

ZRR Briefing Document

Introduction

The so-called six-year Zoning Regulations Review (ZRR) is reaching concluding stages and escalating stress for many neighbors and entire communities around the District.

Development of the ZRR is being led by the DC Office of Planning, and is being reviewed by the DC Zoning Commission. In December 2014, Zoning Commissioners approved a draft of the proposed regulations. We understand the regulations are now being prepared for Final Rulemaking. That is, the text of the changes will soon be entered into the DC Register for a 90-day public review, and then the ZC will make last determinations on changes before the ZRR becomes actual regulations to be published as new zoning code.

ZRR Fail

The ZRR is one of the most controversial issues facing the District, as OP's proposed changes will affect how DC will develop for the next 100 years. Upon acute examination of the proposed zoning code changes, we as residents challenge the efficacy of the administrative review process fostered by OP and the ZC which has resulted in poorly conceived and unsubstantiated zoning rule changes. Further, the lack of due process, with uneven interactions between OP and certain DC communities is undeniable and unfair. To review:

Lack of Due Process

- ***Uneven treatment of neighborhoods around DC***
See the "Tale of Two Cities" Press Release (Attachment 1)

As admitted, the Georgetown neighbors received direct hands on help from the Office of Planning over the course of more than one year in developing special rules that protect Georgetown from the one-size-fits-all proposed zoning changes that may affect all other neighborhoods. In comparison, East of the River, ANC's have repeatedly asked for attention in this matter and received last-minute information and meetings scheduled by OP without full explanation of zoning jargon and impacts of the changes.

- ***Lack of response to inquiries seeking OP's rationale for their proposed changes***
See WECA letter to the Office of Planning and Zoning Commissioner (Attachment 2)

Civic groups, ANC's, and DC residents have attempted to engage in OP's ZRR process but have been ignored, or left with wanting responses. To date, there are hundreds of inquiries about the proposed changes from the public that remain without meaningful explanation, or without any substantiated rationale from OP. These changes simply represent OP's arbitrary opinions about

the future development of our City, with little understanding of the long-term impacts their changes will have on our City and little understanding of how to mitigate those impact.

- ***Zoning Map changes happening before final-rulemaking***
The Office of Planning has recently drawn up how their proposed many new zoning districts will be remapped onto the City. And, now they are asking the Zoning Commission to approve this re-mapping well before any rulemaking on the descriptions of the zone districts are made final. And, the Zoning Maps and these proposed changes are happening before the next round of Comprehensive Plan amendments are enacted. This is completely backwards and against the law.
- ***OP's proposed changes are inconsistent with the DC Comprehensive Plan***
The DC Office of Planning has offered many substantial changes to the zoning code that is clearly inconsistent with many policies of the Comprehensive Plan, and without OP's rationale for these changes, there is no way to determine how their changes can be conceived to be not inconsistent with the law.

Substantial Changes & Complication

The Office of Planning and Zoning Commissioners have postured to the general public that the impetus of the ZRR is to simply reformat the existing zoning rules to make things easier to use and less complicated to understand. They have done the opposite. The ZRR represents significant zoning changes of substance, and is a longer more complicated reformatting than the existing code.

For example, the code is approximately 250+ pages longer. Many of the current zone districts will be split up into many sub-districts, complicating and lengthening the code. Take the existing C-2-A code. Op proposes to replace this zone with 13 new zones: 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. Instead of three simple low-density zones, R-1, R-2, R-3, OP is proposing 17 new low-density residential zone districts. This is ridiculously unnecessary and confusing.

Besides making the code much more complicated, the substantial changes to the code without any supporting data and rationale shows the ZRR to be arbitrary and capricious. For example:

- The one-size-fits-all, let the market take care of it, proposed reduction of required parking minimums to zero (for medical hospitals, for the downtown district, etc.)
- The matter-of-right expansion of commercial interests into residential districts without examining impacts, prevents code that seeks mitigation of the impacts (“Corner Stores”).
- The tripling the area of downtown without examining the impacts as such, or without determining if the City has the infrastructure and transportation capacity to allow as such. And, doing so without requiring any additional residential or commercial affordability will destabilize the surrounding land values.
- Changes to party status requirements at zoning hearings that reduces, or eliminates public participation.
- The concept of Transferable Development Rights (TDR's) is something the public has asked to be removed from the proposed changes, but in OP's ZRR. The allowance and use of TDR's is expanded without rationale and understanding of the impacts.
- OP is proposing changes to the protective rules governing campus plans in residential

- neighborhoods, including no required public hearings for some kinds of campus plan proposals.
- OP is proposing to move many development project types from the column requiring zoning review to the “matter-of-right” column eliminating public review to mitigate potential impacts of those developments. There has been no rationale provided by OP for these substantive changes.
 - And there are many more substantive changes, we'd be glad to follow-up on.

The rationale of the above proposed substantive changes must be relayed to the public in a clear and direct way, supported by data, so that the decision-makers, the Council, and the public can determine the efficacy of the Office of Planning's work which will impact us all directly.

But more importantly, we need the rationale and supporting data for OP's proposed changes in the ZRR to determine their efficacy against the DC Comprehensive Plan and the DC Law, particularly DC Code Section 6-641.02.

§ 6-641.02. Zoning regulations - Purpose.

Zoning maps and regulations, **and amendments thereto**, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

Further, there are a host of changes that should have been included in the ZRR, particularly around “Building an Inclusive City” and creating more opportunities to address the affordable housing crisis, that have been wholly ignored by the Office of Planning despite the fact that it is the number one crisis and priority of the City right now.