



**THE ZONING
REWRITE
IS NOT RIGHT!**

ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.792

THE ZONING REWRITE IS NOT RIGHT!

- The Zoning Rewrite Regulations contradicts major planning ethics and protocols.
- The public has received inaccurate and unclear information about the proposed zoning changes.
- No science or studies back up philosophical changes to the code.
- There is not understanding of the long-ranging consequences or inter-relatedness of the impacts from the proposed zoning changes.
- No redline document has ever been produced to show the transition from the proposed changes to the new changes. The so-called “crosswalks” are not a substitute for a redline document and contain many errors.
- There is unfair and uneven treatment in regards to education, explaining, and discussing the proposed changes depending on the neighborhood you live in.

What is NOT on OP's agenda with regard to changes to DC's zoning code and the ZRR?

- A realistic affordable housing strategy
- Steering investment to neighborhoods that need and could benefit from it most
- More and better public facilities (schools, parks, sewers, transit) in areas slated for growth
- Expanding the supply of housing for families
- Supporting small businesses
- Protecting solar easements, preserving green space, combating heat islands, and promoting more environmentally-sensitive development
- A long-term plan for the retention, stewardship, and acquisition of public land to serve public needs
- Enabling residents to play a meaningful role in governmental decisionmaking on development projects in their neighborhoods
- Addressing the very real problems we face, while respecting and preserving what we love about DC.

§ 6-641.02. Zoning regulations

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations **shall be designed to lessen congestion in the street**, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, **to prevent the undue concentration of population and the overcrowding of land**, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to *further economy and efficiency in the supply of public services*. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to **encouraging stability of districts and of land values therein**.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF LIMITED PUBLIC HEARING**

TIME AND PLACE: Monday-Thursday, September 8-11, 2014, @ 6:00 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06A (Alternative Language to Certain Advertised Text - Title 11, Zoning Regulations – Comprehensive Text Revisions)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning ("OP"), in a report dated August 30, 2013, petitioned the Zoning Commission for the District of Columbia ("Zoning Commission" or "Commission") for comprehensive revisions and amendments to the Zoning Regulations (Title 11 DCMR). The Commission set down the proposed revisions for public hearings at its public meeting held September 9, 2013.

On June 16, 2014, OP submitted alternative language to several sections of the advertised draft text. The proposed alternative language responds to some comments received from the public and the Commission during the November 2013, January 2014, and February 2014 public hearings on Z C Case No 08-06A. The record in the case remains open through September 15, 2014. The proposed alternatives do not respond to all comments raised or submitted during the public input process.

On July 10, 2014, at their public meeting, the Zoning Commission set down portions of the alternative language submitted by OP and asked that some additional alternative language also be advertised. The Commission did not set down the proposal for regulating outdoor lighting, concluding that more work was needed on the proposal and the issue warranted a separate hearing at a future date. They also did not set down § 206 8(c) regarding building roof design in the design criteria for Large Format Retail.

The scope of this hearing is limited to the alternative text described below and does not include the original text set down by the Commission on September 9, 2013. The Commission will hold a final hearing on that text on the evening of September 4, 2014, which is limited to testimony by those individuals, organizations, or associations who have not yet testified at a prior public hearing on the text, except that any Advisory Neighborhood Commissioner may also testify. A separate notice of that public hearing has been issued and describes the specific procedures applicable to that proceeding.

ORDER OF APPEARANCE

At the time it set down the original text, the Commission waived §§ 3021 5(g) and (h) of Title 11 DCMR, which establishes that persons or parties in support (§ 3021 5 (g)) appear before persons or parties in opposition (§ 3021.5(h)).

The Commission voted to hear witnesses in the order in which the Office of Zoning was notified of their intent to testify. Therefore, the Commission at each hearing will first hear from those individuals, organizations, or associations who notified the Office of Zoning of their intent to present testimony based upon the date and time that the notice of intent to testify was received by the Office of Zoning. The Commission will then hear from those persons who submitted witness cards on each hearing date in the order those cards were received by the Commission's Secretary. Finally the Commission will hear from persons in the audience who did not submit witness cards.

The Commission requests that the public's testimony focus on the substance of the proposed July 10, 2014 alternative language rather than the exact wording used. After this hearing process is concluded, OP and the Office

WHAT
ABOUT
— TUES.?
— WED.? ?
— THURS.,
JUST A
MONDAY
hearing
really

DC Code § 1-306.07. Zoning conformity.

(b) The Mayor shall within 16 months of April 8, 2011, propose amendments to the zoning regulations or maps to eliminate any inconsistency of the zoning regulations with the Land Use Element of the Comprehensive Plan

<http://dccode.org/simple/sections/1-306.07.html>

DC COMPREHENSIVE PLAN

Rule 10-A226

GUIDELINES FOR USING THE GENERALIZED POLICY MAP AND THE FUTURE LAND USE MAP

Title 10-A COMPREHENSIVE PLAN

Chapter 10-A2 FRAMEWORK ELEMENT

Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the existing C-2-A zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses. A correspondence table indicating which zones are "clearly consistent", "potentially consistent" and "inconsistent" with the Comprehensive Plan categories should be prepared to assist in Comprehensive Plan implementation and future zoning actions (see Action LU-4.3.B).

Rule 10-A2504

IM-1.3 ZONING REGULATIONS AND CONSISTENCY

Title 10-A COMPREHENSIVE PLAN

Chapter 10-A25 IMPLEMENTATION

2504 IM-1.3 ZONING REGULATIONS AND CONSISTENCY

2504.1 The importance of zoning as a tool for implementing the Comprehensive Plan, particularly the Future Land Use Map, is discussed in several places in the Comprehensive Plan. The Home Rule Charter requires that zoning "shall not be inconsistent" with the Comprehensive Plan. Consequently, revisions to the Comprehensive Plan should be followed by revisions to the Zone Map, with an emphasis on removing clear inconsistencies. **2504.1**

2504.9 Action IM-1.3.B: Comprehensive Plan / Zoning Correspondence Table

Prepare and publish general guidelines which indicate which zone districts are "clearly consistent", "potentially consistent", and "clearly inconsistent" with each Comprehensive Plan Land Use Category. **2504.9**

Rule 10-A2510

IM-2.2 RECOMMENDED CHANGES TO THE ZONING REGULATIONS

Title 10-A COMPREHENSIVE PLAN

Chapter 10-A25 IMPLEMENTATION

**** zoning as a way to enact the comp plan***

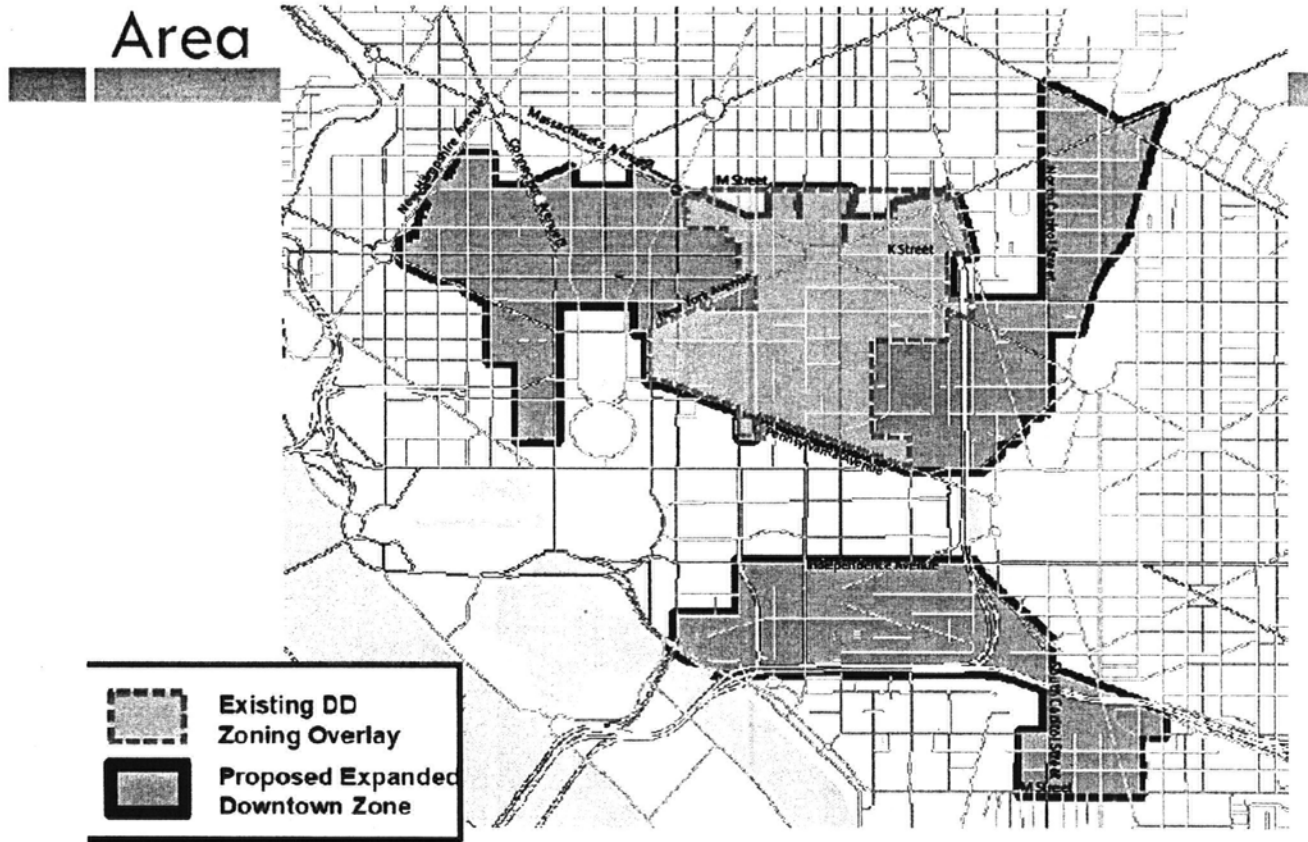
2502.13 Action IM-1.1.A PUD Regulations

Complete an evaluation of the District's Planned Unit Development (PUD) regulations and procedures, including a "Best Practices" assessment of PUD practices in other large cities. The evaluation should consider minimum size thresholds, appropriate allowances for bonus height and density, the types of public benefits that may be provided, and review and approval procedures. The evaluation should also consider much stricter limitations on the extension of PUD approvals. **2502.13**

DC OFFICE OF PLANNING
WANTS TO TRIPLE THE
SIZE OF ~
"DOWNTOWN
D.C."

Existing DD and Proposed D-Zone

Area



CITYDESK

A New 14th Street Sinkhole Swallows Downtown D.C.

Posted by **Perry Stein** and **Matt Ramos** on Jul. 9, 2014 at 12:48 pm

The 14th Street NW sinkhole is alive and well. No, not the one from 2013. This one's brand new.

City officials closed a portion of the 14th street block between Constitution and Pennsylvania avenues NW Tuesday because of a large sinkhole caused by sewer problems.

DC Water's **Emanuel Briggs** says crews are currently on scene assessing the issue and will start repairs as soon as possible. Two of the four northbound lanes on 14th Street NW are closed and will remain closed until the sewage pipes are repaired. Briggs doesn't have a timeline yet, but says the lanes will likely be closed at least through the day.



The sinkhole is located just blocks away from last year's infamous 15-foot-deep sinkhole at 14th and F streets NW, which was formed when a piece of concrete broke through a sewer line from 1897. That sinkhole closed portions of north and southbound traffic for more than a week.

And yes: The [@14thStSinkhole](#) Twitter account is having a field day:



Photos by Perry Stein

 SHARE

 TWEET

[Back to previous page](#)

Researchers find nearly 6,000 natural gas leaks in District's aging pipe system

By Lenny Bernstein, Published: January 16

Researchers who conducted a street-by-street survey of the District found nearly 6,000 natural gas leaks from the city's aging pipe system, including 12 in manholes where methane had collected to potentially explosive levels, according to a study published Thursday.

The team, after warning Washington Gas about those 12 locations, retested them four months later and discovered eight places where the gas buildup was still at concentrations that could cause explosions.

Some of the thousands of gas leaks found throughout the city were at levels many times those normally found in the environment. But they posed no direct health or safety risk at those concentrations and the gas plumes dispersed into the air, according to team leaders Robert B. Jackson of Duke and Stanford universities, and Nathan G. Phillips, who teaches at Boston University.

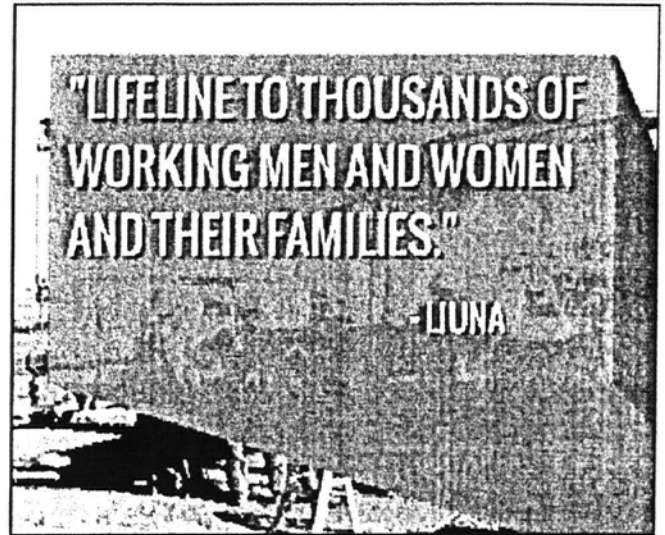
Still, the gas emissions have other effects: They contribute significantly to climate change by trapping heat, they help form ground-level ozone when they react with sunlight and other gases, and they cost consumers money. In most cities, including Washington, consumers are charged for gas that is lost along transmission lines.

Methane is much more effective at trapping heat than carbon dioxide, the more common greenhouse gas that is the major culprit in global warming, according to the study.

The researchers expressed concern about the methane buildup in 12 of the 19 manholes that merited examination.

"It's kind of like an earthquake," Phillips said of the likelihood of an explosion. "You don't stop living your life ... but somewhere, this is likely to happen at some time. It's a low-probability, high-impact kind of event."

In 2000 and 2003, explosions that occasionally sent heavy manhole covers flying through the air



In 2000 and 2003, explosions that occasionally sent heavy manhole covers flying through the air rattled Georgetown and other parts of the city, causing damage but no injuries. Some of the blasts were attributed to ignition of naturally occurring gas and sewer gas by sources that included underground electric lines. The incidents led to a \$30 million project, completed in 2005, to upgrade Georgetown's underground power, gas, sewer, water and phone lines. Like many older cities, the District and its suburbs also are plagued by aging water mains that rupture and cause outages during colder months.

In Rio de Janeiro, manhole explosions became so frequent between 2010 and 2012 that a Facebook video game was created in which players try to dodge them.

The new study said that while pipeline safety has improved in recent years, incidents involving natural gas transmission systems in the United States cause an average of 17 fatalities and \$133 million in damage every year.

The study was published in the journal Environmental Science & Technology. The authors presented some of their findings at a conference last March.

The researchers, who drove every street in Washington last January and February with a car-mounted device that detected 5,893 leaks, believe most were caused by breaks in the city's aging cast-iron pipes, Jackson and Phillips said. They found that the District had the highest proportion of cast-iron gas mains, 35 percent, when they compared its 419 miles of those pipes with gas transmission systems in 16 states.

They discovered similar leaks in a street-by-street survey of Boston a year earlier and assume they would reach the same results in most older cities where underground cast-iron pipes were used beginning in the early part of the last century to carry natural gas, Jackson said.

"Aging infrastructure is more than roads and bridges," Phillips said. "It's the infrastructure that we can't see."

Washington Gas officials declined to answer questions about the study, but Eric Grant, the utility's vice president of corporate relations, issued a statement saying that it maintains "rigorous inspection programs, operating procedures and record-keeping protocols. Washington Gas practices exceed the leak detection and repair procedures that are required by code, enforced by federal agencies and overseen by each state's public service commission." The statement said the company has 13,000 miles of distribution mains and more than 940,000 service lines in its system.

Betty Ann Kane, chairman of the District's Public Service Commission, said there has never been an explosion of leaking natural gas in her eight years on the panel. Under orders from the commission, Washington Gas is aggressively replacing older cast-iron mains and a type of pipe coupling that has leaked elsewhere, she said.

Natural gas used in homes and businesses is largely composed of methane. The researchers analyzed the gas they collected to make sure it was coming from pipes and not natural sources.

They drove more than 1,500 miles of city streets and found 1,122 leaks greater than 5 parts per million of methane, or 2.5 times the background concentration. There were 334 leaks greater than 10 parts per million and 67 leaks of more than 25 parts per million, according to the study.

http://www.infrastructurereportcard.org/district_of_columbia/dc-overview/

American Society of Civil Engineers:: 2013 Infrastructure Report Card

District of Columbia Key Facts: Water and Environment

DRINKING WATER

- The District of Columbia has reported \$874 million in drinking water infrastructure needs over the next 20 years

HAZARDOUS WASTE

- The District of Columbia has 8 sites on the National Priorities List

LEVEES

- The District of Columbia has approximately 2 miles of levees according to the current FEMA Midterm Levee Inventory

WASTEWATER

- The District of Columbia has reported \$2.5 billion in wastewater infrastructure needs over the next 20 years

Transportation

AVIATION

- There are 3 public-use airports in the District of Columbia

BRIDGES

- 30 of the 239 bridges in the District of Columbia (12.6%) are considered structurally deficient
- 155 of the 239 bridges in the District of Columbia (64.9%) are considered functionally obsolete
- The District of Columbia received \$26.1 million from the Federal Highway Bridge Fund in FY2011

INLAND WATERWAYS

- The District of Columbia has 10 miles of inland waterways, ranking it 39th in the nation

RAIL

- The District of Columbia has 3 freight railroads covering 19 miles across the state, ranking it 49th by mileage

ROADS

- Driving on roads in need of repair costs District of Columbia motorists \$311 million a year in extra vehicle repairs and operating costs – \$833 per motorist
- 99% of the District of Columbia's roads are in poor or mediocre condition
- The District of Columbia has 1,505 public road miles
- The District of Columbia's highway vehicle-miles traveled in 2009 was approximately 5,936 per capita, ranking it 51st in the nation
- The District of Columbia's gas tax of 23 5 cents per gallon has not been increased in 3 years

TRANSIT

- The District of Columbia has 418,126 annual unlinked passenger trips via transit systems – motor bus, heavy rail, light rail, and commuter rail

Public Facilities

PARKS AND RECREATION

- The District of Columbia has reported an unmet need of \$11 6 million for its parks system

SCHOOLS

- Public school districts in the District of Columbia spent a total of \$548 million on capital outlays for school construction and acquisition of land and existing structures in fiscal years 2005–2008

To give you a sense of how the ZRR would affect the range of decisions in which ANC's, neighborhood associations, and local residents have the opportunity to provide input, <http://dczoning.blogspot.com> has put up a chart that looks at various development requests that currently trigger a public process and contrasted how those decisions are made now with how they would be made if the ZRR were adopted.

DEVELOPMENT REQUEST	CURRENT	PROPOSED
Rental apartment located within a home	special exception	<i>matter of right</i>
Rental apartment located in a garage or other outbuilding	variance	<i>matter of right</i> for pre-existing building; or special exception for new or enlarged building
Two-story garage or other outbuilding	variance	<i>matter of right</i>
Home occupation located in a garage	variance	<i>matter of right</i>
Home occupation and rental apartment on the same residential lot	special exception	<i>matter of right</i>
Habitable roof structure (e.g. pergola or penthouse) on a single family home	variance	<i>matter of right if</i> • no more than 10 feet tall • no more than 1/3 of the roof's footprint • set back from the street/alley by a distance equal to its height and from non-abutting side walls by a distance equal to 1/2 its height
Retail or service business on a residential lot	grandfathered non-conforming use or variance	<i>matter of right if</i> • home occupation or • food store on a corner lot in a rowhouse zone • replacing an existing store special exception for retail, general service, arts creation, or eating & drinking establishment use on a corner lot or in an historically non-residential building in a rowhouse zone
Reduction of on-site parking requirements near transit	25% reduction = matter of right if building is non-residential, located within 800 feet of a Metrorail station entrance, and not within 800 feet of a residential zone > 25% reduction = special exception (for a non-residential building), variance (residential building), or PUD process	50% reduction = matter of right for any type of building to be constructed in an apartment or mixed use zone on a site that is within 1320 feet of a major bus route or 2640 feet of a Metro rail station. > 50% reduction = special exception
Elimination of on-site parking requirements	variance or PUD process	<i>matter of right if</i> • downtown (any use) or • single-family home without alley access or • multifamily building with < 6 units
Elimination of restrictions on FAR in C-3-C zones newly-defined as part of downtown	PUD process	<i>matter of right</i> , if development is residential or by purchasing density credits from a developer-controlled market

This chart is a work in progress. It isn't an exhaustive list -- just changes run across thus far.

See more at >> <http://dczoning.blogspot.com>

Has the “ZRR” as conducted by certified planners at DC's Office of Planning met the standards of American Institute of Certified Planners? You judge.

From the website >> <https://www.planning.org/ethics/>

AICP Code of Ethics and Professional Conduct

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct.

Principles to Which We Aspire - Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

- a) We shall always be conscious of the rights of others
- b) We shall have special concern for the long-range consequences of present actions.
- c) We shall pay special attention to the interrelatedness of decisions
- d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.
- e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them
Participation should be broad enough to include those who lack formal organization or influence
- f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs
- g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment
- h) We shall deal fairly with all participants in the planning process
Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants