

West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

March 18, 2015

Chair Anthony Hood
DC Zoning Commission
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: Request for Postponement of Unfairly Timed 4/6/15 ZRR Map Amendments
Hearing (ZC No. 08-06C)

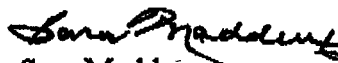
Dear Director Hood:

This letter is to request that the Zoning Commission (ZC) consider the West End Citizens Association's (WECA) request for a postponement of the April 6, 2015 Zoning Regulations Rewrite (ZRR) Map Amendments Hearing (ZC No. 08-06C) until the public has had an opportunity to review and comment on the proposed draft ZRR text which is still not available. This hearing was noticed in the February 20th and March 6th DC Registers after a quick ZC setdown basically without discussion on February 9th.

Attached please find a copy of today's e-exchange between WECA Secretary-Treasurer Barbara Kahlow and Office of Zoning (OZ) Director Sara Bardin requesting such a delay. Apparently, action-item Correspondence with Director Bardin is not shared with the ZC. As the e-exchange explains, "Logically, the Map Amendments hearing should be AFTER (not before) the ZC additional hearing(s) on the proposed draft text .. we asked OZ for a necessary delay for fairness to the public .. I was told about 1 or more additional public hearings but that is not the rationale for a delay. The rationale for a delay is because, as I stated below, "the public won't know all of the ramifications of these proposed Map Amendments until we see the proposed ZRR text" & then the ZC will consider these 90 days of public comments before it makes key decisions, e.g., to triple the size of the downtown & to do so without a prior change in law"

If any additional information is needed, Barbara Kahlow can be reached during the day on (202) 965-1083

Sincerely,


Sara Maddux
President

Attachment

Post Office Box 58088 • Washington, D.C. 20037-8088

ZONING COMMISSION
District of Columbia
CASE NO.08-06C
EXHIBIT NO.7

RECEIVED
U.C. OFFICE OF ZONING
2015 MAR 19 AM 8:29

Barbara Kahlow

From: Barbara Kahlow [mailto:Barbara.Kahlow@verizon.net]
Sent: Wednesday, March 18, 2015 4:01 PM
To: 'Bardin, Sara (DCOZ)'
Cc: 'Schellin, Sharon (DCOZ)'
Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Sara – Can't you at a minimum include our e-exchange today in the Correspondence section for the ZC's next decision meeting? If not, why not? Your authority as a DC Agency Director should allow such without forcing the public to jump through an additional hoop to make a simple request for delay. That's why I gave you an advance copy of my 3/6/15-Intended WECA testimony. – Barbara

From: Bardin, Sara (DCOZ) [mailto:sara.bardin@dc.gov]
Sent: Wednesday, March 18, 2015 3:55 PM
To: 'Barbara Kahlow'
Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

I'm really sorry I could not be of more assistance. I think it's more of an issue of transparency; making sure requests on the record

Sara

Sara Bardin
Director
Office of Zoning • *District of Columbia Government*
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From: Barbara Kahlow [mailto:Barbara.Kahlow@verizon.net]
Sent: Wednesday, March 18, 2015 3:43 PM
To: Bardin, Sara (DCOZ)
Cc: Schellin, Sharon (DCOZ)
Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Sara – OK. I thought that making a request to the head of OZ would be sufficient. As OZ Director, can't you ask the ZC? If not, that's sad & doesn't speak well of the authority of a Director of a DC agency. – Barbara

From: Bardin, Sara (DCOZ) [mailto:sara.bardin@dc.gov]
Sent: Wednesday, March 18, 2015 3:36 PM
To: 'Barbara Kahlow'
Cc: Schellin, Sharon (DCOZ)
Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Hello Barbara:

The Zoning Commission made the decision to set this case down for public hearing at their February 9th public meeting. This authorized the Office of Zoning to advertise the case for hearing. I am encouraging you to make your request for postponement to the Zoning Commission, as I do not have the authority to cancel or postpone a hearing. The Commission will consider your request and determine whether the hearing should be postponed.

Sincerely,

Sara

Sara Bardin

Director

Office of Zoning | District of Columbia Government

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From: Barbara Kahlow [mailto:Barbara.Kahlow@verizon.net]

Sent: Wednesday, March 18, 2015 3:30 PM

To: 'Bardin, Sara (DCOZ)'

Cc: 'Schellin, Sharon (DCOZ)'

Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

P.S. I just re-read your earlier e-reply. I was told about 1 or more additional public hearings but that is not the rationale for a delay. The rationale for a delay is because, as I stated below, "the public won't know all of the ramifications of these proposed Map Amendments until we see the proposed ZRR text" & then the ZC will consider these 90 days of public comments before it makes key decisions, e.g., to triple the size of the downtown & to do so without a prior change in law.

From: Barbara Kahlow [mailto:Barbara.Kahlow@verizon.net]

Sent: Wednesday, March 18, 2015 3:21 PM

To: Bardin, Sara (DCOZ)

Cc: Schellin, Sharon (DCOZ)

Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Sara – Yes, I intend to do so. However, the 4/6/15 announced hearing looks bad not only for OP but also for OZ since OZ issued the Hearing Notice for this public hearing which is inconsistent with the ZC's prior public commitment for another 1 or more public hearings before the ZRR is finalized. Logically, the Map Amendments hearing should be AFTER (not before) the ZC additional hearing(s) on the proposed draft text. Also, I may include this e-exchange in my WECA submission for the 4/6 hearing record. So, the ZC is aware that we asked OZ for a necessary delay for fairness to the public. – Barbara

From: Bardin, Sara (DCOZ) [mailto:sara.bardin@dc.gov]

Sent: Wednesday, March 18, 2015 3:08 PM

To: 'Barbara Kahlow'

Cc: Schellin, Sharon (DCOZ)

Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

You are very welcome. I would encourage you to include this concern in your letter to the Commission

Sara

From: Barbara Kahlow [mailto:Barbara.Kahlow@verizon.net]

Sent: Wednesday, March 18, 2015 2:06 PM

To: Bardin, Sara (DCOZ)

Cc: Schellin, Sharon (DCOZ)

Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Sara – Thanks for your reply. I'm sorry if I was unclear. The point of my request for a postponement is that the public won't know all of the ramifications of these proposed Map Amendments until we see the proposed ZRR text. This is clearly unfair. – Barbara

From: Bardin, Sara (DCOZ) [mailto:sara.bardin@dc.gov]
Sent: Wednesday, March 18, 2015 2:01 PM
To: 'Barbara Kahlow'
Cc: Schellin, Sharon (DCOZ)
Subject: RE: Q about 4/6/15 hearing on ZRR Map Amendments

Good Afternoon Barbara

To clarify, a hearing is scheduled for the Commission to receive testimony on ZC Case 08-06C, and to my knowledge nothing would be effective until the entire set of regulations are approved. If I have misunderstood your point, please let me know. Right now, ZC Case 08-06C is scheduled to be heard on April 6th and you can always submit a letter (with an explanation of why you believe it is necessary) to the Commission requesting postponement. I would also strongly encourage you to submit WECA's testimony for this case in the event the Commission decides to proceed

Currently, we are still working to produce the Notice of Proposed Rulemaking. When it is published, the public will have 90 days to comment. While it is always a possibility for the Commission to hold further public hearings on the proposed text, I am not aware at this time of any commitment that the Commission has made to hold additional hearings.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Sara

Sara Bardin

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From: Barbara Kahlow [mailto:Barbara.Kahlow@vcvcrizon.net]
Sent: Wednesday, March 18, 2015 10:49 AM
To: Bardin, Sara (DCOZ)
Cc: Schellin, Sharon (DCOZ)
Subject: Q about 4/6/15 hearing on ZRR Map Amendments

Sara – This is a followup to my DC City Council Committee of the Whole testimony (dated 3/6/15 but delivered on 3/12) on behalf of the West End Citizens Association (WECA) on OP's performance for which I gave you an advanced copy. In it, I stated (see emphasis added),

"Today, I want to emphasize only one of the major substantive issues – a dramatic expansion of the downtown without any change in the statutory definition by the City Council of the Central Employment Area (CEA). My understanding is the OP is proposing a 3-fold expansion of the downtown (see attached map). Over the years, the WECA carefully fought to limit the expansion of the CEA into Foggy Bottom-West End. ZRR now includes expansion of the "downtown" into Foggy Bottom-West End (e.g., West of 21st Street) and OP seeks to accomplish this enormous change by Map Amendments instead of a change in law. In the February 20, 2015 DC Register, OP had the Office of Zoning Notice an April 6, 2015 Zoning Commission hearing to effectuate these changes now, i.e., in advance of the Zoning Commission's continuing consideration of ZRR with at least one more not yet scheduled public hearing on the policy changes.

There are major impacts for an expansion of the downtown in Foggy Bottom-West End, including (a) increased height (due to an accompanying proposed expansion of Transferrable Development Rights (TDRs) into more of Foggy Bottom-West End), (b) increased allowable density for non-residential uses, and (c) reduced parking requirements."

Because of the ZC's prior commitment to hold 1 or more additional public hearings after the proposed ZRR text becomes available (which is still not available) and to hold the record open 60 or so days, many citizens are wondering if OZ will be postponing the 4/6/15 hearing in Case No. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names). Before I draft my WECA testimony (since I'll be out-of-town on 4/6), will OZ be doing so? I'd also like to alert many other interested citizens. Thx. – Barbara