



Advisory Neighborhood Commission 4B

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Sara Green, ANC 4B01, Chairperson, Faith Wheeler, ANC 4B02, Vice Chairperson

Yvonne Jefferson, ANC 4B08, Secretary, Frederick Grant, ANC 4B03, Treasurer

Brenda Parks, ANC 4B04, Brenda Speaks, ANC 4B05, Ron Austin, ANC 4B06,

Judi Jones, ANC 4B07, Douglass Sloan, ANC 4B09

October 29, 2013

Mr. Anthony Hood
Chairperson
D.C. Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street N.W., Suite 200 South
Washington, D.C. 20001

Dear Chairperson Hood:

At a regular public meeting on October 28, 2013 (notice of which was properly given, and at which a quorum of nine of nine members was present) Advisory Neighborhood Commission 4B voted unanimously (7 yes, 0 no) to adopt the attached resolution recommending changes in the proposed revisions of the District of Columbia's zoning regulations.

The Commission submits this resolution under the provisions of DC Code 1-309.10(a) through 1-309.10(h)(1), which require, among other things, that Advisory Neighborhood Commission recommendations be given "great weight" by DC government agencies, that DC government agencies "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In doing so, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission."

Sincerely,

Sara Green, ANC 4B01
Chairperson

cc: Hon. Muriel Bowser, Councilmember, Ward 4
Commissioners, ANC 4B
Ms. Harriet Tregoning, Director, Office of Planning
Ms. Sharon Schellin, Office of Zoning
Ms. Donna Hanousek, Office of Zoning
Mr. Gottlieb Simon, Office of Advisory Neighborhood Commissions

ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.158



Advisory Neighborhood Commission 4B
Government of the District of Columbia
6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012

RESOLUTION #13-1005
Recommendations Regarding the Revision
of the District of Columbia's Zoning Regulations
Adopted October 28, 2013

RESOLVED:

That in all matters that go before the Zoning Commission in the new zoning regulations, all matters should be a variance or a special exception for the first ten years.

FURTHER RESOLVED:

Advisory Neighborhood Commission 4B makes the following recommendations to the Zoning Commission regarding the revision of the District of Columbia's zoning regulations:

Georgia Avenue Development

ANC 4B has the following issues and concerns regarding Georgia Avenue development:

Georgia Avenue within Advisory Neighborhood Commission 4B is a key commercial area with shallow lots zoned for residential and mixed use development that is adjacent to single-family homes in well-established and high-quality residential neighborhoods. Care must be taken to ensure that new multi-family or mixed-use development does not overwhelm neighboring single-family homes. Developing these lots in such a way as to make them compatible with their lower-scale neighbors is challenging even with the current limitations on height and FAR and existing set-back and rear-yard requirements.

Upper Georgia Avenue has at least two pawn shops within three-quarters of a mile. Pawn shops and check cashing businesses are lower-quality retail whose presence discourages the higher-quality retail needed for the revitalization of Upper Georgia Avenue.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that

1. FAR, height, and lot occupancy and rear and side yard requirements not deviate from those detailed in the 2008 Upper Georgia Avenue Great Streets Redevelopment Plan and in

the subsequent Takoma Overlay Zone. Rear and side yard requirements should not be reduced.

2. Pawn shops and check cashing businesses should be permitted only by special exception.

Takoma Neighborhood Mixed-Use Zone

ANC 4B has the following issues and concerns regarding the Takoma Neighborhood Mixed-Use Zone:

The Takoma Neighborhood Mixed-Use Zone lies within the heart of the Takoma Park Historic District and includes exceptional single-family and multi-family homes as well as a good stock of moderate and affordably-priced housing.

Care must be taken to ensure that new multi-family or mixed-use development does not overwhelm neighboring single-family homes and buildings in the Historic District. Developing these lots in such a way as to make them compatible with their lower-scale neighbors and with the resources in the Historic District is challenging even with the current limitations on height and FAR and existing set-back and rear-yard requirements.

Takoma is currently experiencing significant redevelopment without any changes to its zoning regulations. About 650 apartment units have been built or are in the pipeline since the adoption of the Takoma Central District Plan in 2002. In addition, 200 plus units are proposed for land owned by the Washington Metropolitan Area Transit Authority at the Takoma Metro Station and more are envisioned in the Central District Plan without any increase in maximum height or FAR.

Furthermore, the streets that serve this area – Carroll Street, Eastern Avenue, Cedar Street, Blair Road and 4th Street – are narrow and congested. Several operate at “D” or “F” levels of service.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that

1. FAR, height, lot occupancy, and side and rear yard requirements not deviate from those detailed in the 2002 Takoma Central District Plan.

2. The provisions describing the “Purpose and Intent” of the Takoma Neighborhood Mixed Use Zone (N-2) should be amended so that the purpose and intent of the N-2 Zone is to encourage compatibility of development with the Takoma Historic District.

3. Section 300.1 (f) should be amended to read:

“Limit the height of new buildings and encourage a scale of development and a mixture of building uses that is compatible in scale with existing buildings and consistent with the Takoma Historic District.”

Inclusionary Zoning

ANC 4B has the following issues and concerns regarding Inclusionary Zoning:

There is a severe shortage of affordable housing for DC residents, particularly for families that need two and three bedroom units, despite goals in the Comprehensive Plan to increase the number of housing units for low-income and moderate income households and despite existing Inclusionary Zoning policies and zoning regulations that provide tax abatements, subsidies and other incentives to provide affordable housing.

We also note that current standards base eligibility on the Area Median Income (AMI), which takes into account the household incomes of wealthier Maryland and Virginia families. While the AMI was \$107,500 as of 2012 for a family of four, DC's median income (DMI) was only \$66,583 in 2012.

Therefore, Advisory Neighborhood Commission 4B supports the recommendations made by Advisory Neighborhood Commission 4D which propose the following amendments to the District of Columbia's Zoning regulations regarding Inclusionary Zoning.

1. That the definition of "low income households," at DCMR 11-2601.1, be changed from 50% of AMI and redefined as "equal to or less than 30% of the District's median income or DMI;
2. That the definition of "moderate income households," at DCMR 11-2601.1, be changed from 51% to 80% of AMI and redefined as "between 31% and 50% of the District's median income or DMI.
3. That the set-aside for IZ affordable units in residential developments be increased from 10% and 8%, respectively, to 20% and 18%, respectively, in order for developers to qualify for bonus development density.

We also recommend that additional emphasis be placed on providing housing for low-income and moderate-income families in place of existing policies and zoning regulations that offer incentives to developers who provide housing to families with incomes of 100 percent or more of AMI.

Finally, we recommend that Inclusionary Zoning regulations mandate that two and three-bedroom units make up at least 20 percent of the affordable units that are eligible for subsidies and other incentives.

Parking

ANC has the following concerns regarding reductions in required parking minimums:

Parking cannot be added to a neighborhood once development has occurred. Car use and needs vary significantly by age and other factors.

The Office of Planning has not provided persuasive evidence that developers will decrease rents if they are permitted to provide fewer parking spaces. It has also not provided persuasive evidence, even in transit zones, that there will be a sufficient decrease in the number of cars DC residents and visitors will bring to the city to justify the proposed 50 percent or greater decrease in the number of required parking spaces in residential and commercial zones.

In fact, there is evidence from the experiences of other cities, including Portland, Oregon, that reductions in parking minimums may not work.

A “one size fits all” approach is not the best. Neighborhoods do support reductions in required minimum parking in some cases. For example, earlier this year ANC 4B supported a variance for a significant reduction in required parking for a new 150-unit affordable housing building.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that

1. Existing parking minimums for all multi-family residential and mixed use buildings, including those in transit zones, be retained,
2. Reductions in required parking be granted through the variance process, which gives the City and residents an opportunity to evaluate community needs on a case-by-case basis.
3. New zoning regulations facilitate shared parking and allow developers to rent out unused spaces.

Accessory Dwelling Units

ANC 4B has the following concerns regarding Accessory Dwelling Units:

Accessory Dwelling Units (ADAs) have the potential to change the residential character of neighborhoods in ANC 4B not only because they will increase the number of residents living in single-family homes and create permanent alterations to the property, but because the proposed new regulations would permit an increase in home-based businesses. These changes have the potential to increase noise and traffic and the appearance of residential buildings and there is also the potential for significant safety and public health problems when interior changes, including plumbing and electrical work, are not up to code.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that

1. New regulations allow accessory rental apartments only within a primary residence in a single-family home but end the need for BZA authorization to do this. The city should ensure that all applicable inspections and permits are obtained.

2. Accessory apartments should not be permitted in garages or other outbuildings at this time. Further study is necessary.
3. BZA approval should be required whenever more than one accessory use is to be located in on a single-family residential lot. This should include residential and home business uses.
4. Permitted home occupations should be restricted to businesses that generate less than three customers per day in total. The provisions in Chapter 3 that permit ‘no more than eight clients or customers on the premises in any one (1) hour’ are excessive and effectively convert a residential use into a business use with the resulting negative impact on neighboring homes.

Large Retail Stores

ANC 4B has the following concerns regarding retail stores of 50,000 square feet or larger:

Retail stores in excess of 50,000 square feet have a significant impact on traffic, noise, infrastructure, parking, and the quality of life in surrounding residential and commercial neighborhoods. Existing zoning regulations generally permit these stores as a matter of right in many zones, with limited community comment permitted in the Large Tract Review Process.

In addition, one-story retail buildings, particularly those on main business corridors, including Georgia Avenue, contribute to sprawl. Multi story mixed-use buildings provide additional customers for retail and promote safer streets.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that

1. Retail stores that are larger than 50,000 square feet be permitted only by special exception.
2. Retail stores that are larger than 50,000 square feet be housed in buildings with at least two stories.

Corner Stores

The proposal would authorize the establishment of up to two small eating and drinking businesses within 500 feet in some residential zones, but would allow the BZA to waive those restrictions. The proposal would also authorize by-right fresh food markets or a grocery stores and allow other stores by special exception. The sale of alcohol would be permitted for off-site consumption and alcohol products could make up 15 percent of the store’s floor space. In addition, the BZA could waive some restrictions, such as increased operating hours.

ANC 4B has the following concerns regarding corner stores:

Corner stores are proposed as one way to increase food and retail options in underserved residential neighborhoods. However, there is strong evidence that this proposal will not result in an increased offering of fresh food. Small-scale stores find it economically difficult to offer fresh food, as evidenced by the lack of fresh food offerings in existing convenience stores located on high-traffic streets. Alcohol sales would be permitted, something that is currently readily available in most neighborhoods.

These stores are likely to increase trash, rodents, demand for parking, and other negative impacts. There is also the potential for blight when homes are converted into business uses, with grates, window coverings and other permanent architectural changes. Neighbors would have not voice in the appearance and design of the stores unless they are located in historic districts. And they draw retail stores away from Georgia Avenue and other main corridors that are finding it difficult to attract retail tenants.

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4B recommends that corner stores be permitted only by special exception and without the sale of alcohol permitted.

Every Commissioner is authorized to represent this resolution before applicable city agencies, panels, and commissions.

ADOPTED unanimously by show-of-hands vote at a regular public meeting (notice of which was properly given, and at which a quorum of seven of nine members was present) on October 28, 2013, by a vote of 7 yes, 0 no.