

Before the D.C. Zoning Commission
Case 18-06 -- Establishment of new zone MU-4A
Testimony of O Street Neighbors and Friends
July 23, 2018

I am Laura M Richards, testifying on behalf of O Street Neighbors and Friends (OSNF) generally in favor of ZC 18-06, but with requests for some amendments regarding its citywide application.

ZC 18-06 creates a new zone, MU-4A, which attempts to ameliorate the impact of a commercial zone adjacent to residential zones, especially low-density residential zones. The zone grew out of efforts to address the impact of a particular proposed development -- a revitalized neighborhood shopping center at Branch and Pennsylvania avenues, SE. The new zone has been advertised citywide, because the problem it addresses -- adverse impacts from commercial activity near residences -- occurs throughout the city.

Lot occupancy

One provision of MU4-A respecting lot occupancy that applies only to Square 5539 should be applied citywide. The maximum lot occupancy for the lots at issue in Square 5539 is 60 percent, including any otherwise applicable bonuses for inclusionary zoning (IZ) or planned unit developments (PUDs). Everywhere else the base maximum lot occupancy is 60 percent adjustable up to 75 percent with IZ bonuses. The 60 percent maximum is a key factor leading OSNF to support this proposal. A higher lot occupancy, combined with the proposed height, would have rendered MU-4A unacceptable. OSNF believes all neighborhoods where MU-4A is mapped should enjoy the benefit of the lower maximum lot occupancy. In Square 5539, the MU-4A zone will abut an R-1B neighborhood, which has a maximum lot 40 percent lot occupancy and lower actual lot occupancy. Lot occupancy of 75 percent would completely overwhelm the neighborhood. In a spirit of equity, please apply this provision wherever MU-4A is mapped.

Height and Setbacks

The nominal height limit for MU-4A and MU-4B is 50 feet, but the penthouse rules in the zoning code allowing habitable penthouses raise the de facto height to 65 feet. The shadow studies performed at the behest of the Zoning Commission demonstrate that at certain times and seasons, the shadow effect of matter-of-right development will be significant under MU-4A or MU-4B. This is ameliorated, though not completely cured, by required setbacks at the 40-foot height as well as for the penthouse level. The setbacks also provide a needed level of privacy for neighboring residents. OSNF regards the lower lot occupancy as a tradeoff for the height.

MU-4A should apply when an alley separates R and MU zones

In Square 5539 and elsewhere, residential and MU zones share a boundary line. In other instances, two zones are separated by an alley. OSNF believes that MU-4A should apply in both instances. The buffering provisions in MU-4A are based on 11 DCMR J-207, which calls for buffering when a PDR zone is next to a residential zone. Those provisions expressly cover both situations. Section J-207.2 states:

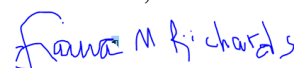
- (a) A twenty-five foot (25 ft.) setback shall be provided from each lot line that is directly abutting a lot in a residential zone or developed with a residential use;
- (b) A twenty-five foot (25 ft.) setback shall be provided from each lot line that is abutting an alley that serves as the zone boundary line between a PDR zone and a residential zone. The depth of setback shall be measured from property line of the PDR-zoned lot; and
- (c) A fifteen foot (15 ft.) setback shall be provided from each lot line, except a front lot line, that is abutting a street less than seventy feet (70 ft.) in right-of-way width that serves as the zone boundary line between a PDR zone and a residential zone.

No sound reason exists for denying MU-4A relief to residents separated by an alley from a commercial use. Omitting these instances frees the commercial use to carry on storage, loading, etc. right up to the lot line, without the benefit landscaping and added distance.

MU-4A should be mapped widely and immediately

Although MU-4A was advertised citywide, it is proposed to be mapped immediately only in Square 5539. A number of other neighborhoods have expressed interest. We ask the Commission to propose mapping MU-4A across the city wherever low-density residential neighborhoods are located next to MU-4 commercial zones (irrespective of the presence of an alley) and, as state above, to lower the lot occupancy to 60 percent. Applying MU-4A to just one site raises the specter of spot zoning, which can be avoided by MU-4A's wider implementation. Requiring residents to petition for MU-4A imposes an unnecessary burden to achieve relatively modest benefits.

Submitted,



For OSNF

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