March 7, 2005

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Carol Mitten, Chair
District of Columbia Zoning Commission
441 4th Street, NW, Suite 210 - South
Washington, DC 20001

Ref.: Takoma Neighborhood Commercial Overlay District, Case No. 04-16

Dear Ms. Mitten:

This letter is a minority opinion of the Advisory Neighborhood Commission 4B.

In brief:

On Saturday, March 5, a Special Meeting of the Advisory Neighborhood Commission 4B was held. The Takoma Neighborhood Commercial Overlay District, Case No. 04-16 (also known as the Takoma Overlay Zone) was on the Agenda.

The Commission first voted on a draft resolution which Commissioner Wheeler had previously sent to the Commissioners. When the Chair presented Commissioner Wheeler's original draft resolution for consideration, Commissioner Wheeler requested that it be replaced by a revised draft resolution. Her request was denied. The vote was 7 to 0 to vote down the original draft resolution that Commissioner Wheeler had presented. It was a unanimous vote against it. (See the **revised** draft resolution, attached, which was neither considered nor voted upon.)

The Commission then voted on another resolution, which was presented as the Commission's resolution. We had not seen it, nor participated in drafting it, nor have we been given a copy of it. That vote was 5 in favor, 2 opposed to adopting the second draft resolution before the Commission.

The meeting:

Seven of the nine Commissioners were in attendance and voting. Thirty five people, including the seven Commissioners, signed in. At least four residents (not Commissioners) arrived after the meeting ended.

The Chair opened the meeting and stated, among other things, that comment would be limited to 30 seconds per person. This is the only meeting in which the ANC Commissioners have considered the proposed Takoma Overlay Zone. No ANC hearing has been held. The ANC has held no discussion of the provisions of the document. The Takoma Overlay Zone was not going to be on the Chair's Agenda of the February 24, 2005 meeting, which was snowed out.

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As we understand it, the arguments of ANC 4B Commissioners who supported the proposed Takoma Overlay Zone were primarily:

- Several residents on the Takoma DC list serve have stated that they support the Takoma Overlay Zone,
- Several letters have been received by the ANC 4B Chair in support of the Takoma Overlay Zone,
- The Plan Takoma Board of Directors voted on the Takoma Overlay Zone: 10 to support, 1 in opposition, 1 abstention.
- Two of the three Commissioners who represent parts of Takoma support the Takoma Overlay Zone.

Support for the proposed Takoma Overlay Zone:

The Office of Planning document is not an easy document to understand. There had been virtually no discussion of this document in any forum until after Commissioner Wheeler testified at the Zoning Commission hearing on January 24, 2005. In the ANC 4B Planning meetings in 2004 and 2005, other issues were given precedence by the majority of the Commissioners.

On April 27, 2004 at the Plan Takoma meeting, an outline of the Office of Planning's proposal was presented orally. In that meeting, Commissioner Wheeler raised questions about the increase in height. That concern raised then was not mentioned in either the proposed Takoma Overlay Zone document nor in the March 5, 2005 Plan Takoma letter to you. (Commissioner Wheeler estimates that the attendance at that April 27, 2004 meeting was no more than the audience at the March 5, 2005 ANC 4B Special Meeting.)

The very small number of responses thus far obtained on a survey of Takoma residents show that most support the provisions of the revised draft resolution that Commissioner Wheeler presented to the ANC 4B Commission but which the Chair refused to consider. (See the attached surveys and the revised draft resolution.)

In the discussion since January 24 on the Takoma DC listserve, there have been different views presented on:

- Height:
    1. whether or not 5 stories can be built in a 50' tall building (Commissioner Wheeler put on the listserve the pertinent current Zoning Regulations, source attached, showing maximum height in feet: 50; maximum height in stories: "no limit";
    2. whether it's possible to build 4 stories, including 14' ground floor retail space, within a 50' building (Commissioner Wheeler reported on the listserve the opinions of three architects who said that it's possible);
    3. whether or not builders intend to build more than 4 stories;
    4. what 50' or 55' tall buildings or 5 stories in those buildings throughout the Overlay Zone would mean in terms of density, viability of new retail, environmental impact, aesthetics, scale and character of the neighborhood

(Commissioner Wheeler quoted on the listserve the Revitalization Goals Nos. 1 and 3 as presented in the Office of Planning's January 2002 "Takoma Central District Plan".)

- More restrictive or less restrictive: which proposed changes to the Takoma Overlay Zone proposal may be more or less restrictive and therefore:
  1. require starting the hearing cycle all over again,
  2. be sent out for additional public comment (if that is different from starting the hearing cycle all over again), or
  3. be considered and adopted or rejected by the Zoning Commission on March 14;

- Many of the statements of support of the current Office of Planning proposal have been general, such as "I support the Takoma Overlay Zone", with no mention nor analysis of impact of the different provisions.

- One notable statement of support of the current Office of Planning proposal equated the Takoma Overlay Zone to that building located in ANC 4B01, and its drawings.

General agreement on desired outcomes:

Curiously, most people whom Commissioner Wheeler has talked with and whose emails she has read support very similar outcomes: a more vibrant commercial district in Takoma, a walkable community, an attractive setting. How to achieve these outcomes is where the differing opinions come into play, and little analysis has been done of what actually would work well once it is built.

Agreement on provisions:

One dominant line of thought is that we have two options: either accept the proposed Takoma Overlay Zone as is, or oppose it. Therefore, proposals to amend and improve proposed provisions have been generally seen as opposing this Office of Planning document, rather than as a sincere effort to improve it. A brief exception was two provisions which arose from the Single Member District meeting (ANC 4B02) on February 21 and earlier from one of my postings on the listserve. We understand that these were being considered by the Office of Planning official as well as the Plan Takoma Board. (See copy of the President's Report attached.) Additional discussion about what would be construed as more or less restrictive caused the Plan Takoma Board to withdraw their consideration of these two provisions.

Challenges:

As you've seen, Commissioner Wheeler has presented official information and references in an effort to clarify issues. The ready mode of communication among a good number of residents in Takoma and surrounding area is on the Takoma DC listserve. However,

the majority of residents here are not only not on the listserve but many do not have computers. Others, who are on the listserve, have told Commissioner Wheeler that they simply delete postings about this discussion.

Our understanding of our charge is to represent the residents of our Single Member Districts. Our understanding of residents' concerns in the Single Member District of ANC 4B02 is that neither the Plan Takoma Board opinion nor the majority of the postings supportive of the proposed Takoma Overlay Zone as is represent the majority of the residents in the Single Member District of ANC 4B02 nor of Takoma. Sadly, bitter exchanges have been sent by email. These do nothing to resolve the issues.

Data:

In order to either correct our understanding or verify it, Commissioner Wheeler is conducting a survey on the specific provisions of the proposed Takoma Overlay Zone. The initial results, a very small number thus far, are attached.

We request that you accept additional results of this survey through Monday, March 14 at 3 p.m. and consider adopting the provisions presented in the attached proposed resolution.

Thank you.

F E. Wheeler

Faith Wheeler
Commissioner, ANC 4B02

Blondine Hughes
Commissioner, ANC 4B05

Enclosures

The Takoma Neighborhood Commercial Overlay District
(Also known as the Takoma Overlay Zone)
*** Case No. 04-16 ***

OFFICE OF PLANNING'S PROPOSALS

The Takoma Overlay Zone, issued by the Office of Planning on October 18, 2004, basically presents three proposals, as follows, to apply to new construction along the "Designated roadways" shown on the attached Exhibit 3:

1) Require ground floor retail with minimum ceiling height of 14' (in at least 50% of the ground floor)
2) Allow a maximum of 55' in total building height over the part of the buildings with ground floor retail.
3) Require a minimum 13' setback from the curbline to the street wall of new buildings.

ADVISORY NEIGHBORHOOD COMMISSION 4B

DRAFT RESOLUTION
on the

FAX

No. of pages: 19
Date: March 7, 2005

To: Ms. Carol Mitten, Chair
Zoning Commission
Fax: 202-726-6072

From: Faith Wheeler F. Wheeler
Fax: 202-882-7565

Subject: Takoma Overlay Zone, case no. 04-16

Please see attached.

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