

**ADVISORY NEIGHBORHOOD COMMISSION 4D RESOLUTION
ON ZONING REGULATIONS REVIEW (ZRR)**

Case No. 08-06A
September 15, 2015

Whereas,

The 2006 D.C. Comprehensive Plan directs the Office of Planning and the Zoning Commission to modify the Zoning Code to bring it into alignment with the Plan and to accomplish this by “publish[ing] general guidelines which indicate which [existing] zone districts are ‘clearly consistent,’ ‘potentially consistent,’ and ‘clearly inconsistent’ with each Comprehensive Plan Land Use Category;”¹

The D.C. Comprehensive Plan sets a high priority on “transparency in decision-making . . . in all land use and development matters” and accordingly instructs the Office of Planning / Zoning Commission to “mak[e] information available and accessible to residents and maintain open lines of communication with the public as plans are developed”;²

The D.C. Comprehensive Plan directs the OP / ZC to “undertake a comprehensive revision to the District’s Zone Map to eliminate inconsistencies between zoning and the Comprehensive Plan Future Land Use Map and other Comprehensive Plan Maps, including those showing historic districts,”³ yet OP / ZC has never published a Zone Map showing the significant alterations set out in the ZRR;

The D.C. Comprehensive Plan rues that “Much of the city’s development is permitted as a matter-of-right under existing zoning, affording few opportunities for the Office of Planning to determine Comprehensive Plan consistency” and suggests that “[i]n the future, methods of increasing the scrutiny of matter-of-right projects may be needed, particularly with respect to urban design and environmental impacts.”⁴ Yet far from increasing the scrutiny of MOR projects, the ZRR has shifted many types of projects currently requiring review for special exception or variance to matter of right.⁵

The D.C. Comprehensive Plan sets a goal of realizing an inclusive city and toward that end instructs OP / ZC to “Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs

¹ D.C. Comprehensive Plan 10A-2504.9 – Action IM-1.3.B: Comprehensive Plan / Zoning Correspondence Table

² D.C. Comprehensive Plan 10A-2507.6 – Policy IM-1.5.4: Transparency in Decision-Making

³ D.C. Comprehensive Plan 10A-2504.8 – Action IM-1.3.A: Zone Map Revision

⁴ D.C. Comprehensive Plan 10A-2502.2. “This could include adjustments to the thresholds for projects requiring “Large Tract Review,” implementation of a Site Plan Review process, changes to the city’s Environmental Impact Screening Forms, and additional standards to ensure that development sufficiently mitigates its effects on traffic, parking, infrastructure, and public service needs.”

⁵ See <http://dezoning.blogspot.com/2014/03/how-zrr-will-affect-public-input.html>

that stimulate affordable housing production and rehabilitation throughout the city,”⁶ yet the ZRR proposes to triple the size of the area designated as Downtown in the existing zoning code and exempt 8 (possibly 9) of the 11 D zones from Inclusionary Zoning (IZ) requirements; and

The D.C. Comprehensive Plan recognizes that in the Mid-City Planning Area, “[a] growing Latino population stands at 22 percent, approximately three times the City’s average, [and] more than one quarter of the Mid-City’s residents are foreign-born, double the citywide average of 12.8 percent,”⁷ yet OP / ZC’s public outreach in Spanish (or any language other than English) has been *at best* minimal.

It is hereby resolved that ANC4D asks the Zoning Commission to reject the Zoning Regulations Review until and unless the following actions have been taken.

Require the Office of Planning to demonstrate that all proposed zoning changes are warranted because the agency found that the existing zoning regulations are “inconsistent” or “potentially inconsistent” with the D.C. Comprehensive Plan Land Use Element, pursuant to the Implementation Element of the D.C. Comprehensive Plan.

Require OP to provide to all neighborhood civic and citizens groups and ANCs citywide the ANC-specific Development Standards Comparison Matrixes, comparing the heights, densities, lot occupancies, and required yard buffers of the proposed districts to the existing zoning districts in the area covered by each ANC. Only a minority of ANCs (i.e., 5A and 1C) have been provided with such a targeted matrix.

Require OP to provide a redline document comparing the version of the ZRR text published in the *DC Register* in May 2015 to the version that was approved in December 2014 in order to make transparent the changes that have been wrought out of the public eye since the text was approved.

Make available both the current and proposed zoning maps to all neighborhood civic and citizens groups and ANCs to enable residents to perform side-by-side comparisons and to verify that new zone districts are mapped correctly in the related, but separate, Zoning Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names).

Restore review requirements for all of the types of projects currently requiring special exception and variance review, as well as those additional types of projects for which the community has requested new review, such as the Large Retailer Special Exception. Test any expansions of MOR for consistency with the D.C. Comprehensive Plan.

Extend the Inclusionary Zoning requirements to all zoning districts, including

⁶ D.C. Comprehensive Plan 10A-504.6 – Policy H-1.2.1: Affordable Housing Production as a Civic Priority

⁷ D.C. Comprehensive Plan 10A-2003.4

Downtown. It is discriminatory to officially exclude people from certain parts of the city by income—and ultimately by class and race.

Translate the nearly 1,000 pages of the ZRR as well as all educational aids, including those enumerated above, into Spanish so that residents who speak the second-most-prevalent language in the District of Columbia can participate in molding this massive set of policy changes that will affect all neighborhoods.

Provide at least 3 months' additional time, once the code and supporting educational materials have been published in Spanish, for community input before the Office of Planning responds to community input.

Obtain written support for the final form of the ZRR from at least two-thirds of all ANCs citywide.

This Resolution was considered by ANC 4D at a duly noticed ANC 4D meeting in the presence of a quorum of Commissioners on September 15, 2015.

The vote on the Resolution was 5 for the Resolution and 0 against the Resolution. The Resolution was passed. (unanimously by acclamation)

Signed by Nancy E. Roth, Secretary, ANC 4D on September 24, 2015.