

## CASE NO. 08-06-14

## Comprehensive Zoning Regulations Review: Medium &amp; High Density Residential Zones

Testimony of Marilyn J. Simon, Friendship Neighborhood Association

Thursday, December 9, 2010

My name is Marilyn Simon, and I am speaking on behalf of Friendship Neighborhood Association. Today, I will comment on two of OP's recommendations, Recommendation 4, to allow non-residential uses in residential zones, subject to the listed performance standards, and Recommendation 5, to divide the R-5-B zone between apartment areas and rowhouse areas based the existing R-5-B building characteristics.

RECOMMENDATION 4:**Recommendation 4**

**Allow a limited set of neighborhood-serving non-residential uses, subject to contextually appropriate performance standards. Standards will include:**

- **A maximum gross floor area limit (preliminary analysis suggests 2,000 sq. ft.)**
- **Limitation to the ground floor, and only in a building that includes a residential use**

**Standards may also include:**

- **Concentration limits to prevent multiple uses on the same block**
- **Limitation to buildings originally (pre-1958) built for commercial purposes**
- **Maximum hours of operation**
- **Maximum number of employees**
- **Limits on presence or size of signs**
- **Garbage storage**
- **Lighting (angle, intensity, quantity, shielding, confined to site)**
- **Screening requirements**

Predictability about development in the neighborhood: The Office of Planning's recommendations to broaden the non-residential uses, subject to the defined performance standards, in residential zones, conflict with the role that zoning regulations play as a contract that protects residents and businesses that have invested in the District and provides the homeowners with predictability about the development that will be allowed in their neighborhood.

Elimination of Choice of Neighborhood Characteristics: These recommendations also remove choices of neighborhood characteristics currently available to DC residents. DC

residents who seek a medium or high density residential neighborhood currently have a number of choices. They can choose (1) a neighborhood with commercial zoning, providing a mixed use neighborhood; or (2) a medium to high density residential neighborhood that is close to a commercial zone; or (3) a medium to high density residential neighborhood that is further from a commercial zone. In choosing between these three options, the residents can weigh the impacts of being near commercial uses and the possible inconvenience of having a longer walk when running errands. OP's recommendation can remove the second and third option.

Inadequacy of OP's Recommended Standards: To address the impact of commercial uses in residential zones, the Office of Planning offers two standards that they recommend be included in all zones, as well as eight other standards which may be included (with their inclusion based on the a number of local characteristics). These loose standards contrast with the requirements for home occupations which are carefully controlled, and also require that the residence serves as the principle residence of the practitioner.

The listed standards are totally inadequate to control impacts. For example, OP has not considered at all the impact of traffic and parking, or the potential for littering or loitering. In the dry cleaner example, OP ignored the fact that many people will drive to pick up their dry cleaning, since it can be clumsy to carry on foot. The inadequacy of OP's proposal illustrates the difficulty of this task, and how it is highly unlikely that an acceptable set of standards can and will be drafted.

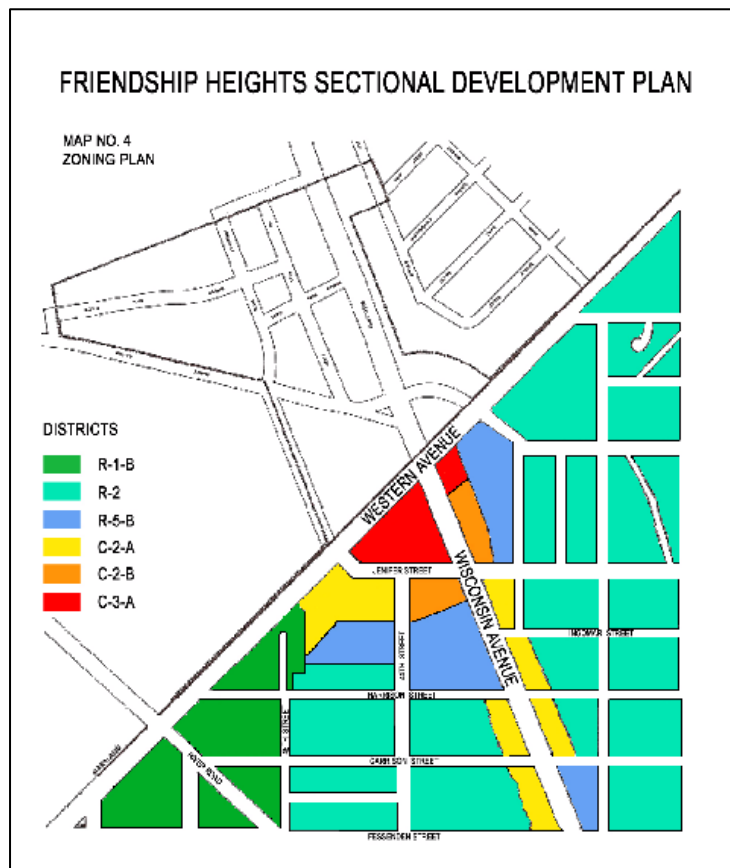
By recommending that a distance of 500 feet be used to determine whether the proposed non-residential use is too close to a commercial zone, OP is at odds with many of their other recommendations using a quarter-mile or half-mile as an easy walking distance. This undercuts other goals relating to a walkable commercial zone by having the commercial uses bleed into a much larger area. OP has not considered the possible impact of this proposal on the viability of retail businesses in the nearby commercial areas, or the likelihood that this recommendation will produce a type of retail sprawl, as some businesses move out of the more compact commercial zones and into the residential neighborhoods, each business or group of businesses separated by at least 500 feet.

***Policy LU-2.4.5: Encouraging Nodal Development***  
 Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 312.9

Undercutting Nodal Development: We also note that this recommendation is inconsistent with the Comprehensive Plan, which calls for encouraging nodes of commercial development. By encouraging commercial uses in the residential zones, outside the commercial nodes, this recommendation would undercut the viability of the pedestrian-friendly commercial nodes that serve the surrounding residential areas.

**RECOMMENDATION 5:**

***Recommendation 5: Divide the R-5-B zone between apartment areas and rowhouse areas. OP will use analysis of existing R-5-B building characteristics along with Comprehensive Plan guidance to propose new zoning districts in Subtitle D (R-1 to R-4) for rowhouse areas currently designated R-5-B.***



Friendship Neighborhood Association’s concern with this recommendation is the reliance on the existing building characteristics to determine which R-5-B zones should be classified as rowhouse areas and should be incorporated into Subtitle D.

The reliance on existing building characteristics means that some currently undeveloped areas, which should be included in Subtitle D, will instead be classified as apartment areas. In Friendship Heights, the Friendship Heights Sectional Development Plan includes an arc of areas zoned R-5-B between

the more intensely developed Friendship Heights regional center and the surrounding low-density residential neighborhoods (R-1-B and R-2) zones.

Part of that arc, east of Wisconsin Avenue, has been developed as a townhouse development, the Courts of Chevy Chase, which, as shown in the attached photographs, provides a buffer between the single family homes and the intense development along Wisconsin Avenue (Chevy Chase Pavilion, Friendship Centre, and Chevy Chase Plaza).



SINGLE FAMILY HOMES ON 43<sup>RD</sup> STREET, ACROSS FROM COURTS OF CHEVY CHASE



VIEW OF CHEVY CHASE PAVILION BEHIND THE TOWNHOUSES OF THE COURTS OF CHEVY CHASE

The portion of the arc west of Wisconsin Avenue is largely undeveloped. Much of the Lord & Taylor parking lot is in the R-5-B buffer, and is across the alley from semi-detached homes on Harrison Street. Like the homes on 43<sup>rd</sup> Street, facing the Courts of Chevy Chase, the homes on Harrison Street can be protected with a rowhouse development, which would be an appropriate buffer. This new development could even be perhaps done with underground parking and a single curb-cut, as was done at the Villages of Bethesda on Arlington Road.



VIEW OF COURTS OF CHEVY CHASE FROM  
43<sup>RD</sup> STREET FACING CHEVY CHASE PAVILION

CONCLUSION:

We ask that the Zoning Commission, in providing guidance to the Office of Planning, ensure predictability and protect residents' current choices of neighborhood characteristics by directing the Office of Planning to drop its recommendation to allow commercial uses in residential zones.

We also ask that the Zoning Commission clarify the process for determining which R-5-B zones should be incorporated into Subtitle D to include not only areas with existing townhouses, but also undeveloped areas, such as the R-5-B buffer zone in Friendship Heights, that are most appropriately classified as rowhouse areas and included in Subtitle D, rather than being classified as apartment areas.