001

Re: Resolution Concerning Parking Regulations

Dear Director Bolling and Chairperson Jordan,

At a duly noticed public meeting held on May 6, 2015, with a quorum present, ANC1C voted 7-0 to adopt the attached resolution concerning the parking requirements in the DC Municipal Regulations. The resolution stresses the importance of adherence to these regulations, particularly the 1 space/2 unit ratio, the 9' x 19' regulation space, avoidance of DCRA-issued parking credits, and the essential role of the Board of Zoning Adjustment as the entity to grant exceptions to these rules, only in exceptional cases.

Sincerely,

Billy Simpson
Chair, Advisory Neighborhood Commission 1C

cc: Mayor Muriel Bowser
The Councilmembers of the District Council

ANC1C Resolution on Parking May 6, 2015

DCMR regulations on parking are clearly delineated in DCMR 11-21 and cover requirements such as minimum size requirements for spaces (9' x 19') and number of parking spaces per number of units in a given building.

Parking credits issued by DCRA and waivers granted by the Board of Zoning Adjustment are extremely problematic for rowhouse conversions as parking in residential areas is insufficient.

Further, Adams Morgan residents have expressed their general opposition to excessive unit counts in rowhouse conversions and ANC1C has expressed support for that position in prior resolutions.

It has become clear that avoiding the parking requirements has become a routine tactic for developers seeking to over-build in rowhouse conversions.

Therefore, ANC1C supports full adherence to DCMR parking regulations and concurs with Zoning Administrator correspondence with our Ward 1 councilmember Brianne Nadeau, stating the essentiality of providing 9' x 19' regulation parking spaces and adhering to the ratio of 1 such space for every 2 units. The granting of relief from such requirements should only be in exceptional circumstances and be a matter for the Board of Zoning Adjustment to resolve.

And Finally Resolved, that ANC1C-05 Commissioner Gambrell shall be authorized to communicate this resolution to the Board of Zoning Adjustment, DCRA, the Mayor's office, and the City Council.