

TESTIMONY BEFORE
DC ZONING COMMISSION

By
David Garrison
Chair

Advisory Neighborhood Commission 6B
Thursday, April 9, 2009

ZC #08-0608, Proposed Amendments to Zoning Regulations:
Low/Moderate Density Residential

Mr. Chairman and members of the Zoning Commission. My name is David Garrison. I am the chairperson of ANC 6B. Our Commission's area covers the southern half of the Capitol Hill neighborhood from East Capitol Street south to the freeway and from the US Capitol complex to the river. I appreciate this opportunity to convey our Commission's views on the Office of Planning's proposal for amending the low and moderate density residential aspects of the code.

I should begin by repeating an earlier request our Commission made to this Commission and the Office of Planning. Last fall, we received the proposed amendments to the commercial section of the code only a few weeks before the Zoning Commission's hearing, thus making it impossible for us to properly review the proposal through our normal committee process followed by a full discussion at our regular monthly Commission meeting. As a result, we were forced to oppose the proposal outright strictly on process grounds and asked for additional time.

We are in somewhat the same position tonight. We received OP's proposal on the low and moderate density residential topic only a few weeks ago. The best we could muster was to organize a discussion of the proposal at our regular Planning and Zoning Committee meeting Tuesday night. Our regular Commission meeting is not until next Tuesday. Thus my comments this evening are on behalf of 6B's Planning and Zoning Committee and do not yet represent the full Commission's views. We won't be able to ascertain those until next week. So, again, we respectfully ask the Zoning Commission and the Office of Planning to provide longer periods for reviews by ANCs so that we can give your proposals the serious and thorough review they merit and give you our complete judgment in a timely fashion.

Moving on to the substance of OP's proposal before you tonight, I want to share a general comment, followed by several specific concerns.

In a way similar to our comments last fall on the substance of the commercial code revision proposal, our Commission is open to the idea of having a more flexible code -- and one hopes a more efficient, manageable, and sensible code -- as concerns low and moderate density residential issues. Our problem is that we find it difficult to fully comprehend how the proposed new flexibility would actually work. As you well know, organizing and then administering a zoning regime is a complicated task. This is especially true in the sort of historic district our Commission inhabits with all of the vagaries presented by odd-shaped lots and older homes, many of which were constructed long before the codes we now use were enacted.

ZONING COMMISSION

CASE No. 08-06-8

ZONING COMMISSION
EXHIBIT No. 11

District of Columbia
CASE NO. 08-06-8
EXHIBIT NO. 11

As a result of this uncertainty, as we attempt to understand how OP's vision might play out in real time, my colleagues and I are wary of plunging head-first into this new approach without more time and expertise being provided to scoping out how the proposed new flexibility might be utilized in, for example, the Capitol Hill Historic District. In contemplating this challenge, we would note for the Zoning Commission that taking advantage of the proposed new flexibility would require constructing a new overall scheme that worked for the entire historic district, an area that encompasses parts of three ANCs (6A, 6B, and 6C). I know the Zoning Commission prides itself on reaching consensus quickly with little dispute or controversy. I shudder at the thought of the amount of work, time, and stress that would accompany an attempt to reach consensus on the residential code among three entirely separate, independently elected advisory neighborhood commissions!

As a result, adoption of OP's proposal here would likely result in the revised baseline residential code becoming, *de facto*, the default base from which we would all need to work without realistic prospect for a more tailored scheme arising to take its place. Thus, it seems to us that the offered flexibility in OP's proposal may well be illusory. We really want more specificity and clarity on what might arise under this approach before we fully sign on for the ride.

Because it seems to us that the baseline set forth in OP's proposal is likely to be the real world under this approach, we also want to identify a couple of areas in the document that are troublesome.

Section 7 on Rear Yards and Building Depth for Row Houses would permit row houses in certain circumstances to be extended all or most all of the way to backline of the property. As you know, we have a number of oddly shaped blocks throughout Capitol Hill, made so most often because of the intersection of right angle and diagonal streets. These triangular shaped blocks create some lots at the narrow end of the block that permit only relatively small house footprints. That is the reality of our neighborhood. Indeed, it results in some number of relatively less expensive homes due to the smallness of the permitted footprint. As a general rule, our Commission is averse to agreeing to schemes that would allow residential structures in these situations to ignore the current 20-foot minimum setback and expand right to the backline. 6B continues to prefer that some minimum, useable backyard be required in these situations.

We are also concerned about the implications of Section 11 on Accessory Buildings, especially as regards Recommendation 13 that would permit – indeed, encourage – the conversion of accessory structures such as garages and carriage houses into dwelling units. Again, as a general rule, our Commission is opposed to the placement of residential units in rear accessory structures on the Hill, particularly within the historic district. Our considered view is that our neighborhood is, by and large, a sufficiently thickly settled area. With the exception of some specific spots near transit stops and other transportation hubs, we do not support the idea that Capitol Hill needs to bulk up. Rather, we remind the Zoning Commission that the exercise in which you and OP are now engaged is to implement the Comprehensive Plan. And on this point, Section 1607.2 of the Comp Plan finds that “the Hill is already one of the densest communities in the District of Columbia”. Recommendation 13, if approved, would quickly alter that status and thus, in our view, is not consistent with the Comp Plan. It should be dropped from this proposal.

Thank you for your attention. I am glad to answer any questions about these comments.