

October 5, 2006

Testimony on Zoning Case 04-33A (Map and text Amendments, Inclusionary Zoning Overlay District) by Ann Hughes Hargrove for the Kalorama Citizens Association

Chairman Mitten and Zoning Commissioners

Let me start by saying that we are pleased that our ANC, in working with a local church, is working on a scheme to provide some permanent lower income units as part of a condo development on the church's land and that other groups and churches have worked over the years to provide lower income housing.¹ However, we have problems with this proposal and its mapping.

Our organization has expressed grave concerns that the approach taken with IZ and its bonuses may adversely affect the rowhouse character of this neighborhood and other similar inner city neighborhoods that predominate in rowhouses. We are limiting our comments to only one feature: the fate of the inner city rowhouse. It is the predominant residential landuse feature in the District, representing thousands of buildings. *In the smallish territory of Adams Morgan alone, our estimates are that there are approximately 1300 buildings, of which 1,000 are purposely built rowhouses, 77% of the total. The remainder are schools, churches, and a few buildings originally built as commercial buildings or warehouses.* We will supply additional data on historic district breakouts at the next hearing. There is little vacant land, for much has been developed in recent years, and there are very few vacant parcels in the rowhouse areas.

1. The fundamental problem starts with planning by zoning rather than by landuse, especially as to the R-5 zoning categories. This is the first overlay the city has ever approved that lacks qualifying characteristics related not only to the zoning involved, but also to certain relevant characteristics of the underlying area. This departure, it seems to us, can readily put us in a position of simply abandoning any assurance of achieving desired outcomes on the ground. One needs to know what's on the ground in order to justify applying any zoning requirement to it. To skip the step of determining what's on the ground, and relying only on a zoning category, is to be flying blind. It is not a rational way to make decisions affecting large areas of our city. The relevant studies, including real impact studies, have yet to be produced, and that is regrettable -- or if they have been produced, their data and assumptions are absent from the record.

2. The Comprehensive Plan map—both the present one and the revised one—show most of these inner city rowhouse areas with a moderate density designation in recognition of their rowhouse nature. As a start, you should review the mapwork done by the long-range planning staff on the relationship of the existing land

¹ Also, in this area, there are low-yield coops, buildings for lower income people operated by entities such as Jubilee Housing, and many coops/condos that former tenants without much money have been able to develop. And, of course, there is 14th Street, where large parcels of urban renewal land, are being developed as mixed income housing and with fully restored apartment buildings for lower income households.

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use to present zoning. I suspect that little exercise has not been done. In the case of R-5, many rowhouses—thousands of them—are zoned with this particular zoning category, whether one unit, two, three or more. For years, there have been proposals to develop a revised R-4 that would be an R-4-A and an R-4-B, the latter to provide more units than the typical 2 allowed by the present R-4 (which would become R-4-A), but which would provide a limit on the total units by square footage in rowhouses, while characterizing the basic zoning as rowhouses. All this really depends on the city's placing a value on the importance of rowhouses architecturally and as a beneficial form of development in the inner city -- on recognizing, first, that they are extremely attractive and architecturally appealing, and second, that they provide good balance in land use with spots of higher density apartment houses that tend to be on streets of greater width. Altogether, this careful planning has resulted in very substantial density in the inner city moderated somewhat by the rowhouse profile of the inner blocks. We believe these buildings to be a treasure that should not be subjected to heightened market pressures to ruin their appearance and appeal. Even very dense New York City has enough zoning categories to provide protection for the rowhouse areas not only in its outer boroughs but also on many of Manhattan's side streets on both the east and west sides.

3. Much of the current zoning adopted in 1958 is related to something that never happened: the north central freeway as well as urban renewal planning.² As a result of this ill-considered proposal, much of what you see today in the inner city as rowhouse areas and labeled as R-5-B was supposed to be R-4, and that zoning category decision was never corrected. In another unfortunate decision, the zoning commission converted many of these rowhouses that were zoned R-5-C to R-5-D without benefit of map cases. Take a look at the attached photographs to see what is happening to R-5-B and R-5-D rowhouse areas—and there are many more such photos that can be added.

4. The IZ proposals: R-5 is ignored altogether in terms of effects on its inventory because it is apparently considered an “apartment” zone and the zones where most of the action on IZ is anticipated to occur (except, perhaps, in redevelopment areas with substantial land). Refer to OP's official document in the record dated September 26th, 2006, p. 11: *“Most residential zones have sufficient flexibility within their current zoning envelopes to accommodate IZ's bonus density without changes to height or lot occupancy. These zones include the R-5-A through R-5-*

² The Lewis Plan of 1957 called for the rowhouses in the inner city that existed largely on the side streets to be designated R-4. Because of the anticipation of the northwest central freeway proposed to course along Florida Avenue, the DC Commissioners changed that recommendation to R-5-B. The freeway was never built, but the zoning was never changed. Although there was in Adams Morgan an urban renewal plan process in the 1960s, Elizabeth Rowe, as head of the NCPC, achieved a vote to reject it in 1965. In the 1980's a number of amendments were offered for the land use map of the Comprehensive Plan to better recognize the nature and diversity of this housing form as rowhouses. In spite of this, yet another assault on this inventory occurred through the R-5 zoning case, which, instead of following text changes with map cases, as many of us would have expected, deemed that all R-5-C would become a revised R-5-D, this in spite of the fact that this has resulted in many rowhouses being subject to possible demolition for lack of caring or relevant studies and the existing Comprehensive Plan land use map that labeled many of these areas as moderate density. We plead for the city to recognize the importance of this land use resource and not add yet another problem to its existing lack of protection and to move forward on affording a rewrite of the R-4 and rezoning of certain areas selectively for R-5-B or for an expanded R-4.

D zones This can be accomplished because the existing height limits permit more stories than are needed to reach the matter of right FAR. ” This is followed with absolutely no analysis as to this conclusion, no data to support it, and no discussion of its implications - - nothing. Such encouragement of ever more horrid additions on top of rowhouses is just unacceptable. While there are maps, diagrams and text on many areas, there are none on the R-5, as distinguished from other categories Even without the text analysis, one can infer that the great undefined blobs (such as on Map 7, p.24) that are illustrated as targets contain a substantial amount of it. The artful use of semantics about neighborhood characteristics rather than their zoning was also reflected in the Power Point presentation for the ANC’s in September³

5. Existing R-5 zoning in relation to density proposed: Except for R-5-A, R-5 has no minimum lot size It has no minimum lot width. It has no restriction in stories This is not only a bad omen for rowhouses zoned R-5-B with this proposal, it is especially bad for those rowhouses that are zoned R-5-D, although there are fewer of these. We think that IZ can result in encouraging the defacing of rowhouses with unsightly top additions and partial and complete demolitions of facades. Rowhouses, with designs that focus on their fronts and ranging from 15 to 25 feet in frontage width, do not take well to additional stories added on top, and the defacing of one or more affects a whole row ensemble. The projected number of units per annum that would be involved is minimal, but the damage to a row consisting of as few as two (two could under stretching circumstances produce 10 units), would be very substantial and lasting to the architectural and visual integrity of the street and to the twin amenities of light and air. Which brings up the next point.

6. With mismatched zoning, or with a Russian roulette zoning spread over large areas only mimicking the normal regularity of zoning categories by allowing bonus density wherever it might land within a zoning category, the basic premise of mapping zone categories is lost altogether. Zoning in theory is in part the establishment of standards that have to do with such things as light and air and basic land use security for a particular area Even PUDs, contract zoning, have a minimum requirement of 15,000 square feet (sometimes waived) and many standards before they can be utilized in residential areas, although they should not, in our opinion, be a substitute for determining the appropriate density and zoning for a particular area But the IZ approach, which will affect the inventory of buildings by simply mapping it by zoning category without studying percentages of available vacant land, housing type as to its desirability, neighborhood characteristics, and other relevant factors is not appropriate.

³ One of the power point pages presented to the ANC’s in September (page 10) states under the heading, “OP Approach to Zoning Envelope Flexibility”: “No change in building type (row house neighborhoods remain row house neighborhoods) ” Well, that does zoning speak rather than land use speak, effectively excluding R-5, which, it turns out, under IZ will be a target for increased density within its existing envelope Look at the chart on page 17 that was presented to ANC’s, which presents areas that are at least largely R-5 as a special target (no mention of effects on the existing inventory, and no clarification of the land use or zoned districts) Note the message: “Most residential zones have sufficient flexibility within [their] zoning envelope to accommodate bonus density without changes to permitted height or lot occupancy ” (That’s R-5 in this scheme, and there is absolutely zero analysis offered) This language was what was presented to the public without clarification for this zoning category

Finding ways to assist those in need of affordable housing that will not adversely affect the physical inventory is.

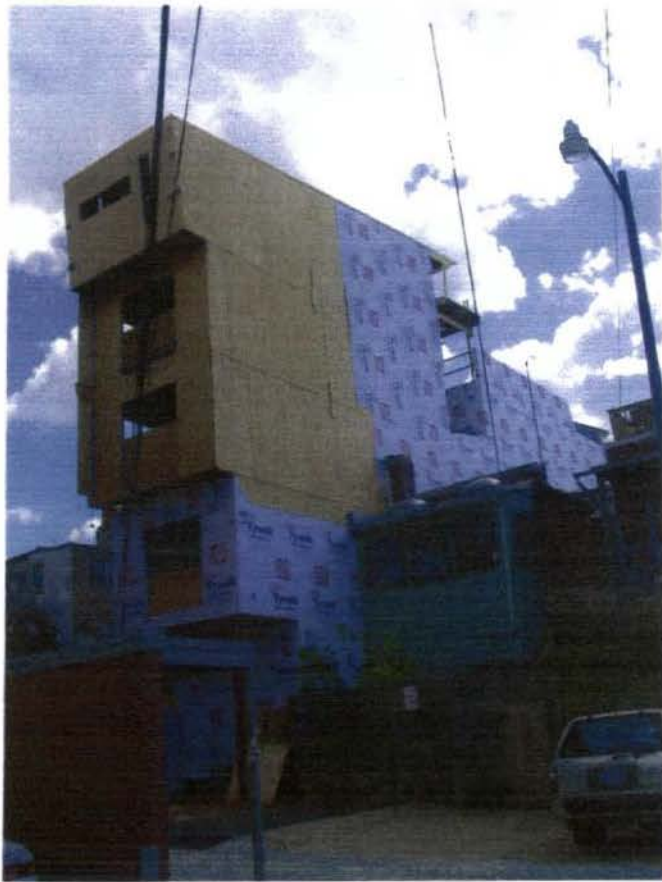
7. Additional questions related to the inner city rowhouse inventory need to be addressed. Has there been a study conducted of what will be done for all those buildings that are presently non-conforming when the additional density issue is raised as part of a project? With reference to the IZ proposal, what are we doing about the fact that there is already a lot of nonconformity in the inner city—especially by FAR and percentage of lot occupancy, and in many instances by other measures as well, such as rear yard? In addition to worries about the inventory and the increased density, will there be a flood of BZA cases? In 1958, the city rezoned residential areas with what is largely today's residential zoning categories. It is no accident that it called for lot occupancy, rear yard, and FAR limits in the regulations for many of these areas that were more restrictive or stringent than the lots and buildings that were then already on the ground. Why? One can surmise that the reason was concern that adequate light, air, and open space should be provided and that future development should be subject to improved standards

Do we have a rationale for each area of the city as to its land density for the future? We need to ask seriously how much more land density by area these inner city neighborhoods of great density are expected to absorb. (Ward 1 has the most substantial density of land in the city.) The inner city is very dense area, in many instances already more densely developed than in 1958, as a result of market forces, urban renewal, and many individual decisions involving PUDs, variances, and revised zoning. It is largely built up, with side streets that are frequently narrow and in many instances winding and steep. We are talking density of landuse, not people⁴ However, the effects of the increased land density are being felt everywhere—in loss of views, open space, and crowding of structures onto narrow streets.

We urge that you insist on related studies that would properly assess the effect on the rowhouse inventory, however it is presently zoned. Even a few units here and there can be very destructive—not only by the immediate assault on visual integrity, but also in terms of destabilizing the blockface. We urge that you limit this device, applying it, if at all, to vacant areas of substantial size that are not built up with desirable housing forms. We look forward to the possibility of these studies being undertaken, for a great deal of work has already been done by the long-range planning staff on existing uses, and in other ways, the city is amassing substantive data on housing types, such as through inventorying building permits.

Thank you.

⁴ From our research on census records conducted in conjunction with historic district surveys, there were more people occupying the same amount of space, or rather the same amount of space that has subsequently been subdivided or redeveloped into much smaller increments, but the population level is virtually the same



ROWHOUSE NEIGHBORHOODS UNDER THREAT:

A REPRESENTATIVE SAMPLING OF
THE SORT OF DEMOLITION AND
INCOMPATIBLE REDEVELOPMENT
THAT T.O.D AND I.Z. PROVISIONS AS
CURRENTLY DRAFTED WOULD
PROMOTE

Examples on these two pages
from Ontario Road, Monroe Street,
Girard Street, and Belmont Road, N.W.

