

Testimony before Zoning Commission
November 12, 2013
Subtitle C – General Provisions
Randy Speck, Commissioner, ANC 3G

I am Randy Speck, Commissioner from ANC 3G and designee for Commissioner Gary Thompson, and I thank you for the opportunity to testify tonight on behalf of Chevy Chase ANC and our Commission's Zoning Revisions Task Force. Commissioner Thompson has testified with respect to our recommendations in Subtitles B and D, and I will address the ANC's previously submitted comments as they relate to some of the height and parking provisions in Subtitle C.

Our first comments relate to section C502 and the rules for measuring building height in Residential Zones. As an initial organizational matter, it may be that these rules relating only to residential zones would be more appropriately included in Subtitle D, in keeping with OP's efforts to consolidate rules that affect particular types of zones.

Substantively, our comments are informed by our recent experience with the as-of-right permit application for a 260-unit apartment building at the corner of Connecticut and Military Road, which raised a number of questions about the correct measurement of the building's height. First, with respect to which side of the building is used for measurement, proposed section C502.8 adopts the "mix-and-match" formula for corner lots, allowing a builder to select one street frontage to generate the height limit, but then to apply that height limit to a different frontage that is "selected as the front of the building," thus permitting a height limit that would exceed what would be permitted from either frontage. Particularly as the District considers revisions to the Height Act, we urge the Commission to adopt a reasonable rule that whatever side is selected to determine the height limit must be the same side where that height limit is applied.

Second, with respect to where on a side of a building the height will be measured, we are concerned that the proposed rule C502.3 permits a builder to use the middle of the "building façade of the principal building that is closest to a street lot line" to determine the building's height so that the design placement of the building facades themselves may alter the permissible height. We urge the Commission to adopt a more objective, fixed measurement point based on the middle of the lot.

Third, we favor an absolute height limit in section C502.5 for residential buildings – not the confusing "average level" requirements for many roof types, which could yield a true height of well over 40 feet and even more than 50 feet.

Our remaining comments on Subtitle C relate to parking. First, in section C1901.5, the parking requirements for residential, multi-family buildings provide for "1 per 3 dwelling units in excess of 4 units, except 1 per 2 dwelling units for any zone within subtitles D or E" What this means along our Connecticut Avenue commercial corridor is that an apartment building with fewer than 4 units need provide no parking, and an apartment building with 9 units need provide only one parking space (*one for the three units in excess of four, with the remainder of two more units not yielding an additional parking spot requirement*). Our task force disagrees

with this relaxed parking requirement and urges the Commission to adopt a simple rule of one spot for every three units.

Second, we are concerned that section C1902.1 would relax all the parking requirements in subsection C1901.5 by a full 50% when WMATA identifies a Priority Corridor Network Metrobus Route. It is inappropriate to let WMATA's decision determine the parking requirements applicable under the District's zoning regulations to control without review and decision by an agency of the District government. We recommend eliminating such an alteration by WMATA unless pursuant to a process that involves the affected ANC and the Zoning Commission.

Third, section C1907 addresses mitigation steps for parking that significantly exceeds the minimum requirements and sets the trigger for this mitigation at 1.5 times the minimum level. We are sympathetic to the reasons for this mitigation provision, but are concerned that the level of the trigger is too low. Some recent experience suggests that the current demand for parking spaces in new buildings may be greater than 1.5 times the minimum levels – indeed at about twice the minimum levels (*i.e., 2 spaces for each 3 rental units instead of the minimum level of 1 space for every 3 units*). The proposed trigger for mitigation measures may not reflect actual market demand for parking, and we suggest increasing the trigger level to 2.0 times the minimum levels – in other words, at about the level of current demand.

Thank you for your attention and consideration.