

TESTIMONY
By
BRIAN FLAHAVEN
Chair, ANC 6B
Commissioner, ANC 6B09
On
Zoning Regulations Review
Before
The DC Zoning Commission

Thursday, January 30, 2014

Good evening Chairman Hood and members of the Zoning Commission. My name is Brian Flahaven, and I serve as chair of Advisory Neighborhood Commission 6B. My single member district, 6B09, lies in Hill East and includes Barney Circle, the Historic Congressional Cemetery, and the Eastern Branch Boys & Girls Club Building.

I appear today on behalf of ANC 6B to provide our Commission's comments and recommendations on the proposed rewrite of the city's zoning code. At its regularly scheduled monthly meeting on January 14, 2014, with a quorum present, ANC 6B approved my testimony tonight by a vote of 9-1. ANC 6B appreciates this additional opportunity to testify before you.

ANC 6B strongly supports the Office of Planning's effort to update the city's zoning code and urges the Zoning Commission to approve the update as soon as possible.

Our commission has been very engaged on the zoning update. Three of my colleagues – Commissioners Dave Garrison, Kirsten Oldenburg and Ivan Frishberg – have already testified before you on the commission's position on Subtitles E (Residential Flats), H (Neighborhood Commercial) and C (Parking). You've also received our formal position and comments, which our commission approved at a regularly scheduled, properly noticed meeting on October 8, 2013. We had hoped that after a month of hearings on the update the Zoning Commission would currently be in the midst of its final rulemaking process.

Unfortunately, it appears that some individuals and organizations are trying to slow the rulemaking process by claiming that there hasn't been enough time to consider OP's proposal nor appropriate outreach and education by the agency. Many of the voices calling for further delay also oppose specific provisions of OP's proposal. While we understand and certainly respect the right of individuals and organizations to oppose specific provisions of the update or the update entirely, our commission feels that interested stakeholders had ample time to consider or weigh in on OP's proposal.

When OP released its first draft in the fall of 2013, ANC 6B immediately created a working group to evaluate the key issues in the update. Our goal was to "have two bites at the apple" – submit one set of comments to OP and another set of comments once OP submitted its final proposal to the Zoning Commission.

The working group, chaired by Commissioner Dave Garrison, held five public meetings between December and March 2013 and involved commissioners and residents, including two zoning experts who advised the group. Jennifer Steingasser from OP attended our Feb. 14, 2013 working group meeting to provide additional information and answer questions about the proposal. Ultimately, the group produced a detailed matrix outlining the major zoning changes included in OP's proposal.

At its March 5, 2013 meeting, ANC 6B's Planning and Zoning Committee considered the matrix and recommended positions on the key changes to the full commission. ANC 6B then considered and voted on the committee's recommendations at its March 12 meeting and submitted its formal comments to OP.

When OP released its revised proposal in July, our working group convened once again in September to evaluate the revisions. The working group's updated matrix was presented once again to ANC 6B's Planning and Zoning Committee on October 1, 2013. The committee made recommendations on key issues in the revised proposal, which were taken up by the full commission on October 8, 2013. Our final position and comments were formally submitted to the Zoning Commission on October 21, 2013.

This was a thorough, organized process that included multiple public meetings and opportunities for residents to weigh in. As our process demonstrates, there was ample time for individuals, ANCs and other community organizations to consider OP's proposals and weigh in with both the agency and the Zoning Commission. While various stakeholders can disagree on various provisions in the update - and we had our share of disagreements - we feel that many of the current complaints about process are primarily an effort to stall a much-needed update to the city's zoning code.

We hope that this hearing and the four additional community hearings scheduled in February will be the final hearings and that the Commission will proceed expeditiously to final rulemaking.

I'd also like to take this opportunity to reiterate ANC 6B's position on two of the most visible changes proposed in the update.

While ANC 6B is pleased with most aspects of OP's revised proposal, we were disappointed that OP weakened its original proposal on the elimination of parking minimums. ANC 6B urges the Zoning Commission to support OP's original proposal

eliminating parking minimums required for new construction of single-family houses or residential developments of less than 10 units. ANC 6B also urges the Zoning Commission to support OP's original proposal eliminating parking minimums in Apartment and Commercial/Mixed Use zones within ½ mile of Metro stops or ¼ miles of high-service bus corridors (so-called "transit zones"). The commission's vote on this position was 7-2.

As our commission evaluated OP's original parking minimum proposal, we supported a long term vision of moving beyond auto-centered development and acknowledged that the proposed zoning regulation on parking minimums was a policy change that would have an impact on the built environment for decades to come. Many of us noted the declining share of DC residents who own vehicles, while others highlighted the arbitrary nature of the current parking minimum requirements.

Unfortunately, OP's revised proposal continues to preserve arbitrary parking minimum requirements, with the exception of downtown. We urge the Zoning Commission to adopt OP's original proposal on parking.

I'd also like to reiterate ANC 6B's unanimous support for OP's proposal on corner stores. Allowing limited commercial uses in residential zones is a good idea if we want to make our neighborhoods more walkable and accessible, particularly for those who wish to age in place. ANC 6B also unanimously supports giving the Board the authority to waive the requirement that a corner store may not be located within 500 feet of another commercial use in the same residential area which would potentially open up additional opportunities for corner stores on Capitol Hill.

Thank you for providing us this additional opportunity to testify and I'd be happy to answer any questions.