

**TESTIMONY OF ADVISORY NEIGHBORHOOD COMMISSION 4A
BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA
MONDAY, OCTOBER 26, 2009
ON CASE NO. 09-13
OFFICE OF ZONING HEARING ROOM
441 4TH Street, NW., Suite 220-S**

Good evening. My name is Gale Barron Black; and I am one of the officers of the Advisory Neighborhood Commission (ANC) 4A. I am here to offer this testimony in opposition to this petition on behalf of the ANC 4A. Specifically, ANC 4A opposes the petition of the Zoning Commission for a text amendment to allow the use of a consent calendar by the Board of Zoning Adjustment (BZA).

ANC 4A considered this matter at its October 6, 2009 public meeting, for which there was a quorum. The ANC voted to oppose the petition at that meeting and also authorized me to present these views of the ANC. We oppose the matter because we do not believe that the consent calendar would allow us sufficient notice or allow due process to protect DC's overall interests. ANC 4A has a significant interest in this issue.

ANC 4A includes the neighborhoods of Crestwood, Shepherd Park, Colonial Village, North Portal Estates, Brightwood and a portion of 16th Street Heights. These neighborhoods border Rock Creek Park and 16th Street, NW. The predominant land use in the ANC 4A area is residential, single-family homes. The ANC covers more than 16,000 residents. Most of the homes are detached or semi-detached homes and are owner-occupied.

The area is characterized by zoning requirements which permit and protect residential use, and green space, by currently requiring set-asides, set backs and density restrictions.

As we understand the proposal, it would allow additions to one-family dwellings (R-1 units) and would permit new or enlarged accessory structures and even permit community centers and athletic fields, to be considered via an expedited review process.

The proposal reportedly would also authorize BZA staff to bundle the modifications and exceptions for consideration, along with new or larger accessory buildings for homes. Non-profit community groups wanting to run a park, playground, swimming pool or athletic field in a residential zone might be able to have their applications placed on the consent calendar.

This overbroad approach extends beyond the routine matters. It could be tantamount to a change in zoning. We also believe that bundling items together would provide inadequate opportunity for due process, public notice and public feedback.

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Plus, it is unclear whether or not the proposal would actually expedite anything, because the proposal requires that the application appear on the consent calendar for the same date as the scheduled hearing.

We understand that the ANCs may object, but what notice would we get and in what form? Publishing a notice via the DC Register is not adequate, timely notice, especially if the matter under consideration is a major alteration, such as a one-story addition or changes the use from a single family residential unit to an athletic field or adds an accessory building. We need adequate, timely notice. As an example, this month, we received notice of a proposed 2-level addition to a unit at 8008 Eastern Avenue and a proposal for new construction of a building at 5000 16th Street, NW. Would we still get notice in the future – or would these be bundled?

The use of a consent calendar is something that could negatively impact the neighbors and the entire community, not just those who live within 200 feet of the site. Notice should be to the entire affected single member ANC district or the ANC as a whole.

Whatever is done should be consistent with the current zoning and the city's comprehensive plan. It is unclear what safeguards would be included.

Housing is the primary land use in Ward 4. We hope that the city will take steps to maintain and preserve its housing inventory and the current appearance, character and green space. It also is not clear whether this consent calendar would include District owned land.

The ANCs are the body of government with the closest official ties to the residents who live within the ANC district. ANC 4A would be directly affected by this proposed government action. We oppose this petition; and we ask that the Zoning Commission give great weight to this testimony. We also ask that this be made a part of the record.

We also ask that the ANC 4A be provided with notice of the action of the Zoning Commission on this Case No. 09-13.

Thank you for the opportunity to provide this testimony.