<u>**Comments on ZRR Case No. 08-06A – Proposed Title 11 DCMR – Zoning**</u>

Chairman Hood: There are serious reasons to be concerned about various aspects of the ZRR.

For starters, DC has failed to give "great weight" to official ANC comment as required by law. Just over two years ago, ANC 3/4G formed a zoning task force to consider zoning proposals put forth by DC's Office of Planning (OP); the resulting report was formally endorsed and submitted in accord with requirements in effect at the time. The DC government has never responded to the ANC submission, even though there was ANC-initiated follow-up to discover why. The procedure for demonstrating "great weight" involves point-by-point response to an ANC by a DC government agency. That has not happened, in contravention of DC law.

Had OP done its job, more consideration would have been given to deficiencies in the current proposal, some of which are detailed below.

1. Despite its significance to a number of DC neighborhoods, **the ZRR fails to address McMansions.** Reliance on designation as an historic district to prevent McMansions is an illusion: anyone with the right connections in this town can build a copper mansion wherever they want. Only the ZRR can prevent McMansions, merely by addressing two aspects:

A. **Footprint.** The ZRR allows 40 percent lot coverage. I have a typical 6,500 sf R-1 lot upon which my typical house occupies no more than 1,000 sf. Coverage of 40 percent would allow a footprint of 2,600 sf – 2.5 times the existing footprint. **A limitation of 30 percent lot coverage (R-1) makes more sense.**

B. **Height.** The ZRR continues to allow a house 40 feet high. But the height is not measured with a ruler: it's calculated. Here's how to build a five-story house nearly 50 feet high in compliance with the three-story, 40-foot ZRR: A basement apartment with an eight-foot ceiling could be legally constructed within a foundation that extends one inch less than 4 feet above grade because that's a cellar the ZRR doesn't count as a basement story. Engineered first-floor supports require 16 inches, and we allow one foot for support of each of second and third floors. The first floor has almost 9 feet of headroom; second and third floors 8 feet each. So we're at 32 feet elevation. We still have 8 feet to reach the 40-foot nominal height restriction. Building height from the third floor's ceiling to the peak of the roof, according to the ZRR, computes, however, as only half its actual height. A big roof 16 feet in height counts only as 8 feet. Now we're at 48 actual feet, towering over neighbors' rooves. Post-inspection, illegal buildout of the voluminous attic produces a fourth story on top of a basement apartment.

Most single-family homes are less than 40 actual feet. If R-1 (and R-2) homes were limited to an absolute maximum height of 40 feet, and if R-1 lot coverage was limited to 30 percent, there would be no more McMansions … because they couldn't be built.

2. ZRR-proposed underground parking requirements on developers of multi-family condominium and apartment buildings threaten availability for curbside parking on our streets – for residents (with no other accessible parking), visitors, tradespeople, and customers. OP proposes to slash minimum parking requirements far more severely than appears at first glance.

Table C-701.5 of the ZRR lists residential parking requirements as follows: single-family, 1 space per principal dwelling; residential flat, 1 space per two dwelling units. But for multi-family buildings, the ZRR would require one space per three dwelling units in excess of four dwelling units, "except 1 per 2 dwelling units for any zone within Subtitles D or E; 1 per 6 units of publicly assisted housing, reserved for the elderly and/or handicapped." The table omits information of greatest importance to our neighborhood: developers of multi-family buildings will be allowed to cut minimum parking requirements in half along streets near Metro bus and rail lines – i.e., along Connecticut and Wisconsin Avenues, to one space for six dwelling units. To whatever extent any six multi-family households have cars, only one of them can expect a parking space under their own building. The others must park on the streets, choking curb space for themselves and others. **Thus any car owned by a multi-family resident not parked underneath a residential structure (possibly containing hundreds of units) will be parked on residential (probably single-family) streets.**

How many cars owned by multi-family households exist in specific sub-neighborhoods called census tracts, for which there are reliable data? Car ownership in the District of Columbia has been increasing for more than two decades, except for financial crises in each decade when car ownership appears to have declined slightly – only to firmly resume again with revived economic activity.

Long-term census data comport with the latest five-year community surveys, all removed from margin errors that impeach shorter-term results. DC residents have owned just about one passenger vehicle per household for that entire time, even more in this community. Metropolitan Washington Council of Government data indicate vehicle registrations in DC rose at twice the regional average rate for the past three years (5.8 percent versus 2.9 percent). Population density is not only greatest along the Connecticut/Wisconsin Avenue corridors, but vastly overwhelms the number of households on nearby streets in Northwest DC. **We have not reached the end of massive multi-family construction** along these routes, which are most exposed to the one space per six units requirement because they are Metro corridors as well.

Ownership data from the census combined with provisions of the ZRR mean that as few as one in nine existing cars will have parking spaces under their owners' residential buildings. Those cars will park on streets nearest the thoroughfares and infiltrate into single-family areas, consuming more and more curb space until equilibrium develops at residential fringes, if at all. Prevention is the antidote for this epidemic. Just quarantine multi-family residents' cars underground.

This argument isn't about traffic; it's about storage. A car that isn't on the road is in the garage or at the curb. Traffic has far less to do with DC owners' cars than with those used by commuters, tradespeople, and tourists. Cars parked underground are not driven around in search of a parking space. And single-family owners of two, three, or more cars must sometimes park on the street. What is the point of making DC unlivable for its residents when their cars contribute only a minor portion of our traffic problems?

3. DC's legally binding **Comprehensive Plan requires that zoning policy and decision-making be based upon data**, a term which excludes rumination, official or private,

about a horde of pedestrian millennials coursing through DC leading all who follow into a promised land of walkways devoid of automobiles. OP hopes are stimulated by the fact that young single consumers pay various taxes but demand few services.

But it's a distortion to choose data tuned to ideology. OP ignores solid data showing that grocery shopping, dogs, and little children demand the use of a car. There is corroborative evidence indicating that formerly unemployed, tuition-indebted young people are now getting paychecks enabling them to move out of their parents' homes, get married, and buy cars.

What specific evidence has the OP obtained from commercial establishments, especially small businesses, health care providers, law firms, and so on to support such drastic reductions in customer parking? Are these entities to be restricted to doing business with people who live in their neighborhoods? Are we going to drive shopkeepers and professionals out of this city? They're already suffering from "improvements" in delivery lanes.

Planners in New York and Portland, Oregon have found that households with access to public transportation do not abandon car ownership when their apartment buildings lack underground parking. And the argument that multi-family residents don't want to pay for underground parking they don't use is specious. **Residents pay to park in addition to base rent**. It's developers who don't want to advance underground parking construction costs. The two buildings – on 14th Street and in Tenleytown – that do have excess parking spaces are anomalous; OP has identified no other such sites.

The market price for housing is whatever the market will pay, period. **Developers are not going to return to renters or condo buyers a windfall conferred upon them by OP's ZRR**. Once built, multi-family buildings cannot be jacked up over an underground parking garage that should have been constructed in the first place.

Densely populated buildings contain lots of voters, who have ANC representatives, who have sway over RPP access. As time goes by, all buildings with covenants against RPP issuance – entered into in lieu of underground parking – will finagle their way back into the RPP program: residents of single-family homes on surrounding streets will carry the costs of OP failures to put cars underground.

Developers in the currently delineated downtown will not have to provide any underground parking in newly constructed buildings there. More important, the ZRR contemplates annexation of areas into the downtown business district where no underground parking whatsoever will be required. That might make sense if we had a subway system like New York City, London, Paris, or Moscow. But we don't, and we won't.

DC's Office of Planning staffs the Zoning Commission; OP drafts the ZRR, then plies the ZC with echoes of its own policies in ZC deliberations. Hippocrates laid down the primary directive: ***First, do no harm***. This is why I'm writing to you.

Allen Seeber
5406 39th St NW