

 RECEIVED OFFICE OF ZONING 2013 OCT 24 PM 12:01	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK MASSACHUSETTS AVENUE HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Lee Brian Reba * 02-Gwendolyn Bole * 03-Jeffrey Kaliei 04-Richard Steacy * 05-Margaret Siegel * 06-Carl Roller 07- Victor Silveira * 08-Catherine May * 09-Nancy MacWood	3601 Connecticut Avenue, NW Suite L-06 Washington, DC 20008 Website http://www.anc3c.org Email all@anc3c.org

ANC 3C Resolution 2013-035

Resolution on Zoning Commission Case No. 08-06A, the Zoning Regulations Review,
Subtitles C, D and H

WHEREAS the Zoning Commission in 2007 asked the Office of Planning to recommend how the zoning code should be changed to reflect new land use policies in the 2006 Comprehensive Plan and to update language and concepts no longer relevant; and

WHEREAS the Office of Planning has rewritten the entire code, changed zone names and reorganized the zoning topics - a process that has culminated in over 1,000 pages of draft text amendments that will be considered by the Zoning Commission in November 2013; and

WHEREAS the Office of Planning is proposing changes to regulations affecting low and moderate density residential zones and low and moderate density commercial areas, and several special overlay zones that are within ANC 3C boundaries; and

WHEREAS there are proposed changes that ANC 3C endorses and some unlisted provisions that we do not support, but we have focused on the proposals that we find of utmost concern and that we find would be detrimental to the quality of life in ANC 3C:

BE IT RESOLVED that ANC 3C urges the Zoning Commission to take the following action on the following concepts in the proposed amendments:

- **Roof Structures** for recreation use should **not be permitted**, except by special exception, in existing low-density R1 residential zones where rear and side yards are required, which typically provide recreation space that does not unduly impact nearby neighbors. Roof structures have potential to alter neighborhood character since roof top recreation structures are not currently allowed in low-density neighborhoods.
- **Increased height for garages** and accessory structures should **not be permitted** in ANC 3C in low and moderate density residential zones where the increased size would affect light, air and privacy. We have not had any requests in ANC 3C for taller garages or accessory structures and we know of no Comprehensive Plan policies encouraging larger garages.
- In the absence of convincing data that supports the need, **apartments in garages or accessory structures and non-residential uses, such as home occupations, in garages or accessory structures should not be permitted** as a matter of right in low and moderate density residential zones in ANC 3C. The existing character of ANC 3C neighborhoods is

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built on community and respect for the quality of life of neighbors. In our experience preserving community is partly dependent on minimizing external uses that could negatively affect neighbors' quality of life. We do not want to transform our neighborhoods into 2-family zones, or locate home businesses outside the home, without neighborhood input and oversight.

- **Parking requirement for multi-family residential zones and in zones replacing existing commercial zones should not be changed** until the Office of Planning can present reliable data that the current requirement provides significant excess parking supply in ANC 3C. The DMV data shows that the number of cars registered in DC continues to increase. In our experience, renovated or new multi-family buildings do not provide as much off-street parking as there is demand and the demand for parking shifts to the adjoining residential neighborhood that typically has insufficient on-street parking to meet residential needs, in addition to other users, such as private schools and under-supplied commercial areas.
- **Reductions in parking requirement based solely on proximity to frequent bus routes or a metro station should not be approved** because there is a process currently available through the special exception procedure whereby a developer/owner requests a reduction in parking requirement; that process should be maintained. The Comprehensive Plan conditions consideration of reductions in parking requirements on a variety of factors existing in a neighborhood, not simply on a uniform distance from public transit. There must be context for right-sizing the creation of off-street parking supply. Neighborhoods must be able to participate in a process that considers the variety and intensity of uses, the supply versus demand for parking, and the intensity of proposed new uses.
- **Penalties for providing 1.5 times the minimum amount of parking required should not be approved.** This is not a practical solution to congestion, which is primarily caused by commuters and not DC residents. While developer/owners may try to avoid building parking, there is no profit incentive for them to over build parking. More than likely, if more spaces than required are being built it is because there is a demonstrable need for off street parking in that neighborhood.
- **Changing the minimum required parking formula for private schools from an intensity of use formula to a square footage formula should not be approved.** The Office of Planning has provided no data or reason for changing this requirement, other than it wants only 2 formulas -- one based on residential units and another based on square footage. That desire ignores the impact. ANC 3C includes more than 5 large private schools. Parking is a consistent issue and is typically a major feature of special exception debates. It should be noted that the Office of Planning did no research to determine the effect of using square footage prior to offering it, and only did a limited survey of the change in the number of spaces required after several years of requests. Only one of our schools was surveyed and the data showed that parking requirement would be reduced under the proposal. Until the Office of Planning can demonstrate that there is less demand for parking at private schools, including their events, or that the square footage formula would not reduce the parking requirement this proposal should not be considered.
- **Corner food stores have potential to change neighborhood character in a positive or negative way so it is important that a neighborhood determine whether it wants to allow these new uses.** Thus, the proposal to allow corner food stores in all R3 row house zones **should not be approved** without neighborhood oversight and approval. It is not appropriate to create this transformative use, which is only mentioned in the Comprehensive Plan as a use that should be controlled on Capitol Hill and in Georgetown,

without direction from the Council and the expressed desire of neighborhoods that they would welcome this new use and under what conditions.

- **Institutional uses** in low and moderate density residential zones by special exception should **not be approved**. The proposal is vague. It does not describe what type of organization would be created for the social welfare of the community, what the intensity of use might be, why membership fees would be allowed, or whether parking and congestion issues could result. It is even unclear if the organization must be incorporated as a non-profit, and if property taxes would be waived. In our view, it is unwarranted to convert housing to an ill-defined non-residential use.
- **Neighborhood commercial overlays and residential overlays** are bottom-up zoning that should be honored. Therefore, the **proposals** from the Office of Planning to combine the underlying zone with an overlay into a single zone district should **not be approved**. The Comprehensive Plan encourages overlays, yet the Office of Planning has removed them. Overlays are created to distinguish neighborhood interests and needs from the citywide-applied zone district provisions. They typically trump the citywide provisions when there is a conflict and their purposes and goals are the main standards for review of special exception requests. The Office of Planning proposal dilutes the purpose and goals by adding new provisions and they weaken the review standards by adding new provisions. This is in conflict with the Comprehensive Plan and the directives from the Zoning Commission at the concept stage of ZRR review. The overlays should be preserved, including the provisions for special exceptions, as the Office of Planning promised, in their existing form.

BE IT RESOLVED that all commissioners of ANC 3C are authorized to represent the commission on this matter.

Attested by

A handwritten signature in black ink that reads "V. Silveira/ANC3C". The signature is stylized with a large, sweeping "V" and "S".

Victor Silveira

Chair, on October 21, 2013

This resolution was approved by a roll call vote of 6-0, with three abstentions, on October 21, 2013 at a regularly scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.