

Testimony of Charles Robertson before the Zoning Commission on the Zoning Rewrite, April 24, 2014

I am Charles Robertson and live at 1516 T St NW in the Dupont Circle neighborhood. Citizens were promised a streamlined, easy to understand, zoning rewrite. After eight years we have a bloated document, 300 pages longer, which is confusing, extremely difficult to use, with ambiguities and contradictions that will likely lead to a welter of court cases. A number of problems arise from this document.

1 Uneven treatment of neighborhoods. Georgetown was apparently surveyed and in meetings between its representatives and planners, the residents there had full input in the process and got special consideration, resulting in regulations that comported with many of the desires of the residents.

2 No surveying to justify the changes. Despite the eight years it took to produce the zoning rewrite the changes do not reflect the character and needs of various regions of the city because there was little or no survey work done, except reportedly in Georgetown. The document is at odds in many respects with the Comprehensive Plan, a plan which derived from much citizen participation. Simply producing a new comprehensive plan to comport with this zoning rewrite will not correct a thorough lack of research. The major zoning documents from 1920, 1938 and 1958 all were the result of careful city wide surveying.

3 Permissible destruction of housing units. There are a number of cases permitting housing to be replaced in residential zones, this at a time when the city claims it needs more housing. For instance the permission by special exception to allow non profits to invade buildings over 10,000 sq. ft. in R4., would make entire apartment buildings at risk of having its residents displaced. Particularly threatened are Logan Circle and Capitol Hill which have interspersed apartment buildings. In R5 the vague reference to Art usage could subject row houses to conversion to offices or arts organizations, dance classes, recording and production studios, and art galleries to name a few inappropriate intrusions under lax the special exception, in this case controlled only by proof of a loading berth. At least 95% of special exceptions are granted, the conditions are so lax and vague. Our row houses are seldom over 18 feet wide with minimal party wall separating houses. Noise and traffic from these non resident uses would be noxious to any adjacent resident and non housing uses could envelop an entire house under these harmful regulations.

4 The changing of the zone appellations. For instance from C2B to M5 or SP1 to M1, an unnecessarily and confusing change that could lead to an obliteration of case law

or at least considerable confusion.

5 The repeatedly misleading characterization of the zoning regulations. The continual reference by the office of planning to the regulations as a completely obsolescent document is intentionally misleading. Since 1958 the regulations have been continually changed and updated as evidenced by the small type “ Authority and Source” notations with the dates showing the continuous and numerous changes through our present zoning code.

6 The top down approach by the planning office. That office was staffed by new people who did not know the city; Ms. Tregoning attended none of the workshop sessions. Those workshops, purporting to involve citizens input, did quite the opposite. The Zoning Commissioners were alerted to this problem at the time. You heard the complaints that the planners made presentations but simply ignored the many comments by knowledgeable citizens who spent a lot of time attending those sessions over the years. Everything was top down. Urgings of changes were ignored. They were simply designed to claim citizen participation, as were later meetings in the wards.

7 The Zoning Administrator given too much discretion. The end of a number of sections gives the zoning administrator discretion to make determinations. In a document so full of ambiguities this is extremely dangerous. The result could be cases that should be advertised and go before the BZA or Zoning Commission but do not. Thus projects that need review by zoning bodies could begin construction without any public notice or input. This also leads to the possibility of bribery or malfeasance.

8 The extension of downtown by 30% westward. This is a rezoning and should be treated as a contested case, not as a text or administrative case. Parties should be permitted to cross examine and appeal to the Court of Appeals.

9 The elimination or obscuring of neighborhood overlays.

The solution is to return to our present regulations and make changes that are driven by thorough surveys and sound reasons.