



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)

December 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 – Resolution 2

At a duly-noticed public meeting held December 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
PUD Regulations in Case 08-06F: Resolution 2
December 7, 2016 Passed 7-0**

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 duly-noticed public meeting held September 7, 2016, with a quorum present, ANC1C passed a resolution, 7-0, opposing proposed PUD changes in Case 08---06F (attached).

Whereas, at a hearing on Case 08-06F, the Zoning Commission heard proposed changes to PUD rules in a September 22, 2016 hearing but subsequently asked for revisions based upon feedback received before, during and after the hearing.

Whereas, the Office of Planning produced a revised proposal by which the 100% waiver was dropped for all zones, a 5% waiver was allowed in certain RF, RA and MU zones, a 50% waiver was authorized for certain projects in R, RF 1 and RF 3 zones, a larger waiver down to a minimum of 5000 square feet was authorized for certain projects in most other zones, including the predominant Adams Morgan zones of RA-2 (formerly R5-B), MU-4 (formerly C2-A) and MU 5-A (formerly C2-B).

¹ X-300.1

² X-303.1.

Whereas, this revised proposal is an improvement over the rules on minimum area waiver now found in X-§301.

Whereas, the reasons for limiting the waiver to 50% in the case of RF-1 and RF-3 zones apply equally to RA-2, particularly considering that the built environment in RA-2 areas is often indistinguishable in respect of height and bulk of buildings from that of RF-1 and RF-3 areas.

Whereas, the effects on a given zone of a reduction in the PUD minimum area requirement cannot be fully evaluated without taking into account the PUD height limit for that zone specified in X §303.7.

Whereas, the current 50-foot matter of right height limit for RA-2 often substantially exceeds that of the built environment, which would be additionally exacerbated by a PUD that takes advantage of the current 60-foot height limit for RA-2.

Whereas, the Rulemaking proposes a possible reduction in the minimum PUD area for RA-2 from 1 acre (43,560 square feet) to 5,000 square feet, which would leave RA-2 areas vulnerable to incompatible re-development through the assembly of two or more lots for the purpose of new construction exploiting a PUD height increase to 60 feet, in addition to the standard 20% PUD FAR bonus.

Whereas, the current matter of right height limits for Adams Morgan's commercial strips, 50 feet for MU-4 and 65 feet for MU-5, came about only as a result of vigorous community efforts to have them lowered from the substantially higher limits that had been specified in the 1958 Zoning Regulations at a time when the authorities regarded these strips as appropriate for demolition and high-rise redevelopment.

Whereas, even the newly proposed reduced height limits often substantially exceed those of the built environment, and that incompatibility would be further exacerbated by a PUD that takes advantage of the current 65-foot PUD height limit for MU-4 and 90 foot height limit for MU-5A.

Whereas, the Rulemaking proposes a possible reduction in the minimum PUD area for MU-4 and MU-5A from 15,000 square feet, reducible to 7500 square feet by the 50% waiver currently allowed, to 5,000 square feet, which would leave Adams Morgan's commercial strips vulnerable to grossly incompatible re-development through the assembly of two or more lots for the purpose of new construction exploiting a PUD height increase from 50 to 65 feet for MU-4 and 65 to 90 feet for MU-A, in addition to the standard 20% PUD FAR bonus.

Whereas, increasing zoning density and building height under PUDs represents a threat to historic districts.

Therefore, ANC1C resolves:

Urges the Zoning Commission to include RA-2 in a group of zones subject to no more than a 50% PUD minimum area waiver, while retaining its current 1-acre minimum area requirement,

Urges the Zoning Commission to include MU-4 and MU-5A in a group of zones subject to no more than a 50% PUD minimum area waiver, while retaining their current 15,000 square foot PUD minimum area requirement,

Urges the Zoning Commission to substantially lower the inordinate PUD height limit for MU-5A from 90 feet to 70 feet and to lower the height limit for MU-4 from 65 to 60 feet.



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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]);
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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.