



D.C. Zoning Commission

Hearing on ZC Case No. 14-11

Testimony of Alma Gates, Zoning Subcommittee Chair,

The Committee of 100 on the Federal City

January 15, 2015

I am Alma Gates testifying on behalf of The Committee of 100 on the Federal City. The Committee supports the Zoning Commission's interest in stopping the practice of vertical additions on row houses, colloquially known as "pop-ups." This scheme to capture profit by building to the maximum height allowance has resulted in stark interruptions of the most notable features of row house blocks – symmetry and rhythm.

While we support the intent, we do not think the text amendment will prevent future pop-ups. I'd like to mention several specific issues we think deserve your attention.

1. **Row houses exist outside of R-4 zones.** The Comprehensive Plan includes an Action<sup>1</sup> that calls for re zoning of row houses in R-4 zones, but the Land Use Element policy<sup>2</sup> is clear that the intention is to protect all row house neighborhoods throughout the city. There is context for the Comprehensive Plan policy and Action item. The late Ann Hargrove, a long time Committee of 100 member and former chair, was a member of the Comprehensive Plan Task Force. She repeatedly advocated for better protection of the District's row house stock with policies in the Comprehensive Plan. Her assessment, discussed often in our Zoning Subcommittee, was that the most effective protection would be to create a new zone for row houses and she felt that it would be easier to prevail in R-4 zones where many of the row houses were located. It was a tactical decision on her part to push the Office of Planning to include the Action item related to

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<sup>1</sup> *Action LU-2.1.A. Rowhouse Zoning District*

Develop a new row house zoning district or divide the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods and conserve their architectural form (including height, mass, setbacks, and design)

<sup>2</sup> *Policy LU-2.1.7: Conservation of Row House Neighborhoods*

Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern, considering additional row house neighborhoods for "historic district" designation, and regulating the subdivision of row houses into multiple dwellings Upward and outward extension of row houses which compromise their design and scale should be discouraged. (Underline added.)

rezoning R-4 row house neighborhoods. That tactic should not be interpreted to mean that Ann or anyone on the Task Force intended to protect some, but not all, row houses. The policy on row house protection speaks for itself and represents the intention to protect all row house blocks, even if these blocks were not included in a new row house zone. This is a very important distinction. A responsive new zoning regulation should recognize that pop-ups affect all row houses, not just R-4 row houses.

2. **The reduction of maximum allowable height to 35 feet seems arbitrary.** The Office of Planning reported that 90% of row houses in R-4 zones are 35 feet or less. The Zoning Commission should have more refined information. How many row houses are 25 feet or less? When you examine the pictures of pop-up examples, it does not appear that a reduction of 5 feet in maximum height allowance would negate the scale problem. The Committee of 100 urges the Zoning Commission to incorporate prevailing height into a new text amendment.
3. **Roof structure allowances will contribute to the pop-up effect. It's important that the Zoning Commission consider all the zoning regulations that affect vertical additions on row houses.**<sup>3</sup> The Comprehensive Plan Land Use Element recognizes the potential adverse impact of roof structures and recommends that these structures not be matter of right. The roof structure text amendments recently approved by the Zoning Commission would allow a 10 foot vertical structure above the maximum height in R-4 zones, now known as RF zones. The roof structure footprint would be limited to 1/3 of the roof area, but no side setbacks would be required. Visually, these structures could create a disconcerting mass and scale that is similar to pop-ups. In R-5 zones, now known as A zones, the roof structure could rise 18 feet 6 inches with no area limitation other than a small front and rear setback. These roof structures have the potential to create pop-ups even if the Zoning Commission decreases maximum allowable heights for row houses.

The Committee of 100 finds that the intention to protect the District's row house housing type is right on target. But we believe the proposed text amendments are inadequate to solve the problem. This isn't a fatal flaw, but we urge a more comprehensive approach that builds on a block's prevailing row house heights and considers the impact of roof structures. Many District residents would be dismayed, and the Zoning Commission would be frustrated, if the unintended consequence of your limited action were to allow the continuation of the construction of pop-ups and further damage to the scale and rhythm of our notable row house blocks.

Thank you for the opportunity to testify.

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<sup>3</sup> ***Policy LU-2.1.9: Addition of Floors and Roof Structures to Row Houses and Apartments***

Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block Roof structures should only be permitted if they would not harm the architectural character of the building on which they would be added or other buildings nearby (Underline added.)