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**Testimony of
Federation of Citizens Association of the District of Columbia
BEFORE THE
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CASE NO. 08-06-8**

April 9, 2009, 6:30 p.m.

My name is George Clark and I am pleased to testify here before you today on behalf of the Federation of Citizens Associations of the District of Columbia and its 45 member organizations from across the City. I am also a member of the Zoning Review Task Force, and have actively participated in its meetings and those of many of its Working Groups.

When I testified before this Commission on June 21, 2007 at one of its roundtables on the rewrite of zoning regulations, and when I testified at the Council many times in support of getting the funds for it, I never imagined what would take place. I thought that we would actually concentrate on the problems with the regulations. Instead we have embarked upon a "rewrite for the sake of rewriting." There is no better example that the proposal in front of you.

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But before we get to that, let me make the point that once again the Office of Planning has misrepresented the process that has lead to this session. I was at all but one of the Working Group sessions. I can tell you that there was no consensus that “the existing regulations are inadequate.” In fact, the consensus, whether there were 10 or 25 persons in attendance was that OP was going too far, and had not considered the effects of what it was proposing. The consensus of the working group was that OP was trying to fix what wasn’t broken and ignoring what did need fixing. OP chose to ignore that consensus to impose its own vision of a far denser City in every neighborhood. It ignored the recommendation from this Commission that some areas be down zoned even below R-1-A, to a so-called R-0 zone.

And this pretense of consensus carried over to the Task Force meeting on this subject. That evening everyone on the Task Force who spoke, from developers, to professionals, to activists, to governmental representatives said the same thing – how will this work in practice and will it make working with the regulations any easier? The Task Force said “we don’t see how this can work in the real world, even if you assume it is a good idea, which we aren’t ready to do.” There was more than consensus on this – it was unanimous.

OP was very honest in its response. They said “we haven’t tried to figure out how to write this.” The Task Force said – “why don’t you try to figure that out and then come back to us.” OP said that they would. Days later they instead went forward with the notice for this hearing.

OP’s claims of responding to citizen input on this subject are nothing more than a figment of its imagination.

And there are real problems with OP's proposal. In response to OP's claims that overlays make things too complicated we suggested a rather novel solution – use a computer to tell people where overlays are. Apparently they had never thought of that, and instead want to try to write a completely new set of regulations that even they do not know how they would work with each other. And to make it simple they propose that each side of each block in the City might be zoned differently. Talk about making it easy to figure out the zoning anywhere! Spot zoning, who's ever heard of that! While that is fine for a graduate level planning course, it is not fine for our vibrant neighborhoods. They should not be guinea pigs.

OP has also recommended that all retail and moderate commercial uses be allowed as of right (except for one or two as yet undefined noxious uses) anywhere in any residential neighborhood. For some reason OP and I have chosen the same example to show what they mean – a dry cleaner. OP says we should have these everywhere, maybe one to a block -- I say -- are you kidding?

OP's idea for 132 different residential zones (before going block by block) also means that this Commission will have to become familiar with each of them, and that principles decided in one may not be applicable to another. And the same goes for those developers and homeowners whom OP says will have their lives made simpler and more convenient by this proposal.

OP has missed several things that should have been fixed. It has refused to discuss the measuring point for height in residential zones. Instead it has focused on not counting stories. While that might work if you fix on the measuring point correctly, it would allow me to add three stories to my house without violating the 40 foot height limit. And I can

assure you that I am not the only one. OP thinks of the City as only the relatively flat part in the topographic bowl. Large parts of the City are far more undulating.

OP has offered no reason to change standard zoning terms like side and rear yards or lot coverage except that apparently it does not like them, or they are not the “latest rage.” It says we should encourage expanding non-conformities (page 5), even though a cardinal principle of zoning is that you eliminate those. It says “let’s build on substandard lots” – there are many of those at 900 or 100 square feet in my neighborhood – and under the OP proposal they could each have a house on them. How does this preserve neighborhood character?

OP recommends allowing residential accessory units of a large size on every lot. What is the basis for this? A report by a consultant that there are 125 such units in Aspen built for seasonal use. Apparently OP has forgotten or never knew that alley dwellings are one of the reasons DC was an early adopter of zoning regulations.

Having lived in DC through the best and the worst of times, I would hate to see OP kill the goose that has laid the golden eggs for our City – our vibrant neighborhoods – for the sake of implementing an experimental planning course. But that is exactly what is happening.


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