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September 15, 2014

Mr. Anthony Hood, Chairman
DC Zoning Commission
441 4th Street NW Suite 200S Washington, DC 20001

Case 08-06A (ZRR)

Dear Chairman Hood and Members of the Zoning Commission,

The Kalorama Citizens Association submits the following 7 resolutions on the Zoning Regulations Review, Case 08-06A, all approved by our membership at properly noticed public meetings, a quorum being present. The date of approval follows each resolution.

Thank you for your consideration of our testimony in resolution form.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denis James".

Denis James
President
Kalorama Citizens Association

KCA FINAL COMMENTS AND RESOLUTIONS ON THE ZRR

1. Resolution of the Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Protection of Adams Morgan's Residential Neighborhoods from Intrusions of Commercial and other Non-residential Uses

Whereas, the District of Columbia's Office Planning (OP), following the 2006 adoption of a revised Comprehensive Plan that is required by law to guide land-use policies including zoning, is engaged in a comprehensive rewrite of the District's Zoning Regulations,

Whereas, OP is now finalizing proposed new regulations to be presented to the Zoning Commission for adoption,

Whereas, under OP's current draft, Adams Morgan's predominately row house residential neighborhoods, now zoned mainly R-5B Residential, would no longer be "Residential" but would be converted to mixed-use "Apartment" districts in which a wide variety of commercial and other non-residential uses would be allowed by special exception,

Whereas, Adams Morgan has a long history of struggle to preserve its residential areas and resist intrusion of commercial uses into its residential neighborhoods,

Whereas, the Kalorama Citizens Association (KCA), by resolution adopted unanimously on April 16, 2009, expressed its opposition to then-pending proposals to revise the Zoning Regulations to allow matter-of-right commercial uses in its residential neighborhoods,

Whereas, OP's stated objective in advancing its proposals for R-5 districts is to promote "walkable neighborhoods",

Whereas, Adams Morgan's residentially zoned areas lie in close proximity to commercial areas along Columbia Road, 18th Street, Florida Avenue and U Street as well as Connecticut Avenue and portions of Calvert Street, Adams Mill Road and Kalorama Road that provide walkable access to a wide variety of commercial establishments,

Whereas, OP's own research shows that Adams Morgan already has a number of holdover nonconforming and other commercial uses located within R-5 residential areas,

Whereas, OP's own research shows that Adams Morgan ranks among the city's best neighborhoods as regards "access to healthy living", considering the ready availability of grocery, pharmacy and certain other facilities in its adjacent commercial areas,

Whereas, for these reason Adams Morgan residential areas are already highly "walkable neighborhoods" having no need for new rules allowing commercial establishments to take over living space in their midst;

Whereas, the Zoning Regulations have long allowed Adams Morgan residents to pursue certain "home occupations" in their own residence, under conditions that maintain and respect the residential character of the neighborhood,

Whereas, converting space in residential buildings to commercial and other non-residential uses, other than as authorized "home occupations" operated by residents in their own home, would both degrade the character of Adams Morgan's residential neighborhoods and erode the residential base on which its schools, commercial strips and community activities depend,

Whereas, OP's proposal would create gratuitous competition for existing businesses in Adams Morgan's commercial strips and for owners seeking productive use of their commercially zoned properties, which would be especially damaging at a time of economic hardship when much of Adams Morgan's commercial space is affected by major economic recession;

Whereas, the desire to modify buildings to accommodate commercial or other non-residential enterprises would add one more incentive to deface Adams Morgan's residential row houses and apartment buildings;

Whereas, the District's Comprehensive Plan contains numerous provisions intended to preserve the integrity of residential row house neighborhoods and contains nothing that would justify the proposed commercialization of Adams Morgan residential neighborhoods;

THEREFORE BE IT RESOLVED that the Kalorama Citizens Association

- Opposes the proposal to revise the Zoning Regulations so as to allow commercial and other non-residential uses in Adams Morgan's residential neighborhoods, by special exception of otherwise;
- Calls on Mayor Vincent Gray and the Office of Planning to either
 - (a) drop the proposal to allow commercial and other non-residential uses in R-5 neighborhoods, or
 - (b) exempt Adams Morgan from any such proposal that may be sent forward to the Zoning Commission for consideration.

Resolution approved July 16, 2012

2. KCA Resolution on OP Proposal to Change Parking Minimums (Sub-Title C)

Whereas, the DC Office of Planning is currently working to revise the DC Zoning Regulations, and

Whereas, one proposed change would remove the requirement for developers to provide "minimum" amounts of parking in certain newly named zones, (i.e. "mixed-use transit zone, apartment transit zone"), located close to Metro stops or with "high service bus corridors", and

Whereas, such an approach may work for certain parts of the city, that are not already densely populated, such as Adams Morgan is, and

Whereas, while Adams Morgan does not have a Metro stop, but is well-served by various Metrobus and Circulator lines, and

Whereas, Adams Morgan contains approximately 70 on-premise ABC licensed restaurants and taverns, with a combined occupancy of over 7,000 persons, which draw a large number of vehicles to the neighborhood each weekend and on many other nights, exacerbating the already intense demand for street parking, and

Whereas, there are comparatively small numbers of metered spaces and off-street paid parking in Adams Morgan, and

Whereas, numerous infill projects are currently under planning or construction in Adams Morgan, and when they are finished, they will put further pressure on the already inadequate parking supply, and

Whereas, the DC Council in 2012, finalized legislative changes to the Residential Parking Program (RPP) program in Adams Morgan that provide for supplying each of the roughly 7,000 households within ANC1C (Adams Morgan) with a visitor pass, putting further pressure on available street parking, and

Whereas, many row-houses within Adams Morgan are undergoing significant expansion to become multi-condo dwellings, often with the granting of a government waiver to provide additional parking when the property is within and historic district, further exacerbating the demand for available street parking.

Now, then the KCA members present and constituting a quorum do hereby resolve that the DC Office of Planning's ideas with regard to eliminating minimum parking requirements for new construction or construction that significantly alters existing properties is not compatible with the built environment of Adams Morgan, and

Further, KCA leadership is authorized to present this resolution and discuss it before any City body.

Resolution approved February 21, 2013

3. KCA Resolution on the Office of Planning's Transit Zones, Apartment Transit Zones and Mixed Use Transit Zones for the Zoning Re-write (Sub-title C)

Whereas, the DC Office of Planning is seeking to remove Parking minimum requirements in new construction and rehabilitation of older buildings in the rewriting of the DC Zoning Regulations, and

Whereas, the Office of Planning has created a "methodology" that identifies areas of density and proximity to transit and bus lines, and

Whereas, Adams Morgan would be eligible to be listed as an area where parking minimums would be removed because of the proximity to transit, and

Whereas, Adams Morgan is a densely populated neighborhood, that has had a severe parking shortage for many years, and

Whereas, Adams Morgan has special challenges in that we are not directly on a Metro line, and have over 7,000 seats of ABC restaurant occupancy within our boundaries, which creates intense competition among residents and patrons of the establishments for street parking.

Now then, the KCA members present and constituting a quorum, hereby resolve that this transit zone policy should not be applied to Adams Morgan due to our long-standing deficit of available street parking and that Adams Morgan would benefit from not having the parking minimums removed within its boundaries.

Resolution approved May 16, 2013

4. Resolution of Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Subtitle F: Protection of Adams Morgan's Residential Neighborhoods from Intrusion of New Commercial and other Non-residential Uses

Whereas, the District of Columbia's Office Planning (OP), following the 2006 adoption of a revised Comprehensive Plan that is required by law to guide land-use

policies including zoning, is engaged in a comprehensive Zoning Regulations Review (ZRR),

Whereas, OP has now submitted its final draft of proposed new regulations to the Zoning Commission for consideration and action,

Whereas, in Subtitle F of that draft, the predominately row house residential neighborhoods of Adams Morgan and similarly situated areas now zoned R-5-B Residential or higher would no longer be denominated "Residential" as in the current Zoning Regulation's but would be designated "Apartment" districts,

Whereas, in previous OP drafts a wide variety of new commercial and other non-residential uses were to be allowed in "Apartment" districts as a matter of right or by special exception, all uses falling under the general categories of "retail", "service", "eating and drinking establishments", and "arts design and creation", and including, among many other examples listed in the proposed Subtitle B: pawn shop, beer and wine carryout, appliance repair shop, grocery store, bank, yoga center, travel agency office, fast food establishment, delicatessen, dry cleaner, real estate agency office, shoe repair shop, recording studio, metal working shop and sales, café, and any other uses that the Zoning Administrator might be persuaded to find to be suitably "compatible" with like permitted uses;

Whereas, as far back as 2009 KCA expressed its opposition to this change, on the basis of considerations such as the following:

- Adams Morgan has a decades-long history of struggle to preserve its residential areas and resist intrusion of commercial uses into its residential neighborhoods, as exemplified by its opposition to freeways and urban renewal proposals, the Zoning Commission's 1980 ban on hotel expansion into residential neighborhoods (which emanated from Adams Morgan), the Reed-Cooke overlay that replaced industrial zoning for that neighborhood, the home occupation regulations, and the prosecution of various individual zoning cases;

- OP's commendable stated objective in advancing its proposals for R-5 and other districts on this and other subjects has been to promote environmental sustainability by creating "walkable neighborhoods" and reducing reliance on cars,

- Adams Morgan's residentially zoned areas lie in close proximity to commercial areas along Columbia Road, 18th Street, Florida Avenue and U Street as well as Connecticut Avenue and portions of Calvert Street, Adams Mill Road and Kalorama Road that provide walkable access to a wide variety of commercial establishments, including convenience stores that have long been allowed, and under the proposed new regulations would continue to be allowed, in the substantial number of large apartment buildings that are interspersed among Adams Morgan rowhouses,

- OP's own research shows that Adams Morgan already has a number of holdover nonconforming and other commercial uses located within R-5 residential areas,
- OP's own research shows that Adams Morgan ranks among the city's best neighborhoods as regards "access to healthy living", considering the ready availability of grocery, pharmacy and certain other facilities in its adjacent commercial areas,
- For these reason Adams Morgan residential areas are already highly "walkable neighborhoods" having no need for new rules allowing commercial establishments to take over living space in their midst;
- By contrast to provisions that would allow non-resident commercial operators to displace residents and take over residential space, the Zoning Regulations have long allowed, and would continue to allow, Adams Morgan residents to pursue certain "home occupations" in their own residence, under conditions that maintain and respect the residential character of the neighborhood,
- Converting space in residential buildings to commercial and other non-residential uses, other than as authorized "home occupations" operated by residents in their own home, would both degrade the character of Adams Morgan's residential neighborhoods and erode the residential base on its which schools, commercial strips and community activities depend,
- Such conversion would also create gratuitous competition for existing businesses in Adams Morgan's commercial strips and for owners seeking productive use of their commercially zoned properties, which would be especially damaging at a time of sluggish economic recovery,
- The desire of non-residential users to modify buildings to accommodate commercial or other non-residential enterprises would add one more incentive to deface Adams Morgan residential row houses and apartment buildings;
- The District's Comprehensive Plan contains numerous provisions intended to preserve the integrity of residential row house neighborhoods and contains nothing that would justify the proposed commercialization of Adams Morgan residential neighborhoods;

Whereas, OP's earlier drafts would have carried forward an anachronistic provision allowing conversion of large historically designated apartment buildings in "Apartment" districts such as Adams Morgan to office use by non-profit enterprises,

Whereas, KCA called for this provision, which would make possible the conversion of entire apartment buildings in Adams Morgan's historic districts to non-residential use, to be struck from the OP draft,

Whereas, OP's final ZRR draft submitted to the Zoning Commission omits the provisions that would have allowed new commercial and other non-residential uses,

and that allowing non-profit office use of large historic apartment buildings, in Adams Morgan and other "Apartment" areas,

THEREFORE BE IT RESOLVED, that the Kalorama Citizens Association

- Commends OP for having dropped these provisions, and
- Calls on the Zoning Commission to reject any suggestion that they be reinstated in whole or in part.

Resolution approved November 14, 2013

5.

5. Resolution of Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Subtitle G – Maintaining the Integrity of Mixed Residential & Non-residential Zoning in Adams Morgan

Whereas, the District of Columbia's Office Planning (OP), following the 2006 adoption of a revised Comprehensive Plan that is required by law to guide land-use policies including zoning, undertook a comprehensive Zoning Regulations Review (ZRR) ,

Whereas, OP has now submitted its final draft of proposed new regulations to the Zoning Commission for consideration and action,

Whereas, the mixed used zones applicable to Adams Morgan, including Reed-Cooke, as adopted in 1958 and first amended were such as to encourage demolition, high-rise development and straight commercialization,

Whereas, the present configuration of these zones is a result of three cases before the Zoning Commission initiated by Adams Morgan citizens that significantly remedied these conditions by lowering the C-2-B height limit from 90 to 65 feet, eliminating the possibility of straight commercialization of individual buildings (in the "Article 54" case), and doing away with industrial zoning in Reed-Cooke (through the Reed-Cooke overlay),

Whereas, at present Adams Morgan's commercial strips are zoned for mixed residential and non-residential use – C2-A and C2-B, which prescribe a limit on the floor area that can be devoted to commercial or other non-residential use, namely, 1.5 FAR out of a total allowable of 2.5 for C2A and 3.5 for C2B,

Whereas, genuinely mixed-use zoning is an integral part of the diverse fabric of the Adams Morgan neighborhood,

Whereas, Subtitle G of the proposed regulations proposes certain changes that would have the effect of downgrading and diminishing the residential component of these mixed use areas, including

- eliminating the existing 60% maximum lot occupancy limitation, a principal function of which is to ensure light and air to residentially-used portions of a building, while at the same time providing that the 15-foot rear setback at the ground level is to be measured from the center of the public alley, with the result that a building can occupy the entire lot except for a narrow setback at the rear, thereby degrading the residential use and increasing the likelihood of alley congestion in the course of deliveries and trash collection;

- providing a matter-of-right increase of permitted non-residential FAR, from 1.5 to 2 for buildings on lots of 10,000 square feet or less in areas -- the great majority of mixed-use buildings in Adams Morgan -- constituting a further gratuitous creep toward predominant commercialization of our mixed-use areas, especially by already over-concentrated restaurant and tavern ABC licensed establishments,

Whereas, we believe these changes to be unwarranted and harmful to Adams Morgan's special diverse character,

THEREFORE BE IT RESOLVED, that the Kalorama Citizens Association

Calls on the Zoning Commission, as regard at least zones M-4, M-5, M-33 and M-34, to

- restore the 60% lot occupancy maximum,
- provide for rear setback from the rear lot line for all portions of a building, and
- eliminate any increase in permissible non-residential FAR.

Resolution approved November 14, 2013

6. Resolution of Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Subtitle E

Whereas, the District of Columbia's Office Planning (OP), following the 2006 adoption of a revised Comprehensive Plan that is required by law to guide land-use policies including zoning, undertook a comprehensive Zoning Regulations Review (ZRR),

Whereas, OP has now submitted its final draft of proposed new regulations to the Zoning Commission for consideration and action,

Whereas, Subtitle E of that draft, "Residential Flat Zones", proposes new Zones RF-1, -2, and -3 to replace the current R-4 zone, and, in response to a mandate in the Comprehensive Plan, two new rowhouse zones, RF-4 and -5,

Whereas, the new RF-4 and -5 zones are intended principally to make it possible for areas like Adams Morgan to replace R-5-B and higher zoning with zoning more compatible with the physical character and general ambience of their neighborhoods,

Whereas, a result of the overly permissive development standards applicable in the existing R-5-B and higher zoning in Adams Morgan, including in particular the absence of any limitation on the number of units that may be located in a building, is that Adams Morgan is increasingly threatened by often grotesque over-redevelopment of its rowhouses both within and outside of its historic districts,

Whereas, the current R-5-B and higher zoning is itself an historical anomaly, in that the Lewis Plan, on which the 1958 code was based, envisaged a lower density, R-4, for Adams Morgan and much of Dupont Circle, but that position was changed by the District Commissioners under the then-prevailing view that these neighborhoods as built were blighted and could usefully be demolished to the extent needed to make way for the Inner Loop Freeway and the Adams Morgan Urban Renewal Plan (both of which projects were subsequently defeated, but R-5 zoning was left intact);

Whereas, the two new zones, by revising development standards, including height and lot occupancy, limiting the height of roof structures and number of stories and imposing a limit on the number of dwelling units that a building may contain to 3 and 4 units for RF-4 and -5 respectively, would go a long way toward eliminating the unsightly pop-ups, ruined facades and bulging rear additions that have resulted when developers cram six, eight or more units into a row house,

Whereas, there is substantial interest among homeowners in Adams Morgan in exploring the possibility of applying the new rowhouse zones in appropriate areas of Adams Morgan,

Whereas, certain new commercial and other non-residential uses under the rubric of "corner stores", as well as non-profit office use of large apartment buildings, are proposed for RF zones, and

Whereas, in Subtitle F, OP properly eliminated those non-residential uses from R-5-B and higher (A-2 and higher) residential neighborhoods, in view of the specific characteristics of those neighborhoods* and the resulting inapplicability of the stated rationale for the "corner store" uses, and

Whereas, these are the same neighborhoods where the two new row house zones are principally intended to be considered for future mapping, and

Whereas, for the same reasons those non-residential uses should be eliminated from the two new rowhouse zones,

Whereas, §E- 600, carrying forward a provision in the existing regulations, enables conversion of houses to apartment houses, which by definition contain 5 or more units, so long as the lot has 900 square feet of area per unit,

Whereas, E- 600 properly limits such conversion to RF-1, -2 or -3, excluding the new rowhouse zones RF -4 and -5, and

Whereas, E- 504.4, which appears to envisage the possible conversion of a house to an apartment house in RF-4 and -5, is rendered without legal effect by E-600 and should therefore be deleted, and in any event would flatly negate the purpose of these zones to limit the number of permissible units per house,

Whereas, E-600 itself carries forward an existing provision that has enabled much damaging over-redevelopment in R-4 areas with large lots, most notably in Mount Pleasant, and to that extent negates the stated purpose of R-4 and the proposed RF-1, -2 and -3 zoning to limit the number of permissible units to two per building, and should therefore be deleted altogether,

THEREFORE BE IT RESOLVED, that the Kalorama Citizens Association

- Welcomes the proposed two new rowhouse zones RF-4 and RF-5,
- Calls on the Zoning Commission to
 - Eliminate the "corner store" uses and non-profit office use from the two new rowhouse zones,
 - Strike §E- 504.4, which is rendered without legal effect by E-600 and in any event would negate the purpose of the two new row house zones to limit the number of permissible units per building,
 - Strike §E- 600.

* (as outlined in a separate KCA resolution on subtitle F)

Resolution approved November 14, 2013

**7. Resolution of Kalorama Citizens Association Concerning
the Ongoing Review of the DC Zoning Regulations: Height and Setback of
Rowhouse Roof Structures(Sub-title D)**

Whereas, the District of Columbia's Office Planning (OP), following the 2006 adoption of a revised Comprehensive Plan that is required by law to guide land-use policies including zoning, undertook a comprehensive Zoning Regulations Review (ZRR),

Whereas, OP has now submitted its final draft of proposed new regulations to the Zoning Commission for consideration and action,

Whereas, for many zone districts in subtitles F and G, the maximum height of a roof structure under the proposed regulations is 18.5 feet, and

Whereas, for a large eight or ten story building, this constitutes a small proportion of the overall height and may well be hardly noticeable, but in a neighborhood of rowhouses mainly 40 feet or less in height such as Adams Morgan, an 18.5 foot high box looming over the building is proportionately a very big and visually intrusive increase in the building's height and mass, and

Whereas, presumably in recognition of this fact, the roof structure maximum height in the special Capitol Hill R-5-B district and in the RF zones, also predominantly rowhouse areas, is 10 feet, and there is no perceptible reason why this limit should not apply in rowhouse areas in the new A and M zones,

Whereas, for many zone districts in subtitles F and G, in order to reduce their visual impact, roof structures must be set back from the front wall by a distance equal to their height and from a side wall by a distance equal to half their height, but no setback is required from a side wall adjoining another building, on the theory that in this situation the roof structure would be substantially shielded from view by the adjacent building;

Whereas, as can be seen in Adams Morgan and elsewhere, this theory does not hold where the adjacent building is significantly lower than that on which the roof structure is located and in this situation a roof structure flush with the side of such a building can be quite intrusive visually,

Whereas, the Comprehensive Plan contains a provision specifically intended to deal with this problem by requiring that party walls of row houses be regarded as exterior walls, but it has not been implemented in the roof structure setback provisions in the subtitles just mentioned, and

Whereas, these roof structure setback provisions in the A and M zones are in conflict with the formula for roof structure setback provided in C §505.2(e), which requires set back by a distance at least equal to the height of the roof structure from "any wall abutting a lot line and being taller than the greater of the adjacent building's existing or by-right height,"

Whereas, both the problem of internal inconsistency in the proposed regulations and the problem of inadequate protection against visually intrusive reof structure would be solved by substituting the formula provided in C §505.2(e) in place of the corresponding setback formula in the roof structure provisions for the A and M zones,

THEREFORE BE IT RESOLVED, that the Kalorama Citizens Association

Calls on the Zoning Commission to:

- Limit the height of roof structures in the A and M zones to 10 feet, and
- Apply the side-wall setback formula provided in C §505.2(e) in place of the corresponding setback formula in the roof structure provisions for the A and M zones.

Resolution approved November 14, 2013