

Testimony of Carol F. Aten
before the
District of Columbia Zoning Commission
on Case No. 08-06A regarding Subtitle I Downtown Zones
November 14, 2013

Thank you for the opportunity to testify today on Subtitle I, Downtown Zones, of the Zoning Regulations Review (ZRR), Zoning Commission Case No. 08-06A. My name is Carol Aten. I have lived and worked in Washington, DC for over 40 years, first living in Southwest and the past 40 years in the Palisades neighborhood and working in a number of different parts of downtown. I am testifying as an individual citizen.

I think I can understand the Office of Planning's proposal to expand the area to be called downtown under the new zoning rules as a way to fulfill the desire for more high-density development. However, it's pretty large—an area three times the size of the current downtown—and pretty spread out, and I do wonder about the use of the term “downtown” under those circumstances. I usually think of the “downtown area” of a city as being quite circumscribed and contiguous—an identifiable central business district. When does it become so spread out that it loses its identity as the CBD and what makes “downtown” downtown? Or are we talking now about multiple downtowns and what does that mean for commerce in our city? Is that the outcome we are seeking?

The spread out nature and lack of contiguity also means that there are some in-between areas and the significant increase in downtown's size creates many more “edge” or transition zones. What happens to those in-between and contiguous areas that aren't being rezoned and that weren't originally zoned with the anticipation that they would be next to or between sections of downtown? There needs to be a clear understanding of how the boundaries were determined—why some places were included and why some were left out—and there needs to be a sensitivity to the adjoining neighborhoods and their relationship to these new downtown areas.

Notwithstanding all that, what I don't understand is why the new zoning rules would eliminate aspects of the current downtown area that actually make it a better place to work, live, and visit. For example, in the new downtown zones, where are the squares, circles, and parks that provide open space and let the area breathe? Why won't there be parking both for those working there during the day and for the people who want to go downtown in the evenings to dine or see a show or on weekends to visit shops and galleries? Why are we allowing high density FARs that won't give the city any leverage to have developers provide the amenities we seek for downtown areas? Why are we

undermining the protections for the many historic properties and districts that give our city its character by allowing new buildings that will overshadow them?

Open Space and Parks

Taking one issue at a time. The new downtown zones show very little green space, even in areas where significant residential uses can be anticipated. It seems unlikely that the city would consider purchasing land for open space from developers, especially at the higher prices that would result from the proposed up-zoning. And yet, there will be no ability to negotiate for the creation of open space in trade for greater FAR because as a matter of right developers can fully build out their property for residential uses or use transferred development rights to increase commercial FAR. Yes, there are some ground floor retail and design requirements but is that all we want for our downtown streetscapes?

Residential Development

The new zoning rules for the new downtown zones strongly encourage residential development in these new downtown zones. But how do we turn residential development into a downtown neighborhood? We won't really create viable residential neighborhoods unless we also provide the kinds of amenities that foster community. These include parks and open space, historic structures and districts that give character and sense of place, options for shopping and other activities, ways to participate in community decisions, etc. Our zoning rules need to recognize these needs and provide mechanisms to have developers meet the needs of local residents.

Parking

The new zoning rules for downtown zones would not require any minimum parking and in fact appears to "penalize" anything provided over what is required. Some of the penalties—electric car charging station, bicycle racks and bike sharing space, and car sharing service space—don't seem appropriate or likely to be applied in a way that efficiently meets needs in the area. Why provide free space to a commercial car sharing company or bicycle sharing enterprise? Do we really need those services provided in the random locations that these "penalties" might apply? The Office of Planning points out that over 38% of DC households don't own cars (which apparently hasn't changed in the past 10 years but is a larger number since the number of households has increased). For those that do, why should they have to choose between living downtown and owning a car? It's true that many DC residents do commute by bus, Metro, or bike. However, this overlooks the huge influx of commuters from outside DC that arrive in cars. Do we want

DC to continue to be the Central Business District of the metropolitan region? Is it realistic to think that people won't drive to work because there is no space in their building? Or will some enterprising developer build an above ground garage to accommodate the likely influx of cars and we'll be back to having multi-story parking garages. Once a building is built without below ground parking, it's not like you can retrofit it with some. In the current downtown, the public underground parking garages provide parking during the day for workers and visitors to doctors' offices and other businesses and in the evening for diners and theater patrons and on weekends for activities including shopping and visiting galleries. Certainly, underground parking is much better both visually and functionally and will realistically be needed.

Letting "the market" or "developers" decide may sound simple and rational, but is that how the public interest is best served? Why not maintain the current parking minimums and let developers and the market demonstrate based on some more rational analysis why less parking would be needed for their project by exception. "We don't want more cars downtown because it's already congested and we want more people to ride bicycles and take public transit" may be a good aspiration but it is not analysis. The reverse of 'if you build it, they will come', i.e., if you don't build it, they won't come, does not necessarily apply. Might it not be beneficial to have public underground parking and actually get rid of on-street parking to free up space for bicycles and transit?

FAR and Amenities

Regarding FAR, the Zoning Commission certainly has enough experience with PUDs to know that you need to be able to trade something in order to get amenities. Residential development, which allows full FAR, is not an amenity, though affordable housing within residential developments would be but what could we trade for it. We need to use increased FAR to improve our city, not just as a bonus of up zoning to current landowners.

Historic Buildings and Districts

Lastly, why are we removing the current limitations in downtown around historic properties and contributing buildings in historic districts in the new downtown zoning? Currently zoning rules "Restrict permitted building bulk on critical historic frontages and lots with historic buildings so as to encourage preservation of historic buildings and assure a suitable scale of new construction in historic districts, especially in projects combining new development with preservation". (section 1701.1(c)) The Mayor is then charged (through the Historic Preservation Review Board) with making a judgment about compatibility and the issuance of a permit. The new zoning rules don't contain any

protections for historic structures from abutting buildings and would automatically allow buildings or structures on a portion of a site occupied by a historic landmark or a contributing building within a historic district to go to 90 feet in zones D-1-A-2 through D-5-B-2 and the maximum height allowed under the Height Act in D-6-B-1 through D-8-B-2 zones. Historic buildings and historic districts are important elements in the character and shape of the city and especially in the downtown. The zoning rules need to be more sensitive to their preservation.

I fear that this huge expansion of downtown and the resulting increase in allowable density without mechanisms to insure interesting, attractive, and livable environments ignores the lessons we have learned from our past experience and will fail to meet the potential for these areas.

Thank you.