

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 4A



**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 4A
AUTHORIZING ANC COMMISSIONER GALE BLACK
TO REPRESENT ANC 4A BEFORE THE
DISTRICT OF COLUMBIA ZONING COMMISSION
REGARDING CASE NO. 08-06A**

Effective November 5, 2013

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

WHEREAS, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency, board and commission shall, before the award of any grant funds to a citizen organization or group, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by D.C. Official Code §§ 1-309.10(b);

WHEREAS, the issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)];

WHEREAS, Advisory Neighborhood Commission 4A ("ANC 4A") has been advised that the District of Columbia Zoning Commission ("Zoning Commission")

has scheduled public hearings on the proposed revisions to the Zoning Regulations see, Title 11 DCMR (“Zoning Re-Write”);

WHEREAS, The Zoning Hearing on the Zoning Re-Write include Subtitle D: Residential Houses R1 through R5 Zones (which includes accessory apartments and corner stores) is scheduled for this week (“Zoning Hearing”);

WHEREAS, The ANC 4A commission area includes R1 through R5 residential zones;

WHEREAS, ANC 4A represents more than 16,000 residents in several Ward 4 neighborhoods, including Brightwood, Colonial Village, Crestwood, North Portal Estates, Shepherd Park, and 16th Street Heights;

WHEREAS, Advisory Neighborhood Commissioner Gale Black (“Commissioner Black”) is presently the duly elected and actively serving Advisory Neighborhood Commissioner for ANC 4A08, which includes the Crestwood neighborhood;

WHEREAS, certain of the District’s current regulations restrict unauthorized commercial uses in single-family low-density, residential zones, which restrictions could change under the proposed Zoning Re-Write, and affected property owners and residents could be deprived of the quiet, safe, and full benefit and enjoyment of their homes, as well as, cause adverse tax consequences for these owners and residents; and

WHEREAS, at ANC 4A’s duly convened, properly conducted, regular meeting, with the requisite quorum of ANC Commissioners present, held on November 5, 2013 (“Regular Meeting”), at Fort Stevens Recreation Center, located at 1327 Van Buren Street, NW, Washington, DC, ANC 4A deliberated on, among other things (1) the District of Columbia Zoning Commission’s scheduled public hearings on the Zoning Re-Write; (2) requesting a formal extension of the comment period on the Zoning Re-Write; and (3) authorizing Commissioner Black to appear before the Zoning Commission to testify on the Zoning Re-Write and submit testimony (a copy of which is annexed hereto) regarding certain issues of concern with respect to the Zoning Re-Write.

NOW, THEREFORE, BE IT RESOLVED, THAT, upon considering the foregoing at the Regular Meeting and after due inquiry, a majority of the duly elected and serving ANC 4A Commissioners authorized Commissioner Black to (1) appear and testify before the Zoning Commission on behalf of ANC 4A at the Zoning Hearing to be held on November 6, 2013; (2) present written testimony in form and substance as the testimony attached hereto; and (3) answer any questions of the Zoning Commission regarding the subject matter covered by this Resolution, as may be necessary;

FURTHER, RESOLVED, that, at any such hearing, the Zoning Commission may rely upon Commissioner Black's statements made consistent with this Resolution; and

FURTHER RESOLVED, that, ANC 4A requests that the Zoning Commission, the Mayor of the District of Columbia and the Council give "great weight" to the views of ANC 4A.

Respectfully submitted,

Dwayne M. Toliver

Dwayne M. Toliver, Chair, ANC 4A

**COMMENTS ON BEHALF OF THE
ADVISORY NEIGHBORHOOD COMMISSION 4A
BEFORE THE DC ZONING COMMISSION ON CASE NO. 08-06A
(TITLE 11, ZONING REGULATIONS – COMPREHENSIVE TEXT REVISIONS)
November 6, 2013**

Good evening. My name is Gale Barron Black. I am an Advisory Neighborhood Commissioner for ANC 4A08. I have been authorized to provide comments on behalf of Advisory neighborhood Commission 4A (“ANC”) with regard to Subtitle D: Residential House Zones. The ANC voted at a duly noticed and regular scheduled meeting on Tuesday, November 5th to me to provide comments on behalf of the ANC. A copy of the resolution is attached for your convenience and the record.

With regard to Subtitle D-Residential Houses, we recognize that this document is the result of an ongoing process; and I believe that this latest draft is a vast improvement over prior efforts, but we oppose the proposed revision, as currently written. My testimony somewhat tracks the comments that were previously submitted on October 28th, but I have tailored these comments to tonight’s topic.

The ANC 4A area borders Rock Creek Park on the east side and it is west of Georgia Avenue. The area is primarily low density, single households. The ANC includes portions or all of the following neighborhoods: Brightwood, Crestwood, Colonial Village, North Portal Estates, Shepherd Park and Sixteenth Street Heights. Collectively, the area covers more than 16,000 residents within eight single-member districts.

CONSIDER THE TRENDS MORE CLOSELY.

To better serve all of us, we ask that the Zoning Commission consider DC’s needs. The DC Population Trends for the years 2000-2010 show that the number of people 60 years and older increased by 7.2%, according to the Zoning Regulations Review ANC4A, which was dated April 2, 2013. Similarly, the number of people age 20-34 years increased by 23%. In addition, the District has more than 11% of individuals with disabilities. This means that DC needs to keep its residential housing options open so that we can accommodate seniors and their care-givers, and families with children, while preserving the quiet character of our community. Our households had more than 2 per household, as of the last Census. That number is likely to go up. With the 23% increase of those in the child-bearing age, we need to be prepared for meeting the public’s needs. We will need to preserve our stock of detached, semi-detached and other single-household homes that families want and need.

ANC 4A – Zone Districts

According to information provided to us, the 4A area is currently identified as “Single Family” R-1-A, R-1B, R2, R4 with some multi-family uses. The areas west of 16th Street, NW are non-commercial. Most of our residential blocks do not currently permit commerce.

We hope that the Zoning Commission will rethink its plan to excise the word “family” and concept from the definitions. The homes in ANC 4A serve DC families of all kinds. We have the homes that multi-generational families want.

ACCESSORY DWELLINGS – Interior only. Strike 801.3, 801.4 and 801.8

There should be no use of the garage or exterior units for housing. Such a major change from interior English basement concept should require a special exception or variance. It must not be “by right.” I have heard from seniors who do not want this option at all.

Plus, there may be some unintended tax consequences to the proposal. For example, Section 1606.7 requires property owners to have a Residential Rental Business License from the Department of Consumer and Regulatory Affairs and also requires that the property be inspected for “relevant housing code compliance.” This would seem to be a disincentive to opening one’s home up. This could expose the most vulnerable (those who have no choice but to take in boarders) to find themselves on the hot seat because the house is not up to code. While safety is appreciated, the home owner should not be placed in financial jeopardy.

As we understand it, the proposed regulations would allow one accessory apartment by right subject to certain conditions or one by right in an existing accessory building or one by special exception in new or expanded accessory buildings. This would apply in the R-1 though R-3 zone and greatly impact ANC 4A. Many people object to this provision.

HEIGHT – There needs to be an absolute height limit for residential buildings and we suggest there be a standard description. The one that is used to measure flat roofs should be considered as a measurement tool.

FRONT SET BACKS – Our neighborhood may want more flexibility for certain blocks. An overlay may be sought to ensure that front yards match what is in the neighborhood, but not unnecessarily limit the design choices.

SIDE YARDS – Preserve the eight foot side in R1 and R2 areas. Strike 1301.2. Under this proposal, Section 1301.2, an accessory building “shall be permitted in a required side setback of a principal building.” What exactly does this mean? Are there side yards and will they be at least 8 feet? See also D-41. A side set back shall not be requires along a side lot line.

NUMBER OF UNITS PERMITTED – Hold steady and do not increase the number of households beyond what is currently here. We don’t want to see lots split and the area carved up.

NON-CONFORMING USES – This proposed guidance appears to greatly expand the non-residential uses. Under this a medical facility with 300 people could move in next door. In the R zones, non-residential businesses may be permitted as “home occupations; and a “home occupation” is an accessory use.

Community Based Institutional Facilities could house 15 people, and that does not include the resident supervisors

LODGING AS ACCESSORY USE – We disagree with the concept of permitting Boarding houses and that is what this could lead to. We already have a problem with the unauthorized use of residential properties. This could make it worse.

CORNER STORES – Within 4A, two areas are designated for corner stores. One is on the west side of 16th Street, NW, within ANC 4A08. We note that there is no commerce along 16th Street, NW in Ward 4. The area is historic and has been preserved (at least in Ward 4) for non-commercial purposes. Sixteenth Street is the Avenue of the President.

This proposal would introduce commerce into residential areas, where commerce is not currently permitted. We oppose this because it would change the fundamental character of the area. It is significant that one of the proposed conditions is that there would be “no alcohol consumption on-site” and off-site alcohol sales would be limited to 15% of floor area. It is as if DC already knows what this new addition would mean and is trying to head it off. We have a better idea. Unless the ANC 4A asks for a corner store, do not impose one on the 4A neighborhoods.

ALLEYS – The proposal would permit “alley dwellings” by right in the R3 to R5 zones. We were assured that all alley lots in ANC 4S are in R-1 and R-2 zones. That is not comforting, because this proposal changes the R-2 zones and this assumes that using alleys for more than trash pick-up or emergency calls is in the public’s interest. It is not. And alleys are not supposed to be used for parking. The city has an obligation to abide by the laws. Alleys are public space and subject to the DC Street and Alley Closing Act. That public land should not be permitted to be used for non-public purposes.

People may be surprised that their property line does not extend as far as they may think. It may be an unpaved public alley or street. This proposal would permit other uses, including car-sharing.

We recommend striking Chapter 14 and strike 1608 – Alley Lot by Right Uses for Zone Group A, B. To do otherwise would put demand on areas with a lot size that is large and change the fundamental character of neighborhoods in Colonial Village, Crestwood, Shepherd Park.

TREES – Part of the proposal that impacts Residential zones has to do with trees. It restricts homeowners’ rights to plant certain trees or to take down trees. This section needs further clarification.

FOR RESIDENTIAL ZONES, KEEP ALL TRANSPORTATION OPTIONS OPEN, INCLUDING CARS AND TRUCK LOADING DOCKS

The proposal would not keep parking in residential areas without alleys, by right. We are not sure what this means, but it would clearly impact those who live or work in our areas.

This proposal calls for reducing by 50% the required parking along certain corridors. It also would reduce by 50% the parking along the Georgia, 16th Street and 14th Street NW lines, that are part of the WMATA Priority Bus Corridor network. We have issues with parking right now with the Crestwood Apartment at 16th and Shepherd. This could make the situation worse.

Loading Dock Size - The proposal would change loading requirements. This could impact us as homeowners and consumers or those who work or drive in areas where loading is done. The proposal would remove 55 foot truck bay requirements and allow the sharing of facilities. That has ramifications for the stores that we use. If the businesses that serve us, what will be the impact on us?

AMBIGUITIES – Reconcile Subtitle C and D regarding residential uses. One example is whether a new building is allowed in the side yards in R zones.

PRESERVE NEIGHBORHOOD CHARACTER.

The proposal would permit the Board to “modify or waive” the requirements that apply to protect homeowners. Example is 1605.4. Such waivers should not be permitted. It defeats the purpose of this rewrite, if the Board can unilaterally waive the requirements. Our lot size may invite changes that are inconsistent with stable, established residential areas. This proposal seems to draw those non-conforming uses to areas like 4A.

For these reasons, ANC 4A cannot support this proposal and we ask that you reconsider. We also ask that you keep the record open for an additional two weeks to permit further comments or revisions to this testimony.

Thank you.