

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40486
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Washington, D.C. 20016

April 8, 2014

SUBMITTED ELECTRONICALLY

Mr. Anthony Hood, Chairman
DC Zoning Commission
441 4th Street NW
Suite 200-S
Washington, D.C. 20001
zcsubmissions@dc.gov

Re: Z.C. Case No. 08-06A (Title 11, Zoning Regulations – Comprehensive Text Revisions)

Dear Chairman Hood and Commissioners:

Thank you for your efforts to ensure that Advisory Neighborhood Commissions (ANCs) across the city have adequate time to review the Zoning Regulations Review (ZRR), the rewrite of the city's zoning regulations (Z.C. Case No. 08-06A). The critical role that ANCs play in the zoning process is outlined in DC Statute 1-309.10 of the District of Columbia Code. Although the Office of Planning (OP) may have been slow initially to engage with ANCs on the zoning rewrite, the Zoning Commission's efforts to extend the record in this case have provided ANC 3D and other ANCs across the city an opportunity to review the zoning rewrite proposals; assess their impact on neighborhoods, residents, and the city as a whole; and formalize positions for your review and consideration.

ANC 3D takes this responsibility seriously and already has outlined a series of formal actions and recommendations as follows:

1. Subtitle X, Chapter 1: Campus Plans and School Plans: ANC 3D approved a resolution on October 2, 2013 concerning changes in rules governing campus plans and testified before the Zoning Commission on the issue on November 4, 2013. That testimony suggested several changes in the proposed zoning rewrite based on our long-term experience of working on campus plan issues given that four university campuses and five private schools are located within the boundaries of ANC 3D.
2. On December 4, 2013, ANC 3D approved resolutions on the following sections of the zoning rewrite: Subtitle C, Chapter 19 – Vehicle Parking; Subtitle D, Chapter 3 – Residential House Zones, Group 2, Chain Bridge Road/University Terrace; Subtitle D, Chapter 8 – Residential House Zones, Group 7, Wesley Heights; Subtitle D, Chapter 13 – Accessory Building Regulations for R Zones; and Subtitle D, Chapter 16 – User Permissions R Zones – Corner Stores. ANC 3D communicated our positions on these issues in a letter to the Zoning

Commission dated December 9, 2013 and testified before the Zoning Commission on January 30, 2014.

These formal positions were approved at properly noticed public meetings with a quorum present at all times.

Since taking action on these items, ANC 3D has grown increasingly concerned that the zoning rewrite as a whole will have the effect of limiting neighborhood input and diminishing the role of the ANCs in representing constituent and neighborhood interests in zoning-related matters. Consequently, at its regularly scheduled meeting on April 2, 2014, with a quorum (6) present at all times, ANC 3D voted 9-0 to approve a motion calling on the Zoning Commission to reject any provision in the ZRR that would dilute the ability of the ANCs to provide feedback and offer recommendations on zoning-related matters before the Zoning Commission or the Board of Zoning Adjustment (BZA).

Based on ANC 3D's ongoing review of the proposed new (and evolving) zoning rules, the zoning rewrite would propose to limit the role of ANCs in some special exception cases, for example. An important and contentious case before ANC 3D now that relates to the conversion of a single family residence to a multi-family residence – that neighbors argue will permanently alter the character of the neighborhood – would become a matter of right under the proposed new zoning rules denying residents an opportunity to offer input and denying the ANC an opportunity to ensure that residents' views are represented. Based on the proposed new rules, the R-5-A zones within ANC 3D's current boundaries would be moved a new Subtitle on Apartment Zones and, thus, which would enable matter-of-right conversion from a single family unit to a multi-family unit.

The ANC considers several issues nearly every meeting that under the proposed new rules would become matter-of-right. These issues come before the ANC – not just procedurally – but because residents have interests that they want represented in the zoning process and look to the ANCs for representation in the process, especially since ANCs' views are to be given “great weight” under D.C. statute.

Likewise, proposals to spread the current overlay districts across multiple Subtitles instead of maintaining them in a separate Subtitle will have the subtle effect of making it difficult for an ANC to ensure that the protections afforded by those overlays are maintained. It is precisely these types of proposed structural or “organizational-type” changes that raise concerns, especially given the complexity of the issues under discussion and the limited resources available to ANCs to keep up with the evolving changes being recommended, let alone assess their potential impact.

This became evident again recently after reviewing ANC-specific impact assessments of the ZRR provided by OP for ANC 3D. Although these assessments were intended to assist the ANC in reviewing the ZRR, the assessment for ANC 3D was – at best – incomplete – for example, not even including any information on proposed changes in campus plans and school plans – one of the most critical issues for ANC 3D. This underscored the value of the additional time that you have provided ANCs to participate fully in this case. The issues in this case are too important and deserve time and attention to ensure the Zoning Commission gets this right.

OP's zeal to simplify the zoning code, or to streamline or decrease the number of cases before the BZA, should not be used to limit the role of ANCs. DC Statute 1-309.10 specifies the advisory role that ANCs are to play “with respect to proposed matters of District government policy including, but not limited to, decisions regarding planning ...” As the Zoning Commission reviews final proposals

for the zoning rewrite, ANC 3D strongly encourages the Commission to ensure that changes in zoning do not limit the role that ANCs have played in the city on zoning issues or try to use the ZRR to rewrite provisions of the DC Code, as they apply to the role of the ANCs. Any provisions that would change the role of the ANC – whether directly, as with some special exception cases, or more subtly, as is the case with the zoning overlays or other structural “organizational” changes in the code, should be rejected.

Following is the text of the motion approved by ANC 3D on April 2: “ANC 3D calls on the Zoning Commission to ensure that the role of Advisory Neighborhood Commissions (ANCs) should not be diminished as a consequence of the rewrite of the city’s zoning code. ANC 3D calls on the Zoning Commission to reject any provisions in the Zoning Regulations Rewrite that would dilute the ability of ANCs to provide feedback and offer formal recommendations on zoning-related cases.”

Thank you for this opportunity to provide additional feedback on the ZRR and we ask that you give this recommendation the great weight to which it is entitled under DC Statute 1-309.10(d)(3).

Sincerely,

A handwritten signature in black ink, reading "Gayle Trotter". The signature is fluid and cursive, with the first name "Gayle" and the last name "Trotter" clearly distinguishable.

Gayle Trotter
Chair