

By FAX
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Chris Otten
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September 15, 2014

Dear Chair Hood:

On Monday September 8, 2014, I attended what may be the last hearing on the Office of Planning's proposed Zoning Regulations Rewrite.

I had prepared my testimony quickly for Monday night's hearing, as I had thought I'd be able to testify on Thursday, September 11, 2014. However the September 11th hearing was cancelled as was September 10, and September 9, despite the public notices showing these hearings would be held.

Chair Hood, you specifically asked that I follow up with written testimony to support Exhibit 792 on the record.

I've done what I could to achieve this request in the following pages.

~~The only thing I can tell that has been consistent~~
^{taken}

It should be seriously noted that the ZRR process that has been pushed, policed, and manipulated by the Office of Planning has resulted in uneven experiences among many DC neighborhoods, if at all.

OP has been consistent with one thing, untimely and inaccurate information about how the ZRR will affect our whole City.

For this, the City deserves more time and reflection on the scope and impacts of these proposed changes. That is up to you to make happen.

Regards,



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ANC Commissioner 2008-2010;
2006 Mayoral Candidate (<http://www.otten06.com>);
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1) Amend the Comprehensive Plan First, Like the DC Law Requires (see page 5 of Exhibit 792)

The DC Office of Planning has announced they will amend the Comprehensive Plan very soon, although they haven't come to my neighborhood yet to discuss this. It is my understanding that the next set of Comp Plan amendments will be a significant, more edits and additions that the 2009 Comprehensive Plan amendment cycle.

It is clear that DC Law, the DC Zoning Regulations, the DC Comprehensive Plan, and common sense show that for proper conformity to exist between the zoning regs and the Comp Plan, you amend the zoning regulations after the you amend the Comp Plan.

See Page 5 of Exhibit 792 for the citations showing this.

The 2014-15 Comprehensive Plan amendment cycle is required to happen before the zoning regulations and also for administrative consistency and efficiency, for if you do a massive overhaul of the regulations first, and then amend the Comprehensive Plan, the Comp Plan amendments may challenge the new zoning regulations. If this happens it is highly likely the Zoning Commission will have to amend the zoning regulations some more, proving the rush to get the ZRR done right now a serious waste of resources and public time. This will especially happen if the Comp Plan amendments are done in way unlike the ZRR, where amendments and suggested ideas and additions actually come from the neighborhood level and ANC's, which is not what happened with the ZRR.

2) The ZRR As Concocted by the Office of Planning Contravenes DC Law (see page 3 of Exhibit 792)

The Zoning Regulations Rewrite does not prove itself in anyway to be in line with DC Code Section 6-641.02.

A case study is OP's proposal to create zoning regulations that would triple the boundaries of the Downtown District – with buildings in the Downtown District allowing the greatest heights and densities, and exempted from affordability requirements, as compared to all other Districts.

OP staffers have never shown how allowing this much greater density and height will impact our public services, further concentrate and overcrowd downtown, or how it may destabilize the residential districts of Thomas Circle and Dupont Circle. Further and logically, the increase in accommodation in sheer building density downtown will increase the daily surge of people which in turn will increase pressures on transportation capacities, public infrastructure capacities, and decrease overall affordability downtown.

Looking at Section 6-641.02 of the DC Code, it is clear that amendments to the zoning regulations, “Shall be designed to lessen congestion in the street, ... to prevent undue concentration of population and overcrowding of the land, ... and tend to further economy and efficiency in the supply of public services... with a view to encouraging stability of districts.”

OP has not demonstrated to the public or to Zoning Commissioners how increasing the size of the Downtown zoning district and its subsequent increase in density, people, and public infrastructure usage, may actually be balanced at all. And they have not proven if the City even has the capacity to serve the increase in people the increase in density will bring? What of the 100+ year old crumbling downtown infrastructure? What of WMATA's bus and metro line capacities?

OP has not proven that tripling the boundaries, and hence density, of downtown actually meets the intent of DC-Code 6-641.02.

This is just one case example of OP's lack of due diligence here, which the Zoning Commission cannot allow.

And, all of the other controversial additions and changes to the zoning regulations have also yet to be proven by OP to actually meet the Law regarding DC's zoning regulations.

OP has not provided any scientific studies, reports, or any data to substantiate their proposed impact amendments to the zoning code. This flies in the face of basic administrative process and rulemaking, as well as basic planning protocols and ethics found in many other States and institutions like the American Institute of Certified Planner.

Further, the Office of Planning has not measured their proposed changes to the Implementation Chapter of the Comprehensive Plan, particularly Table 25-1.

Conclusion

For the above reasons, the ZRR is on the precipice of being rushed into enactment against the principles of all basic planning standards and also the DC Law.

The Zoning Commission can choose to ignore these facts, but do so at the peril of the future of our City, as its clear developers want it all, bigger and denser with no more poor people around. But when they are done building and leave town, longterm residents will have to deal with the implosion of our fragile infrastructure crumbling under the weight of over-development and overcrowding, while buses and trains are packed like sardines because we don't have the transportation capacities to handle this runaway corporatization of the District of Columbia.

The Zoning Rewrite is not right. But, ~~but~~ with more time and scientific-study and data diligence, and certainly more neighborhood feedback and hands-on work with a more collaborative Office of Planning, perhaps we can get the ZRR to where it needs to be, from the people of DC, not the aloof staffers of OP.

A handwritten signature in black ink, appearing to be "Chris Oller", written in a cursive style.