

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Zoning Commission Case No. 08-06A, Subtitle J

Summary of Testimony of Alma Hardy Gates

Administrator, Neighbors United Trust

Member ZRR Task Force

November 14, 2013

You have my written submission, but tonight is a more personal statement on the treatment of the less fortunate in Washington, DC and the relationship of Production, Distribution and Repair (PDR) zones to residential zones.

My initial testimony on PDR zones (February 24, 2011), addressed sections of the Comprehensive Plan that address the relationship between the establishment of PDR zones and environmental justice, and parking within PDR zones. In terms of changes, it appears the parking requirement is based now on the total GFA of structures on the lot. The proposed requirement, 1.67 space per 1,000 sq. ft., in excess of 3,000 sq. ft., may or may not suffice to accommodate off street parking for both site related and employee's vehicles. OP has not provided the basis for its calculations for PDR parking or other applications where GFA is used as the basis for numbers of parking spaces. Does the GFA-based parking formula improve the impacts of parking associated with PDR zones or will spill over parking become an unintended consequence of the zoning revision?

Ten years ago, I was asked by the Army Corps of Engineers to serve as a member of the Partnering Team¹ for the Spring Valley Formerly Used Defense Site. This area of the District, which includes the campus of American University and the surrounding Spring Valley development, was used to develop and test chemical warfare materiel (CWM) during WW I. When recovered munitions and CWM are destroyed periodically in a secured containment structure on site, the distance from the closest home is 750 ft. Why does zoning permit less exclusive residential zones in other parts of the city to be located as close as 200 ft. to an open cement or asphalt plant on a full-time basis? That degree of separation is not the length of a football field making the protection threshold three times less than that provided for the residents of Spring Valley.

¹ The Spring Valley Partnering Team is composed of the Army Corps of Engineers, US Environmental Protection Agency and the District Department of the Environment, their contractors and a Scientific Advisor.

Does the Zoning Commission actually believe a 15 ft.-wide evergreen buffer or a 10-ft. tall fence, wall or other type of screening will prevent particulate matter and exhaust fumes from reaching beyond a 200 ft. radius? How can these measures ensure toxic airborne elements will not affect nearby residents and students? Has any air monitoring been done when these production sites are in operation to verify the distance is sufficient? Is the cumulative effect of pollutants on sensitive populations a concern?

The Zoning Commission has the authority to expand PDR boundaries to ensure health, environmental and social justice issues are avoided.

The Comprehensive Plan is unequivocal in its guidance on Achieving Environmental Justice. “Environmental justice refers to the fair treatment of people of all races, cultures and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. It is about equal and fair access to a healthy environment, and equal enforcement of environmental regulation regardless of community characteristics...Clearly, some District neighborhoods have been adversely impacted by pollution-generating uses and activities in the past...All residents should have a fair and meaningful opportunity to participate in environmental decisions. [Emphasis Added.] (E-4.8, 625.1 and 625.2)

Recommendation: Ensure the proposed zoning regulations provide equal and fair access to a healthy environment regardless of community location:

1. Expand the minimum distance of separation between PDR and residential and school zones to 1000 feet.
2. Provide parking minimums for PDR sites that accommodate on-site parking for all vehicles related to each site as well as vehicles driven by employees related to site operations.
3. Avoid spill over parking on nearby neighborhood streets.