

Zoning Commission for the District of Columbia
Case No. 08-06A (Title 11, Zoning Regulations-Comprehensive Text Revisions)
April 24, 2014

Much has been made of the time that has passed since the last rewriting of the Zoning Regulations for the District. While it is assuredly true that there is a need for updating, clarifying, coordinating the code to reflect 21st century conditions, it is also true that the zoning environment that has developed over the past 50 has produced a stability that has served the community well and created what one contemporary urbanist has characterized as “street after street of excellent urbanism. . . .”¹ And as we debate the ZRR, the District is experiencing a redevelopment renaissance in neighborhoods that is the envy of many a city. Surely we must be doing something right.

As the city considers rewriting the zoning regulations I am concerned that development pressure will continue to urge more and bigger and denser projects. I am concerned that the stability that the zoning regulations, through its function as a social contract between a people and their government, is being undermined

A number of residents and community organizations have spoken about neighborhood issues, understandably, as those homeowners and businesses are most directly affected. Today I would like to bring to the Commission’s attention several points about the downtown portion of the rewrite, which among other provisions:

- Gerrymanders the boundaries and enlarges the downtown by a factor of three.
It should be the role of the Commission to question and reject if necessary the work that OP has presented
- Unduly complicates, through proliferation, the zoning categories and subcategories
If the intent was to simplify the zoning regulations, making them easier to understand, the ZRR fails
- Makes no provision for parks and open space in the new downtown areas.
The need for city infrastructure and urban amenities needs to be “built into” the zoning, not left to market forces If not the result will be more NOMA type haphazardness at the edges of downtown in all four quadrants
- Allows full lot occupancy and no FAR restrictions for residential development.
There appear to be no incentives not to maximize FAR and lot occupancy—where is the livability in this?
- Has inadequately addressed historic resources for risk, and has not developed effective strategies to protect the integrity of those structures and the contexts in which they are set.
- Does away with parking minimums downtown where vehicles are stored underground and no land is wasted on lots/above ground structures.
Letting the market decide may work for trophy office buildings, where large tenants have significant bargaining power, but this is not true for residential projects, especially rentals There should be residential minimums, which will not prevent development but will make the buildings more attractive to a wider variety of tenants Furthermore, the cost of providing parking won’t be off-loaded onto the public sector
- Creates a checkerboard development pattern in which the first development “out of the box” reaps the economic value of the upzoning while neighboring owners sit on underutilized or vacant land waiting to “cash in”.

¹ Jeff Speck, *Walkable City How Downtown Can Save America, One Step at a Time* New York, Farrar, 2012, p 220

The ZRR may be creating unrealistic expectations both for development potential and rate of absorption

- Provides a rigid and proscriptive retail requirement that does not allow for changes that are likely over time

NCPC and OP are joint planning agencies but there is no indication that OP and NCPC have been coordinating efforts. Has OP even briefed NCPC? Additionally, NCPC is in the midst of revising the Federal Elements of the Comprehensive Plan, adding an urban design guidelines element. Because there cannot be inconsistency between the federal and local elements, prudence suggests that the Commission take a measured approach on wholesale changes, until NCPC is substantially further advanced in updating the federal elements.

What began seven years ago as an exercise in clarification and coordination has resulted in a burgeoning of obfuscation—not a reduction of regulation, but its growth. Sound, understandable zoning should have the effect of facilitating and encouraging good planning which should make for a livable city. While others have pointed out that by adopting this code, 50 years of case law goes out the window, the real tragedy represented by adopting the ZRR *in toto* is not what is lost, but rather what is not there in the first place: a shared vision for the city.

A recent article in the *Wall Street Journal* noted that “to gain public acceptance, plans and their accompanying public investment must be part of a compelling vision and an agreed-upon public agenda.”² Based on the outcry from citizens and an examination of the downtown provisions, OP has not achieved an agreed-upon public agenda. Therefore, I urge the Zoning Commission

- Do not accept the zoning rewrite in its entirety as presented by OP;
- Use those pieces of the ZRR that can be properly vetted and justified to AMEND the existing code for clarity and consistency and to bring it into the 21st century;
- Adopt a transparent mechanism for citizen input in the amendment process; and
- Utilize an independent, third party to undertake that vetting process.

For the record, my name is Richard Houghton. I have lived in the District for 25 years. I work in the development sector and have managed the design and delivery of complex urban projects in the District and surrounding jurisdictions. I am also a registered architect and am recognized before the Zoning Commission as an expert in the area of architecture.

Thank you for your consideration.

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² Julia Vitullo-Martin, “How to Build a Better City” *The Wall Street Journal*, April 12, 2013