

Comments on Proposals for Low- and Moderate-Density Residential
ZC 08-06-8 – April 9, 2009
The Committee of 100 On the Federal City

Thank you for this opportunity to testify about recommendations of the Office of Planning with regard to low- and moderate-density residential areas. We cannot agree with OP's sense that there was broad support for its proposals; while votes are not taken, the preponderance of comments at meetings have offered concern or disagreement with many, many proposals.

This written testimony gives a recitation of the problems we believe are plaguing what is now called zoning "re-engineering." OP cites a provision of the Comprehensive Plan that says "even" new zones could be considered. Now we have nothing but new zones. The baby has indeed been tossed with the bath.

- **Residential zones**, as we now know them, are to be abandoned in favor of new, individual, stand-alone zones for all communities; Adams-Morgan will have its own zone, as would Woodley Park and Brookland and Georgetown and Foggy Bottom and Anacostia: Overlays would be abandoned in favor of a package of provisions for each of these specific zones. Inquiries about who would sit at the table during these decisions, how boundaries would be set, how disagreements would be settled, what limits would apply, how enforcement would occur – all were met with the same replies: we don't know, we're still working on that, wait for the regulatory language.
- **Overlays**, important to many communities to protect particular values, were to be abandoned in favor of the individualized zones. (For a brief period at an earlier Zoning Commission meeting, the potential of retaining overlays as an option was on the table. Functionally, it has since been dropped.) OP has not been able to explain why retention of this workable system is less effective.
- **Uses**, it is proposed, will no longer be specific; generalized categories will replace any lists, even as the Commission has considered lengthy provisions under the current regulations to specify how handguns will be sold. The new regulations, it is proposed, will speak only about "sale of goods," "sale of personal services," or similar generalized groups. An entity, apparently OP, will determine whether a proposal will generate too much traffic or too much noise; the BZA would appear to have little involvement in these of-right determinations. Gone will be the distinction between the "personal services" of your family dentist and a recreational masseuse. Gone will be the voice of ANCs, community groups, neighbors.
- **Low- and moderate-density residential neighborhoods** will no longer have that character; of-right uses in these residential zones will include nonprofit organizations, arts centers, corner groceries, dry cleaners, private schools, smaller colleges and universities, CBRFs and day-treatment centers, government uses, public-private collaborations, and such other uses as may appear in future reports. Campus plans will only be required for facilities over 300,000 square feet. That's the size of the Museum of the American Indian. And every single-family lot would be free to construct another residential unit – in the main house, in the garage, or attached to either building. Where is the integrity of residential neighborhoods?
- **Alley dwellings**, including expanded garages and carriage houses, are to be allowed of right though no particulars about health and safety issues are offered. The appropriateness of dwellings on narrow alleys and their impact on adjoining and nearby dwellings is not addressed.

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- **Personal vehicle use** is so discouraged by OP proposals that families who need to bring children to and from school, whose jobs or medical needs require an alternative to public transit, whose shopping includes bulky or heavy items all may find it hard to live in District neighborhoods. Unrealistic understanding of human needs seems to have shaped these proposals.
- **Front setback** standards cannot be established without resolving with DDOT the use of “public parking” space in front of residences. This term stems from creation of parks maintained by the public, rather than the government; it has nothing to do with vehicular parking. They constitute the front yards or gardens of many residences but are not counted in lot coverage. As currently framed, there are huge inequities for homes that have no public parking space as opposed to those who do.
- **Side yards** should not be reduced beyond current provisions. The need to service properties, to transport garbage or rear-yard equipment, to maintain side walls, to admit light and air, and to maintain privacy when an adjacent property has windows that open to bathrooms and bedrooms require more than 3 or 5 foot strips.
- **HPRB review** is critically important to maintaining historic districts’ character and integrity. The provisions for front, side, and rear setbacks are critically important to these areas. HPRB cannot be precluded from exercising its responsibility under the Act. All OP proposals should be carefully reviewed for their impact on the independence assured to HPRB (and OGB/CFA).
- **Overriding local choice** is critical to the proposal to eliminate the current dual standards of R3 zoning, which is completely unacceptable; it was not in the PHN and not discussed. Communities have fought the unintended consequences of cavalier treatment of this distinction; now OP proposes to undo that work and give away a 50% bonus density in lot coverage.

Suffice it to say that OP appears to be pushing an agenda that intensifies development, limits residents’ rights, breaks down the integrity of even our most successful neighborhoods, and expands its own role in project approvals.

In an effort to reconcile the different views that residents and OP expressed, C100 arranged for a meeting last summer to share the seriousness of concerns and the worry about destabilization that would result from these drastic changes. OP promised to reconsider its proposals, to conduct more research, and to postpone making any proposals until further notice. **Moreover, OP promised that if their proposals were not acceptable, they would agree to forward to the Zoning Commission an alternative proposal written by the neighborhood advocates.**

When OP proposals came back to the task force, the elements that had been so troubling to communities were still at the heart of the proposal. Once again C100 called for a special meeting. The communities that participated in the meetings C100 arranged for included: Palisades, Adams Morgan, Forest Hills, Capitol Hill, Cleveland Park, Friendship Heights, Penn Branch, Georgetown, Foggy Bottom, Brookland, Dupont Circle, Kalorama, Wesley Heights, Spring Valley, and Foxhall Village.

As we see on a national scale in fearsome scope, markets hate change, and they hate instability. What OP is doing will destabilize both commercial and residential real estate markets. The zoning regulations represent a social contract between a people and their government, justifying huge investments in homes, businesses, and schools. One party to that contract should not so brazenly change the terms and expect the other to let it happen.

Barbara Zartman, Chairman
Zoning Subcommittee