

**Testimony on Zoning Case 04-33A (Map and Text Amendments, Inclusionary Zoning Overlay District)
by Ann Hughes Hargrove on behalf of the Kalorama Citizens Association (KCA), October 19, 2006**

Chairman Mitten and Zoning Commissioners.

I will speak primarily about Adams Morgan and similar areas in which the predominant land use is rowhouses. Adams Morgan has long been a genuinely diverse housing area as to income levels, with many subsidized units under various housing programs, and a number of buildings that have become co-ops or condos for moderate income people. That is a good thing. However, inclusionary zoning goes well beyond the provision of housing for target groups through subsidy programs. Rather, for many areas that it will affect, it is akin to discredited demolition and redevelopment proposals of the past.

Let me begin with the following general point about IZ: Zoning should not become an end in itself. The city considers IZ to be a "freebie" because the private market investors will be providing it at their expense. In fact, however, it is anything but cost free, for it will exact major costs against the existing housing inventory, and will do so at the expense of sound zoning practice. As it is, under existing law and regulations, the inner city is fast becoming a concrete jungle through the crowding of too many units into a rowhouses, and jamming apartment houses onto lots with little open space and shortly without the requirement for recreation space. Livability should be a major goal of zoning, not just packing housing units like sardines onto lots as an end in itself.

At the last hearing, I offered some pictures taken within Adams Morgan and Columbia Heights as well as some figures specific to the rowhouses inventory in Adams Morgan.¹ **It seems to us that the only defensible way to consider IZ or any zoning regulation and resulting mapping, is first to understand the land use patterns themselves – to know and analyze what's on the ground -- and not just the existing zoning – and on this basis to determine what effects can be countenanced from present or changed zoning. This fundamental step has not been taken with the present proposal, and consequently we are flying blind as regards its potential effects on the housing inventory in various locations.**

A rational assessment of the proposal requires addressing the following questions:

- (1) What effect will this proposal have on the design, landuse, and ultimately the standard zoning for the city's established and built up rowhouse older neighborhoods?** *We suspect the answer will be destabilization of underlying zoning and defacing of building design, whether or not they are within a historic district*
- (2) Which neighborhoods will in fact be most likely receive the greatest amount of density bonus projects?** *Not, we suspect, those that have little subsidized housing now, and certainly not obviously those zoned R-1 and R-2 (and really, R-3) but rather the areas where there is already a great deal, as in the inner city, mapped with inappropriate R-5 zoning. So, if geographical equal opportunity is a goal—and that seems to be the thrust of some of the arguments on behalf of IZ—IZ can hardly be expected to achieve it. The Commission must face realistically the probabilities as to where IZ is likely to go in any substantial numbers and be up-front about it.*
- (3) What to do if, because of market conditions, IZ does not work satisfactorily?** Chairman Cropp repeatedly asked Ms. McCarthy and Ms. Mitten at the recent Council hearing about how IZ would

¹ The number we provided is a ballpark figure based on tax records, HPRB data on permits, and survey work. We indicated that there are approximately 1,300 buildings in this small area, of which 1,000 are purposely built rowhouses, 77% of the total. The remainder are single family houses or mansions, schools, churches, and a set of buildings originally built as commercial buildings or warehouses. Rowhouses are the predominant housing type in the District and certainly so for many of the established inner city areas, including Capitol Hill, Mount Pleasant, Dupont Circle, Logan Circle, Columbia Heights, Georgetown, Ledroit Park, and parts of Sheridan. Kalorama and areas east of the river. Many of these areas include historic districts, but there are gaps.

work. Various efforts at satisfying the question were offered. *Ultimately, Ms McCarthy indicated that if the bonus formulas fell short in producing the units because of worsening market conditions, the city would then take steps to increase the density further* So much for any remaining vestige of underlying security of the people's zoning. It should be obvious that promising to study and compare results in various areas after the fact, rather than accounting for market conditions, zoning and effects on the neighborhoods in advance, is simply not an acceptable approach to determining whether this measure is a good idea desperately awaiting approval.

So we believe the Commission should address the following issues before taking any action:

(1) Land use studies: Why not ask for land use studies – studies of what's on the ground – as distinguished from zoning studies producing abstract value judgments about how much additional density a particular zone can absorb?

(2) Maps: Why not ask for peel-back maps of where the R-3, R-4 and R-5 areas are in relation to their designation on the Comprehensive Plan land use map as to density that is now before the Council (or the currently one that is law)? Why not request information about the buildings themselves in these zoned areas? Why not ask for a the key map that shows zoning boundaries juxtaposed on top of the landuse map, and that has been prepared already by the long range planning staff of OP? An overlay could be created over it to illustrate historic district boundaries.

(3) Rowhouse areas as mapped: Do you think the residential zones that predominate in rowhouses are an inappropriate or appropriate application of this type of land use, or that the land areas where they are should be abridged with bonus expansion of these dwellings to the detriment of open space, design, and height?

(4) Rowhouse design: Do you believe that older, narrow fronted historic rowhouses of two to four stories in predominantly rowhouse areas should be subject to increased density, whether vertically or horizontally?

(5) Normal zoning practice: How do you justify the IZ departure from normal zoning practice? With all the weaknesses of PUDs, at least they are site specific, have minimum acreage requirements, and must address a number of factors having to do with the existing zoning and proposed contract zoning in specifics for the site. As discussed at the last hearing, this IZ overlay approach is a radical departure from existing overlay, which are site-specific and/or criteria-specific.

(6) Variances: *Have you fully explored what will happen with rowhouse areas in view of the fact that many are already non-conforming as to lot occupancy and FAR? Can we justify a decision to heighten non-conformity and use the BZA engine to deal with cases in which the Zoning Commission deliberately enacts regulations which by increased density vary from the underlying zoning?* Variance regulations are designed for physical hardship inherent in the site itself, not placed in the law and regulations to raise questions about the suitability of the underlying zoning (except perhaps in individual situations regarding use variances). So, do we have suitable zoning for these predominantly rowhouse neighborhoods in the inner city? Unfortunately, in many areas, no. It's time to face up to it.

(7) Conflicting city policy: *Do you really think it's sound city policy to create conflicts between zoning and historic preservation in residential areas?* It should be up to zoning to establish strong standards for land use, density and height and open space that would not put an undue burden on the HPRB for dealing with unnecessary assaults on historic buildings in historic districts.

(8) Protective zoning initiatives: *Will you commit to put on your calendar that of initiating zoning map cases and text cases to create protective zoning for rowhouse areas, especially historic districts?* There

is no excuse not to do so unless it is a determination by the Mayor and the Zoning Commission that this form of land use should not be encouraged or protected.

The answer to all these questions, in purely zoning terms, lies in evaluating current zoning as it applies to built up areas, especially those that are historic districts. On the one hand, the emerging Comprehensive Plan recognizes this value, but on the other, it recommends IZ -- two contradictory approaches. And there is nothing in the presently enacted plan to justify this zoning scheme. No wonder proponents are anxious for the present draft Plan to be pushed through quickly.

Adams Morgan historic districts:

Adams Morgan has two historic districts, the Kalorama Triangle Historic District and the newly created Washington Heights Historic District, and a predominantly rowhouse district shared with Dupont Circle (Strivers Row). A new Meridian Heights Historic District on 16th Street (mansions, churches, and large apartment houses in the main) is proposed. The attached map illustrates the substantial number of rowhouses in these districts and the rest of Adams Morgan.² While eventually—sooner I hope rather than later—there will be detailed data on all the city's historic districts, we do have initial data for the Kalorama Triangle Historic District and the newly created Washington Heights Historic District. Attached is a spreadsheet regarding these estimates.³ Note that Washington Heights has only 42 non-contributing buildings out of 390 buildings, and the Kalorama Triangle, only 36 out of 398 buildings. The percentage of non-contributing buildings is very low: 11% in each.⁴ Moreover, few of the non-contributing sites seem likely to be redeveloped, for many represent replacement buildings after demolitions in the past that are presently functioning as profitable enterprises.

Reed Cooke and Lanier Heights: Please note that Lanier Heights and Reed Cooke are taking the first steps to undertake historic surveys to prevent further demolitions of rowhouses. There are 288 buildings in the database from Lanier Heights and 350 from Reed Cooke, and many handsome rowhouses in these areas. Both have already had demolitions of facades and should not face an added incentive to ruin more rowhouses. (See testimony from Peter Lyden at the last hearing.)

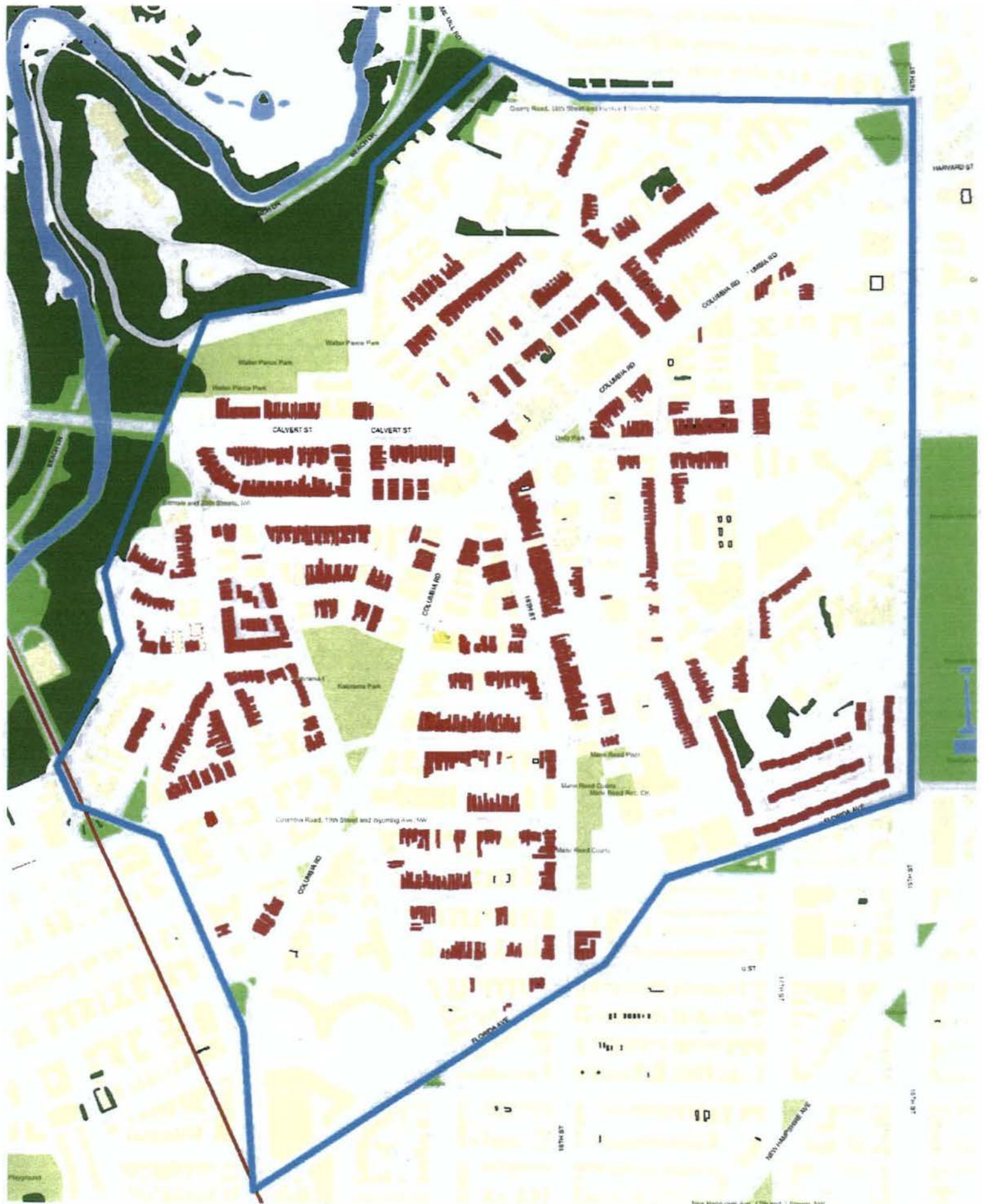
We offer the following recommendations:

- 1. Do not map inclusionary zoning for historic districts.**
- 2. Do not map inclusionary zoning in areas that are or are attempting to become areas of study of historic resources and that are likely to become historic districts. This process can take up to 3 years, and a lot of damage can be done in the interim.**
- 3. Await data assemblage and map studies to ascertain impacts before mapping occurs anywhere there are, in terms of land use, a predominance of low-rise rowhouses and apartment buildings.**
- 4. Commit to undertaking zoning mapping and text cases to address the inner city rowhouse zoning problem, and undertake it soon.**

² The map excludes single family houses, including mansions, and semi-detached residentially built buildings and so is an undercounting of low-density structures that are nonetheless zoned R-5B or D. It is not accurate as to some of the rowhouses, for under zoning they would be considered converted into apartment houses. We do not have a breakout in this tally.

³ The database contains "properties", i.e. an address which would include its outbuildings, counting the outbuildings, so there are more National Register structures than database records. The Strivers District was accepted on the National Register before it was comprehensively surveyed. Therefore, there are no counts for all of Strivers.

⁴ Those buildings that are noted as non-contributing are frequently apartment houses that were built where rowhouses were cleared or where there was vacant land. As for vacant land, there is very little in the residential areas—one rowhouse lot amidst rowhouses in the Kalorama Historic District, plus a side entryway to an underground parking garage and a parking area adjacent to the Lothrop mansion; and two rowhouse lots in the Washington Heights Historic District, one of which is being developed and the other of which is a walled garden. The Historic District commercial areas have a few locations that are likely to be candidates sometime in the future for development.



ROWHOUSE LAND USE IN ADAMS MORGAN

ESTIMATES ONLY!!!

9/19/2006

	Wheights	Kal Trn	Lan Heights	R Cook	Am Part Mer Hill	Strivers' Section
Records in database	320	354	288	350	22	432
Bldgs	390	398				
Contrib	348	352				
Non-Contrib	42	36				
Purpose Built Rowhouse			221	279	0	
Apt Bldgs			55	77	11	
Apt Units			2180	714	1370	
Condo Units			268	740	110	
Commercial Bldgs		15	32	50	10	
Kaorama Mews		38				not included in KalTrn totals
Mewses bldgs	0	24	9	10	0	
Beekman bldgs				60		
Counts Beekman Place 1, Euclid Mews as 1, Lanier Mews as 1, Biltmore Mews as 1						

Bldgs= contrib + non-contrib

contrib and non-contrib are ALL structures including secondary garages etc on NR Nomination

Records are "properties"

Commercial is a building with a business of any kind including church school etc.

Strivers is 16, 19th, T, and Florida, Adams Morgan stops at U street.