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Zoning Case No. 08-06A

DISTRICT OF COLUMBIA ZONING REGULATIONS UPDATE
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Testimony of George R. Clark

Good evening Chairman Hood, members of the Commission. My name is George Clark and I come before you today as a member of the Zoning Regulations Review Task Force which was formed nearly 7 years ago and which met until last year.

Tonight I will focus on what the Office of Planning has been telling ANC's about the ZRR, as opposed to what the ZRR actually says. It is fair to say that OP is misleading the ANC about several key ZRR provisions, and not telling them about the many rights ANC's and ordinary citizens are losing under the ZRR.

But first a little history. My experience with revising the zoning regulations goes back to 2003 when then Zoning Commission Chair Carol Mitten first convened a Zoning Advisory Committee with a view towards identifying parts of the zoning regulations that needed to be changed. That group met for several years, and starting in 2004 we testified before this Council to ask for funds so that the Office of Zoning could continue to identify those problems and revise the code where necessary.

By 2007 we had some success and the Zoning Commission itself convened two roundtables to identify and discuss areas in which the zoning regulations should be revised, rewritten, or reorganized. We all recognized that advances in technology could make the regulations more user-friendly and that the city had changed enough since the last comprehensive revision in 1958 that the regulations should be looked at carefully to see where they could be improved. The Comprehensive Plan of 2006 had been passed by the Council and the time seemed appropriate to tackle the zoning regulations. But I'll never forget what long time Zoning Commissioner John Parsons said. He said that we don't need to throw out the code, and that there should be a revision not a rewrite.

Unfortunately the opposite has taken place. Even though the Office of Planning gathered up from many sources a long list of potential problem areas with the regulations, OP has refused to make that list available either to the public or to the members of the task force. I first asked for this list in November 2007 when the Task Force had its first meeting, was told I would have it, and despite many other requests I am still waiting nearly 7 years later.

I really don't believe that the list contains any incriminating items that would show that OP has ignored areas that might need to be changed. Instead I suspect that list would show that the Office has proposed changing many things that no one identified as an area of concern. This is because OP has gone well beyond the mandate to review the zoning regulations in accordance with the principles of the comprehensive plan. Instead, OP has been guided by the mantra "higher, tighter, and denser." While this might be appropriate for some neighborhoods, it is hardly a prescription that should apply citywide. Indeed it endangers the substantial investments that people have made in their

residences and businesses. I've said it before and I'll say it again -- we must be careful not to kill the goose that has laid the golden eggs for our City. People make their biggest investments in our neighborhoods and they shouldn't have to be victims of the latest planning craze that someone wants to try out.

For some reason we have developed an attitude that our City and neighborhoods are in desperate shape and that without making dramatic changes everywhere the City will fall off the face of the earth. There's an urgency to try out every new idea, whether it belongs in a substantially built out city or not. Let me explain.

Sustainability is an important concept. Our old Zoning Advisory Committee proposed and the Zoning Commission adopted the first regulations that allowed pervious surfaces to be used on residential properties to help better control water runoff. If anything, the proposed zoning regulations do not go far enough when dealing with "green" issues on residential properties.

But on other sustainability issues we act as if the sky is falling. As OP properly and proudly points out, our City is cited as the second most walkable one in the country, with the lowest per capita car ownership and the fewest miles driven annually. (We'll never move to number 1 unless we can find \$20-30 billion for new subway lines). Surface parking lots are relatively rare, and bicycles are an increasing form of transportation. And all of this has happened under the zoning regulations that OP says are a roadblock to sustainability!

So we now have a thousand pages of zoning regs, where we had fewer when this process started. The idea was to make it shorter and use new technology – neither has

happened. But OP tells us not to worry, we changed the words many times but we didn't change the meaning. Really, the new stuff is only about 70 pages.

Let's assume that is true. Why do we have 930 pages of new text which is supposed to mean what it said before? Why did we change it? What happens to the thousands of decisions that have been made under the old text? Will everyone agree that the new words mean the same? Or will this Commission have to re-decide the same cases hundreds or thousands of times when applicants and their lawyers argue that different words have different meanings. Why did OP do this? What possibly could have been gained?

I have attached a series of slides showing how OP has mislead the ANC's on what the ZRR means for them.

Sincerely yours,



George R. Clark