

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 4A



**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 4A REQUESTING
EXTENSION OF THE PUBLIC COMMENT PERIOD TO RESPOND TO THE
DISTRICT OF COLUMBIA OFFICE OF ZONING REGULATIONS REVIEW**

**Effective November
5, 2013**

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

WHEREAS, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency, board and commission shall, before the award of any grant funds to a citizen organization or group, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by subsection (b) of this section;

WHEREAS, the issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)];

WHEREAS, several years ago, the District of Columbia Office of Planning ("OP") commenced efforts pertaining to the first comprehensive revision of the current District of Columbia's zoning regulations (codified at 11 DCMR) since 1958;

WHEREAS, on July 29, 2013, OP submitted its draft text ("Text") for the District's zoning regulations review ("ZRR") ZRR to the District of Columbia Zoning Commission ("ZC"), and Advisory Neighborhood Commission 4A ("ANC 4A") reasonably expected such text to be final, subject to minor, non-substantive clarifications and corrections to the ZRR Text;

WHEREAS, on September 9, 2013, the ZC set down the proposed ZRR Text for public review, comment and hearings; WHEREAS, on October 9, 2013, OP announced publicly that they have finally provided printed-versions of the ZRR Text (which contains over 1,000 pages) at all public libraries;

WHEREAS, on October 15, 2013, OP announced that they have finally provided OZ what they call “cross-walks” which helps the public relate current regulations to the ZRR Text;

WHEREAS, ANC's and the public are expected to give feedback and provide testimony as such to the ZC by the end of October 2013 and at hearings in early November 2013 — thereby providing less than 30 days from the date ZC made copies of the ZRR Text available to the public and ANCs; and

WHEREAS, ANC 4A has serious concerns that the ZRR process does not provide reasonable time for meaningful public participation or proper review of the 1,000 plus- pages of the ZRR Text.

THEREFORE, BE IT RESOLVED, THAT, upon considering the foregoing and after due inquiry, a majority of the duly elected and serving Commissioners of ANC 4A voted at an open, duly noticed meeting held on November 5, 2013 that ANC 4A (1) deemed that it is important to the public interest to request that OP participate in a future ANC 4A meeting to discuss the impact of the ZRR Text on both on ANC 4A and the District, as a whole (a) so that our community may better understand the nature and scope of the ZRR Text; (b) that OP provide a fuller opportunity for residents, stakeholders and businesses in the ANC 4A commission area to more meaningfully participate in the ZRR process by being better informed of the current ZRR Text; and (c) the ZC should postpone any rulemaking regarding the ZRR Text, and keep the record completely open for an additional period of 60 days to ensure robust and fair review can be had and that thoughtful and thorough comments from the public, including ANC 4A, may be delivered to the ZC for deliberation; and (2) authorized Commissioners Gail Black (ANC 4A08) and Stephen A. Whatley (ANC 4A03) to appear and testify on behalf of ANC 4A at any City Council and OZ hearings on the subject matter covered by this Resolution, as may be necessary;

FURTHER, RESOLVED, that, at any such hearing, OP, OZ and the City Council may rely upon Commissioner Black's and Commissioner Whatley's statements made consistent with this Resolution; and

FURTHER RESOLVED, that, ANC 4A requests that OP, OZ, the Mayor of the District of Columbia and the City Council give "great weight" to the views of ANC 4A in approving any changes to the ZRR Text.

Respectfully submitted,

Dwayne M. Toliver

Dwayne M. Toliver, Chair, ANC 4A