

Zoning Case No. 09-06A

District of Columbia Zoning Regulations Update

Testimony of Jay Smith

My name is Jay Smith. I have lived in DC since the mid-1980s, on Capitol Hill, in Georgetown, at Van Ness, and now in Friendship Heights. I am an attorney, but I have come here today to express my own personal views.

In January 2013, the Office of Planning promoted the ZRR with a summary that declared: “About 90% of regs unchanged! No property being rezoned!” (Attached.)

Hearing those statements, you might think nothing important was changing, but that is not true. For example:

1. The ZRR does in fact rezone property, downtown.
2. The ZRR will in many cases allow neighbors to open new businesses in residential zones without needing to get a variance from the BZA and giving their neighbors a chance to object.
3. The ZRR will make substandard lots throughout DC buildable as a matter of right.
4. The ZRR will expand commercial uses in residential zones, and allow conversion to apartments as a matter of right in R-5-A zones. This will erode single family housing stock that DC should try to preserve.

Before DC revised the zoning code in the 1950s, it did land use and infrastructure studies. OP has just skipped this step. Today, on issues such as parking minimums, other major cities such as New York and Portland have done detailed studies you can find on the web. OP has done nothing.

OP has also not given the public, or the Zoning Commission, a manageable document, and the chance to focus on the changes being made. The ZRR is poorly crafted and 200 pages longer than the existing code. You cannot easily see what is changing. OP is telling the Commission and the public two things: “trust us” and “take it or leave it.” But if 90% of the regulations are not being changed, this process can and should be simplified.

The Zoning Commission should tell OP that it wants to see the proposed changes submitted in the form of amendments to the existing zoning code. And then the Commission should take those amendments, group them by topic, and hold hearings that are focused on those specific topics.

You have the power to divide the ZRR into manageable chunks. You have already done it for the Green Area Ratio and the rules for measuring building height. The benefit of this

What's Changed: Preserving Community Character



Proposed Tools:

- ▣ Revise measuring point for height of houses
- ▣ Establish front-yard setbacks
- ▣ Eliminate current incentives to “fill in” narrow courts and side yards in rowhouse zones
- ▣ Add pervious surface requirements

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No property being rezoned!

ZONING REGULATIONS REVIEW COMMUNITY OUTREACH MEETINGS

JANUARY 2013