

Advisory Neighborhood Commission 2E



Representing the communities of Burleith, Georgetown and Hillandale

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September 14, 2015

Mr. Anthony Hood
Chairman, D.C. Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

**Re: Case No. 08-06A, Zoning Regulations Review
Comments on Portions of Subtitle U Pertaining to Georgetown**

Dear Chairman Hood and Members of the Commission:

On August 31, 2015, ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by seven of eight commissioners, constituting a quorum. At this meeting the Commission unanimously adopted the attached comments on portions of Subtitle U pertaining to Georgetown. We file this attachment both for ANC 2E and for the Citizens Association of Georgetown, which adopted these comments as well.

We trust the Commission will give this resolution the “great weight” to which it is entitled under District of Columbia law.

Commissioners Solomon, Lewis, Jones, Clausen, Starrels, Birch, and Roaché, or any one or more of them, are authorized to act for ANC 2E on this matter and any matter that may come before the Commission relating thereto.

Sincerely,

Ron Lewis
Chair, ANC 2E

COMMISSIONERS:

Ed Solomon, District 1 Ron Lewis, District 2 Jeff Jones, District 3 Kendyl Clausen, District 4
Bill Starrels, District 5 Tom Birch, District 6 Monica Roaché, District 7, Reed Howard, District 8

Board of Zoning Adjustment
District of Columbia
ZONING COMMISSION
District of Columbia
District of Columbia
Case No. 08-06A
EXHIBIT NO. 935

Advisory Neighborhood Commission 2 E

Citizens Association of Georgetown

Before the Zoning Commission of the District of Columbia

Comments on portions of Subtitle U pertaining to Georgetown, Case No.
08-06A

September 1, 2015

Advisory Neighborhood Commission 2E joins in these comments by the Citizens Association of Georgetown.

The Citizens Association of Georgetown (CAG) represents over 1200 residents of Georgetown and has been an active participant in the zoning rewrite process from the beginning of that process. CAG appreciates the inclusion of the Georgetown Residential house zones in Chapter 12 of the Proposed Regulations. They represent an appropriate tailoring of the general Residential regulations to the historic preservation needs of Georgetown, a national and DC Historic District. We thank the Office of Planning staff for working with CAG and Advisory Neighborhood Commission 2E to develop regulations meeting the special needs of this Historic District. However Subtitle U (Uses) includes some technical glitches and some substantive changes that as applied to Georgetown need amending for the reasons set forth below.

Subtitle U, §253.7-Accessory Apartments

While CAG supports the proposed deletion of the minimum lot size requirement for accessory apartments within a principal dwelling, and a reduction in the minimum total floor area from the 2000 square feet originally proposed, CAG disagrees with the proposed reduction in R-20 of the minimum total floor area to 1,200 sq. ft. GFA. In CAG 's comments on the Alternative Language to Certain Advertised Text, dated September 5, 2014, we stated that 1750 sq. ft. would be an appropriate minimum in Georgetown. CAG is concerned that the proposed 1200 sq ft GFA minimum would encourage small houses to be altered in an historically inappropriate manner. In particular a 1200 sq. ft. minimum CAG would permit even very small houses to have an accessory apartment. That in turn would create an incentive in many cases to provide an additional entrance facing the street which would have an adverse impact on both the historic house and the historic streetscape. Because the Board has the authority in §1606.5(d) to modify the minimum house size requirement in appropriate cases, CAG believes that is the appropriate approach for any house less than 1750 sq. ft. GFA in Georgetown.

CAG also objects to Section 253.7 which expressly permits a new door to be created in the front of a house in the R-20 zone provided only that it is below the main level of the house. Creating a below grade door in the front of a house could still change the appearance of an historic house in an inappropriate manner and adversely impact the historic streetscape of Georgetown. CAG believes that the default rule set forth in 253.7 should govern in R-20 and that any exceptions should be by a special exception following CFA review and approval of an additional door.

§253.9-Accessory Apartments

This proposed section creates special requirements for accessory apartments in Georgetown. It needs to be revised to reflect the different situations presented in R-20 and R-19. R-20 is characterized by the most part by attached or semi-detached houses on lots of modest size that in many cases do not meet the minimum lot area standards of § 201.3 ((3,000 sq. ft. semi-attached, 2000 sq. ft. attached). R-19 is characterized by detached houses on much larger lots, many of which have garages. In prior comments on earlier drafts of the regulations we

urged that in R-20 accessory apartments in accessory buildings used for dwelling purposes should only be permitted to be located in an existing two story accessory building to avoid encouraging construction of new accessory buildings on the interior of lots in R-20. However the proposed regulations limit accessory apartments to the second story of an accessory building in both R-19 and R-20 which does not accurately reflect what we proposed and is unduly restrictive. In both R-19 and R-20 an existing two story accessory structure should be permitted to be used for dwelling purposes on both the first and second floors. In R-20 a new accessory structure should be permitted to be used for dwelling purposes.

In addition there is a technical issue with the provision restricting the location of balconies and projecting windows. The problem with balconies and projecting windows is that they invade the privacy of neighbors. Accordingly they should be prohibited if they face adjoining property but not if they face an alley or the principal residence to which they are secondary. Accordingly we believe §253.9 should be revised to read as follows (new material underlined):

"An accessory apartment proposed in the R-19 and R-20 zones shall be subject to the restrictions on existing of Subtitle U §§ 253.5 through 253.8 and the following conditions:

- (a) It shall only be permitted in a detached two story accessory building in R-20; and
- (b) Any balcony or projecting window shall not face a principal building in single household residential use on an adjoining lot, and provided the balcony is located entirely within the permitted footprint of the accessory building."

Subtitle U, §254.6(e)-Corner Stores

Georgetown is well served by retail and other commercial stores on Wisconsin and M Street as well as numerous corner stores throughout the neighborhood. Accordingly we support this section placing a 750 foot restriction on new corner stores but believe it should apply to R-19 Georgetown as well.

We appreciate your consideration of our comments.

Respectfully Submitted,

Ron Lewis, Chair

Advisory Neighborhood Commission 2E

/s/

Robert P. vom Eigen

President, CAG

/s/

Richard Hinds

General Counsel, CAG