

Before the Zoning Commission for the District of Columbia
Case No. 08-06-08
Testimony of the Citizens Association of Georgetown
Presented by Richard Hinds
April 9, 2009

The Citizens Association of Georgetown ("CAG") is pleased to have this opportunity to testify this evening on behalf of its more than 1,200 members who reside in the historic district of Georgetown.

The Office of Planning proposal contains many useful suggestions for zoning law reform. However many of the recommendations seemed focused on permitting increased density and increased commercial and institutional uses as a matter of right in residential neighborhoods. While that approach may make sense in some neighborhoods it could destroy the historic character of Georgetown.

Georgetown is a special place in part because of the preservation of historic structures and green spaces in front, side and back yards, which permits trees to grow and the historic structures to remain in their original settings. The proposal would encourage the elimination of green spaces throughout Georgetown and permit an alarming increase in density. Small increases in density can accumulate over time and adversely affect the historic integrity of Georgetown. The existing green space and density in Georgetown is currently protected by the existing regulations on lot occupancy limits and side yards and existing procedures for special exceptions and variances. These procedures permit additions and in fill development but only after a public hearing and review process where the impact of those proposed changes on the historic character of a building, block and neighborhood can be assessed. Those regulatory requirements and procedures should be retained for historic districts like Georgetown.

We also have concerns that the integrity of Georgetown's historic residential neighborhoods would be undermined by opening it up to institutional and commercial uses with their accompanying traffic, parking demand, signage and noise. An increase in those uses should continue to be tightly restricted in Georgetown where preserving the historic character of this landmark district should be the overriding objective.

Over the years in Georgetown nonconforming commercial uses such as dry cleaners and corner grocery stores that serve their local residents developed before the existing zoning laws came into existence. As pre-existing uses they are all grandfathered . We also enjoy the nearby proximity of the Wisconsin and M Street commercial corridors, which spill into the abutting side streets. It may be that this mix of uses represents the vision of the Office of Planning for neighborhoods that do not have but want those amenities. However in Georgetown those commercial uses are in areas zoned commercial or are grandfathered. There is no need in Georgetown for the “neighborhood” (whatever that means) to petition for those uses to exist. They already exist. While we treasure our neighborhood stores no one wants a 7-Eleven or Starbucks on every block and permitting it as a matter of right would destroy Georgetown as we know it. What is needed to preserve the historic character of Georgetown is to retain the existing relatively strict limits on any expansion of those uses in the residential areas. We believe that at least in Georgetown any increase of commercial activity in residential neighborhoods should be a “special exception” that is authorized by the BZA after a public hearing.

While CAG has agreed to participate in a pilot program with the Office of Planning to understand better what they are proposing in this area we have serious concerns about how the OP proposal for permitting commercial uses in residential areas as a matter of right would work in practice in Georgetown.

On a related topic we are also very concerned about the OP proposal to permit institutional uses below a certain unspecified size as a matter of right in all residential districts. (Z.C. Case No. 08-06-7 Comprehensive Zoning Regulations Rewrite: Campus/Institutional). Georgetown enjoys the benefits and adverse impacts of having a major University, hospital and many schools in its residential areas. Like new commercial uses, any new institutional use in a residential area of Georgetown should be by special exception with the burden on the applicant to show that the proposed use would not cause adverse impacts on the adjoining neighborhood at a public hearing where the affected residents could be heard.

SPECIFIC COMMENTS ON THE OP RECOMMENDATIONS

Recommendation 1:

We are unclear on the procedures by which “individual neighborhoods may petition the Zoning Commission for the creation of a customized zone...” The role of the ANCs and citizens associations in this process is not made clear, nor is the degree to which the general templates developed by OP can be modified to meet local concerns. There are also significant resource and time commitment issues posed by such a process. A concern is that well financed development and commercial interests could have a disproportionate influence on the outcome.

Recommendation 2:

We support the recommendation for a uniform method of measuring building height.

Recommendation 3:

While we agree that front yard setbacks for new buildings should start no further forward or back than any existing building on the same block, we think that should be the beginning of the analysis not the end in historic districts. In a long block an outlier building could set a standard that would not be appropriate. The set back permitted should give equal weight to the set backs of immediately adjacent structures. This is an example of the need in an historic district for the exercise of some judgment if the historic character of the district is to be preserved. Unfortunately a simple rule such as this proposal is not an adequate substitute.

Recommendation 4

We support the proposals on side walls provided the minimum aggregate side yard remains at 8 feet. We believe the recommendation to preserve side yards in historic districts is very important. However the way the proposal is phrased – “do not allow the elimination of side yards below the minimum standard, even to create an otherwise allowed row house” – reflects OP’s dislike for this part of the proposal. In fact, side yards below the minimum standard could be permitted if The BZA finds it appropriate to do so after a

public hearing. What we are opposed to in Georgetown is matter of right elimination of side yards.

Recommendation 5:

We support this proposal to repeal current court width and area requirements.

Recommendation 6:

We oppose the recommendation for a minimum matter of right building footprint regardless of lot size in Georgetown. Small houses on small lots are part of the historic character of Georgetown as is green space that is too small to build on. Encouraging maximum in fill in Georgetown would be deleterious to preserving its historic character and existing green spaces. In appropriate cases relief can be obtained as a special exception but this proposal would make what should be an exception the rule.

Recommendation 7:

We oppose the recommendation to permit row houses to have a matter of right depth even if it would result in the reduction or elimination of a required rear yard. There are not that many potential in fill lots in Georgetown and there is no demonstrated need to encourage high density in fill on small lots. More importantly it would detract from the green space and tree canopy that makes Georgetown a desirable residential community.

Recommendation 8:

We have no comment on this proposal on the assumption that it does not apply to Georgetown. However if it did we would need clarification of the process by which customization of existing standards on housing density would take place.

Recommendation 9:

For the reasons set forth above we oppose the proposal to allow minimum matter of right construction on sub-standard lots except by special exception after a public hearing.

Recommendation 10:

We also oppose the proposal to allow matter of right footage allowance for accessory structures on substandard lots. If a lot is too small to build a house that complies with existing zoning it is clearly too small for two structures.

Recommendation 11:

We oppose this proposal to do away with residential zoning and permit commercial and institutional uses as a matter of right in an historic district for the reasons set forth above.

Recommendation 12:

We support the adaptive reuse of historic institutional buildings but only through special exception or matter of right uses permitted under existing laws. In particular we reject the notion that reuse of such buildings for government office use is compatible with residential neighborhoods.

Recommendation 13:

We support this recommendation to permit a second structure on the same lot in certain zones but only if it includes a special exception proceeding requirement. It should not be a matter of right in historic districts.

Recommendation 14:

We support this proposal.