



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Julie Seiwell (1C01)

Hector Huevo (1C02)

Ted Guthrie (1C03)

Gabriela Mossi (1C04)

Alan Gambrell (1C05)

Billy Simpson (1C06)

Wilson Reynolds (1C07)

JonMarc Buffa (1C08)

September 8, 2016

Mr. Anthony Hood, Chairperson
Zoning Commission
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001

RE: ZC Case No. 08-06-F

At a duly-noticed public meeting held September 7, 2016,
with a quorum present, Advisory Neighborhood Commission
1C passed the attached resolution by a vote of 7-0.

Sincerely,

Alan Gambrell
Member, Planning, Zoning and Transportation Committee
Advisory Neighborhood Commission 1C

Attachment

ANC1C Resolution Opposing Proposed Changes to the Planned Unit Development Regulations in Case 08-06F

Advisory Neighborhood Commission 1C (“ANC1C”) adopts the following resolution, votes to send it to the District Zoning Commission (“Zoning Commission”), Zoning Commission, the Mayor’s office, and the City Council. Further, ANC1C authorizes any Commissioner of ANC1C to represent ANC1C before the Zoning Commission in connection with this matter:

Whereas, a Planned Unit Development (“PUD”) is a project-specific zoning action under which the Zoning Commission is authorized to substantially suspend regular zoning rules governing, for example, height and density, for a “high quality” development that offers acceptable public benefits in return.¹

Whereas, the in the newly-enacted ZR16 codify PUD rules in a provision that reads, in part: “As part of the PUD process, the Zoning Commission may grant relief from any building development standard or other standard referenced in the zone reference table with the exception of use regulations.”²

Whereas PUDs-have only been allowed for larger projects where the minimum required lot area for a project has been:

- Commercial zones: the requirement has been 15,000 square feet (required for C2-A and –B [now MU-4 and -5A]);
- Residential zones: the requirement has been either 1 acre (43,560 SF -- required for R5-B and -D [now RA-2 and -4]) or 2 acres (required for R4 [now RF-1]).

Whereas, even after a 50% waiver (that has been allowed under certain conditions), it has not been possible for a developer to obtain PUD height and FAR bonuses for a project on an individual rowhouse lot.

Whereas, at a hearing on September 22, 2016 on Case 08-06F, the Zoning Commission will consider changes to the rules governing that will allow the Zoning Commission to waive 100% of the minimum area requirement in all but twelve zone districts, including all Adams Morgan zones, under certain conditions: the project must be at least 80% residential and be found by the Commission to be “in the best interests of the District of Columbia or the country.”

Whereas, the Hearing Notice states (at p.1) that “[t]he proposed amendments would . . . revise Subtitle X § 301.2 to permit partial or complete waivers of the minimum land area requirements for planned unit development applications in Zone Groups 1, 2, 5, and 6,” and continues at p. 5:

¹ X-300.1

² X-303.1.

“Subtitle X, SUBTITLE X GENERAL PROCEDURES, Section 301, MINIMUM LAND AREA (PUD), § 301.2 is amended as follows:

301.2 The Zoning Commission may waive ~~not more than fifty percent (50%)~~ of the minimum area requirement of Subtitle X § 301.1 for applications in Zone Groups 1, 2, 5, and 6, provided that the Zoning Commission shall find after the public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and one (1) of the following:”.

Therefore, ANC1C resolves:

ANC1C opposes the applicants’ proposal in Case 08-06F to change the Zoning Commission regulations to allow the Zoning Commission to waive 100% of the minimum area requirement in zone districts, including all Adams Morgan zones.

ANC1C calls on the Zoning Commission to reject the proposed PUD amendments in Case 08-06F for the following reasons:

- The proposed waiver of PUD minimum area requirements in almost all zones represents a massive enlargement of the highly discretionary PUD process.
- The proposed requirement that a project be found by the Commission to be “of exception merit and in the best interest of the District or the country” in order to be eligible for a 100% minimum area waiver clearly fails to provide any meaningful, demonstrable, or practical constraints on the granting of such waivers.
- The proposed waiver—in combination with the discretion granted the Zoning Commission by ZR16 to override building standards—undermines the reliability of the zoning regulations to set consistent standards. Further, this represents a particular and worrisome threat to neighborhood character because now PUDs may be applied to single family rowhouses.
- Much of Adams Morgan is already zoned for denser and/or higher development than the current density of these neighborhoods. Thus, additional PUD density allowances would permit further densification of a neighborhood. This particularly objectionable to rowhouse dominated blocks that would, under the proposed new rules, be potentially open to PUDs on a rowhouse.

ANC1C calls on the Zoning Commission that if it were to consider any revisions to the PUD minimum area requirements, this should be conducted on the basis of zone-by-zone analysis based on the totality of the circumstances of each zone.

ANC1C calls on the Zoning Commission that if it were to consider a policy revision of this scope, such a revision should undergo a formal rulemaking process that ensures proper public notice and a meaningful opportunity to comment.