The COMMITTEE of 100 on the FEDERAL CITY
founded 1923

May 30, 2003

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Ms. Carol Mitten, Chair
Zoning Commission
One Judiciary Square
Washington, D. C. 20001

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D.C. OFFICE OF ZONING
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Madam Chair:

Re: Zoning Commission Case 03-09

The Committee of 100 on the Federal City strongly disagrees with the purposes identified in this proposal. At its Board meeting on May 9, and subsequently at the meeting of the membership on May 15, the Committee voted overwhelmingly to ask the Commission to reject this proposal and its harmful potential to undermine the integrity of residential zoning that is so essential to healthy neighborhoods, let alone struggling ones.

The provision allowing historic properties of a certain size to be used, in residential zones, as homes for nonprofit corporations was originally supported as a way to deal with "white elephant" properties. The provision was intentionally narrow, as a way of limiting impacts on residential zones. The Commission is certainly aware of the number of difficulties even these limited special exception cases can offer, and the ways in which citizens have complained about harm done to their neighborhoods, even when detailed conditions have been written into renewable exceptions. No case has been made that numbers of "white elephants" are having harmful impacts and justify even modest expansion of those provisions.

This proposal, on the contrary, would permit the widest possible governmental operations in some of our most important structures – large, historic properties, properties that by definition would not be subject to parking requirements, ADA requirements, and other mitigation normally associated with commercial or administrative space. It is not even clear that consultants and contractors working with local government would be precluded from taking over these properties. Even were local government not in stringent financial circumstances, the District's ability to be an effective steward for the properties gives cause for concern.

Our inability to get District departments to respect the Federal 106 process in the most visible projects does not inspire confidence about the interior of historic sites. Clearly, no case has been made that this proposal is needed to preserve historic properties.

As to public schools, D. C. Public Schools asserts that there are no "surplus

ZONING COMMISSION
District of Columbia
Case 03-09
Exhibit 13

ZONING COMMISSION
District of Columbia
CASE NO.03-09
EXHIBIT NO.13

schools," that properties are needed as swing space for renovations and expansions taking place under a Master Facilities Plan. Those schools in control of District government, as opposed to DCPS, are potential targets for this proposed new zoning standard. Public schools are supposed to revert to the underlying zoning when they are no longer needed for public education. If there truly are buildings unneeded for public schools, surely the housing of charter schools would represent a more appropriate use for facilities built to educate children and not to house the DMV or the Office of Grants and Development.

Any "unneeded" school properties – *no list of which has been made available* – would have immense potential for housing some of the 100,000 new residents (and taxpayers?) the District hopes to attract. The developments at the Phillips School at 29th and O Streets in Northwest has produced well over $20 million in real estate sales (the property had been given to a nonprofit school years ago). Were the District government to consider retaining such a property for offices of some kind, similar development would not occur.

The special exception condition, while offering some modest protections not available in matter-of-right uses, still embodies a presumption of regularity for the listed purposes. Effectively, this puts a tremendous burden of proof on neighborhoods striving to retain or strengthen its residential character.

The Committee asks, earnestly, that the Commission deny this request. This is a request for the Commission to issue a blank check to governmental development in residential neighborhoods. It is not at all in keeping with the purposes of the Comprehensive Plan that speak to preservation and strengthening of neighborhoods.

Should the Administration insist on pursuing the issue, the Commission should ask them to prepare a new, detailed proposal, identifying the sites they are contemplating, the kinds of operations they wish to move into neighborhoods, the steps they will take to mitigate harmful impacts, and the instruments available to citizens to rein in troublesome operations when their government moves in next door.

Sincerely,

Barbara Zartman
Vice Chair