

**Comments on Proposals for Sustainability**  
**ZC 08-06-9 – May 21, 2009**  
**The Committee of 100 on the Federal City**

Thank you for this opportunity to testify about recommendations of the Office of Planning with regard to sustainability.

First and foremost: This is a prime example of putting the cart before the horse. As OP acknowledges on page 12, they want you to enact the sweeping District-wide changes to the protections and requirements in the current regulations, with the understanding that the much-touted neighborhood-specific standards and protections might not be enacted for a year or more, maybe much more. This leaves neighborhoods without protections they now have, and marks open season for developments that had previously not been allowed.

For example, retail uses that may be required or prohibited based on local needs won't be addressed until long after the base standard has been adopted. The communities will have no way to affect uses that are added in the interim, however unwanted.

[The same is true for low- and moderate-density residential zones. In a test run in a part of Georgetown, OP found that many of its proposed base-zoning text standards would not be workable. Yet OP seeks Georgetown's support for adoption of that base zone, and Georgetown's acceptance of the vulnerability for more than a year (at best) before any specific, existing protections can be returned to Georgetown zoning.]

Does the Zoning Commission believe it should exercise its authority to place communities in these vulnerable positions? Would it not make much more sense to adopt as a first step a limited set of corrections and clarifications about which there is no controversy (parking cars in front of residences may be an example). Then work with communities to see what changes they would want for their areas in the policies proposed by OP – under a standard that the communities could not be less protected than they are today.

Such a process would be informative for OP and protective of neighborhoods and businesses alike. It is one that would not demand that communities accept a period of vulnerability. It is one we would urge the Commission to take.

Our second point is that this “re-engineering” process, intended to produce a simplified and clarified set of regulations, often adds huge helpings of complexity. Surely the Green Area Ratio is such a proposal. After OP arguments that a system using computer checks of underlying zoning and even a few overlays would be too complex, OP proposes this well-intentioned but unworkable highly detailed point system. No reference is made to distinctions between existing structures and new

development, to historic or landmark properties, to residential and commercial or institutional properties.

Do we really believe that lot area can be comprehended by:

$$\text{GAR} = (\text{area BMP 1} \times \text{weight BMP 1}) + (\text{area BMP 2} \times \text{weight BMP 2})$$

The specific recommendations: As with several OP proposals, we wonder how much would be better encompassed in Building Code or DDOE or Historic District Review Board regulations, rather than in Zoning Regulations. We would imagine that many other proposals could be as easily accommodated in DDOT regulations as in Zoning Regulations.

We ask that the Commission be particularly mindful of the cost of compliance with Zoning Regulation sustainability standards in existing neighborhoods.

As to the individual recommendations, we commend the analysis by ANC 3C09 Nancy MacWood. We also offer the following comments:

1. Transportation Demand Management: One wonders why District government doesn't practice what it preaches and provide greater Metro fare subsidies for its own employees, just as they would require it in future private development.

SmartBike stations are usually in public space, not subject to Zoning Regulations. We would support the option of incorporating by reference DDOT standards.

2. Accessory Dwelling Units: This is a far-too-sweeping proposal that can increase density markedly, exacerbate parking problems, change neighborhood character and form. These proposals could be considered in neighborhood-specific plans, but not District wide. This proposal's impact on run-off, groundwater retention, and other environmental considerations needs to be addressed.

The suggested ameliorating impact of a cap of 6 persons is more image than protection. Repeatedly during working group and task force sessions, we asked that more attention be paid to a better definition of "family" than any number of related (by blood or marriage) persons or 6 or fewer unrelated persons.

What if 3 of the persons are cousins? How many additional persons can live on a site with a woman and her 4 children? How intrusive need neighbors get to determine of the owner-in-residence provision is being honored?

Homes near large educational properties know how densely students can be packed into unsafe properties. Eight unrelated persons are common. Sixteen have been approved by the BZA.

The drop in family size needs to be examined. The number of resident students has grown to some 80,000, each a "household" apparently to the Census. The historic

densities referred to are the compact units created to house the WWII workforce (thousands on the Mall itself); few would wish to return to this land-use practice.

3. Transit-oriented Development: We have many concerns about this complex of recommendations, several of which are well addressed by the Friendship Neighborhood Association in its current and past submissions.

This is again an area in which broad changes are proposed for adoption, and at some later time, attention would be paid to “context-sensitive discussion of density based on the Comprehensive Plan.”

Further, the current recommendation does not define terms like transit accessible areas or even suggest what might be included, even though this term would be used to *determine* “densities and use mixes for each individual transit accessible area.”

The suggestion that, in any event, there would be minimum FAR and height requirements, the steps that would support neighborhood-serving retail are not enumerated.

There is a reference to high-service bus corridors (a part of transit accessible areas apparently) as having an average weekday ridership greater than 15,000 people. What about corridors that are through-routes for public or private buses, well known to areas around universities and hospitals and hotels, as well as a wide range of other bus operations that do not permit on-and-off options for riders in the neighborhoods they transverse?

There is little comfort in the words indicating that transit zoning requirements would “initially” not apply to single family and rowhouse residential zones. Similarly, the reference to downtown parking maximums that “may” be translatable to other TOD areas suggests the intent.

4. Increased Energy Efficiency: However positive these “cutting-edge” standards may be, there is a need for specifics about (a) what they are and (b) how they are to be balanced with mandatory inclusionary zoning and other incentive programs.

5. Outdoor Lighting: These proposals need to be balanced against public safety concerns, and many would be controlled on public space not subject to zoning. DC Public Schools similarly have their own standards. Also of concern is the balancing of “dark skies” with tourism, which relies on visual appreciation of sights, sites, and buildings at night.

6. Sustainable Energy Features: As perhaps no other proposal, this demands specific protection of preservation and aesthetic standards and a clear hierarchy of public policy goals. The OP proposal suggests a standard that would allow accessory structures that are nearly as big as a house.

7. Renewable Energy Generation: Again the reference to “protect” historic districts and national monuments is so vague as to be meaningless. Solar panels (other than horizontal ones on flat roofs) and “small” wind turbines are hard to imagine being compatible with historic areas. This does not support the goal of clarity in new policy.

Additionally, OP again veers from generalized use standards and suggests a specific listed item as a particularly permitted use.

8. Solar Access Protection: Again, how does this relate to other policy priorities such as MIZ or Urban Forestry standards?

9. District Energy Systems: For even consideration of this recommendation, OP should look at the experience of the Georgetown University Cogenerator proposal, which appears to be included among uses permitted in any zone. There are no references to safety standards, to other protections of neighborhoods and their character, to historic districts and structures. Far, far from being considered as of-right uses, any proposals to build such systems in “any” zone, these must be subject to a rigorous public processes for review and comment.

10. Water Conservation Features: While finding many of these proposals useful, we were sorry that OP chose not to include an obvious problem relating to in-ground development in residential zones, which is currently unaffected by regulation. In-ground pools, underground facilities, underground parking – all are currently unregulated by zoning and are perceived as “free” amenities.

Given the tremendous impact on neighboring properties, on stormwater run-off, and many other environmental concerns, this should be addressed as a policy directive, rather than left to be considered by future consultants.

11. Environmentally Sensitive Area Buffers: See comments about other departments’ regulation.

12. Floodplain Protection: Strongly supported goal.

13. Existing Tree Cover Protection: See comments about other departments’ regulation, especially Urban Forestry.

14. Green Roofs: These are supported, and they should be utilized on existing 3-foot parapets as well as any new standard.

15. Water Conserving Landscaping: See comments about other departments’ regulation, especially Urban Forestry and DDOE.

16. Pavement Runoff and Soil Erosion Control: We support these proposals in the main, and we would ask that they be extended to elevated parking areas, such as

second-story exposed ramp garages, which can accommodate significant growing features. They are heat ovens.

Another principal location for unrelieved hardscape is service and gasoline stations. Integration of zoning controls and DDOT and DDOE controls could reduce the environmental impact of stations that actually serve as surface parking lots, with questionable environmental controls.

17. Pavement Runoff Reduction: See previous comments.

18. Green Area Ratio: See early comments. Also, Friendship Neighborhood Association comments on this provision.

19. Local Food Production: This doesn't belong in Zoning Regulations. The only potentially relevant provision would be the GAR element, which we believe should be eliminated. Nonetheless, this is an obviously valuable activity.

20. Individual Food Sales: Newspapers carry feature articles on the large – and growing – number of farm markets and food sales that are readily accommodated in existing zones. Only Health Department standards might be relevant. Again, this is a highly valuable activity.

21. Farmers' Markets: See above.

22. Incubator Space for Sustainable Businesses: A highly useful activity; "compatible" commercial and mixed-use zones need to be defined.