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December 31, 2014

Mr Anthony J. Hood, Chair  
Zoning Commission  
Office of Zoning  
441 4th Street NW, Room 220 South  
Washington, DC 20001

VIA E-MAIL [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov)

RE: ZC #14-11, Office of Planning Text Amendments to Chapters 1, 3, & 4, Definitions, Maximum Height & Minimum Lot Dimension Requirements in Residence Zones, & R-4 Use Permissions

Dear Chairman Hood

We write to provide our position on the text amendments by the Office of Planning (OP) to the Zoning Regulations that were set down on July 17, 2014. Advisory Neighborhood Commission 6B (ANC 6B) approved our recommendations during our properly noticed December 9, 2014, meeting with a quorum present.

### Building Height in R-4 Zone

ANC 6B supports OP's proposed reduction in the matter of right height in the R-4 zone from 40 feet to 35 feet and supports the proposed new § 400.23 through 400.25 that allows an applicant to build to a height of 40 feet by special exception. Like OP, ANC 6B is concerned about the proliferation of out of character "pop-up" third story additions in the neighborhood and believes that the reduction in matter of right height, combined with an applicant's ability to seek a special exception to build to 40 feet, will discourage poorly constructed additions without prohibiting them outright.

While supportive of the proposal, ANC 6B is troubled by the proposed special exception criteria in § 400.24 (c), which states.

*(c) The resulting building or structure height, as viewed from the street, alley and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage*

ANC 6B's concern is that the criteria place the Board of Zoning Adjustment in the realm of historic design review versus the typical zoning criteria impact on light and air (6-3 vote).

### Definition of a Mezzanine

ANC 6B opposes the OP's proposal to amend the definition of a mezzanine so that it is considered a story. We support the current definition of a mezzanine and do not view

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ANC 6B Letter to Anthony Hood

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the current rules as creating substantially inconsistent building heights as argued by OP. This will be especially true if the current definition is combined with the above-referenced reduction in the matter of right height to 35 feet (7-1-1 vote)

**Roof Structure Height Limit**

ANC 6B *supports* OP's proposal to limit the height of a roof structure on a one-family dwelling or flat in all residence zones to ten feet above the roof. As OP states in its report, this amendment will clarify that the 10 foot requirement only applies to one-family dwellings or flats in residence zones. (9-0 vote)

**Apartment House Conversions**

ANC 6B discussed OP's original proposal to repeal matter of right use of an apartment house converted from a building or structure existing prior to May 12, 1958, and considered it against the four alternatives presented in the July 2014 setdown report. While ANC 6B recognizes the development pressures to turn rowhouses into multi-family units and the shortage of multi-family units in the R-4 zone, we were uncomfortable with repealing the matter of right conversion of residential to an apartment house at a time when the city needs as much affordable housing as possible.

Given this reality, ANC 6B *supports* continuing to permit the conversion of residential structure to an apartment house by right, but with such conversions subject to Inclusionary Zoning (IZ) requirements as follows:

- if the conversion complies with the 900 square foot requirement, the fourth unit and all units beyond four would be subject to IZ at 60% Area Median Income (AMI), or
- if the conversion is enabled by zoning relief to the 900 SF requirement, all units beyond the permitted two would be subject to IZ at 60% AMI

This proposal, which tracks OP Alternative Amendment #1, allows by right conversions to continue, but ensures that units above a certain threshold are subject to affordability requirements (6-1-2 vote)

Thank you for your consideration.

Sincerely,



Brian Flahaven  
Chair