

CASE NO. 08-06C
Zoning Commission of the District of Columbia
Map Amendment to Implement the Comprehensive Revision to
the Zoning Regulations, Including New Zone Names
Testimony of Marilyn J. Simon, Friendship Neighborhood Association
Monday, April 6, 2015

My name is Marilyn Simon and I am speaking on behalf of Friendship Neighborhood Association. Tonight, I would like to address the section of the proposed map amendment which would change the names of the current zones on the zoning map. Renaming the zones was proposed as part of the ZRR, and this map amendment provides an example of how the ZRR has failed to reach its stated objectives.

One goal in rewriting the zoning regulations was to make the regulations more user-friendly and to ensure that the regulations are transparent, readable and accessible to both professional and lay users. The proposed change in the zone names illustrates how the Office of Planning has moved in the opposite direction, making the regulations more complex and difficult to understand and masking the underlying relationships between related zones.

The current zone categories have two characteristics that assist the user in understanding the relationship between various zones. The name of the underlying zone is clear and there is a clear relationship between zones, where, generally, zones with higher numbers in the same category allow more intense uses and increased heights and/or densities.

The description of the underlying zone and the overlays on the Office of Zoning website has proven to be very useful to many DC residents, providing them with an understanding of how the zones in their neighborhood relate to each other and to zones in other neighborhoods. It helps them to understand how zoning shapes future development in their neighborhood. The clear designation of an underlying zone and an overlay zone, where applicable, as well as the general pattern with higher numbers associated with more intense or more dense development, make the zoning regulations reasonably transparent, readable and accessible. These attributes will be lost with this proposed map amendment.

1. Zone names that clearly identify the underlying zone and overlay.

The current name includes the name of the underlying zone, such as C-2-A , a commercial zone that is consistent with both Low Density Commercial and Moderate Density Commercial in the Future Land Use Map of the Comprehensive Plan. [§§ 225.9 and 225.10] For areas subject to an overlay, the designation for the overlay is added. The user then knows that, for example, a property in zone C-2-A/NO will be similar to other

C-2-A zones, but with some modifications related to the specific concerns described in the Naval Observatory Precinct Overlay District, related to its location adjacent to or in close proximity to the highly sensitive and historically important Naval Observatory.¹

This proposed map amendment would rename the current C-2-A zones, and they would become: C-2-A, MU-4, MU-17, MU-24, MU-25, MU-26, MU-27, NC-2, NC-3, NC-4, NC-7, NC-9, NC-14, NC-16, ARTS-1, and RC-2.

If the ZRR is adopted as proposed, over time, most users of the zoning regulations will not understand the relationship between these 16 C-2-A zones, the unifying characteristics of the 16 zones, and how they were tweaked to account for particular concerns in each of the 15 overlay districts. Nor will the users see the relationship between different underlying zones in the same overlay district.

2. Zone names that aid the user in identifying the ranking by density or intensity.

With the current zone names, within categories, the density or intensity generally increases as zone number increases. For low and moderate density zones, the density increases as we go from R-1-A to R-1-B to R-2, R-3, R-4 and R-5-A. Under the proposed system, higher numbers could denote higher or lower density in the same category. For example, in the commercial zones, MU-10 (CR) is significantly more dense and intense than MU-17 (C-2-A/DC) or MU-27 (C-2-A/NO).

Conclusion

The revised zoning regulations, if adopted, will impact the shape of our city for decades to come. So, it is important that we are certain that it is delivering on its promises, and that the new regulations are clear, transparent, readable and accessible. They should also be unambiguous, enforceable and consistent with the Comprehensive Plan.

This proposal to rename the zones makes the regulations more confusing to most users who have not participated in the ZRR, read all the drafts or studied all the cross-walks. The new zone naming system disguises important relationships between different zones. This is just one of the very serious ways in which the recently circulated drafts of the document that is being prepared for an NPRM do not achieve the goals of the zoning rewrite and will not be consistent with the Comprehensive Plan. Eliminating this unnecessary change in the zone naming system will make the regulations more transparent and readable, but it will not address the many other fatal flaws in the document.

¹ Residents and prospective residents find the current zone names, along with the explanations on the DCOZ web-site, useful. For example, if someone is looking for a home in a single family or rowhouse neighborhood near retail, they can look at the nearby commercial zone designations and quickly determine the risk of significantly higher density redevelopment of commercial area without public input. With the proposed zone names, the prospective homeowner would need to dig into the text of the new code to know where higher density redevelopment would be allowed as a matter of right and to compare different neighborhoods.