

Residential Action Coalition

1524 T St, NW 20009

ZONING COMMISSION CASE No. 14-13

April 30, 2015

Testimony of Anne Sellin

My name is Anne Sellin and I am testifying for the Residential Action Coalition, founded in 1981.

Pop up enactment act: Derived from an endeavor to control pop ups in the R4 zone, which had fervent support from the public but was stymied by your Commission's decision, this process has morphed into an attempt to dramatically upzone almost the entire city. And under the old tried and true excuse of creating "affordable housing," this is nowadays used as an excuse to permit almost anything developers want.

An economic incentive to destroy unity in row house blocks and increase their costs: The purpose is to permit and extra one or two stories ("penthouses"), up to extra 10 to 20 feet high atop buildings for all or partial occupancy as residences. This would disrupt the scale and unity of a block and create inappropriate outgrowths which would be glaringly inappropriate. It would also encourage the further subdivision of row houses, drive up their cost, and further decrease the number of family size units. The effects would be substantial in areas outside of historic districts where there is an incentive for developers to buy and destroy three adjacent houses in order to tear them down for a big out of scale apartment building.

Historic District would be no check: Judging from decisions by the Preservation Revue Board regarding added stories, there would be little or no protection. That board virtually never challenges matter of right zoning. Most R5 and R4 row houses are lower than their now permitted heights. In the Mid City area almost all in R4 are two story, and most have cellars with shallow foundations. The R5 row houses are usually three stories, many having English basements but they seldom stand over 45 feet. Under this proposal, an addition to the zoning envelope combined with the proposed penthouse could rise up to twenty or even thirty feet above their neighbors in a block face, and constitute a very obtrusive sore thumb.

The Comprehensive Plan Law discourages this: Action MC-1.1.A, Rezoning

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of Row House Blocks, “Selectively rezone well-established residential areas where the current zoning allows densities that are well beyond the existing development pattern. The emphasis should be on row house neighborhood that are presently zoned R-5-B or higher, which include the areas between 14th and 16th Streets NW, parts of Adams Morgan, areas between S and U Streets NW, and sections of Florida Ave, Calvert st. and 16th St.” This means downzoning, not upzoning.

Policy LU-2.1.9: Addition of Floors and Roof Structures to Row Houses and Apartments (discourage additional floors and roof structures on row houses and apartments, particularly where out of character with other structures on the block, etc): “Generally discourage increases in residential density resulting from new floors and roof structures (with addition dwelling units) being added to the top of existing row houses and apartment buildings, particularly where such additions would be 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 buildings on which they would be added or other buildings nearby.”

Residential and Commercial buildings such as the row houses areas of C2A, C2B and C3A and C3B deserve to be undisturbed by additions. Out of scale additions should not sully these areas either. In the Dupont Circle and other other mid city historic districts most of the original houses on both commercial and residential streets were built in the 19th century and many of their footprints exceed that permitted by zoning. The Lewis Plan of 1959 intentionally made them nonconforming and created more restrictive FAR and footprints to create light, air and backyards. This proposal eliminates FAR completely in pop up allowance, subverting those practical purposes.

Affordable housing considerations and a lasting effect or is this a ruse?

There is little evidence that lasting affordable housing would be created. If a person fitting the criteria gets an apartment and begins to earn more than the formula will he or she be evicted? I gather not. How will affordability be continually assured? Zoning enforcement is pathetic as it is and has been for decades. Will there be a housing entity whose job it is to enforce? How will the set aside units always be assured of being rented to someone whose income is moderate formula or less? Since this is the reason for this drastic upzoning across the city it is incumbent on you to know all details of enforcement.

This ill conceived proposal should be abandoned.