

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**CASE NO. 08-06-8**  
**(Comprehensive Zoning Regulations Rewrite: Low/Moderate Density Residential)**  
**April 9, 2009**

Testimony of Alma Hardy Gates, Neighbors United Trust

As a starting point for discussion of new zoning strategies and concepts, OP highlights the Comprehensive Plan's main goals for residential areas: **protection of existing neighborhood character and promotion of conforming infill**,<sup>1</sup> However, what is being proposed by OP appears to promote the destabilization of existing neighborhoods; recommends a new maximum building footprint in lieu of lot occupancy; proposes matter of right construction on substandard lots; removes required uniform side yards; eliminates light and air considerations; proposes rear yard accessory residential space; and, trades the customization of zones for the unique overlays that currently provide protections for established residential neighborhoods. These are some of the concerns the work group consistently attempted, but obviously failed, to persuade the young OP staff to reconsider, thus making their disclaimers appropriate and necessary.

**Templates and Customizable Standards.** OP is proposing to replace the seven existing low and moderate residential zones with a limitless number of customized zones. The number of existing mapped zone districts throughout the city will increase as numerous new zones are created. The complexity of what is being proposed really isn't an improvement over what currently exists, will not improve the relevance, clarity and ease of use of the zoning code, equates to spot zoning and will eventually lead to an extensive remapping of the city.

**Components of a Customizable Template.** Matter of right and increased density are the recurring themes of the Low to Moderate Density Residential recommendations. In its report OP cites, [S]ince 2001, nearly 20% of all variance cases included relief for lot occupancy in the R-1 to R-5-B zones."<sup>2</sup> As these variance requests would become matter of right under this proposal, the Zoning Commission must be mindful of the immediate neighbors who would be denied an opportunity for input when the obvious impact is to their property, its value and their quality of life. Further, using this matter of right scenario, what is to prevent creative developers from purposely creating substandard lots in the future that would allow more density and a greater return on their investment?

Requiring the placement of homes along a front building restriction line may provide a neater, more uniform look to residential areas; however, a provision for corner lots needs to be included in Recommendation 3.

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<sup>1</sup> March 18, Public Hearing Report for ZC #08-06-8, page 2.

<sup>2</sup> Ibid, page 14.

While much attention was paid to assuring a uniform front yard setback, side yards did not fair as well. Homes would no longer be protected by a rigid side yard set back but would be subject to a minimum side yard standard. As the Commission will recall, in the recent Canal Parc case, a number of the side yard setbacks were well under what is currently required, including one that was less than one foot! This allows more overall massing, increased density and impervious surface coverage, omits light and air and lowers the bar in terms of zoning standards. As one work group member put it, “how would you get your Super Can through a three foot-wide opening?”

**General Policies Related to the Residential Zone.** The broad categories of uses being proposed as special exceptions for residential zones include retail, service, office and institutional. Allowing these uses in all residential neighborhoods, even with strictly enforced performance measures and baseline limits, would lead to destabilization and a change in neighborhood character.

Finally, the recommendation to allow a second residential structure on the same lot in those zones that allow two or more units would ensure a new revenue stream for the property owner. Converting existing or constructing new garages along an alley will create a new class of “alley dwellers” who will place increased demands on strained utility delivery as well as the Washington Aqueduct and Blue Plains.

**Conclusion.** The Comprehensive Plan’s goal of protecting neighborhood character is not met by these proposed changes. In short time the Commission will be presented with the recommendations of the Sustainability Work Group. To consider these two segments in isolation is a disservice to residential property owners as both promote much denser residential areas. Those of us who represent neighborhood and community groups owe our constituents an honest appraisal of what is being proposed by the Office of Planning and the message is: the new zoning proposals do not protect their interests.