

HISTORIC ANACOSTIA PRESERVATION SOCIETY

TO: ZONING COMMISSION
FROM: HISTORIC ANACOSTIA PRESERVATION SOCIETY
SUBJECT: Z.C. CASE 21-02
DATE: APRIL 26, 2021

Dear member of the Zoning Commission,

I request that the District of Columbia Zoning Commission rejects the Office of Planning's (OP) proposal to expand the applicability of the existing Inclusionary Zoning ("Regular IZ") program to the Residential Zone ("R-3 Zone") in the Anacostia Historic District (AHD).

At the time of the adoption of the Regular IZ program, the AHD was rightly exempted from an IZ requirement and bonus density because of concerns that the use of IZ bonus density may impact the historic neighborhood's scale and character.

OP now proposes that the Regular IZ be applied to the AHD, which would allow for a 70-percent increase in the height threshold in the AHD – from 50 feet to 85 feet – for construction that meets the Regular IZ set-aside requirements.

However, we respectfully disagree with OP's assessment regarding the proposed 70-percent increase of the height threshold in the AHD from 50 feet to 85 feet. We kindly request that the Zoning Commission rejects the proposal for the following reasons:

- **The proposed change is based on an in-house assessment conducted by OP, without independent parties, and that was not publicly disclosed.**
- **There has been no community engagement or consultation with AHD residents and property owners** regarding how the proposed zoning change would impact the character of the AHD and the community overall.
- **As pointed out when the Regular IZ program was approved, the proposed high increase is incompatible with the small-scale character of the AHD.** HAD is the only Historic District East of the River. Per the National Register of Historic Places, "nowhere else in the District of Columbia does there exist such a collection of late-nineteenth and early-twentieth century small-scale frame and brick working-class housing."¹
- **When the AHD was established in 1978, zoning changes such as those proposed by OP were identified as major threats that could "seriously undermine and jeopardize its unique character and setting."** One of the main analytical works conducted in support of the creation of the AHD recommended downzoning both the commercial and residential areas of the AHD to reflect the current use type of structure on the land. The study recommended allowing the construction of structures of no more than 30-foot

¹ <https://catalog.archives.gov/id/117691937>

heights in the residential area, and 40-foot heights in the commercial area. Please see Annex 1 for further details.

- **The proposed high increase is not in line with the recommendations and decisions issued by the staff of the Historic Preservation Office and the Historic Preservation Review Board (HPRB).** In the Mixed-Use Zones of the AHD (MU-7), where constructions tend to be higher, public records show that new construction should not exceed 60 feet, and none of the buildings approved in the past have exceeded such height. In the Residential Area, the AHD is dominated by three major architectural styles that are 30 feet tall or below (i.e. Cottage, Italianate, and Washington Row).
- **The proposed high increase would undermine the residents, real property owners, and the National Park Service's right to maintain the unique views of the Anacostia River and the skyline beyond which they have always enjoyed from their homes, public spaces, and the Frederick Douglass National Historic Site.** For the residents, the current height restrictions imposed under the R-3 Zone of the AHD acts as a de facto right to maintain such historic views. However, OP has historically failed to adequately consider the impact of new developments on such views, as evidenced by the present proposal and the Planned Unit Development (PUD) that was approved by OP in 2013 between the AHD and the Anacostia River (Z.C. Case No. 08-07).
- **The proposal would undermine the capacity of the HPRB, the residents, and property owners of the AHD to maintain its the area's historic architectural integrity.**

For the above-mentioned reasons, we implore the Zoning Commission reject OP's proposal to expand the applicability of the Regular IZ program to the R-3 Zone in the AHD.

Sincerely,

Camille Bourguignon
Co-President
Historic Anacostia Preservation Society

Annexes

Annex 1 – Zoning changes as a threat to the integrity of the AHD

Annex 2 – HPRB decision against a proposed 56-foot building along Martin Luther King, Jr. Avenue SE (Case Number: 13-578)

HISTORIC ANACOSTIA PRESERVATION SOCIETY

Annex 1 – Zoning changes has a threat to the integrity of the AHD

“Threats to the Area

Old Anacostia has many amenities, a rolling topography views of Washington, the charm of a neighborhood with small single-family row and town houses, a neighborhood shopping area, and easy accessibility to Washington. The human scale of the buildings and community are much needed, but fast disappearing, in Washington’s rapidly changing metropolitan area. The normal pressures for redevelopment at higher densities are present in an area like Old Anacostia, with its easy accessibility to downtown Washington. But, in addition, there are very serious threats to the existence of this community that, if not dealt with in the near future, could seriously undermine and jeopardize its unique character and setting.

...

Incompatible Zoning

The commercial, the transitional, and the residential areas in the historic core of Old Anacostia have zoning designations that are incompatible with the height and scale of the buildings already existing. The kind of uses allowed by zoning within the commercial and residential areas are compatible with the current uses, but the commercial uses designation in the transitional area do not reflect its residential use. Unless zoning reflects the current use type of structure on the land, it will be impossible to maintain the character of the area. The forces of change are already at work within the commercial and transitional zones removing structures in anticipation of development at greater densities and heights than currently exist. The following zoning recommendations are made in order to preserve the two-story character of the district, the neighborhood shopping area, and the magnificent views of Washington described above (fig. 39):

1. The residential area currently zoned R-5A, which allows multi-family units of 40-foot height, should be downzoned to R4-A, which allows construction of structure of no more than 30-foot heights, and row-house dwellings.
2. The commercial area, currently zoned C-2A and C-3A, which allows buildings of up to 60 feet, should be downzoned to C-1A, which allows structure at no more than 40-foot heights.
3. The transitional area which is currently zoned for 60-foot structures of commercial use, but which is overwhelmingly residential in use today, should also be downzoned to R-4A. The possibility of this area being designated a buffer zone between the commercial and residential areas should be considered, in which the dominant would be residential, with limited commercial uses like doctors’ office allowed.

The possibility of transferring the development rights of property owners in Old Anacostia to other areas should be pursued as an alternative to rezoning the land, especially around the proposed Metro stations. By this mechanism property owners would be compensated, and the possibility of developing land at greater heights and densities where property rights had been transferred would be effectively eliminated.”

Source: School of Architecture, University of Maryland, Metropolitan Washington Planning and Housing Association, Old Anacostia, Washington, D.C., A Study of Neighborhood Preservation Resources, 1975, Washington, D.C., Anatole Senkevitch, editor (Pages 75-77)

Annex 2 – HPRB decision against a proposed 56-foot building along Martin Luther King, Jr. Avenue SE (Case Number: 13-578)

HPRB Meeting date: February 27, 2014

Case Number: 13-578

Proposal: 4 storey building, 56 feet high

ANACOSTIA HISTORIC DISTRICT 2226, 2228, 2234, 2238 and 2252 Martin Luther King Jr. Avenue and 1328 W Street SE, HPA 13-578, 14-221 and 14-222, revised concept/subdivisions, construction of a five-story residential and retail building, and permit applications for the relocation of two buildings. The Board denied the concept for clearance and resubdivision of the Martin Luther King Jr. Avenue site and for the construction of the proposed mixed-use building, **finding the project improved but still inconsistent with the character of the historic district because it is too tall relative to the district's historic buildings** and too extensive, to occupy half the square and crowd the narrow sidewalk. It would also destroy the unusual topography of the site. The Board recommended that any revisions to the building include attention to the articulation of the long sides of the building—to better relate to the residential streets—and simplify and refine materials, minimize the use of fiber-cement panels, and improve the proportions of the windows. The Board recommended that a permit not be issued to move 2234 and 2252 Martin Luther King Jr. Avenue because the move would diminish the buildings' integrity and harm the character of this corner of the historic district, and because the houses could be rehabilitated and reused in place. Finally, the Board requested that, in the event that the Mayor's Agent approves the relocation permits and supports the concept in that context, the Mayor's Agent require the return of the projects to the Board for review of design development. Vote: 7-0.

<https://planning.dc.gov/publication/hprb-february-27-and-march-6-2014>