

FRIENDSHIP NEIGHBORHOOD ASSOCIATION
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**Testimony of
Friendship Neighborhood Association**

Before the Zoning Commission
Zoning Commission Roundtable
July 12, 2007

My name is Marilyn Simon, and I want to thank you for this opportunity to testify on behalf of Friendship Neighborhood Association.

While there is a need for an update of the zoning regulations, it is important, throughout this process, to recognize the critical role of our zoning regulations as a contract between the citizens of the District and their government, a contract which protects the homeowners and businesses that have invested in the District and its neighborhoods. They have relied on the protections provided by the zoning regulations when they choose to live in and invest in the District's neighborhoods.

These Roundtables are important, but hopefully they are just the beginning of a process which will involve a substantial amount of public input, and that that input will be reflected in the final product.

Tonight, I would like to mention several areas of concern. Like many other neighborhoods across the District, the neighborhoods along upper Wisconsin Avenue can accommodate a substantial amount of growth within current matter-of-right limits. In fact, matter of right development in Friendship Heights can accommodate over 1,800 new housing units as well as a substantial amount of new commercial development. In light of this, residents of many neighborhoods rely on the zoning regulations to provide predictability as to where new development will occur and what form it will take. They rely on zoning to understand what their neighborhood may look like in the future.

First, in order to provide current residents and developers with the type of predictability they desire, it is necessary to maintain the level of granularity that is in the current regulations, and to provide clear guidance as to the limits of height, density and lot occupancy, as well as the other requirements and limitations that define each zoning category. These limitations, associated with each zoning category, as well as the broader ranges associated with the categories used on the Future Land Use Map of the Comprehensive Plan, provide the foundation on which District homeowners have formed their expectations. There have been interpretations of the Future Land Use Map of the Comprehensive Plan based on the assumption that the categories of the map give guidance only with respect to the maximum number of stories, and not to any other measures of intensity of development. In fact, the definitions of these categories, while far more general than the zoning categories, provide for substantial guidance. When the zoning regulations are revised to be consistent with the revised Comprehensive Plan, it is essential that the revised regulations preserve the guidance that is in the Comp Plan, and

that they provide additional guidance, making clear each of the limitations for all of the zones that are consistent with each category on the map, and making clear that, as stated in the Comp Plan and in OP's representations to ANC's and community groups during the Comp Plan process, that "the designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted."¹

The PUD process needs major changes to bring it back in line with its original purpose. PUDs should be limited to large sites. In addition, if PUDs are to be allowed, it needs to be proven that these projects will provide substantially more benefit to the immediate community as well as the District as a whole than development that would be done as a matter of right. Frequently, developers proffer "amenities" that would not be better than what would be done by a developer of a MOR building, or proffer "amenities" that are unenforceable. Until the problems with the PUD process are addressed, there should be a moratorium on PUDs and map amendments to avoid a flood of applications in anticipation of tightening of these rules.

There are several procedural changes that can improve the PUD process. The Commission should have access to and review comments submitted by members of the community prior to its set-down meeting. The Commission misses the potential to receive key information when its only access to community concerns is a summary in the OP report. Frequently, the ANC and members of the community can provide a substantial amount of information about how a project will fit into the community. When the Commission cannot read ANC resolutions and citizen letters prior to the set-down meeting, it loses a critical opportunity to evaluate whether a project should be substantially revised before being considered, or even providing the developer with guidance as to what should be changed before the developer's prehearing submission.

The determination of party status must be made in advance of the first hearing so that community groups know that they have party status before they are required to invest the substantial amount of time and money necessary to present a case before this Commission. Only by having that assurance, can a community organization invest the time and money necessary to provide the Commission with a comprehensive picture of how the project will impact their community.

Several overlay districts are specified in the Comprehensive Plan, and every effort must be made to implement those recommendations. These include the overlay zones for Friendship Heights and Tenleytown.

Thank you.

¹ The designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted. A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range. There are more than twice as many zone districts (about 30, plus more than a dozen overlay zones) as there are Comprehensive Plan land use categories. For example, there are at least three zone districts corresponding to "Low Density Residential" and three zone districts corresponding to "Moderate Density Residential." Multiple zones should continue to be used to distinguish the different types of low- or moderate-density residential development which may occur within each area. Comprehensive Plan, 224.24(e).