

Testimony of Anne Sellin for the
Residential Action Coalition
Zoning Commission Case 08-06-8
Rewrite of Low/Moderate Density Residential

I am testifying for the Residential Action Coalition, a citizens group 28 years old which focuses on planning, housing, and preservation issues in the Dupont Circle neighborhood.

The proposals of the Planning Office are an exercise to so radically change the zoning regulations that citizens who bought houses or condominiums, relying on our regulations for their safety and comfort, could be betrayed by the city if these proposals were passed. These proposals set aside expectations of basic normal protections and would lead to an increase in building densities, would destroy more of the green space supporting the tree canopy which citizens are trying to reestablish, threaten privacy, and most drastically, eliminate the line between commercial and residential areas. The result could be the elimination of hundreds of thousands of square feet of existing housing and the disruptive interjection of retail and office establishments in residential neighborhoods. Conversely, retail areas that need reinforcement could be seriously undermined.

In my area, Dupont Circle, the collaboration of various citizens associations and ANC have instituted five rezoning cases in the last decades in order to bring zoning of our historic districts into accordance with the actual land use. Our last case, just completed last year, converted areas inappropriately zoned R-5-B to a more fitting zone of R-4. The surveying work and preparation, all done by residents, took three years. Work with the city planners went extremely well. We don't want our exhaustive efforts over the years reversed.

In contributing as citizens ~~to~~ Towards the development of the new Comprehensive Plan we also participated in many meetings and forums. The proposals today ~~as being~~ ^{are} quite foreign to what was agreed upon then and in instances in direct contradiction to the goals set forward in the plan. It seems that our planners' present interpretation of the trendy "smart growth" mantra is grotesquely distorting the vision of a livable and green city.

1. Customized zones with template. This would abolish our Dupont Overlay, created by a superabundance of PUDs which destroyed the character of certain areas. Other overlays appropriate to their specific areas could be listed in the zoning regulations adjacent to the areas they apply to in order to make them user friendly.

There is no reason not to have zones applicable to areas across the city. If we need more zones they should be created. For instance the Comp Plan mandates the creation of an R-4-1 and R-4-2 zones, a highly desirable goal, but they can be applied to several areas.

As to use performance requirements, these would likely be vague and unenforceable. Now, and for many years, enforcement has been negligible. The more variables enforcement personnel have to deal with, the less likely anything will be enforced.

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2. The measurement of the height of a building from the mid point of a sloped roof is acceptable. In the case of a non conforming building which exceeds its allowable footprint through a special exception, variance or PUD the depth permitted by the underlying zone should be the medium boundary measurement for calculation. In the case of an el, the depth of that el should not be counted.
3. The front yard setback language should be changed to read "Front yard setbacks for new buildings would start no further forward or back than the mean of the existing buildings on the same block face based on the characteristics of existing buildings." Most blocks, if not uniform, have just one or two buildings projecting beyond the norm of the block and are anomalies. Aesthetic unity should be maintained. In the streets within the L'Enfant Plan, the publicly owned "parking" or front yard, must be maintained as the building line with bays allowed as a percentage of façade projection according to the law.
4. The rules for side yards should remain the same. There is no problem with the present regulations. Light and air to adjacent properties is important to maintain.
5. The court requirements are necessary to maintain light and air in backyards. Els could be so wide as to block light and air from neighbors. I know of no court filled in to avoid a variance because the filling in of an enclosed court would likely lead to violation of building codes.
6. Footprint. There should be no change. The 1950's Lewis team, which did a great deal of surveying, was right. The preservation of light and air and open space in residential neighborhoods is essential.
7. The expansion onto the backs of row houses. This violates LU-2.17 of the Comp Plan, under *Conservation of Row House Neighborhoods*, "... Upward and outward extension of row houses which compromise their design and scale should be discouraged." The result would be the destruction of trees, gardens and green space. We are already experiencing the elimination of back yards due to paving for parking spaces, particularly in close in areas. Why is there such an effort to increase footprint density throughout the city? Just when we are supposed to be fostering a green city?
8. "...permit customization of the standard for new customized low and moderate density residential districts that are not inconsistent with the Comprehensive Plan." Again, zones should be able to be applied across the city. Overlays are not onerous and can still serve a purpose specific to local areas.
9. Minimum lot standards should be maintained. There is no reason to change this.
10. The total lot occupancy percentage filled by a major and adjunct building on a lot should not be increased just because there is an adjunct building. The most prevalent adjunct building is a garage, but if adjunct buildings were permitted to exceed lot

occupancy, there would be the building of alley dwellings which is contrary to the Comprehensive Plan (see below).

11. Interjecting commercial and retail uses in residential areas is the most pernicious proposal of all and appears to be a ruse to circumvent the height limit regulations. In the height limit sessions it was suggested that any block face having a store would be considered commercial for height limit purposes, thus increasing the height of a block front thus creating disjunct variations of height on a block.

Increased uses should not be allowed to proliferate in any residential neighborhood and is contrary to H-1.3-A of the Comprehensive Plan “...*Make necessary changes to preserve row houses as single-family units to conserve the city’s inventory of housing for larger households*” and LU-2.1.3 “*Conserving, Enhancing and Revitalizing Neighborhoods. Recognize the importance of balancing goals to increase housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment...*”

In Dupont Circle we have art galleries, embassies, non profits and other uses that deaden these properties because of the absence of full time neighbors who care about their blocks and the community. These places are staffed by people who frequently don’t live in the city.

In a number of cases the workers in these commercial places park with impunity in the front yards which are publicly owned space. Despite decades of entreaties from citizen groups and our ANC the police almost never ticket these commercial malefactors. The result is paved front yards and the ugly clutter of cars parked on them.

In many R-4 and R-5 areas we have ample services nearby on commercial streets, some of which have empty stores. These strips run between residential areas every few blocks: 14th St., 17th St., 18th St., Connecticut Ave., parts of P St. and U St. There are plenty of stores and services within walking distance.

Retail and commercial establishments inevitably lead to a change in the character of buildings with façade changes and signs. Just look at the commercial areas of Connecticut Ave. above Dupont Circle, or Georgia Ave. or 18th St. in Adams Morgan where historic row houses have been commercialized, altered and sometimes mutilated.

This is contrary to LU-2.3.8 of the Comprehensive Plan that mandates, “*Reduce the number of nonconforming uses in residential areas, particularly those uses that generate noise, truck traffic, odors, air and water pollution, and other adverse effects.*” Virtually all retail stores bring truck traffic. Neighborhood groceries generate trash, rats, and have late hours that disturb residents.

The disspoiling of residential districts by retail and commercial uses would disastrously impact the quality of life of residents and lead to the elimination of neighbors and housing. It could also result in poorer upkeep of properties and the decline of neighborhoods. I am from Houston, a city without zoning, and grew up in a neighborhood which declined precipitously after commercial uses intruded.

12. Expand type of uses for adaptive reuse of historic institutional buildings is acceptable.

13. Permitting alley dwellings. In instances this would violate Comprehensive Plan Policy LU-2-1.13 “*Flag Lots. Generally discourage the use of ‘Flag Lots’ (lots with little*

or no street frontage), accessed by a driveway easement or narrow strip of land and typically located to the rear of another lot when subdividing residential property. ”

The Zoning Commission should not set these proposals down for a hearing . The changes proposed would lead to a loss of existing housing, the weakening of our commercial districts, adverse environmental effects resulting in the loss of trees and green space, as well as the commercialization of residential neighborhoods. This should not be the policy of Washington.