

RE: Z.C. Case No. 18-06 – Office of Planning Text Amendment To Subtitle G Creating A

New MU-4A Zone And Remaining MU-4 To MU-4B

Dear Chairman Hood and Commissioners,

I serve as the Vice Chair for Advisory Neighborhood Commission 3C and as the Commissioner for 3C04. I am writing to you on behalf of the residents and businesses in my Single Member District (SMD) to urge you not to bifurcate the MU-4 zoning category to create the MU-4A zone. It is the wrong way to address the needs of the community and developer in this case.

Creation of a new zone is the wrong solution

The Planned Unit Development (PUD) process exists specifically for sites like this, where development and community interests can reach an agreed upon compromise for the specific site in question. This allows for the proverbial “meeting of the minds” between the affected parties. With a PUD, the community can negotiate benefits and concessions from the developer to ensure their needs are met. PUDs hold another advantage: a PUD is site-specific and does not have wide-ranging effects across the District the way the proposed zoning change would.

A new zone should not be created without significant public input

Residents across the District should have sufficient notice and comment period for a zoning change of this magnitude. Rather than let a very small development in one ward affect zoning throughout the District, there should be robust public dialogue about a major zoning regulation change such as the one proposed in this case.

A new zone will beget more problems than it fixes

Creating MU-4A will create more problems than the *one* problem its creation fixes. While creation of MU-4A may make sense in the specific case of 3200 Pennsylvania Avenue SE, its creation will likely unsettle issues in other parts of the city. Granting a new zone in this case will incentivize developers to seek site-specific zoning rather than engage with community groups through the PUD process. Each change to the zoning rules based on such cases will have unintended consequences on land use throughout the city.

As our city’s population grows toward one million, we must ensure that we do not limit the incentives for building more housing, especially more affordable housing. MU-4A unnecessarily limits FAR and maximum stories, which, over the long run, will reduce the number of affordable housing units built in the District during a time when we need more housing, not less.

Further, the proposed MU-4A zone also introduces uncertainty in its side yard and transition setbacks requirements. These proposed setbacks significantly minimize the usefulness of land parcels zoned as MU-4A and may constitute a regulatory taking should all MU-4 zones be switched to MU-4A when abutting R zones. Again, a PUD in this instance would not raise the likelihood of costly litigation elsewhere in the District.

Conclusion

The parties in case 18-06 may have reached an agreement and found a satisfactory answer for themselves, however, the bifurcation of MU-4 to create MU-4A will have large unintended consequences that will likely cause delay, confusion, and litigation. Given the absence of broad, city-wide discussion, including input from ANCs, citizens, and civic organizations, I ask that you reject the proposed amendment to subtitle G.

Thank you for the opportunity to comment and I look forward to your resolution of this case.

Sincerely,

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Submitted on 7/22/2018 by:
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