

Zoning Commission of the District of Columbia
Case No. 15-09
Proposal to Re-map portions of Lanier Heights from R-5-B to R-4

Testimony of Larry Hargrove for Kalorama Citizens Association
March 21, 2016

The 1958 regulations created a deliberate mismatch between zoning and the built environment in R-5-B and other predominantly rowhouse neighborhoods

Washington's row house neighborhoods were generally over-zoned in the 1958 Zoning Regulations. Rules for the R-4 and R-5 districts – covering large areas of the city – built-in a then-fashionable bias toward treating row house areas as irredeemably blighted and as grist for the redevelopment mill, and therefore imposed substantially higher heights and greater densities than were reflected in the row house neighborhoods as actually built. For example, the Regulations originally described all of R-4 as an Urban Renewal area in which “substandard buildings” should be demolished and replaced by apartments, which could be done as a matter of right. In R-5 Districts twenty- to forty-foot high row houses were often given height limits ranging from fifty to ninety feet. Many two- and three-story dwellings ended up with no limit on the number of dwelling units they could contain, and with allowable floor area greatly exceeding their existing size.

An onslaught of damaging over-redevelopment – pop-ups and pop-backs – eventually resulted

It was only decades later, as the District's population began increasing and the housing market heated up in earnest, that the destructive effects of redeveloping row houses to those more lenient development standards reached significant -- and eventually something approaching epidemic -- proportions. They are manifest in sometimes architecturally grotesque incursions that destroy the aesthetic integrity of an entire row. But perhaps more importantly they erode successful family communities by replacing family-friendly housing with collections of undersized and overpriced dwelling

units that aim at maximizing return in a short-term market. Lanier Heights provides a textbook example of this continuing process, exemplified in project after project.

The Comprehensive Plan responded with an extensive set of provisions calling for the protection of rowhouse neighborhoods

In response to this problem the Comprehensive Plan contains a large number of provisions that collectively mandate that the scale, character and architectural integrity of the city's rowhouse neighborhoods are to be protected, and that *changes in zoning, including, specifically, selective downzoning*, are to be an integral part of that protection. These are set out extensively in both of OP's submissions and in other exhibits in the record. So "downzoning" is not a dirty word, but is specifically called for in appropriate circumstances by the Comp Plan. And while increasing the housing supply, including affordable housing, is also an important objective of the Comprehensive Plan, nothing in the Plan suggests that the two objectives are incompatible or that such increase can properly be promoted at the expense of protecting the character and social function of the city's rowhouse neighborhoods – in fact the contrary is the case. The Plan's specific references to housing in connection with its calls for protection of rowhouse neighborhoods make clear the special role that they play in providing housing suitable for families with children.

The Zoning Commission with OP's help has recently taken important steps toward addressing the problem on several fronts . . .

The good news is that in the course of the last two years the Commission, with the assistance of the Office of Planning, has taken significant steps toward implementing the Comp Plan's mandate. The order in the R-4 case, 14-11, now incorporated into the 2016 Regulations, did a great deal to correct the mismatch between zoning and the built environment in that zone. In the penthouse case, 14-13, the Commission adopted significant protections of rowhouses against visually intrusive roof structures to which rowhouses would otherwise be disproportionately vulnerable. And in response to an explicit directive in the Comp Plan, the Commission created two new rowhouse zone specifically designed to afford – through map changes like that proposed here – protection to current R-5 neighborhoods that have larger rowhouses that can accommodate more than two units but need lower height limits and/or limits on

the number of units and stories. What is now being proposed for Lanier Heights is just another step in response to this Comp Plan mandate.

. . . but the problem remains for R-5-B . . .

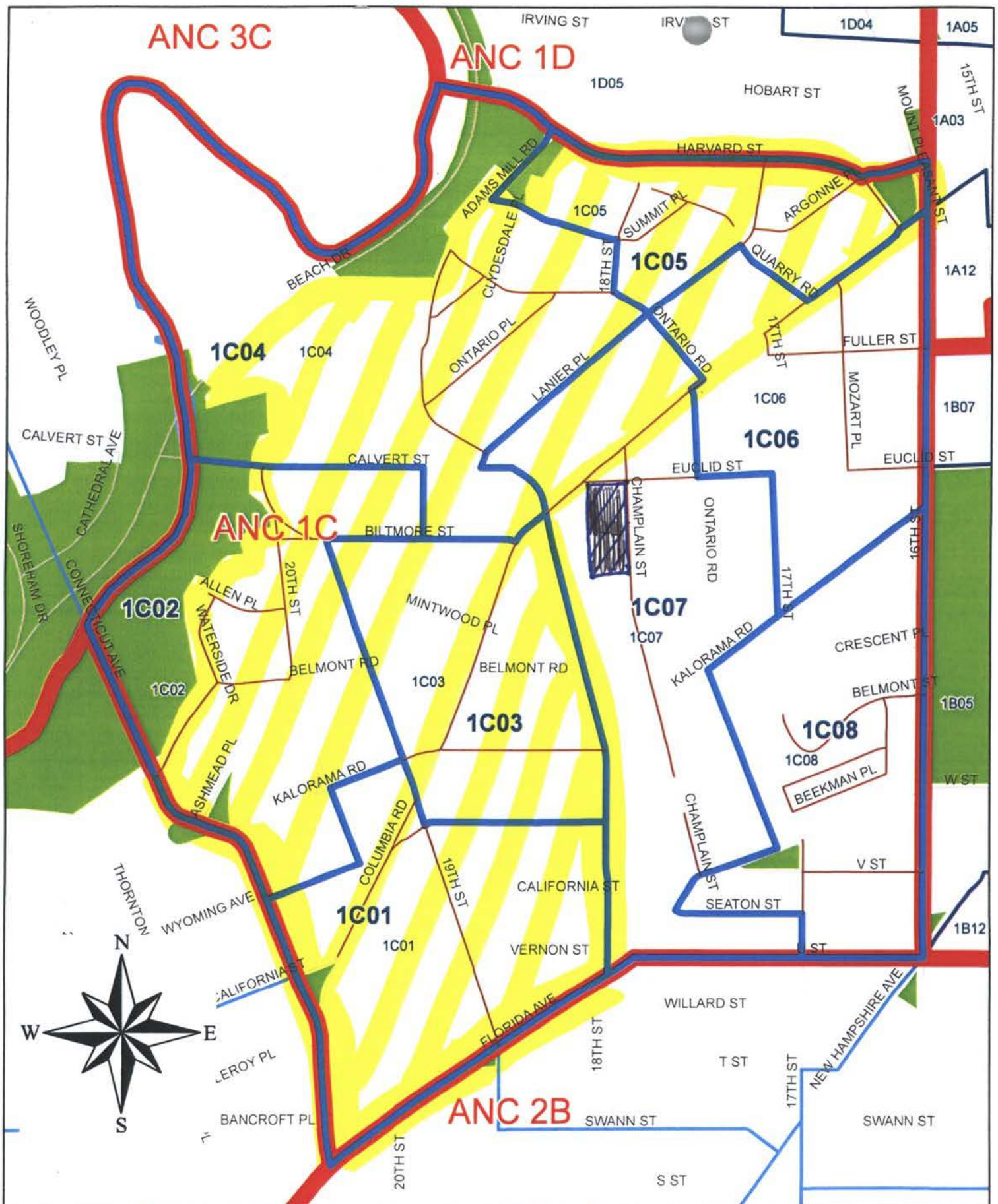
But the 1958 mismatch for R-5-B districts, and thus for Lanier Heights, remains in the current regulations and is being carried forward in the 2016 Regulations, in the form of an allowance of an unlimited number of dwelling units and stories in combination with an excessive fifty-foot height limit. These are the zoning factors that have enabled the wave of popup redevelopments in R-5 until now, aided by some truly bizarre interpretations by the Zoning Administrator regarding the classification of a building's first level as basement or cellar and the use of cellars as habitable space.

. . . and will almost certainly get worse.

While all these factors remain unchanged by the new regulations, in practice the pressure for pop-up redevelopment in R-5-B neighborhoods such as Lanier Heights (the new RF-2) will almost certainly intensify, as the reforms recently adopted for R-4 significantly curtail pop-up development in that zone and redirect it toward R-5-B – which in fact is already the more attractive target and has been all along.

The corrective measure now sought have been successfully applied in other neighborhoods, and is the right solution for Lanier Heights.

This proposal for a selective downzoning from R-5-B to R-4 is not unique: the Commission has already enacted such map changes for other neighborhoods, one in Dupont Circle and the other in Columbia Heights, with altogether satisfactory results. OP's data on Lanier Heights as built make clear that the requested rezoning is also the appropriate solution for this neighborhood. We urge the Commission to enact it.



KALORAMA CITIZENS ASSOCIATION BOUNDARIES IN YELLOW

Office of ANC's 7/2012

DEVELOPMENT
SITE

ANC 1C 2013 Boundaries