

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Zoning Commission Case No. 08-06A, Subtitle D Chapter 3 Residential House Zones – Group 1

Testimony of Connie Carter

Chain Bridge Road/University Terrace Preservation Committee

February 11, 2014

Good evening members of the Zoning Commission. My name is Connie Carter. I live at 3027 University Terrace, N.W., which lies within the Chain Bridge Road/University Terrace Tree and Slope Preservation Overlay, which I will refer to as the CBR/UT Overlay. I am here representing the Chain Bridge Road/University Terrace Preservation Committee, an IRS-approved 501(c)(3) organization which was formed to protect and preserve the natural topography, mature trees, stream beds and natural vegetation in the neighborhood, as well as protect the park-like setting of the area. The Committee sought and won the establishment of the CBR/UT Overlay, which among other things regulates alterations or disturbances of terrain, destruction of trees and coverage with impervious surfaces; and provides for widely spaced residences. The Preservation Committee spent two years and many thousands of donated dollars to usher the Overlay into existence. The CBR/UT Overlay was approved by the Zoning Commission and codified into law in 1999.

The committee is extremely concerned that the Office of Planning (OP), through its rewrite of the zoning regulations, may inadvertently be attempting to change administratively the Zoning Commission codified in 1999. Furthermore, we are very concerned by the fact that OP has never seen fit to inform us, let alone consult with us, regarding the changes that it has proposed.

Perhaps Chairman Hood, who sat on the Zoning Commission at the time, will recall that the CBR/UT overlay was triggered by our Preservation Committee, not the Office of Planning or the Office of Zoning. The Preservation Committee worked hard through a very careful process and hired a zoning attorney and land use expert to craft an overlay that is unique to our neighborhood and protects the unique features of our neighborhood; but OP's changes would simply make the Overlay match the cookie-cutter table format proposed for all residential house zones in Subtitle D.

For example, current development standards for the CBR/UT Overlay state that “Where there is a conflict between the CB/UT overlay and the underlying zoning, the more restrictive provisions of this title shall govern” (emphasis added). OP has replaced this language with: “Development in the R-5 (CBUT/R-1-A) zone shall be in accordance with the combined requirements of the following development standards table and the development regulations of this chapter” (emphasis added). What is very clear in the current text has become less clear, and perhaps even less restrictive, in the proposed ZRR text.

When the subject of overlays was discussed by the Zoning Regulation Review (ZRR) Task Force, OP was quick to say there would be no changes to existing overlay zones.

They told us “if you like your current Overlay, you can keep your current Overlay.”

That statement has proven not to be true. The format has been substantially changed, it is now necessary to flip back and forth between Subtitles in order to derive any meaning from the language, and the protective provisions have been changed – substantively changed. We are concerned that if the ZRR is approved as currently written, it would be possible to make changes within the other subtitles that could potentially change provisions of the Overlay, whether deliberately or otherwise.

Some of the more significant changes in the proposed text include:

- The actual square and lot numbers that identify properties within the Overlay have been separated from the Overlay chapter and moved to a separate ZRR Subtitle (Subtitle W, Chapter 101); however, there is no reference to that subtitle and chapter in the Overlay chapter.
- The current punitive language (1568.3) restricts anyone from applying for a building permit for a lot on which trees were removed, cut down, or fatally damaged if prohibited for a period of seven (7) years. The proposed ZRR text states: “...no building permit shall be issued for a period of five (5) years from such removal...unless the Board of Zoning Adjustment grants a special exception.”

The CB/UT Preservation Committee testified regarding these changes in March, 2013 at the Office of Planning Performance Oversight Hearing before Chairman Mendelson. The attached letter was entered into the record of that hearing.

Since March 4, 2013, the Office of Planning has had ample time to contact the committee to discuss the proposed ZRR changes or return the text to its existing state in section 1565. It has not done so. Instead, OP moved forward and proposed text for set down on September 9 by the Commission. Please recognize that the proposed text was moved forward without the committee's input or approval.

I wish to state here, for the record, that the Chain Bridge Road/University Terrace Preservation Committee is strongly opposed to any changes to the format or protections of Section 1565, the Chain Bridge Road/University Terrace Overlay District.

Thank you.

Attachment (1)

**THE CHAIN BRIDGE ROAD /
UNIVERSITY TERRACE PRESERVATION COMMITTEE**

Phil Mendelson
Chair, DC Council
The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

March 4, 2013

Dear Chairman Mendelson

We are writing on behalf of the Chain Bridge Road/University Terrace Preservation Committee concerning proposed changes to the District's zoning regulations as they relate to the March 6 Oversight Hearing on the performance of the Office of Planning

Our Committee is composed of residents from the Chain Bridge Road/University area of Ward 3 and our Committee was responsible for proposing adoption of the Chain Bridge Road/University Terrace Overlay District which was adopted by the District of Columbia Zoning Commission in 1999 and is currently incorporated in the District's zoning regulations

The mission of the overlay is summarized (section 1565) as being established "to preserve and enhance the park-like setting of the Chain Bridge Road/University Terrace area by regulating alteration or disturbance of terrain, destruction of trees, ground coverage of permitted buildings and other impervious surfaces, and by providing for widely spaced residences" There are specific and enforceable restrictions on development within the Overlay to promote these goals The Overlay is seen by our Committee, which represents local residents, as a successful and necessary means of addressing these concerns in the Overlay area

We have reviewed the draft proposal for a revision of the District's zoning regulations that we understand will be discussed at your March 6 meeting While we will address specific concerns at a later stage of the revision process, we want you to be aware at this stage of our concern that the beneficial goals and provisions of the Overlay not be impacted in any way Therefore, we seek and support inclusion of the CBR/UT Overlay in its entirety if a new zoning classification applicable to our Overlay is adopted

Section 1566.1 of the present overlay regulation provides that "[w]here there is a conflict between CB/UT overlay and the underlying zoning, the more restrictive provisions of this title shall govern" As a practical matter, the inclusion of this provision is absolutely essential if the Overlay, specifically addressed to local concerns, is to have any effect or meaning While we may have other suggestions as the zoning rewrite process goes forward we do want Council to be on notice of our preliminary concerns

We have asked Alma Gates to provide this letter to your Committee at the March 6 meeting and ask that it be included in the Committee's record

Sincerely,

Bill Barnard, Chair
Chain Bridge Rd/University Terrace Preservation Committee
Steve Wolf, Co Chair

cc Harriet Tregoning, Director, Office of Planning (harriet.tregoning@dc.gov)
Jennifer Steingasser, Deputy Director, Office of Planning (jennifer.steingasser@dc.gov)

The Chain Bridge Road/University Terrace Preservation Committee 3115 Chain Bridge Rd NW Washington, DC 20016