

Testimony by Gary M Petersons
Member of the Zoning Review Taskforce
Before the DC Zoning Commission
April 9, 2009

I come before you as a member of the Zoning Review Taskforce to comment on the proposed rewrite of the low/moderate density residential regulations in Case NO. 08-06. The Taskforce has had many opportunities to comment on the proposal and what you have before you represents the product of our discussions. Not all recommendations of the members of the Taskforce are reflected in this document but the Office of Planning has received many comments and there have been ample opportunities to express reservations about the proposal.

It is my understanding that this is the first of several public hearings that this Commission will hold on this matter and I hope I can fine tune my comments as we get more detail on these general proposals. My comments follow.

1. Template. This recommendation establishes a method for zoning using a template method that is described. This proposed method is appealing because of its described ease of use. However its structure is unclear to me and I would like to see a sample template before I can endorse it. I believe before we launch on such a new concept that we study it more closely than has been permitted so far. I recommend that the Commission request a sample template, have it reviewed by the taskforce and then take comments on this proposal. I agree that overlays are confusing and, in the interest of clarity, should be incorporated into the zoning of a particular district.
2. Height. This proposal is a good idea and does away the the "stories" arguments. We will have to be more careful on what heights are chosen for the zoning districts.
3. Front yard setbacks. This recommendation makes sense.
4. Side yards. I support allowing buildings to expand along the line of existing non-conforming side yards and prohibiting the elimination of side yards. This was one of my recommendations to the Working Group. The ratio of building width to lot width makes sense, but I defer to comments from people living in neighborhoods with detached homes where this proposal will have a bigger impact.
5. Court widths. For the same reason as for side yards, nonconforming courts should be allowed as a matter of right to be continued for an addition and should be prohibited from being filled in.
6. Matter of right building footprint and lot occupancy calculations. I believe that allowing a minimum building footprint no matter the size of lot as a matter of right is a mistake. Our only protection for air and light is the zoning regulations and this provision could have serious negative effects on a neighboring property's air and light. I believe this should be allowed by a variance only. I do support the exclusion of the narrow courts and side yards from the building footprint in calculating the lot occupancy because of the provisions above prohibiting them from being filled in.

7. Rear yard. This is the same argument for lot occupancy above and I oppose this one for the same reason.
8. Flexibility in number of units. At this point I oppose this one. The language is too vague and would allow almost anything. We currently have the 900 sq ft of lot area per unit rule in R-4 and I believe that should be maintained.
9. I support continuing to regulate lot area and width standards by type of structure for new lots. I oppose the minimum matter of right construction for the same reasons as 6 and 7 above.
10. Accessory structures. This is another leg of the lot occupancy argument above. I have the same concerns.
11. Change from lists of permitted uses to use through performance measures. I would like to see some examples of this but I like the concept in the abstract. It is clear to me that the home occupation regulations do not work very well and a change is needed.
12. Reuse of historic institutional buildings. While I don't want to see buildings standing empty, I don't want them to be used for uses not compatible with the neighborhood. The current system of special exceptions seems to work and should be continued.
13. Use of accessory building as residential. I support this so long as it applies to existing accessory buildings and one parking space in the building is required.
14. Loading standards. This should apply for both parking and loading.