

ADVISORY NEIGHBORHOOD COMMISSION 8E

Mr. Anthony Hood
Chairman of the DC Zoning Commission
441 4th Street, NW Suite 200 South
Washington, DC 20001
zcsubmissions@dc.gov

October 5, 2015

Re: ANC-8E and the Zoning Regulation Review (ZRR)

Dear Mr. Hood,

At our publicly-noticed ANC-8E meeting held on Z September 14 2015, with a quorum present, ANC Commissioners passed the attached resolution as it regards the ZRR.

Given the timing of the closure of the record, the summer months that our ANC was not meeting, the size of the ZRR, and the fundamental changes the ZRR represents, we would ask that you accept this resolution into the public record on and respond to the requests as found in the resolution.

We understand several ANC's have been given an extension into October to submit resolutions, so we would kindly ask for the same and allow this resolution to be included.

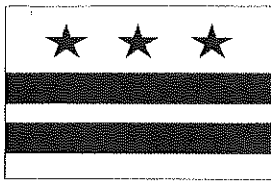
Please contact me with any questions.

Regards,

Anthony Muhammad
Chair of ANC-8E
202-359-3517

**At Eagle Academy
adcmuhammad@msn.com
1310 Southern Ave., SE Washington, DC 20032 Phone: (202)359-3517 Fax:
(202)562-1851**

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ADVISORY NEIGHBORHOOD COMMISSION 8E

ANC-8E RESOLUTION ON THE DC ZONING REGULATIONS REVIEW (ZRR)

Advisory Neighborhood Commission 8E would like to weigh in on the massive overhaul to zoning that will affect all of our ANC-area members, however we are missing information to fully weigh in.

1) Therefore, ANC-8E resolves to request the following information from the District of Columbia Office of Planning (OP) and DC Zoning Commission (ZC):

- ANC-8E seeks the ANC-8E specific Development Standards Comparison Matrix (showing the heights, densities, lot occupancies, and required yard distances) of the current zoning districts versus the proposed districts in our ANC-area. We understand other ANC's (ANC-5A & 1C) received a very helpful matrix that explains what is happening in the underlying zoning code with the change in zone district names as found in the ZRR. We understand this AN-specific matrix reduces the research and review time of the ZRR from many hours to perhaps a half-hour. We don't understand why all ANC's have not received this matrix, including ours. This is uneven treatment and limits our capacity to meaningfully respond to the ZRR.
- ANC-8E seeks a redline document to cross-reference how the language of the draft ZRR reviewed and voted on by the Zoning Commission in December 2014 may have changed with the language published in the DC Register in May 2015, along with any written rationale for those changes.¹
- ANC-8E seeks printed zoning maps showing the current versus the proposed zone districts as a side-by-side comparison so we can ensure that the new zone districts are mapped correctly in the inter-related Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).²

2) Given that Advisory Neighborhood Commission 8E is seeking the above information which we have yet to receive, **ANC-8E is seeking an extension of time of no less than three months so that the Office of Planning may deliver the information we seek, explain the information they share, and then allow time for our community to digest this information and comment meaningfully.**

We believe that if Georgetown's ANC-area was provided this type of direct assistance from the DC Office of Planning over the years leading up to final decisions regarding the ZRR, then ANC-8E

¹ DC Comprehensive Plan 10A-2507.6 – Policy IM-1.5.4: Transparency in Decision-Making
Strongly encourage transparent decision-making in all land use and development matters, making information available and accessible to residents and maintaining open lines of communication with the public as plans are developed.

² DC Comprehensive Plan 10A-2504.8 – Action IM-1.3.A: Zone Map Revision
Undertake a comprehensive revision to the District's Zone Map to eliminate inconsistencies between zoning and the Comprehensive Plan Future Land Use Map and other Comprehensive Plan Maps, including those showing historic districts.

expects the same in order to call the ZRR review process even-handed transparent policy making here in the District.³

3) Advisory Neighborhood Commission 8E resolves to oppose any changes in any of the current zoning requirements regarding heights, densities, and lot occupancies and buffers for our ANC-area as there have been no findings published for our review that demonstrate the current zoning regulations are “inconsistent”, or “potentially inconsistent” with the DC Comprehensive Plan Land Use Element as to warrant any changes.^{4 5}

4) Further, Advisory Neighborhood Commission 8E opposes the dramatic shift away from community- and ANC-input for projects that currently require special exceptions and variances, in that the ZRR makes many of these projects matter-of-right.⁶ This reduction in community oversight is not supported by the DC Comprehensive Plan. Neither the Office of Planning nor the Zoning Commission has provided any rationale to shift projects to the “Matter-of-Right” column, which unfairly and adversely eliminates ANC and community oversight over these projects.⁷

5) Advisory Neighborhood Commission 8E believes it is fundamentally wrong that the proposed Downtown zoning districts are nearly and/or completely exempt from affordable housing requirements. This policy of exclusion does not meet the DC Comprehensive Plan's main goal of developing an Inclusive City and can be considered discriminatory based on class. Neither the Office of Planning nor the Zoning Commission have provided any logical rationale for the continuation of these exclusive

³ DC Comprehensive Plan 10A-2003.4 – African-Americans are the predominant racial group in the [Mid-City] Planning Area, at approximately 52 percent. A growing Latino population stands at 22 percent, approximately three times the City's average. Between 1990 and 2000, the Latino population increased by about 30 percent. More than one quarter of the Mid-City's residents are foreign-born, double the citywide average of 12.8 percent. About 27 percent of the population is non-Hispanic white, and about three percent are Asian or Pacific Islander.

⁴ DC Comprehensive Plan 10A-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.

⁵ DC Comprehensive Plan 10A-105.1 – This Comprehensive Plan also includes a chapter on plan implementation. The Implementation Element describes how the plan's recommended actions are to be carried out and by which government agencies. Timeframes for implementation are also provided so that the plan's implementation steps can be measured and monitored. The addition of this element is a major departure from past Comprehensive Plans for the District. It represents an important step forward in assuring accountability.

⁶ Under the ZRR, many projects currently requiring zoning review shifts to “matter-of-right” as shown in part here, <http://dczoning.blogspot.com/2014/03/how-zrr-will-affect-public-input.html>

⁷ DC Comprehensive Plan 10A-2502.2 – Of course, not all projects are subject to review. Much of the city's development is permitted as a matter-of-right under existing zoning, affording few opportunities for the Office of Planning to determine Comprehensive Plan consistency. In the future, methods of *increasing the scrutiny of matter-of-right projects* may be needed, particularly with respect to urban design and environmental impacts. This could include adjustments to the thresholds for projects requiring “Large Tract Review”, implementation of a Site Plan Review process, changes to the city's Environmental Impact Screening Forms, and additional standards to ensure that development sufficiently mitigates its effects on traffic, parking, infrastructure, and public service needs.

policies.⁸

6) ANC-8E believes the ZRR proposes dramatic one-size-fits-all changes, such as tripling the area of Downtown DC, reducing parking minimums in some cases to zero, allowing matter-of-right encroachment of “corner stores” into residential neighborhoods, allowing matter-of-right “accessory dwelling units” in residential areas, as well as other significant changes to the zoning code. However, these critical zoning changes are being proposed without any significant supporting findings, reports, studies, to support these changes. Changing fundamental zoning rules without substantiation and proof that the changes won't adversely impact our communities fails the Implementation Element of the DC Comprehensive Plan and the result will be a pure-luck gamble with the future of ANC-8E neighborhoods, as well as neighborhood throughout the City. This is a critical failure of the ZRR, which we vehemently oppose.

7) ANC-8E is highly concerned that the ZRR does not enforce any commitments from developers, or zoning relief-petitioners, to invest in the District's failing infrastructure as required by the DC Comprehensive Plan.⁹ The ZRR does not ensure these Comprehensive Plan policies regarding infrastructure and new development is enforced or mitigated in any way and there is no rationale or explanation as to why.

To review, ANC-8E resolves to:

- Requests the Zoning Commission extend the public record at least an additional three months time so that our ANC and the public in general can review the ZRR and provide comment,
- Request the provision of critical documentation and information from the Office of Planning and Zoning Commission so we can share with our constituents, and to help our ANC over the next three months provide informed comment to the record;
- Receive “Great Weight” responses regarding our concerns and advise with regards to the ZRR as found in Points 3 through 7, shown above.

This resolution was passed by the majority of Commissioners of ANC-8E, with a quorum present at a publicly-noticed meeting on October 5, 2015,

Signed,

Anthony Muhammad
Chair of ANC-8E

⁸ DC Comprehensive Plan 10A-504.6 – Policy H-1.2.1: Affordable Housing Production as a Civic Priority
Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

⁹ DC Comprehensive Plan, Chapter 13, Infrastructure Element – Policy IN-2.1.1: Improving Wastewater Collection; IN-6 Infrastructure and New Development; IN-6.1 Coordinating and Funding Infrastructure Improvements; IN-6.1.3: Developer Contributions