



ANC 6B

Capitol Hill / Southeast

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April 20, 2009

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Zoning Commission
Office of Zoning
441 4th Street, NW - Suite 220
Washington, DC 20001

ZONING COMMISSION
District of Columbia

**RE: Post-hearing submission for ZC #08-06-8,
Proposed Amendments to Zoning Regulations
Low and Moderate Density Residential**

CASE NO. 08-06-8
EXHIBIT NO. 27

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Julie Olson*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Michael Patterson*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Dear Commissioners:

At its regularly scheduled monthly meeting on April 14, 2009 with a quorum in present, ANC 6B voted unanimously (8-0) to send the following comments and recommendations to the Zoning Commission regarding the Proposed Amendments to the Low and Moderate Income Density Resident Zoning Regulations. These recommendations by ANC 6B are substantively the same as those presented to the Zoning Commission by ANC 6B Chairperson David Garrison during the Zoning Commission's April 9 hearing. ANC 6B requests that this letter endorsing our Chairperson's testimony be inserted in the hearing record. Our recommendations follow:

1. ANC 6B notes that the Office of Planning's proposals were released on March 18, preliminary to the Zoning Commission's hearing held April 9. This sequence provided too little time for ANC 6B to complete its review of the proposals prior to the ZC hearing given that 6B's regularly scheduled monthly meeting in April occurred on April 14. ANC 6B has complained to the ZC in the past about such unreasonable deadlines, most recently in October 2008 on the occasion of the release of OP's text amendment proposal on the retail section of the code. ANC 6B once again expresses its concern to the ZC about the timelines for this process and urges the ZC to require OP to provide for greater time intervals between the release of proposals and the holding of the ZC hearing.

2. As with the retail section of the code, OP's proposal here with regard to low and moderate density residential matters is to create a new baseline of rules – OP calls this the “generalized template”. This new baseline would be somewhat changed from current requirements. It would then be possible for ANCs or neighborhood groups to propose alternative approaches – OP calls these “customized zones” --

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more tailored to the specific needs of given sections of the city. While generally supportive of providing the kind of flexibility envisioned in OP's proposal, ANC 6B finds it difficult to fully assess how such a system of flexibility would work without more information. Moreover, ANC 6B notes that adopting an "customized zone" for the Capitol Hill Historic District would necessarily entail complicated and undoubtedly extended negotiations with ANCs 6A and 6C, as well as the Capitol Hill Restoration Society and a variety of other interested parties and organizations.

Thus, it might well emerge that the flexibility offered by OP's proposal was exceedingly difficult to access, making OP's proposed "generalized template" the default for the foreseeable future. Thus, ANC 6B is concerned about the wisdom of this approach and asks for more information and time to fully assess this aspect of the proposed revisions. Further ANC 6B recommends that if there is to be a "generalized template", at least for the Capitol Hill area, that template replicate the current code requirements so that any change from current law would have to be the subject of a "customized zone".

3. OP's Recommendation 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. ANC 6B notes that the Capitol Hill neighborhood has a number of oddly shaped block, 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. In the past, our Commission has been averse to agreeing to schemes that would allow residential structures in these situations to ignore the current 20-foot minimum setback and expand to the backline. ANC 6B's preference is that there be some minimum, useable backyard required in these situations.

4. ANC 6B is also concerned about OP's Recommendation 13 on Residential Units in Multiple Structures that would permit – indeed, we feel it would encourage – the conversion of accessory structures such as garages and carriage houses into dwelling units. In the past, 6B has been opposed to the placement of residential units in rear accessory structures on the Hill, particularly within the historic district. The Commission's view has been 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, our Commission has not supported the idea that Capitol Hill needs to bulk up.

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ANC 6B reminds the Zoning Commission that the objective of this process is to implement the Comprehensive Plan. Section 1607.2 of the Comp Plan found that "the Hill is already one of the densest communities in the District of Columbia". ANC 6B believes that Recommendation 13, if approved, would quickly alter that status and thus is not consistent with the Comp Plan. Thus, ANC 6B recommends that Recommendation 13 be dropped from the proposal.

We thank you for allowing these comments to be inserted into the hearing records.

Yours very truly,

A handwritten signature in black ink, appearing to read "David F. Garrison", with a stylized flourish at the end.

David F. Garrison
Chair, ANC 6B