



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Brian Hart (1C01)

January 30, 2014

Marty Davis (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

District of Columbia Zoning Commission

Email address: zcsubmissions@dc.gov

Elham Dehbozorgi (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

Jimmy Rock (1C08)

Re: Designation for Commissioner Jimmy Rock to testify for ANC 1C

Dear Zoning Commission:

At a duly-noticed public meeting held on January 8, 2014, with a quorum of seven out of eight Commissioners present, Advisory Neighborhood Commission 1C voted 7-0-0 in favor of designating Commissioner Jimmy Rock, SMD 1C08, to testify during ANC 1C's time slot at tonight's Zoning Commission hearing on the Zoning Regulation Rewrite. I am transmitting this notice to you in my capacity as Chair of Advisory Neighborhood Commission 1C.

Sincerely,

William Simpson
Commissioner, ANC 1C006
Chair, ANC 1C

Testimony of Jimmy Rock
Commissioner for SMD 1C08 and Chair of Planning,
Zoning & Transportation Committee of ANC 1C

January 30, 2014

To Members of the Zoning Commission:

Thank you for hosting this hearing tonight for ANCs to provide testimony concerning the Zoning Regulation Rewrite (“ZRR”) process, and thank you Chairman Mendelson for hosting this meeting. ANC 1C has authorized me to use its time at this hearing tonight to share with you some general concerns and comments regarding the ZRR from Adams Morgan residents. My remarks will touch on six (6) subjects:

- **A resolution from ANC 1C concerning time period for ANC and public review of reports and recommendations in advance of Zoning Commission Hearing.**
- **Concerns over Creeping Commercialization permitted by ZRR.**
- **Downzoning via the ZRR.**
- **Parking.**
- **Inclusionary Zoning.**
- **Procedural Fixes to the proposed ZRR.**

Time Period for ANC and Public Review [This next paragraph and attached Resolution entitled to Great Weight]

One issue that ANC 1C has encountered in connection with proceedings before the Zoning Commission and the BZA is receiving reports, recommendations and other documents with sufficient time to review and seek public comment in advance of a hearing. Last November, ANC 1C passed a resolution asking the Zoning Commission to use the ZRR to amend its regulations to allow more time, 30 days, for ANCs and the public to receive and review reports, recommendations and documents. Ex. 1 (ANC 1C Resolution). I would urge the Zoning Commission to adopt this policy, which, at least as far as ANCs are concerned, is required under the ANC Act.

Creeping Commercialization

A common concern I have heard expressed from individuals living in Adams Morgan is that portions of the ZRR might lead to increased commercialization outside of commercial zones, or skew mixed-use zones towards primarily commercial uses. This is a concern residents in Adams Morgan take seriously, for although we enjoy and appreciate the fact that the commercial strip in and around 18th Street N.W. sits in the heart of our neighborhood, we want to protect the residential character of our neighborhood. To this end, many residents of Adams Morgan have expressed concerns with provisions in the ZRR that would permit additional commercial uses in residential zones, and while some of those proposed changes have been removed, we would encourage the Zoning Commission to further limit increased commercial uses in residential zones. In particular, many residents in Adams Morgan would like to see the corner store and nonprofit office uses removed from the proposed row house zones, RF-4 and RF-5.

On a related note, many residents have also expressed concern that revisions in the ZRR to mixed use zones could foster a move towards just commercial uses. Towards that end, Adams Morgan's Kalorama Citizen's Association has passed a

very detailed resolution which I commend to the Zoning Commission, calling for changes in the ZRR to mixed use zones to restore the requirements for (1) 60% lot occupancy maximum, (2) rear set back, and (3) current FAR limits. Ex 2 (KCA Resolution Packet).

Downzoning via the ZRR

Many residents in Adams Morgan that have contacted me about the ZRR have expressed a desire that the ZRR maximize the ability of residential areas of Adams Morgan to downzone. We are currently seeing a conversion of what were once single family row homes or stand alone houses into multi-unit condo or apartment buildings, often with the developer adding a pop-up level. I understand that downzoning is currently an option under existing ZRR, in that an area can petition for creation of a custom zone. That process is quite cumbersome, although portions of Adams Morgan enjoy such individual protections, such as through the Reed-Cooke overlay. But there have been a number of Adams Morgan residents, especially those in the Lanier Heights and Kalorama Triangle areas, that have expressed an interest in access to a more streamlined process for downzoning or the creation of a custom zone. Although this sentiment is not universal, and I have attached a statement from one Lanier Heights resident who is concerned that downzoning would limit the value of his current property.

From those that follow zoning issues closely in Adams Morgan, I have also heard very positive support for the creation of the new RF-4 and RF-5 row house zones. However, there are not currently FAR and setback standards for these zones, which need to be added. I would also commend for your consideration resolutions from the Kalorama Citizen's Association which calls for a limitation on the height of roof structures to 10 feet instead of 18 feet and application of the current sidewall setbacks in place of the currently prescribed formula. Ex 2 (KCA Resolution Packet).

Parking

Parking is an issue on which we ANC 1C commissioners receive much public comment at our meetings, and that commentary is almost universally opposed to relaxation of any parking mandatory minimums in connection with new developments. I know at various points in the drafting process, OP had proposed the mandatory relaxation of parking minimums for new developments in a newly-created high-transit zone. I personally was in favor of that proposal, which would have applied to much of Adams Morgan, because I thought that it was appropriate for OP to try not just to catch up current zoning law to the present with its proposals in the ZRR, but also to propose regulations that would be useful for the future. There are many Adams Morgan residents glad to see the mandatory minimum parking requirements continue in place.

Inclusionary Zoning

I have also heard from many Adams Morgan residents a wish that the ZRR might become a vehicle to broaden the reach of the District's Inclusionary Zoning program. To that end, I want to pass along two proposals on this front: (1) that eligibility for IZ be set to a reference point other than the Area Median Income, as AMI is skewed higher by the inclusion of high-income areas immediately outside of the District; (2) that the square foot requirement for IZ for new developments be increased upwards from current requirements.

Procedural Points

Larry Hargrove, a lawyer living in Adams Morgan who closely follows the ZRR process, has also asked that I pass along a couple of procedural points for the Commission to consider in connection with the ZRR:

- Authority and responsibility for adding new permitted uses or use groups should be retained by the Zoning Commission and not delegated to the Zoning Administrator, in order to ensure the public accountability of this process.

- Agency procedures for cases remanded from the District of Columbia Court of Appeals need to be developed and can be added as part of the ZRR. Mr. Hargrove's urges the Commission and the BZA to give these remanded case priority consideration (given the length of time they may have been at the DCCA). A detailed discussion of his proposal is attached. Ex. 3.

Thanks you for your time and for holding this hearing. Many of the points in my testimony are drawn from comments from members of the community, which I have attached as Exhibit 4. I am happy to answer any questions with my remaining time.

January 30, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J Rock". The signature is fluid and cursive, with the first letter "J" being large and stylized.

Jimmy Rock
Commissioner, ANC 1C08
Chair, ANC 1C Planning, Zoning &
Transportation Committee

v. Proposed to Changes of Height Act

Commissioner Rock reported that the PZT Committee voted 3 to 0 to recommend that the Commission submit a letter in opposition to a proposal by Office of Planning to lift the height restrictions outside of L'Enfant City. Commissioner Rock moved to adopt the recommendation of the PZT Committee, which passed by a voice vote of 7 to 0.

vi. Discussion of Zoning Regulations Rewrite

Commissioner Rock reported that the PZT Committee voted 3 to 0 to recommend that ANC 1C support a resolution asking the Zoning Commission to postpone any final decision regarding the regulations review until the public had been provided additional time to review and comment on the recently-finalized draft of revised zoning regulations. Chair Simpson moved to amend the PZT resolution to request an extension of 120 days instead of 90 days of extended time for comment and review of the ZRR. The amendment passed by a voice vote of 7 to 0. The resolution as amended then passed by a vote of 7 to 0.

Resolution Requesting Extended Time for Comment and Review of Zoning Regulation Rewrite

Whereas, in October 2013, after a six year drafting process, the District Zoning Commission set down a final draft of a proposed Zoning Regulation Rewrite ("ZRR") for public review and comment; and

Whereas comments from the public and ANCs concerning the proposed ZRR are currently due on or before November 14, 2013; and

Whereas the current deadline for submission of comments leaves insufficient time for concerned members of the public and ANCs review and respond to the final draft of the proposed ZRRs;

Therefore Be It Resolved that ANC 1C requests that the Zoning Commission (i) keep the record open on the proposed ZRR for an additional 120 days so that the public and ANCs can submit comments, and (ii) postpone any decisions on the proposed ZRR until after the extended period for public comment is closed.

c. Public Services and the Environment

i. Extending the Time for Zoning Document Review

Commissioner Davis moved that ANC 1C request that the Zoning Commission amend its regulations to require that ANCs and the public be allowed a period of 30 days to review reports and recommendations in advance of hearings. Commissioner Reynolds seconded the motion that then passed by a 7 to 0 voice vote.

Resolution in Support of Extending the Time the Public and the ANC Have to Review Documents and Documents Submitted to the Zoning Commission and the BZA

- ***Whereas***, under current rules of the District Zoning Commission the Office of Planning is required to provide all requested documents and recommendations to the District Zoning Commission 7 days prior to a scheduled hearing.
- ***Whereas***, when a submission of Application is referred in advance of the public hearing to any public agency for a recommendation or report and that report including subsequent reports, recommendations are required to be shared in advance with the public and the affected ANC's and that currently does not happen on a consistent basis.
- ***Whereas***, District laws require that ANC's receive all reports, recommendations and related materials be provided to the ANC at least 30 days in advance of a hearing.

- ***Therefore Be It Resolved*** that ANC 1C request that the Zoning Commission take the opportunity afforded by the Zoning Regulation Rewrite ("ZRR") to amend its regulations to allow more time, **30 days**, prior to a scheduled hearing for ANC's and the public to review and consider such reports, recommendations and subsequently submitted probative materials, that are sent after the initial deadline was met.

VII. Adjournment

Commissioner Rock moved to adjourn at 11:30 pm. Commissioner Davis seconded the motion which passed by a 7 to 0 voice vote.

**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-5-B 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, OPs 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 Rd, 18th St, Florida Ave and U St as well as Connecticut Ave and portions of Calvert St, Adams Mill Rd and Kalorama Rd 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, 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 its which 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 or 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 by the membership at the July 17, 2012 meeting of the KCA

2. KCA Resolution on OP Proposal to Change Parking Minimums

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

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 "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 Metro bus 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 from providing additional parking when the property is within an 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 proposal to eliminate minimum parking requirements for new construction or construction that significantly alters existing properties will not serve the needs of Adams Morgan, and that the existing parking minimum requirements in the zoning regulations should remain unchanged for Adams Morgan.

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

Resolution approved at February 21, 2013 meeting of the KCA.

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

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 at the May 16, 2013 KCA meeting.

4. Resolution of Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Height and Setback of Roof and Row-house Roof Structures

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 row-houses 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 row-house areas, is 10 feet, and there is no perceptible reason why this limit should not apply in row-house 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 roof 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 by the members of the KCA, November 14, 2013

**5. Resolution of the 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, Commercial FAR**

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 the Reed-Cooke section, as adopted in 1958 and were first amended 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 – C-2-A and C-2-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 C-2-A and 3.5 for C-2-B,¹

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,² 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,³ 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;

¹ See G-301.1 and G-901.1.

² See G-301.1 and G-901.1.

³ See G-305.3, 305.4, 905.3 and 905.4.

- 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 ⁴-- 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, with regard to 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 by the KCA membership, November 14, 2013.

6. Resolution of the Kalorama Citizens Association Concerning the Ongoing Review of the DC Zoning Regulations: Subtitle E, Residential Flats/Corner Store

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, as result of the overly permissive development standards applicable in the existing

⁴ See G-303.2 and 903.2.

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, Adams Morgan is increasingly threatened by often grotesque over-redevelopment of its row-houses 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 or 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 row-house 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 (as outlined in a separate KCA resolution on subtitle F) 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 these same reasons those non-residential uses should be eliminated from the two new row-house 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 row-house 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,

NOW THEREFORE, BE IT RESOLVED that the Kalorama Citizens Association:

- **Welcomes** the proposed two new row-house 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.

This resolution was approved by the membership of the KCA, November 14, 2013.

**7. 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 o Adams Morgan and similarly situated areas now zoned R-5B Residential or higher would no longer be denominated “Residential” as in the current Zoning Regulations 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 from 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 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 at the November 14, 2013 KCA meeting.

1. Development standards for the new rowhouse zones (RF-4 and -5) proposed in Subtitle E. The chapter on general development standards for all of the RF zones (E, Chapter 10) envisages that there will be standards set for floor area ratio (FAR) and front, rear and side setback for the RF-4 and -5 zones. However, the chapter that sets out development standards specifically for these zones (E, Ch. 6) fails to provide any FAR and setback standards. **Recommendation: This omission should be corrected, by setting out FAR standards comparable to that currently provided for R5-B (i.e., 1.8) and setback standards comparable to those provided for the other RF zones.**

2. Placing authority and responsibility for adding new permitted uses or use groups in the Zoning Commission rather than the Zoning Administrator. In some of the land use subtitles (notably, for the R, RF, A and P zones) the ZA is given authority to determine that “uses”, “use groups” or “use categories” (the language is not uniform for these subtitles) that were not previously permitted for those zone districts are henceforth allowed, on the basis of a largely vacuous “compatibility” criterion. At a minimum this would authorize the ZA to add, to a zone’s permitted-use list, a presently recognized use *group* or *category*, as well as a specific *use* whether or not already recognized in the code.

Establishing permitted uses and specifying where they are permitted is at the heart of a zoning code, and this job should be done by the legislative body – the Zoning Commission – through normal rulemaking process with all the procedural safeguards that that may imply, not a single DCRA official. Citizens should be able to ascertain from reading the adopted code what uses are permitted where. **Recommendation: The ZA’s authority to add uses or use groups should be eliminated and all subtitles should be treated alike in this respect, and in the future the Commission should do its legislative job whenever the question of creating a new permitted use is raised.**

ZRR: Agency procedures for handling remanded cases

In the course of reviewing the draft revisions of the Zoning Regulations, the Commission should turn its attention to a procedural matter that is apparently not dealt with in either that draft or the existing regulations: agency procedures for dealing with cases remanded from the Court of Appeals, especially to the BZA. Remand to the BZA happens with some frequency. So far as I have been able to discern, the existing and also proposed regulations do not prescribe how the remanded case is to be handled, or on what schedule. The practical result has been that a remanded case may and on occasion does disappear into a procedural black hole, sometimes emerging only two or three or more *years* later. Moreover, the rules do not inform the parties as to what will be their rights and obligations or the governing procedures when it finally does emerge.

The regulations should prescribe procedures for the handling of these remanded cases by the Board or the Commission, just as they do for special exceptions, variances, zoning appeals and chanceries cases before the BZA. Drafting these should be based on the following considerations:

1. Inordinate delay of this sort is injurious to the parties and undermines the integrity of the judicial and administrative process. A remanded case, unlike a newly filed case, is one in which the parties have already suffered the costs of significant time elapsed in prosecution of the case. The remanded case should therefore be given preferential treatment in scheduling, and there should be a finite limit on the time between remand by the Court and the initiation of the case by the agency – say, 60 days.

2. In general, the same procedures for hearing and argument should be followed in the case of a remand as were applicable to the remanded issue or issues in the first instance. A remand by the Court is a statement that the agency's previous determination on a particular issue was in some respect deficient. The interest of all concerned in getting the decision on that issue *right* is no less compelling on remand than it was in the first instance, and there should be no cutting of corners on the due process afforded toward reaching that end.

We urge the Commission to request OP, working with the Office of Zoning, to draft regulations responding to these needs.

- A. To preserve single family homes: Maintain density of single-family neighborhood lots.
- B. To let Lanier Heights residents decide what they want: Allow facilitating downzoning (custom zoning) in a designated residential area as soon as possible (streets selected by LH group: Lanier Pl, Ontario Pl, Ontario Rd from Columbia Rd alley to Adams Mill Rd, Summit Pl, 18th St from Ontario Rd to Harvard St, Adams Mill Rd from Lanier Pl to Harvard St).
- C. To preserve the character of neighborhood: Stop out-of-scale heights and intrusive pop-ups.
- D. To avoid exacerbating off street parking: Retain existing minimum parking requirements for new development and institutions. Remove proposed penalties for providing necessary parking supply. Ensure public process in response to any requests to reduce parking requirement.
- E. To keep businesses on commercial corridor and disallow new business (for ex. pawn shops, real estate or travel agencies, carry-outs, grocery, dry cleaner) on residential streets: Prevent one-size-fits-all commercialization of our neighborhoods by opposing new commercial zoning changes and authorize neighborhoods (not city-wide code) to initiate changes in non-residential uses. Ensure that buffering between residential neighborhoods and commercial/industrial uses is adequate.

1750 Lanier Place NW
Washington, DC 20009
January 29, 2014

Anthony Hood, Chairman
Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001
Fax No. 202-727-6072

Dear Chairman Hood:

I am a resident of the Lanier Heights neighborhood in Adams-Morgan and am writing to urge you to allow customized zoning solutions in residential neighborhoods in order to control pop-up developments of single family houses. The residential character of Lanier Heights and other beautiful residential neighborhoods in the city is being adversely affected by developers who are purchasing single family houses, adding on additional floors, and extending the front and back facades well beyond their original layout to fill the available lot. These unattractive pop-up developments create small condominium or apartment units that are unsuitable for families; they fail to provide parking for the multiple residents, thus adding

more cars to our already overcrowded streets; and block light to the yards of adjoining homes, making the living situation much less desirable for long-time residents.

Lanier Heights already contains a mix of housing types, including large and small apartments, condos, and single family or two unit homes. However, developers are now targeting the single family homes for development into pop-up residences with 4-8 units. The residents of Lanier Heights are being bombarded by mailings from developers who want to purchase our homes to build more pop-ups. I fear that our neighborhood may soon be ruined by pop-up developments and cause many of the residents of single family homes to move out.

A group of over 30 residents of the Lanier Heights neighborhood have been meeting among themselves and with their ANC representatives (ANC 1C) to propose solutions to the pop-up developments that are harming the residential character of our neighborhood. We seek solutions from the Zoning Commission that will allow neighborhoods like Lanier Heights to preserve single family homes in our already dense neighborhood, and maintain the density of single-family neighborhood lots.

- Lanier Heights residents want the ability to adjust the zoning for our neighborhood through a zoning overlay or customized zoning. Appropriate zoning would allow no more than 2 units in existing single family homes; would not allow pop-up developments through addition of fourth floors; and would limit the amount of the lot on which housing can be developed. The streets affected by this zoning adjustment would be Lanier Pl, Ontario Pl, Ontario Rd from Columbia Rd alley to Adams Mill Rd, Summit Pl, 18th St from Ontario Rd to Harvard St, Adams Mill Rd from Lanier Pl to Harvard St).
- We want zoning solutions that would avoid exacerbating off street parking in Lanier Heights: retain existing minimum parking requirements for new development and institutions; remove proposed penalties for providing necessary parking supply; ensure public process in response to any requests to reduce parking requirement.
- We support the small businesses in the Adams-Morgan commercial corridors. However, we do not want new commercial businesses to operate on the residential streets of Lanier Heights.

We urge the Zoning Commission to allow for zoning overlays or other zoning adjustments that will preserve single family homes in already dense and diverse residential neighborhoods such as Lanier Heights. Please contact me if you have any questions.

Sincerely,

Thomas W. Swegle

202-462-5371



Jimmy Rock <jimmyrockanc1c08@gmail.com>

Zoning Commission hearing

2 messages

Denis Suski <dssuski@gmail.com>
To: jimmyrockanc1c08@gmail.com

Tue, Jan 28, 2014 at 9:39 PM

Commissioner Rock,

Gabriela Mossi said that you would be representing Adams Morgan at the upcoming Zoning Commission hearing. I just wanted to take the opportunity to send you our sentiments regarding the zoning and current state of what is happening in Lanier Heights.

My wife and I have been Adams Morgan residents for 15 years and we bought our home on Lanier PL NW in 2007. We found the perfect place, we loved the street, we loved the house, we loved the back yard and we loved the neighborhood. Since that time we have been very happy here until the recent turn of events. Currently, developers have been continuously blanketing our street with mailings to buy our homes to turn them into condos. They are doing this because they can. They have the means to outbid prospective buyers who are looking for a home and they are inflating the market by going well beyond what a normal asking price would be. They say they are creating density but at what cost? These pop-ups (and pop-backs) are threatening the homes, parking and open air that makes Lanier Heights, Mt. Pleasant and Adams Morgan the neighborhoods that they are.

Because we are zoned R-5-B, developers have the potential to do pretty much whatever they want. Does the city care? NO. Do the new zoning laws help with this? NO. They state clearly that *"Zoning does not control whether someone can demolish a building; the District's most effective tool for dealing with that issue is our historic preservation law, which only covers historic districts and other landmarks."* They go on to state *"Ultimately, the most effective way to prevent inappropriate upper additions might be to rezone a block so that the allowed height is reduced by five or ten feet."* So, yes it's true, zoning does not control whether someone can demolish a building, but it does control what someone can do with that land after a building has been demolished or gutted. Of course, it's mentioned that the best way to combat the pop-ups and tear downs is to re-zone or through Historic Preservation which, recently, even this has proven to not be a deterrent. On top of this, these recommendations are not helpful in controlling building back to the rear property line or in hiding a pop-up behind the front of the house. This is detrimental to those home owners with trees and yards, not only reducing their quality of life by blocking light and air but by diminishing their property value as well. Future buyers will be far less interested in purchasing a home that looks at a wall then they would one with a green garden and sun.

Also in regard to the new zoning laws, we are in the dark. We can only assume that as an R-5-B, we will be rezoned into some type of Apartment zone. We don't know if we will become an RF-5 zone but, even in the event that we are... the RF-4 and RF-5 zone proposals that are intended to preserve the character of residential neighborhoods as stated in Section E (from <http://dcoz.dc.gov/ZRR/Subtitle%20E%209-9-13.pdf>) are very contradictory in their statements.

100.3 (a) *Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low and moderate density housing to the overall housing mix and health of the city;*

It does not seem possible to retain the character and homes of these neighborhoods when you are allowed to convert to 3 units in a RF-4 zone and up to 4 units in an RF-5 zone. I can't see how this is supposed to help retain the character, parking and open air of these communities. These homes and these streets were built primarily to house 1 or 2 units, not 3 or 4. We need to allow Lanier Heights residents to make this decision on our own, as the city does not seem to understand or take into consideration what the residents want.

Specifically in Section E the following make no sense.

504.4

An apartment house in an RF-4 or RF-5 zone, whether converted from a building or structure pursuant to E Chapter 6, or existing before May 12, 1958, shall not be renovated or expanded so as to increase the number of dwelling units unless there are seven hundred and fifty square feet (750 sq. ft.) of record lot area for each dwelling unit, both existing and new.

It seems to me like the above (last line specifically) actually puts no provisions on expansions, just square footage, so all a developer would need to do is increase square footage.

This is confusing, because in **600.2** they state that you can convert a building to an apartment if:

The building is on a lot in the RF-1, RF-2 or RF-3 zone

Maybe I'm reading this wrong, but it certainly seems to make no statement about converting RF-4 and 5 zones.

In **1007.3** it states:

In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear setback; provided, that the extension or addition shall be limited to that portion of the rear setback included in the building area on May 12, 1958.

I'm not sure how to interpret the above line, when they say "portion of the rear setback included in the building area" is that to mean it's limited to the original building structure at that time or to any portion of the yard that would have been included in the setback in 1958?

These are but a few of the very misleading or poorly written bullet points. Honestly, much of the new zoning leaves far too many holes open for interpretation. I am stunned that after 50 years of the current zoning and with 5 years under their belt, how the Zoning Commission could take so little consideration into the cares or concerns of the cities residents.

I honestly paid little attention to any of this until recently when a lot of Lanier Heights neighbors began getting thoroughly disgusted with what is happening. I have since been heavily involved in what is going on, meeting with my ANC commissioners and attending meetings of the C100. We are now doing what we can to re-zone our neighborhood to stop the annihilation of where we live. There are so many great things about this city that make it special, first and foremost I believe it to be the people that live here and call it home. We have no intention of leaving anytime soon as we love it here. But the zoning commission needs to understand that we should not have to live in fear of what a developer sees fit to do to ruin our communities to make a quick dollar and move on to the next home.

Thank you for hearing me out, for your representation and for speaking on behalf of 1C.

Thanks,
Denis Suski
1706 Lanier PL NW

Jimmy Rock <jimmyrockanc1c08@gmail.com>
To: Denis Suski <dssuski@gmail.com>

Wed, Jan 29, 2014 at 12:38 PM

Thanks Denis.

[Quoted text hidden]

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Jimmy Rock
Commissioner, ANC 1C08
Chair, ANC 1C Planning, Zoning & Transportation Committee
<http://www.anc1c.org/>



Jimmy Rock <jimmyrockanc1c08@gmail.com>

Comments from Lanier Place resident

2 messages

Meg Staines <mstaines@starpower.net>
To: jimmyrockanc1c08@gmail.com

Mon, Jan 27, 2014 at 11:05 PM

Dear Mr. Rock,

I am a resident of Lanier Place (1768) and am writing to express support for zoning reform in Lanier Heights. The neighborhood is getting taken over by greedy developers who buy row houses from people in financial trouble, split them into multiple units, and sell or rent each unit for the price they paid for the whole building. They return to their suburban lives in Virginia or Maryland with their bank accounts bulging and the residents of this neighborhood left with alleys full of spilling trash cans (because the developers don't leave room for such things as trash cans - that would impact the bottom line - might not be able to buy a 2nd yacht this year), trust-fund kids who can actually afford these condos leaving their dogs' poop on the street, cars parked in every possible nook even if portions of the cars are IN the alley, and no place for anyone to park on the street because developers claim that their tenants or condo owners don't have cars, but THEY DO. I get cards and letters at least monthly offering to buy my house AS IS for less than \$1 million when they easily mint several million \$ when they get their fat greedy hands on any one of these homes. This neighborhood has many really good, down-to-earth people who have lived here for decades and more, and many of whom are civic-minded good neighbors, who don't have trust funds, and they pick up their dog poop. We should not be run off or tormented by the trust fund kids that have been brought in by the greedy developers' inflated prices, all of whom threaten to suck the community out of this community.

What I hope for is the following:

1. To preserve single family homes: Maintain density of single-family neighborhood lots.
2. To let Lanier Heights residents decide what they want: Allow facilitating downzoning (custom zoning) in a designated residential area as soon as possible (streets selected by LH group: Lanier Pl, Ontario Pl, Ontario Rd from Columbia Rd alley to Adams Mill Rd, Summit Pl, 18th St from Ontario Rd to Harvard St, Adams Mill Rd from Lanier Pl to Harvard St).
3. To preserve the character of neighborhood: Stop out-of-scale heights and intrusive pop-ups.

4. To avoid exacerbating off street parking: Retain existing minimum parking requirements for new development and institutions. Remove proposed penalties for providing necessary parking supply. Ensure public process in response to any requests to reduce parking requirement.
5. To keep businesses on commercial corridor and disallow new business (for ex. pawn shops, real estate or travel agencies, carry-outs, grocery, dry cleaner) on residential streets: Prevent one-size-fits-all commercialization of our neighborhoods by opposing new commercial zoning changes and authorize neighborhoods (not city-wide code) to initiate changes in non-residential uses. Ensure that buffering between residential neighborhoods and commercial/industrial uses is adequate.

This is for this week's Zoning Commission Hearing.

Thank you for your service to the city and all of your hard work!

Sincerely,

Meg Staines

1768 Lanier Pl NW

Jimmy Rock <jimmyrockanc1c08@gmail.com>
To: Meg Staines <mstaines@starpower.net>

Wed, Jan 29, 2014 at 12:52 PM

Thanks Meg.

Jimmy

[Quoted text hidden]

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Jimmy Rock
Commissioner, ANC 1C08
Chair, ANC 1C Planning, Zoning & Transportation Committee
<http://www.anc1c.org/>

To: Jimmy Rock
ANC1C Chair of Committee on Planning, Zoning and Transportation

From: Marilou M. Righini
1921 Biltmore Street, NW
Washington, DC 20009-1509

Re: Concerns on Proposed text for the Zoning Regulations in ZC Case No. 08-06A.

Date: January 22, 2014

For the record, I am Marilou Righini. I have lived with my family at 1921 Biltmore Street, NW, since 1964, have been active in the community in past years, and have witnessed many attempts both to change our community as well as to preserve its character and livability.

How many of us knew what the DC zoning regulations were when we moved here? What did they mean? Were you in a R5B dwelling? Or R-5D or Mixed Use? How did you prevent houses from being razed? Or stories added to existing buildings? Or properties built out to the alley line? And the list goes on.

Over the years, we realized that Zoning Regulations and Historic Preservation were the tools we could rely on to maintain a livable mix of residential and commercial. The Zoning Regulations Review, the first comprehensive review of the current regulations since 1958, is probably one of the most important issues for ANC1C to make its voice heard, both at the January 30 hearing and also at the public hearing on February 13.

To that end:

(1) Please emphasize that Adams Morgan residential areas (now covered in Subtitle F entitled Apartment Zones and perhaps by future down zoning in the Subtitle E entitled Residential Flat Zones) **must be** protected from partial commercialization as previously proposed by the Office of Planning. It appears that this commercialization has been dropped from Subtitle F, but it should also be dropped in Subtitle E. Otherwise the same commercial activities could once again act as tools to block/bust neighborhoods within Adams Morgan. And the community would find itself trying to control such intrusion on a block by block basis.

(2) To prevent rowhouses in Adams Morgan from having pop-ups and unsightly roof structures, there **must be** a limit both in height and setback provisions in all Subtitles covering rowhouse areas, that is, Subtitles E, F and G entitled Mixed Use Zones. The maximum proposed height is 18.5 feet. We should ask for a limit of 10 feet for rowhouses, with a setback formula as stated in the General Rules under Subtitle C. And, finally

(3) To prevent the complete commercialization of the Adams Morgan Mixed-Use (residential/nonresidential) Zones along commercial strips), Subtitle G **must not** increase the FAR limit devoted to commercial or other non-residential uses or change the maximum lot occupancy or the rear setback measurement. Doing so would only encourage increasing commercialization and perhaps demolition.

Statement to ANC

Dear Sirs,

I, John Shilling, have been the owner of 1839 Wyoming Ave. NW, Washington, DC since 1973, and have placed it under a Capital Historic Conservation Easement. I am writing this as I am unable to attend your meeting Wednesday evening, January 22.

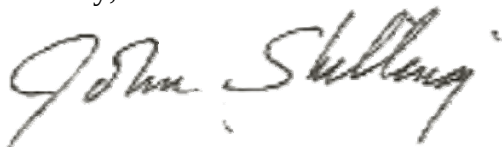
Concerning the discussion about modifications in zoning in our Adams Morgan area, I strongly recommend that the ANC welcome the proposals to “downzoning” the rowhouse zones to introduce the RF-4 and RF-5 levels that are being considered. I believe this would be very beneficial to the communities living there and prevent disruption of the historic nature of these areas. I also recommend that the ANC be supportive of eliminating any allowance of commercial and other non-residential uses in these zoning areas. The ANC should support making these changes quite clear to prevent developers from citing other technicalities to allow larger changes in residences and the introduction of non-residential uses. The experts from the neighborhood have examined the details of the zoning and find strong reasons to support this “downzoning”.

The main reason for this recommendation is to protect and preserve the historic characteristics of these neighborhoods that are in historic preservation zones. The people who live in these homes are maintaining them and want to preserve the historic districts. We have worked hard to maintain and restore these building and do not want to see “pop-ups” and conversions to condo’s that will undermine the historic aspects of the area and reduce its value. These neighborhoods are well populated with people devoted to maintaining the quality of the district over the long term. The long-term view of these citizens to protect these areas needs to be respected and given priority over the short-term profit motives of outside developers who oppose these zoning changes. It is important to protect the historic character of these areas. More developments can take place in non-historic districts, but they still should be wisely managed to maintain the pleasing aspects of Washington’s residential areas.

It is also important to prevent the conversion of residential buildings into various forms of commercial units. This disrupts the sense of community and geniality in these residential neighborhoods, increases congestion and distractions, and adds further burdens on local residents. There are more than adequate commercial zones near these neighborhoods, so it is important to protect the wellbeing of the residents by not allowing residential buildings to be used for commercial purposes.

In sum, as a long-time owner of residential property on Wyoming Ave. NW and supporter of the protection of Washington’s historic districts, I strongly recommend that the ANC-1C give positive support to efforts to “downzone” rowhouse areas in the manner covered in RF-4 and RF-5, particularly in historic areas and to make sure that residential buildings in these areas not be allowed to be put in commercial use.

Sincerely,

A handwritten signature in cursive script that reads "John Shilling". The ink is dark and the signature is fluid, with a long, sweeping underline.

John Shilling



Jimmy Rock <jimmyrockanc1c08@gmail.com>

DON'T CLOSE THE DOOR ON LANIER HEIGHTS

6 messages

Ron Baker <rdbaker1620@gmail.com>
To: jimmyrockanc1c08@gmail.com

Wed, Jan 29, 2014 at 10:27 AM

Dear Mr Rock:

I am **extremely dismayed** by the efforts of a small group to close the door on a new generation of Lanier Heights residents by limiting the development of affordable homes in our neighborhood.

Many of the same people who **unsuccessfully** sought historic district designation for Lanier Heights a few years ago now are involved in an effort to impose new restrictions on homeowners. Although they lost the battle for a historic district due to **strong opposition from the neighborhood**, they are continuing their war through other means: down-zoning.

Under the slogan of "maintaining diversity" (of architecture, not people), this small group seeks a down-zoning of the Lanier Heights neighborhood to eliminate any new conversions of row houses to condominiums. This is the exact opposite of diversity: it is actually the imposition of uniformity.

All of us who so recently opposed the establishment of a Lanier Heights historic district stand to lose if this small group succeeds.

If this small group succeeds, only the very wealthy will enjoy the possibility of owning a home in Lanier Heights. **Everyone else will be locked out.** Those who are already homeowners will lose a significant amount of value and control over their property.

If this small group succeeds, **long time homeowners like myself will lose rights** we have under current zoning to convert our row houses to multi-unit residences.

I hope someday to convert my own row house so I may "age-in-place" in the neighborhood where I have lived the past 25 years. Other homeowners in Lanier Heights may have similar hopes.

If this small group succeeds, it will be the end of these hopes, for me and others like me and all those who follow after us.

Please, Mr. Rock: DO NOT close the door on the future of our neighborhood.

Sincerely
Ronald Baker
1620 Argonne Place NW
Washington, D.C. 20009

Jimmy Rock <jimmyrockanc1c08@gmail.com>
To: Ron Baker <rdbaker1620@gmail.com>

Wed, Jan 29, 2014 at 12:49 PM

Thanks for the note. I am also forwarding this to your SMD Commissioner.

[Quoted text hidden]

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Jimmy Rock
Commissioner, ANC 1C08