ANC 6C Planning, Zoning, and Economic Development Committee Report

ANC 6C Commission Meeting: Nov. 13, 2019

PZE Meeting Date: Nov. 7, 2019 6:30 pm
Meeting Location: Northeast Library
7th & D Streets NE

Committee Attendees: Mark Eckenwiler (Chair), 6C04
Mary Albert
Joel Kelty, 6C05
Bobbi Krengel
Dru Tallant
Trish Thomson

Other Commissioners Present: Christine Healey, 6C01
Jay Adelstein, 6C03
Drew Courtney, 6C06

Agenda Items

1. **901 H St. NE (ZC 10-03D)** – Application of H Street Residential, LLC for a modification of significance to a consolidated PUD to allow a veterinary hospital use. Representative: Jessica Bloomfield, Esq., Holland & Knight. Hearing date: TBD. [ANC 6A; property sits on 6C05 boundary] (Case file)

2. **Council hearing on implementation of regulations for short-term rentals** – On November 21, the Committee of the Whole will hold a public oversight hearing on Implementation of Law 22-307, the Short-Term Rental Regulation Act of 2018.

3. **Public-school zoning regulations (ZC 19-11)** – Proposed rulemaking to amend public-school standards for mechanical penthouse height, floor area ratio (FAR), parking, and bicycle parking, as well as to correct errors and omissions and make technical changes. Hearing date: Dec. 5, 2019. (Hearing notice; case file)

4. **Draft amendments to Comprehensive Plan: PZE comments and work plan** – The DC Office of Planning (OP) recently published a Draft Comprehensive Plan for public review. The Draft Plan establishes a vision and broad goals to help inform decision-making and provide context for residents, officials, and stakeholders and can help guide and inform more fine-grained planning efforts. It is divided into 25 elements, or chapters, and two maps: the Future Land Use Map and the Generalized Policy Map. Deadline for ANC comments: Jan. 31, 2020. (Notice of public comment period; draft Comp Plan amendments & supporting materials)
Agenda Item #1: Discussion and Recommendations

901 H St. NE (ZC 10-03D) – Application of H Street Residential, LLC for a modification of significance to a consolidated PUD to allow a veterinary hospital use. Representative: Jessica Bloomfield, Esq., Holland & Knight. Hearing date: TBD. [ANC 6A; property sits on 6C05 boundary]

Motion  To recommend support  
(carried 6-0)

Key Discussion Points:

1. The applicant seeks to change the allowable uses for this PUD to include a ground-floor veterinary use. A small portion of the ~5300sf will be for accessory uses (pet grooming, sales of pet items); there will be no overnight boarding. The applicant offered detailed information about soundproofing and the anticipated lack of acoustic impact on nearby residents, including those upstairs from the proposed use.

2. Commissioner Kelty, whose SMD this property abuts, supported the request. Other PZE members expressed no concerns.
Agenda Item #2: Discussion and Recommendations

Council hearing on implementation of regulations for short-term rentals – On November 21, the Committee of the Whole will hold a public oversight hearing on Implementation of Law 22-307, the Short-Term Rental Regulation Act of 2018.

Motion To recommend that the ANC authorize testimony (see below)  
(carried 5-0-1)

Key Discussion Points:

1. In 2018, the DC Council passed legislation creating a regulatory framework around short-term rentals (STRs) such as Airbnb. Last month, ANC 6C voted to (and subsequently did on October 17) provide testimony in ZC 19-15 urging the Zoning Commission to adopt more stringent rules.

2. On October 24, the Zoning Commission declined NC 6C’s request, instead voting on an emergency basis to adopt the proposed rulemaking, thereby bringing the Council legislation into full force.

3. PZE members discussed a number of issues around the problem of short-term rentals. Many of the concerns raised went to the substance of the Council legislation, not to the process issues presented by implementation (the latter being the focus of the upcoming Council hearing).

4. The PZE recommended that testimony make the following points:

   a. The significant increase in administrative and regulatory duties beyond DCRA’s existing—and often unmet—responsibilities counsels strongly in favor of splitting the agency in two as proposed by the Chairman’s Department of Buildings Act.

   b. The Council should press DCRA on how it will do intake on complaints from citizens. In addition to whatever arrangements are made through DC 311 and/or the 311 app, DCRA should also create a staffed hotline to receive complaints.

   c. How will DCRA create public awareness of its new duties and the underlying legal rules? Does the agency have a plan for creating public awareness/educating the public?

   d. DCRA needs to provide transparency around its planned enforcement efforts, including by making available a public database of complaints received (with reference to individual host addresses) and actions taken/declined.
Agenda Item #3: Discussion and Recommendations

Public-school zoning regulations (ZC 19-11) – Proposed rulemaking to amend public-school standards for mechanical penthouse height, floor area ratio (FAR), parking, and bicycle parking, as well as to correct errors and omissions and make technical changes. Hearing date: Dec. 5, 2019.

Motion  To recommend that the ANC authorize testimony (see below)
(carried 6-0)

Key Discussion Points:

1. This proposed rulemaking seeks to change the zoning standards applicable to DC public schools.

2. PZE member unanimously opposed the proposed revisions to section C-702, which would reduce the school parking requirements by 50% in R and RF zones. OP’s report credulously accepts the DCPS claim that the School Improvement Team (SIT) process provides an appropriate mechanism to address community concerns and “adequately address parking needs and impacts.” (The PZE chair, who has sat on two SITs for a combined period of several years, scoffed at this claim.)

3. The PZE recommends opposing this change, and suggests instead allowing the minimum parking requirement to be met not only by parking within the lot boundaries, but also by adjacent curbside parking authorized through the process created by the Daytime School Parking Zone Amendment Act of 2017 (Law 22-226), which went into effect in February 2019.
Agenda Item #4: Discussion and Recommendations

Draft amendments to Comprehensive Plan: PZE comments and work plan – The DC Office of Planning (OP) recently published a Draft Comprehensive Plan for public review. The Draft Plan establishes a vision and broad goals to help inform decision-making and provide context for residents, officials, and stakeholders and can help guide and inform more fine-grained planning efforts. It is divided into 25 elements, or chapters, and two maps: the Future Land Use Map and the Generalized Policy Map. Deadline for ANC comments: Jan. 31, 2020.

Motion  To adopt a proposed work plan/review schedule and offer comments on certain elements reviewed this month (carried 6-0)

Key Discussion Points:

1. As an initial matter, the PZE agreed to adopt the following work plan for review and discussion of portions of the Comp Plan:
   b. December 2019: Transportation (also to be reviewed by TPS), Housing, Economic Development, Historic Preservation, and Community Services and Facilities

2. An audience member and one member of the PZE proposed holding a special public meeting dedicated exclusively to the Comp Plan. The PZE chair demurred, noting the already substantial burden on PZE members; expressing a preference for discussing the 1,500-page document in chunks at multiple regular PZE meetings; and questioning the usefulness of trying to cover the voluminous material instead at a single special meeting.

3. The PZE voted to offer comments on two of the Comp Plan elements reviewed this month:
   a. Land Use: With respect to Policies LU-2.3.1 and -2.3.8 (relating to non-residential use in residential areas), the PZE would strengthen the Plan’s existing language to emphasize the seriousness of the problem of illegal commercial uses and to underscore the need for more vigorous enforcement than exists at present.
   b. Urban Design: The PZE commends the addition of Policy UD-1.1.6 emphasizing the importance of “public parking” green space between buildings and sidewalks; Policy UD-1.1.8 (promoting the elimination or reduction of highway and railroad barriers obstructing the street grid and posing challenges to pedestrians and cyclists); Policy UD-2.3 (promoting the creation of play/public spaces, especially
in small scale to serve local neighborhoods); and Policy UD-3.1.2 (urging avoidance of security barriers in public space).

4. Because review of the Comp Plan by the PZE and other ANC 6C committees is ongoing, the PZE recommends that the ANC await the committees’ recommendations and take a master vote on all Comp Plan elements in January.