



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5B
1920 Irving Street NE, Washington, DC 20018
Telephone: 202-321-5289 Website: anc5B.org**

OFFICERS

Ursula Higgins
Chairperson

Gayle Hall-Carley
Vice Chairperson

Michael Morrison
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John J. Feeley, Jr.
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Parliamentarian

COMMISSIONERS

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5B02 Ursula Higgins

5B03 Michael Morrison

5B04 VACANT

5B05 John J. Feeley, Jr.

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

October 29, 2015

Re: ANC-5B and the Zoning Regulation Review (ZRR)

Dear Mr. Hood,

At our publicly-noticed ANC-5B meeting held on October 28, 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.

Sincerely,

Ursula Higgins, Commissioner
Chairman, ANC5B



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**ANC5B RESOLUTION ON THE
DC ZONING REGULATIONS REVIEW (ZRR)**

Advisory Neighborhood Commission 5B 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, ANC5B resolves to request the following information from the District of Columbia Office of Planning (OP) and DC Zoning Commission (ZC):

- ANC5B seeks the ANC5B 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 (ANC5A & 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 ANC-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.

- ANC5B 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

- ANC5B 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

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.

Names). ²

2) Given that Advisory Neighborhood Commission 5B is seeking the above information which we have yet to receive, **ANC5B 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 ANC5B 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 5B 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 5B opposes the dramatic shift away from community- and ANC-input for projects that currently require special exceptions and variances, in that the ZRR

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.

- 3 **AICP Code of Ethics and Professional Conduct**; Adopted March 19, 2005, Effective June 1, 2005, Revised October 3, 2009 : <https://www.planning.org/ethics/ethicscode.htm> - "Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles: a) We shall always be conscious of the rights of others; **b) We shall have special concern for the long-range consequences of present actions;** c) We shall pay **special attention to the interrelatedness of decisions;** d) **We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers;** e) We shall give people the opportunity to have a **meaningful impact on the development of plans and programs that may affect them.** Participation should be broad enough to include those who lack formal organization or influence; f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to **promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs;** g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment; **h) We shall deal fairly with all participants in the planning process.** Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants."
- 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.

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) In addition, to the above referenced information, ANC5B is requesting a formal presentation from the Office of Planning specifically addressing the rewrite changes, its affect’s on the city, and an open forum for discussion to engage the community.

This resolution was passed by the majority of Commissioners of ANC5B (4-0-0), with a quorum present at a publicly-noticed meeting on **October 28, 2015**.

Sincerely,

Ursula Higgins, ANC5B
Chairperson

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.