



Zoning Commission Hearing, Case No. 08-06A

Subtitle D

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Chair, The Committee of 100 on the Federal City

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Most of the proposed changes to the zoning code affect low and moderate density residential zones. Among the positive recommendations are measurement of height from the existing grade, (although this should be extended to accessory structures), by right accessory dwellings created in the home, and limits on rooming house occupation. However, there are also new permissions that have a high potential to alter neighborhood character in a way that many residents are not expecting and will not welcome.

It's important to have a common understanding of what the purpose of single family zones include. The current code describes R1 through R3 zones as providing a family oriented environment and the R-1-A and R-1-B zones add that they are intended to be quiet residential zones. While it may not be in vogue to choose yards and larger homes over a downtown condo the District's Comprehensive Plan emphasizes that we strive to maintain a variety of housing options for the broadest possible demographic at different stages of life.

It's less important that the Office of Planning has removed quiet from the purpose statement, than what they propose to intensify the use of single family properties. Recreational roof structures up to 10 feet above the 40 ft. height limit would be allowed. This is basically adding an additional floor on houses that predominately are 25 – 35 ft. tall. This would happen in many neighborhoods that are required to have side and rear yards where recreation now takes place. The Comprehensive Plan doesn't comment on roof structures in low and moderate density zones because it wasn't contemplated that they would be used for anything but mechanical equipment. (I was a member of the Comprehensive Plan Task Force so I know we never considered recreational roof structures.) This use would change neighborhood character. It should only be allowed by special exception in R3 zones where side yards may not exist and where rear yards are less deep.

Two-story, 20 foot high garages and accessory structures could be nearly as tall as some residences. Whereas now the mass of garages or accessory sheds are minimal enough to allow them next to a neighbor's lot line without disturbing privacy or light and air, the taller structures could cast shadows or alternatively illuminate second floor windows where previously there were none. Again, there is no mention of this change in the Comprehensive Plan because it wasn't contemplated as a land use policy change. The Office of Planning wants to transform a basically passive structure into an activated structure with home occupations or accessory dwelling units. The larger size makes no sense and has no utility unless it can be used for something that is prohibited today. The Zoning Commission should not authorize the taller accessory structures on a lot line without a special exception, which would give the neighbors an opportunity to object. Home occupations should only be allowed in the home where the resident enjoys the benefits and the negatives. Special exception should only be granted if it is demonstrated that a home occupation must be located in an accessory structure and the use won't interfere with neighbors' enjoyment of their homes and property. ADUs should not be authorized under any circumstances without specific guidance from the Council that a second household in a second residential structure is appropriate on a single family lot. There is no data to support the need to do this and it would be a wiser course to monitor the implementation of more flexible rules for internal ADUs and alley lot residences before permitting two residences on single family lots.

Corner stores could be a positive or negative addition to R3-zoned neighborhoods. The Comprehensive Plan does not address the creation of new corner stores but does comment on the negative and positive consequences of existing corner stores and the need to make sure they do not adversely affect the neighborhoods where they exist. The Zoning Commission should not assume that a valued Capitol Hill or Georgetown market will be the model if this use is authorized. Philadelphia has the most corner stores of any large urban city and they also have the highest obesity rates; the city has engaged for several years in a challenging effort to add some healthy foods to these corner markets with varying success. In 2008, Johns Hopkins Center for a Livable Future began a 4 year study in Baltimore that included mapping food desert areas and an intensive survey of the food on market shelves and menus. They found that full service grocery stores offered the healthiest food while corner stores and carry-outs offered the least healthy food. In an article published in the American Journal of Preventive Medicine In June 2011 researchers reported that youth spent an average of \$3.96 daily on predominately chips, candy, and soda and typically the food was purchased at corner stores or fast food establishments. Half of the sampled youth were obese. Is this a model we want to replicate? What is the problem that corner stores solve and is this a replacement for providing a full service grocery store? The Comp Plan does not have policies encouraging the Zoning Commission to authorize the by right conversion of housing to this use. We strongly urge you to be cautious. Ask communities to request corner stores through the customization process so that they can impose conditions and control the types and proliferation of corner stores and prevent unintended consequences.

As part of the Office of Planning's effort to change single family neighborhoods, it has removed neighborhood overlays as free standing zone districts. These overlays were initiated by neighborhoods to adapt citywide zoning rules to the specific needs and interests in their communities. Some of the overlays took years to accomplish. Now the Office of Planning wants to combine them with the

underlying zones they sought to revise. Instead of having a focused list of purposes and provisions, the proposed zones would list the general purpose along with the overlay purposes into an indistinguishable soup of provisions. This only serves to dilute the overlay goals. It makes it impossible to map future overlays because they don't exist any longer as templates for other neighborhoods to achieve similar goals. Special exception standards would now include consideration of the underlying zone goals and purposes. This is a terrible idea and an affront to all the neighborhoods that worked so hard to create responsible and reasonable overlays. The Comprehensive Plan does not support the elimination of overlays, a traditional zoning mechanism. So why is OP proposing this? The Zoning Commission should instruct the Office of Planning to reinstate all overlays in their current form.