March 7, 2005

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

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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.

[redacted]
04-16
35

ZONING COMMISSION
District of Columbia
CASE NO.04-16
EXHIBIT NO.35

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 C. Hughes

Blondine Hughes
Commissioner, ANC 4B05

Enclosures

ATTACHMENTS

Table of Contents

1. Draft Resolution on the Takoma Overlay Zone
2. Preference Survey of Takoma Residents
3. President's Report, Plan Takoma Membership Meeting, February 22, 2004
4. Height of Buildings or Structures (C), District of Columbia Municipal Regulations
5. Minutes of the ANC 4B March 21, 2002 meeting urging the City Council to reject the Takoma Central District Plan.

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
TAKOMA OVERLAY ZONE

1. Ground Floor Retail:

Whereas a minimum 14' ground floor retail ceiling is considered appropriate for current retail standards,

Whereas residents are interested in having additional retail businesses in the neighborhood that will serve more of their needs and interests than currently is the case,

Whereas 3 development sites have already been exempted from the ground floor retail requirement,

Whereas some concern has been expressed about building a surplus of retail space that could result in long-term vacant retail space,

We therefore recommend that the minimum 14' ground floor ceilings, utilizing a minimum of 50% of the ground floor of new construction, as proposed in the Office of Planning's Takoma Overlay Zone be approved, and accompanied by an explicit provision for possible conversion of such space to residential or office use if left vacant for more than 6 months.

2. Height:

Whereas the current height limit is 50' along the "Designated Roadways" shown in the proposed Takoma Overlay Zone,

Whereas adhering to that same height limit of 50' may be able to be approved by the Zoning Commission on March 14,

Whereas the proposal for the Takoma Overlay Zone explicitly states that its purpose is to implement the Small Area Plan for the Takoma Central District,

Whereas the Office of Planning's "Takoma Central District Plan" (January 2002) explicitly recommends that "New commercial and residential development should be neighborhood-driven in scale and approach." and that "New residential and commercial buildings should be no more than 2-4 four stories in height to match existing neighborhood scale."

Whereas buildings 2-4 stories tall are in keeping with the existing architectural character and scale which makes Takoma DC and surrounding neighborhoods unique,

Whereas the community celebrates its unique heritage as a diverse neighborhood and works to preserve its historic character,

Whereas those who support the proposed Overlay as is state that there is no intention for the proposed changes in building height (from 50 to 55 feet) to encourage a fifth story,

Whereas within a 50 foot tall building, 4 stories can be built with a 14 foot ground floor ceiling,

Whereas the minimum 14' ceilings for ground floor retail are required only in a minimum of 50% of the ground floor, thereby allowing for higher ceilings and higher rents or sale prices in 50% of the building,

Whereas, a number of residents support mixed income housing, and the different ceiling heights would lead to a significant difference in range of prices, albeit at the upper end of the scale for this part of the city,

We therefore recommend that the current limit of 50' be adhered to and that the Zoning Regulations be amended to also stipulate that the height of new residential and commercial buildings in the Takoma Overlay Zone be no more than 2-4 stories if either no additional review process is required or an abbreviated review process could be used.

3. Setback:

Whereas a minimum 15' setback from the curbline is considered "better" for residents and enjoys "widespread" support among residents as well as support by the Office of Planning's Development Review Specialist,

Whereas it is our understanding that proposing a minimum 15' setback from the curbline would necessitate taking such a proposal through the review process again,

We therefore recommend that a minimum 15' setback be approved by the Zoning Commission if an abbreviated review process could be used.

4. Appropriate Transitions from Commercial to Residential Zones:

Whereas appropriate transitions from commercial to residential zones have been considered in public forum only since February 21 in the ANC 4B02 Single Member District meeting,

Whereas, on the basis of this initial discussion of the subject, the Office of Planning's Development Review Specialist and the Plan Takoma Board were considering including this in its final report and letter, respectively,

Whereas, a number of residents are concerned about this issue,

Whereas the C-2-A proposed Overlay abuts residential zones in several places (See attached Exhibit 3),

Whereas the proximity of a tall, multi-story building next to a single family home or historically "contributing" building may significantly reduce the value of that overshadowed building as well as the light and space around it,

Whereas it is our understanding that approval of such a measure would necessitate taking the proposal through the review process again,

We therefore recommend that the Zoning Commission approve the following measures now if an abbreviated review process could be used.

Recommended measures: that the proposed Overlay be amended to require:

a) an appropriate setback from the property line shared with the adjacent residential zone,
b) a buffer which would provide an appropriate transition in height from the commercial/residential building in the proposed Overlay zone to the home in the adjacent residential zone,
c) a façade -- particularly on the side of the building that faces the residential zone, landscaping and streetscaping, sidewalk treatment, street furniture, etc., that is compatible with the adjacent residential zone in order to help provide an appropriate transition.

TAKOMA NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

also known as

~ TAKOMA OVERLAY ZONE ~

Case No. 04-16

ZONING CODE PROVISIONS
FOR NEW CONSTRUCTION
AROUND THE TAKOMA METRO STATION
(C-2-A Zone & Historic District)

~ PROVISIONS ~	~ L I M I T S ~		
	CURRENT	OPTION b	OPTION c
1. Ground floor retail	**a)** No limits	**b)** Minimum 14' ceilings; Required on minimum of 50% of ground floor	**c)** Same as OP, PLUS conversion provision if retail space remains vacant for over 6 months (May convert to residential or office use)
2. Building Height	**a)** 50' maximum	**b)** 55' maximum over ground floor retail; otherwise, 50' maximum	**c)** 50' maximum (which allows for 14' ground floor plus 3 more floors with 9' ceilings)
3. Setback from curbline	**a)** No limits	**b)** Minimum 13' setback required to street wall	**c)** Minimum 15' setback required to street wall
4. Buffer / Transition from Commercial to Residential Zone	**a)** No limits	**b)** No limits	**ci)** Minimum 8' setback from shared property line **cii)** Minimum 4' setback from building line of upper story/ies in commercial/residential buildings (to 50') that are above roofline of homes in adjacent residential zone (up to 40'), **ciii)** Compatibility of building façade, landscaping, streetscaping, sidewalk treatment, street furniture, etc. with adjacent residential zone.

The impetus for changes in current zoning limits is the Office of Planning's January 2002 "Takoma Central District Plan" whose Revitalization Goals include:

- To preserve and enhance Takoma's small town/village character.
- To encourage a neighborhood scale for new development.

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT	Name: SIGN	
LICY + JOHN RIEDEL		
Address:	**Phone:**	**Email:**
6815 6th St. NW	2022981870	ldonge@yahoo.com
WASHINGTON DC 20012		

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓		
			✓	✓	✓ BOTH

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail					
2. Building Height					
3. Setback					
4. Buffer					
			SAME AS ABOVE		

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT	Name: SIGN	
Abby Frankson		
Address:	**Phone:**	**Email:**
6811 6th St, NW.	723-5825	

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT Isobel Murray	Name: SIGN Isobel Murray	
Address: 570 Aspen ST NW Washington DC 20012	Phone: 202-723-8013	Email:

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT	Name: SIGN	
Zachary Green		
Address:	**Phone:**	**Email:**
504 Aspen Street, NW		
WDC		
20012		

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

SAME

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail					
2. Building Height					
3. Setback					
4. Buffer					

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT	Name: SIGN	
STEPHEN RHODY	Stephen Rhody	
Address:	**Phone:**	**Email:**
412 ASPEN ST	2022489887	steve.rhody@stanfordalumni.org

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height		✓			
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail		✓			
2. Building Height		✓			
3. Setback		✓			
4. Buffer		✓			

FOOT TRAFFIC + LIGHT AFTER DARK

PEOPLE = SAFETY

GROCERY

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT Jackie Reed	Name: SIGN Jackie Reed	
Address: 408 Aspen St. NW 20012	Phone: 202-723-1643	Email: tutorjacki@hotmail

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the <u>Option c</u> provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail			✓		
2. Building Height			✓		
3. Setback			✓		
4. Buffer			✓	✓	✓

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT KATHLEEN CARROLL	Name: SIGN Kathleen Carroll	
Address:	**Phone:**	**Email:**

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail	✓				
2. Building Height	as tall Buildings it would destroy the ambience of the neighborhood				
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the <u>Option c</u> provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail	✓				
2. Building Height	SAME	applies as above			
3. Setback			✓		
4. Buffer			✓	✓	✓

TAKOMA OVERLAY ZONE
~ PREFERENCE SURVEY ~

Name: PRINT	Name: SIGN	
STEVE CARROLL		
Address:	**Phone:**	**Email:**
6801 6TH ST. NW	202-723-7337	
WASH DC 20012		STEVECARROLL@SPEAKER.NET

For each of the four provisions, please indicate your preference for Option a = Current Zoning Requirements, Option b, or Option c-i, c-ii, or c-iii.

Provision:	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail	✓				
2. Building Height	NO MORE TALL BLDGS THEY RUIN THE VIEW				
3. Setback			✓		
4. Buffer			✓	✓	✓

Follow the same instructions as above, but consider the possibility that Zoning Commission approval might be delayed for 6 months, for example, for any of the Option c provisions.

Provision :	a.	b.	c-i.	c-ii.	c-iii.
1. Ground Floor Retail	✓				
2. Building Height	SAME	AS ABOVE			
3. Setback		✓			
4. Buffer			✓	✓	✓

President's Report

Overlay Zone Proposal Endorsement. The Board of Directors has voted (10 yes, one no, one abstain) to write a letter to the Zoning Commission in support of the zoning overlay proposal for the Takoma commercial district. The Commission did not make a decision on the proposal at its January 24 hearing on the Takoma due to lack of input from the ANC, community organizations and residents. They will accept additional input by keeping the record on this issue open until March 7; the Commission will vote on the proposal March 14. Letters can be sent to: Carol J. Mitten, Chairperson, District of Columbia Zoning Commission, 441 4th Street, N.W., Suite 210 - South, DC 20001. No emails will be accepted because addresses and signatures are required. However, signed letters can also be faxed to 727-6072. According to Arthur Jackson of the D.C. Office of Planning, OP is considering including community feedback -- a) increasing required setback from the curb from 13.5 ft to 15 ft. and b) requiring that designs for new construction abutting private homes be massed for appropriate transition to the residential streets -- in its final report prior to the Commission's vote. Therefore neighbors interested in these issues may also want to send copies of their comments to Arthur Jackson, Office of Planning, 801 N. Capitol Street, NE, DC 20012, by fax 442-7637, or as an email to Arthur.Jackson@dc.gov. Telephone is 442-8809.

Takoma Aquatic Center Opening Plan Takoma provided support to Friends of Takoma Rec in helping publicize the community open house at the Dept. of Parks and Recreation's new Takoma Community Center on February 12. More than 3,000 people turned out for the event. Plan Takoma had a table, which we shared with Coolidge PTSA, right inside the entrance of the new center. We also voted up to $100 to assist with beverages (and provided coffee pots and other supplies used). Soliciting a donation of eight cases of spring water from Mr. Singh of S&S Liquors helped cut our costs almost by half . The Board also voted up to $50 for flowers to acknowledge FOTR president Gina Douglas's contributions to the center. We managed to arrange for Mayor Williams to present a large bouquet of flowers to Gina on behalf of the Takoma community as the closeout to the grand opening speeches, before a large crowd. Enough flower money was available for Gina's flowers and two potted calla lilies used as door prizes for a drawing among new members signing up for PT or FOTR membership at the open house. Plan Takoma gained seven new members (4 households) and quickly ran out of the 50 flyers with membership information that we had produced.

PT Registered Agent. Board member Jacqueline Parham, of 5th Street, has volunteered to serve as "Registered Agent." Each corporation registered in the District of Columbia is required to have a Registered Agent who is a resident of the city. The Registered Agent receives official communications from the city regarding a corporation's status, filing of reports, etc. Thank you to Alice Giancola who has served in this capacity for many years. Each year, the Board of Directors will re-confirm the Registered Agent's interest in and capability to continue in this position. Secretary David Frye will ensure filing of appropriate paperwork with the D.C. Department of Consumer and Regulatory Affairs. While checking with DCRA about how to file, we also confirmed that PT is a corporation in good standing; our next biannual report is due to DCRA January 2006.

768.6 The application shall have received the approval of the Pennsylvania Avenue Development Corporation.

768.7 The proposed development under a bonus award shall not significantly and adversely impact upon adjoining property.

768.8 Upon receiving an application for an approval under § 768.4, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with review in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

768.9 The Board of Zoning Adjustment may require other special conditions as it deems necessary to protect neighboring or adjacent property and to generally promote the public health, safety, and welfare.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10784 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8408-09 (October 20, 2000).

769 [RESERVED]

770 HEIGHT OF BUILDINGS OR STRUCTURES (C)

770.1 Except as provided in this section and in chapters 20 through 25 of this title, the height of a building or structure in a Commercial District shall not exceed that set forth in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B, C-3-A	65	No Limit
C-3-B	70	6
C-2-C, C-3-C	90	No Limit
C-4	110	No Limit
C-5 (PAD)	130	No Limit

770.2 The height of buildings or structures specified in § 770.1 may be exceeded in the instances provided in §§ 770.3 through 770.8.

Addendum:

Please note the attached minutes of the ANC 4B March 21, 2002 meeting urging the City Council to reject the Takoma Central District Plan.

G. E. Wheeler

DRAFT Minutes
ADVISORY NEIGHBORHOOD COMMISSION 4B
March 21, 2002

Advisory Neighborhood Commission 4B met on March 21, 2002 at the MedStar Manor Nursing Home, 6000 New Hampshire Avenue, N.E. The meeting started at 7:15 p.m.

Chairman Barrington Scott, I, ANC 4B08, presided. Also present were Commissioners Sara Green, 4B01, Louis Lieb, 4B03, Ronald Austin, 4B07, and Shirleta Nugent-Settles, 4B10. Commissioner Pat Kidd, 4B04, arrived at 7:40 p.m. and did not vote on the acceptance of the minutes or the treasurer's report.

Rebecca Smallwood, the 4B02 resident who won the February 28 special election for the vacant 4B02 seat and was sworn into the seat at the end of the February 28 public meeting, was present and voted. However, an attorney for the D.C. Board of Elections and Ethics later notified ANC 4B that Ms. Smallwood's election was not valid. Therefore, the following minutes do not include Ms. Smallwood's votes.

The exclusion of Ms. Smallwood's votes means that the required quorum for the March 21 public meeting was five commissioners. The quorum of five commissioners was present for all votes.

(Note: On April 3, the D.C. Board of Elections and Ethics held a hearing to review its attorney's opinion. The board determined that the election was valid and certified Ms. Smallwood as the winning candidate and the commissioner for 4B02.)

Minutes and Treasurer's Report Accepted

1. The February 28 minutes were approved with one correction. A reference to "Page" on page two was amended to say "Ms. Page." It was approved unanimously.

2. The treasurer's report was read. It noted that ANC 4B has a balance of $12,624.29 as of March 21, 2002. The report was approved unanimously.

Proposed Takoma Central District Plan

Chairman Scott noted that ANC 4B held public hearings on the Takoma Central District Plan on February 21 and February 23. Commissioner Green noted the plan will be considered by the D.C. City Council and can only be accepted or rejected. It cannot be amended.

The proposed plan, written by the D.C. Office of Planning, covers future residential, retail, and commercial development in the areas around 4th, Blair, Willow, and Carroll and adjoining streets. It also proposes 65 to 95 townhouses and a new parking garage on part of the existing Takoma Metro Station site and makes other recommendations that change the station's current green space.

Several residents spoke about the proposal.

Dodie Butler, of 5th Street, N.W., the Interim President of Plan Takoma, a community organization with about 125 household and individual members, said that Plan Takoma members were asked in a mailing whether they wanted to accept the plan or reject it. Fifty-eight members checked "in favor" on the unsigned postcards they mailed to Plan Takoma. Thirty-three members checked "oppose" on the unsigned postcards they mailed, Ms. Butler noted.

Other residents asked ANC 4B to ask the City Council to reject the proposal.

Loretta Neumann, of 7124 Piney Branch Road, N.W., a vice chairman from Historic Takoma, Inc., said the City Council should not adopt the plan until a transportation study is completed.

Ruth Foster, of 6601 Piney Branch Road, N.W., and a Plan Takoma member, said residents support development around the Metro Station, but want a larger voice in what is built and are concerned about the traffic and transportation impacts. And, the Washington Metropolitan Area Transit Authority (WMATA) did not come to the public meetings to explain how the station would operate if the changes proposed were adopted, Mrs. Foster said.

Johnnie Wilson asked the commission to oppose the proposal.

Leonard Rubin, of Blair Road, N.W., noted he had submitted a petition with about 700 signatures, primarily from ANC 4B01, 4B02, and 4B03 residents. That petition asks ANC 4B and the D.C. City Council to reject the proposed plan due to concerns about the existing green space and transit facilities and concerns about the plan's endorsement of the townhouses for the WMATA site. From the beginning of the planning process, "our impression was it was done deal," Mr. Rubin said of the proposal for the 65-95 townhouses.

Rebecca Smallwood, of Laurel Street, N.W., had submitted a petition signed by about 184 ANC 4B02 residents. It asked the City Council to accept the plan, noting it incorporated the views of the community and was developed in an "open" and "fair" process.

The following resolution was adopted. Commissioners Green, Kidd, Austin, Scott, and Nugent-Settles voted to accept it. Commissioner Lieb abstained.

RESOLUTION - PROPOSED TAKOMA CENTRAL DISTRICT PLAN

Whereas:

- The Takoma Central District Plan proposed by the D.C. Office of Planning includes an endorsement to add 65-95 townhouse units at the Takoma Metro Station site

- Approximately 100 new units of housing and additional retail space are already in the pipeline for construction within one block of the Metro Station.

- Essential transportation and traffic data about the area have not been presented to the community.

- There are serious concerns about future transit and green space needs.

- The Takoma Metro Station property was purchased with federal tax dollars and is supported by annual subsidies from District of Columbia tax revenues.

- There are no specific site recommendations in the plan to encourage affordable housing construction in the area covered by the plan.

- D.C. law does not permit the D.C. City Council to amend the Office of Planning proposal,

Advisory Neighborhood Commission 4B, in accordance with provisions in D.C. City law that give it "great weight" in land use issues, urges that the

1. D.C. City Council reject the plan or return it to the Office of Planning for necessary transportation planning and for improved site design and planning at the Takoma Metro Station.

2. The Mayor and the D.C. City Council direct their representatives on the Washington Metropolitan Area Transit Authority Board not to approve any joint development project for the Takoma Metro Station property until the impact of the roughly 300 units projected for the surrounding sites can be assessed.

3. The Mayor and the D.C. City Council revise land planning procedures and D.C. law to permit Council changes and modifications to proposed land planning documents.

Advisory Neighborhood Commission 4B appoints the Commissioners for Single Member Districts 4B01, 4B02, and 4B03 to represent the Commission on these issues.

New Legacy Partners Mixed Use Project - Cedar Streets & Blair Road

Ron Eichner, of New Legacy Partners, LLC, discussed his proposal for a 45-unit condominium and ground floor retail project to be built at the intersection of Cedar and Blair Roads, N.W. The proposal's design needs approval from the Historic Preservation Review Board (HPRB). It meets all zoning requirements for C2A.

This was Mr. Eichner's third presentation before ANC 4B and its commissioners. He explained the exterior changes he had made to the design in response to comments from the HPRB. These included changes in the roof and the proportions of the front porch feature.

Bonnie Moss, the co-chair of the D.C. Committee of Historic Takoma, Inc., explained Historic Takoma's support for the project. This support was based on the design and its emphasis on the history of the area, along with the strong visual cues taken from surrounding historic structures. The lot is one of the most blighted in the area and is currently filled with used cars and car parts, Ms. Moss noted.

The commission voted to send a letter of support for the New Legacy Project to the HPRB. Commissioners Green, Lieb, Austin, and Scott voted to support the project. Commissioner Nugent-Settles voted "no." Commissioner Kidd abstained.

Presentations

Beach Drive Closing

Jim McCarthy, of the People's Alliance for Rock Creek, a coalition of about 50 D.C. community groups, and Joseph Hairston, a Shepherd Park resident and the former Chair of ANC 4A, presented their differing positions on a proposal to close part of Beach Drive in Rock Creek Park to car traffic during weekday non-rush hour periods. The closure would be a six-month trial. It would help National Park Service and city officials evaluate recreation needs and use, Mr. McCarthy said.

Mr. McCarthy said the same areas of Beach Drive currently closed during the weekends would be closed during the weekday trial, permitting bikers, hikers, and others unencumbered use. The portions of Beach Drive in the trial program are too narrow for a separate bike and pedestrian path, he added. All of the cross roads would be open, Mr. McCarthy said.

Mr. Hairston said he has lived near the park since 1954 and believes there are several problems with the proposal. One is that it would add more traffic to neighborhoods adjacent to the park and on 16th and 17th Street. It would also prevent those who are elderly and those who do not walk or bike from using portions of the park during the weekday non rush hour periods, he said. The proposal does not close any Maryland areas, just those in the District of Columbia, because Maryland lawmakers would not permit it, Mr. Hairston noted. He also said that ANC 4A had 200 letters from residents opposing the trial.

Several residents spoke on each side of the issue. Several said they wanted more information.

Casey Tree Foundation

Barbara Deutsch, of the Casey Tree Foundation, discussed the foundation's upcoming city wide survey of trees in public areas. Volunteers will be trained to go to every community in D.C. to look at trees and their health. The number for more information is 833-4010.

Washington Gas

Felix Patterson of Washington Gas discussed the company's upcoming construction schedule. Residents with questions can call him at 202-624-6796.

4th Street Market ABC License Renewal

D. Olandan Davenport, a lawyer for the 4th Street Market, a business near 4th and Butternut Streets, N.W., discussed the market's upcoming Class B license renewal to sell beer and wine. He said the market was prepared to discuss community concerns and issues in a voluntary agreement.

Mr. and Mrs. Crawford, residents of the Lamond-Riggs community, known affectionately as "Mr. and Mrs. Santa Claus" for their work with senior citizens, and as volunteer tax preparers, received another copy of the ANC 4B community service award they were given over a year ago. Their names were misspelled.

Community Concerns

4B02 Special Election

Paul Montague, Michael Sindram, and Regina Page, all 4B02 residents, said they believe the ANC 4B02 seat is still vacant and that the election was not held according to D.C. law.

Other Concerns

Mr. Lee, a Lamond resident, asked to see the ANC 4B office. Commissioner Austin said he would meet Mr. Lee at the office.

James Wilson, of 6500 Underwood Street, is collecting signatures on a petition to install speed bumps on his street.

— Submitted by Sara Green, Secretary

FAX

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

To: Ms. Carol Mitten, Chair
Zoning Commission
Fax: 202-727-6072

From: Faith Wheeler
Fax: 202-882-7565

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

Please see attached.

RECEIVED
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