

BZA CASE 19374 – Dupont Circle Citizen's Association (DCCA)

Testimony in Support of DCCA: Commissioner Abigail C. Nichols, ANC2B05

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Abigail C. Nichols

I aim to show the Board of Zoning Adjustment that recent decisions by the Zoning Administrator have had large harmful effects that violate the aims of RA8 zoning. I support the Dupont Circle Citizens Association effort to stop the over-development of residential neighborhoods derived from nonadherence to zoning regulations.

“Zoning is a technical subject, but it affects everyone.” It is this technicality that has made it so hard for Dupont Circle residents to understand and counter what has been happening in our neighborhood during the last four years. We finally know enough to fight development that is in clear conflict with the intention of zoning regulations. Unfortunately, four recent large developments in one block of the Single Member District I represent have forever changed the block in ways completely at odds with the notions underpinning the RA8 zoning that supposedly governed development.

Context: Burgeoning Housing Demands in DC: Advisory Neighborhood Commission 2B has recognized and supported the need for more housing in the District. We’ve approved several large projects providing hundreds of new multi-family dwellings in the last ten years (The Drake, 1745 N Street NW, the Patterson House Conversion, the Hepburn).

On the other hand, we have many areas of low density zoning. Unfortunately we’re also getting large additions to our older row houses of such size that they obliterate back yards and trees leaving only paved parking places while cutting air, light, and pleasant vistas from neighboring residences. Street and alley congestion has become a public safety concern.

The Problem - Large additions to row houses in the Dupont Circle Historic District: In the last four years I’ve watched one such project in another single member district and then five more in my own single member District. All seemed way too big for their context, but I accepted that the only issue was historic preservation because I was told that the applicable zoning was all “matter of right.” Historic preservation was active in preserving the streetscape, but seemed to have no interest in density although I’ve heard that HPRB has in the past expressed concerns about alley density. After watching neighbors get nowhere in their objections to a project at 1321 21st Street NW, I was similarly unable to help my own constituents being affected by projects at 1618 Q Street NW, 1620 Q Street NW, and 1530 15th Street NW. By the end of 2013, I’d quit paying attention to projects elsewhere in ANC2B because we seemed to be able to do so little. Now thanks to neighbors on one block in ANC2B05 who have triggered this appeal on behalf of many Dupont residential blocks, we have at last focused our concerns and found a way to bring these bad zoning decisions to the attention of the Board of Zoning Adjustment.

What Zoning Law Implies. RA8 zoning goals include “(e) Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide.” It appears that lot coverage maximums and a green area ratios are means to preserve greenspace with the light, air, and privacy that they provide.

Problems Caused by Decisions: The Zoning Administrator's decisions have the following negative effects:

- Problems caused by loss of alley trees. Every project has involved cutting down trees with no replacement. I've watched two large trees come down besides those cut down in the yard of 1530 15th Street, NW. Three remain in the entire alley. Related problems include loss of views, air problems where trees no longer clean the air, flooding because trees slow run-off during rain, effects of runoff on DC's sewer systems during rain, and the increased overall heat downtown DC that is of concern to the District government.
- Problems caused by loss of yards or other permeable surfaces. Remaining open space is no longer yards but nonpermeable surfaces used for parking places. This further exacerbates the heat island effect in downtown Washington and flooding during rainstorms. The picture is of parking behind 1506 Q Street NW where there used to be bushes and a mature tree.



- Traffic Congestion. Increased street and alley traffic with traffic blockage:
 1. Traffic congestion in an alley entered with the narrowest of entries at both ends may prevent emergency vehicles' entry. In the first picture (east entry to the alley) is typical of problems related to an increase in service vehicles in the alley. The other picture is the west entrance.



ACW

2. Increased demand for existing street parking spaces with associated congestion as drivers look for spaces or wait for blockages to clear.
3. Increased traffic and use of alley and parking spaces for deliveries, and moving in and out of dwellings – more dwellings and dwellings with higher turnover.
4. Increase in trash pick-up trucks because conversion from two units to four or five means more trash and more private trash pick-up rather than DC public trash service. It appears that three trash haulers besides the DC government currently use the alley – one shared by the various multi-unit dwellings and two different ones by commercial operations on 16th Street that back onto the alley.

Specific Development Projects with Additions:

Project 1, 1321 21st Street NW: The first project I remember was approved in 2012 and allowed a large addition at the back of 1321 21st Street NW in what is now a RA8 zone. The ANC appeared to juggle its support for increased housing with support for neighbors but found the only tool to be historic preservation since density was “matter of right.” (In spite of HPRB oversight the project can be seen from an adjoining street.) I’ve lived in large multi-family buildings since I moved to DC in 1979 so this was not a personal issue, but I was curious.

Project 2: 1618 Q Street NW: Also in 2013, an addition with conversion to multiple units was proposed at 1618 Q Street NW and neighbors were very upset. The neighbors to the west in a similar single family home would lose light and air, and new neighbors would be able see into their bedroom. Neighbors to the east foresaw an increase in trespassing into their parking lot – scarce open space that already tempted workmen and others to park in spite of clear signs of the private nature of the property. But again, except for keeping the project invisible from Q street, the size of the project was “matter of right.” Later a project was also approved for 1620 Q Street but that was abandoned when the owner decided to remain in his home. First picture shows the new building side-by-side with the adjacent single family home at 1618 Q Street NW. The other pictures show the size of project:



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Project 3, The Alma Thomas House, 1530 15th Street, NW (same block as 1514 Q Street NW): Shortly after I became a Commissioner in 2013, a constituent called because trees had been cut in the yard behind his house and he feared that the pleasant view out the back of his home on the 1500 block of Church St NW would be obliterated by a large addition to the back of a house perpendicular to his house. On inquiry I was told that the addition size was matter of right and that historic issues had been handled at the staff level. The first two pictures are before the addition but after tree cutting.



ACW

Project 4, 1506 Q Street NW (same block as 1514 Q Street NW): Neighbors complained again this one but it was approved by HPRB at the staff level and again zoning was “matter of right.” The tree the neighbor had once been able to see across the alley was also cut down immediately in spite of the developer’s promise to the ANC that he would preserve the tree. The project damaged a neighbor’s roof and workmen trespassed on the neighbor’s property. This project is invisible from the front on Q street, but there are five or six inhabited stories at the back.

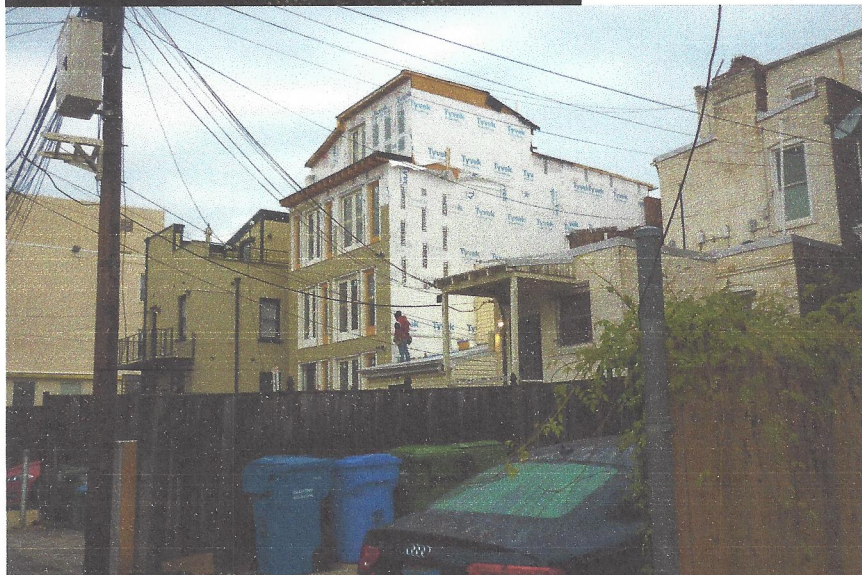


Project 5, 1516 Q Street NW (same block as 1514 Q Street NW): This was approved as matter of right with little attention from the ANC.



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1514 Q Street NW: This is the project before the Board of Zoning Adjustment. The pictures show the incredible size of this project.



Here is evidence by description and picture of the many problems created by nonadherence to DC zoning law. I call on this Board to honor the language and spirit of of the District's zoning law and regulation.

Azrael C. Nichols