

ZONING COMMISSION ZRR HEARING
Zoning Commission Case No. 08-06A

Testimony for Advisory Neighborhood Commission 4B
Presented by Faith Wheeler, ANC 4B Vice-Chair
November 13, 2013

Thank you for giving me the opportunity to present to you testimony of the Advisory Neighborhood Commission 4B. Earlier, ANC 4B Chair Sara Green presented testimony from one part of this ANC 4B Resolution. Tonight, I will present testimony from another part. I am Faith Wheeler, Vice Chair of ANC 4B.

The following two paragraphs are excerpted from the entire ANC 4B Resolution as they pertain to tonight's hearing on Subtitles G and H, respectively Mixed Use and Neighborhood Mixed Use Zones. Below these two paragraphs is the entire ANC 4B Resolution for your information.

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RESOLVED:

Advisory Neighborhood Commission 4B (ANC 4B) makes the following recommendations to the Office of Planning (OP) with respect to the Zoning Regulations Review (ZRR). We ask that OP respond to these recommendations in writing.

OP states that every neighborhood will be able to "customize" zoning regulations after they have been adopted by the Zoning Commission. However, they are giving Georgetown the opportunity to do it now, explaining Georgetown is a "prototype" for a future citywide process. However, once the new zoning regulations are adopted citywide, property owners and developers will fight any changes that, for example, eliminate uses or decrease densities, and will likely argue that customization effectively reduces individual property values and violates property-owner rights.

Therefore, we recommend:

- *Rescheduling OP's draft submission to the Zoning Commission to give every community the opportunity to develop its own "customization" proposals and for more comment. The "great weight" provisions of DC law should apply.*

Additional Zoning Regulations Needed

Large one-story-only buildings, the Georgia Avenue Walmart, for example, contribute to sprawl. The zoning regulations should encourage larger-scale, greater height development on main corridors where there are wider streets, more plentiful parking and the best transit options. Therefore, we recommend:

** New buildings on main corridors should have minimum FAR requirements to encourage multi-story buildings.*

Similar to other jurisdictions, the negative impact of new development, including traffic and the loss of green space, should be mitigated by the developer.

Therefore, we recommend:

** New zoning regulations mandating impact fees earmarked for public benefits and services, such as water quality, infrastructure and street improvements, parking, mass transit, parks and recreation, and landscaping on public streets.*

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Presentation, Discussion and Recommendation Vote: DC Zoning Regulations Rewrite

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** Rescheduling OP’s draft submission to the Zoning Commission to give every community the opportunity to develop its own “customization” proposals and for more comment. The “great weight” provisions of DC law should apply.*

Parking

The current proposal’s “one-size-fits-all” approach to Transit Oriented Development will have a detrimental impact on ANC 4B neighborhoods that are within one-half or one quarter mile of Metro Stations and bus lines, respectively, including Takoma, Lamond-Riggs and Brightwood. The OP proposal to eliminate on-site parking requirements in Transit Zones and dramatically reduce parking requirements in other areas is a windfall for developers and property owners without sufficient corresponding public benefits. It simply offloads what is now a private obligation onto the public sphere. There is no persuasive evidence that developers or property owners will voluntarily reduce rents or sales prices if required parking is eliminated.

Therefore, we recommend:

** Minimum parking requirements are needed in Transit Zones and for every multi-family or commercial building. The specific requirements should be determined following studies, as per the provisions of the Comprehensive Plan.*

** OP should consider requirements that mitigate the traffic and other impacts of the building(s) and provide a public benefit. For example, developers could contribute to the cost of municipal parking or share privately-built parking facilities or provide low -income or affordable housing units or public parks in exchange for some reductions in the current levels of required parking.*

Accessory Units & Home Occupations

The current proposal expands allowable residential and business uses for properties in residential neighborhoods, with likely accompanying changes in density, noise, and parking demand.

The proposal would permit, for the first time, the conversion of garages and other outbuildings into businesses or rental units and it would permit these uses as a matter of right unless a new building is constructed or an existing building is expanded. Currently, these uses are only permitted inside existing homes, and in many cases only by the Board of Zoning Adjustment as a Special Exception. Some proponents argue that these changes are needed to manage a growing number of Special Exception applications.

In addition, many more home occupations and businesses will be permitted in residential zones, including businesses that generate significant traffic and noise, such as delivery services and fitness businesses. While OP imagines peaceful yoga studios, the regulations would also allow much louder and more intrusive businesses, including Zumba, an exercise program featuring loud music.

There are no requirements for additional parking spaces to accommodate the increased demand for parking from new residents and new business customers.

Proposed restrictions about the number of employees and vehicle trips, such as the limitation of no more than eight vehicle trips on a regularly basis daily, will be very hard to enforce.

Therefore, we recommend:

- * New allowable business uses need to be reconsidered, eliminating uses that will logically generate more than eight vehicle trips daily, such as exercise businesses.*

- * Special exceptions should be required for all uses – both residential and business – in new and existing buildings located outside the home. The potential impact on neighborhoods justifies additional resources.*

- * Additional parking should be required for business uses in accessory buildings. Business signage should be limited to small, unlighted identifying signs only on the building where the business is located.*

Accessory buildings should not exceed one story.

Industrial Zones

There are two CM (Industrial) zones within ANC 4B. They need to fit in better with the neighboring residential communities.

The current proposal requires a 25-foot landscaped setback from residential properties when the CM zone abuts a residential lot and a 15-foot landscaped setback from the street or alley when a street or an alley serves as a boundary with a residential zone.

Therefore, we recommend:

Larger landscaped buffer and setback areas between CM zones and residential properties.

Corner Stores

Currently, the proposed Corner Store provisions, which would permit new retail, including food, alcohol and other goods, by right in some residential zones, would not apply to any areas within ANC 4B, but it is possible that once established, new zones could be added, and good citywide planning is a concern.

There are no design guidelines to prevent blight and the permanent disfigurement of residential buildings. There is no requirement that businesses provide the additional fresh food options noted by advocates. There is evidence that this provision will encourage additional alcohol businesses, retail that is already abundant in many neighborhoods. Even if every customer arrives on foot, neighbors will be unduly impacted by the delivery trucks. It is also likely that these businesses will compete with existing businesses on Georgia Avenue and other commercial streets that are currently underleased and in need of foot traffic.

Therefore, we recommend:

- * Permitting “corner stores” only as part of a neighborhood “customization” process, with specific uses detailed, such as alcohol sales, and with design standards.*

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Similar to other jurisdictions, the negative impact of new development, including traffic and the loss of green space, should be mitigated by the developer.

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The ANC 4B motion to adopt the amended resolution was approved unanimously by a show-of-hands vote, 9 yes, 0 no on April 22, 2013.