

**STATEMENT BY JIM GRAHAM BEFORE THE ZONING
COMMISSION ON WEDNESDAY, NOVEMBER 6, 2013**

Good evening Chairman Hood and Zoning Commissioners.

I want to congratulate the Office of Planning, the Zoning Task Force and the Zoning Commission for taking on the Zoning Regulations Review (ZRR) and for the comprehensive, and effective process that has been created as part of revising our 1958 Regulations.

I have come here today not with answers but with questions and an inquiry of you. Over the past few years, everyone knows from observation in Ward One and elsewhere, an issue that has come to be known as “Pop Ups”. That happens when infill development dramatically differs in massing and design from the existing buildings. To some extent, I have already raised the issue at a Council hearing with OP Director Tregoning. I suspect this is a complex issue, one that involves change, economic development, design, zoning, planning and the pattern of preservation and growth of neighborhoods.

As part of the ZRR (Zoning Regulations Review) process and the forthcoming zoning regulations, are there new means to address this

situation? What is the authority of the Zoning Commission to do so? Is there legislation that I might introduce?

The fact is that many of the 'Pop Ups' comply with the current zoning regulations. Context is part of the issue -----that is, how does the massing integrate or not with the surrounding buildings?

I understand the reason "pop up" projects are created and perhaps become controversial involves numerous issues, such as:

- Older areas are rezoned thus new structures may be different in massing, height and even use.

The increase in new infill projects in existing neighborhoods may be a direct reflection of the increased demand and value of a neighborhood and area, and the desire of profits.

- Execution and administration of compliance with the zoning regulations may not be equitable throughout the City– are illegal (non zoning compliant) developments allowed in certain areas or overlooked? Are there "Pop-Ups in Georgetown or if not, why not?
- A project's design is new or of poor quality and differs from the existing nomenclature. Is there proper review for these types of occurrences? What body has or should have jurisdiction? How do

we create an environment that will encourage good urban development and not be over burdening with numerous reviews often by those not qualified for such tasks?

- What controls can Government have on areas that are changing and buildings that are constructed in compliance with current zoning and building regulations?

It is clear to me that Zoning is a tool (local governments) used to manage the physical development of land and regulate its use in order to protect our residences while enhancing their quality of life.

Can the Zoning Commission review neighborhoods that were rezoned to levels that are dramatically different than the current building context to see if the zoning is appropriate for today and for the future?

It is my understanding that in the ZRR, the Office of Planning and the Zoning Commission are not proposing to lower the permitted height of structures in any zone. That is, as part of the Zoning Regulations Rewrite, the City is not being remapped and Zone Districts are not changing.

There is however one change to how height is measured in lower density zones – I am advised that, currently, height is measured to the

underside of the top story, allowing additional massing above that height. I understand that OP has proposed to change this to measure height to the mid-point of a pitched roof or the top of a flat roof. This can result in a reduction in the massing and visual height of the building.

This may be an excellent way to manage more contextual or sympathetic heights of new structures, without requiring the burden of design review or review by the Historic Preservation Review Board (HPRB). Are there other ways the new zoning regulations may address the issue?

I understand that the ZC can address any issue related to zoning, (and is in fact an unchecked legislative body). Are your intentions to address the issue of "POP Ups" in some form or fashion?

The height, use and lot occupancy in every neighborhood can be restricted, and it is restricted in every area of the City by zoning.

However, if new structures are to only match what currently exists then there is a simple course of action, Zone areas to reflect what is there.

I am here this evening with questions.

- What is the Zoning Commissions intent in addressing the issue of “Pop Ups”?
- Is there any authority vested with the Zoning Commission that addresses this issue, aside from remapping and down zoning areas with existing structures?
- As I think most of the “Pop Ups” are conforming to zoning regulations (otherwise there would be an address to their existence), are there other means or thinking within the DC government to address these circumstances?

I am aware that this is a rather complex topic, but I request that you provide for me answers to the inquires made this evening and to provide me with an idea of how the ZRR and Zoning Commission intents to address the issue of “pop ups”.

Thank you