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Written Submission by Larry Werner to the Zoning Commission on 12/09/2013

Regarding the Proposed Zoning Re-Write – Case No. 08-06A

Proposals by the Office of Planning – especially the Zoning Rewrite and the Height Act – have spawned much discussion about trust, or the lack thereof. And anger. As you consider how to proceed with the proposed ZRR, please consider, as City Council Chairman Phil Mendelson warned OP head Harriet Tregoning at a City Council hearing, how divisive these proposals are and some of the ways you could help heal the divisions.

The most obvious example of what I see involves Affordable Housing. Few, if any, are opposed in principle; it's the details. OP has a seemingly simple point: reduce the costs of building by requiring fewer parking spaces and housing costs will (choose one) drop, be more affordable, be more (or less) something that will achieve the laudable goal. I, like many others, would like OP to explain – with particularity and specifics – how its proposals will accomplish its goals at all, and how those goals will be better achieved by its proposed changes than by the current Code or other possibilities.

Under OP's proposal, developers – as a Matter of Right – get all financial benefits reduced parking minimums may engender, but have no obligation to actually make housing more affordable. OP also lets developers shift the burdens of providing resident and visitor parking to all City taxpayers.

Why is that better than today when all a developer needs to say is "We'd like to provide More Affordable Housing and, in return for giving us a Zoning Exception to reduce our costs by requiring fewer parking spaces we will reduce the price to X by Y and those who live in our building will not be eligible for Residential Parking Permits so there will be no additional demand for on street parking". Concerned parties of all shapes, sizes and views have an opportunity to comment about something specific, ANC's and affected neighbors can chime in, and, most likely with minor modifications, the development will proceed and the housing actually will be at least somewhat more affordable than it otherwise might be.

Like many, I believe the goals of More Affordable Housing and a more livable City are better achieved by the current code than by OP's proposals. I believe you should require OP to show – clearly, convincingly, publicly, with actual specifics and with time and opportunity for the public to engage in a dialogue – how each change OP proposes improves what exists today. I also believe you should be open to requiring OP to propose demonstration and test areas as opposed to blind, blanket City-wide changes.

Another example is focused solely on parking. Don't we need and want to know whether we need more or fewer parking spaces BEFORE we decide to require fewer off street spaces than we require today?

The record before you is replete with challenges to OP's unsupported verbal claims that we need less parking, that required parking spaces are empty, and that even though the existing parking minimums are less than many other cities we need still less than we require today. The record also clearly demonstrates that, for whatever reason(s), more City curb space needs to be reserved for Residential Parking Permits of various types with every passing year. And there's far more in the record.

Many of us want to know how what the unelected OP is proposing relates to the Comprehensive Plan put forward by the elected City Council after much Citizen participation? OP claims it's following the plan, but many claim to the contrary. What's actually the case? How do we find out?

Many citizens and ANC's have asked for time to examine and study what OP is proposing. We shouldn't have to do that. OP should be telling us: clearly and with specific reference to the existing language, the proposed changes and why the changes are being made. It may be that, if they did, some of those who so far have supported the proposed changes may find them not as beneficial, and some who have opposed may find them not as harmful. Or maybe there could be genuine compromise.

There are many things you, the Zoning Commission, can do to help heal the divisions and reduce the anger. Just a few are:

1. Recognize that while the Office of Planning was charged solely with cleaning and clarifying the existing code, there's no redline; ordinary Citizens and even experts aren't aware of what OP actually has done, but all can see that there have been major changes that rightly belong in the political realm rather than masquerading as zoning code clarification, and
2. Require OP to demonstrate by clear, convincing evidence that there's been – and will continue to be – real, substantial, interactive Citizen participation with full Citizen access to OP data, and
3. Require OP to support its many claims with actual facts which Citizens have had an opportunity to see, question and provide alternatives, additions and corrections, and
4. Require OP to put forward the specifics of how OP has worked with DDOT, other City agencies and Boards, and Citizens to address as many realistically possible outcomes of its proposals as you'd want for a major personal life or business decision, and,
5. Require OP to investigate and report on how to test and demonstrate its proposals' feasibility.

Until OP has met such requirements,

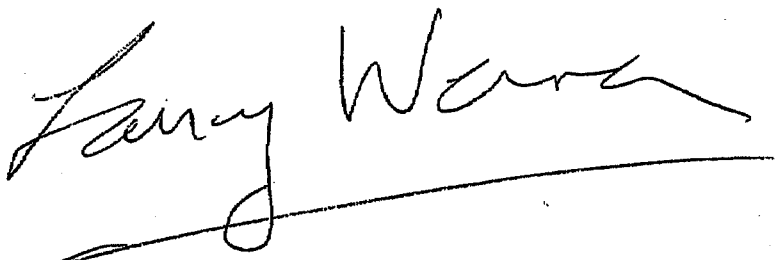
6. Refuse the proposed rewrite in its entirety, or, failing that,
7. Delay any ZRR approval until OP has provided the kinds of specifics referenced above, provided demonstrated proof of real and substantial citizen participation, and demonstrated with written substance why Citizen concerns are incorrect.

Changing our zoning correctly is far more important than changing it quickly.

Larry Werner

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A handwritten signature in black ink, appearing to read "Larry Werner", with a long horizontal line extending from the bottom of the signature.