

**COUNCIL of the DISTRICT OF COLUMBIA  
COMMITTEE of the WHOLE**

**PUBLIC OVERSIGHT HEARING on the ZONING COMMISSION  
February 16, 2011**

**Testimony of Ann Hughes Hargrove**

Good afternoon, Chairman Brown and Council Members.

I will concentrate first on the current zoning rewrite effort, as to both process and content, since this is the major activity now underway in the city in zoning and planning. I served for the Committee of 100 on the Task Force on the current Comprehensive Plan and have followed the rewrite with considerable interest. Let me list some problems:

**1. The rewrite effort -- a process in which the Office of Planning proposes and the Zoning Commission disposes -- is going far beyond its intended original purpose** of revising and updating our current regulations, to a wholesale redrafting of the zoning code that is not justified by the original authorization of the effort or by the Comprehensive Plan.

**2. Communication to and consultation with neighborhoods potentially affected have been grossly deficient.** Only a few neighborhoods have thus far been treated to a full explication of zoning changes by which they stand to be specially affected and that are to be proposed to the Commission.

**3. Some important changes -- I would mention specifically the proposed extensive commercialization of residential zones -- are presented to the Commission without full explication of their rationale or their potential future effects on the built environment of our neighborhoods.** Essential preliminary questions go unaddressed: Will they be destabilizing? Are they substantially needed, and if so, where, specifically? What difficulties might flow adding non-residential uses that may be matter-of-right rather than conditional? Or are the conditional standards, when provided, sufficient for adequate control of effects?

**4. Some of these proposed specific changes are not countenanced by the Comprehensive Plan or are flatly inconsistent with it, and in the absence of adequate attention to the Plan on the part of OP, it is not clear that the Commission is able to discharge its responsibility to ensure consistency between the Plan and proposed new regulations.** As one example, again, the proposals for commercialization of residential districts across the city are inconsistent with the Comprehensive Plan, which speaks only of the development of a new zone for major arterials that will add commercial uses to the existing residential uses. (OP has not proposed any such a new zone, nor provided any maps to show where such a zone, if created, would logically be placed. Instead, it has proposed intruding a wide variety of commercial uses into existing residential neighborhoods across the city, incidentally doing away with provisions for “home occupations” that were carefully devised to allow *residents* to carry on businesses compatible with the residential character of the neighborhood.)

**5. The Zoning Commission is at risk of being pushed into dealing hastily with an overloaded agenda, at great cost to the process of adequate review by the affected communities and by the Commission itself.** The Commission should routinely schedule additional hearings, properly advertised, when there is a need for further review, as there was in the case of the some of the major revisions to commercial zones in the 1980’s.

**6. Possibly as a result of the pressure to move ahead in haste, when hearings are scheduled there is sometimes a lack of clarity as to precisely what is to be discussed,** reflected in inconsistencies between the Commission’s published advertisements, proposals put forward by OP, the discussions in the taskforce meetings, and ever-changing comments by OP. In these circumstances it is extremely difficult for concerned citizens, whose homes, neighborhoods and businesses stand to be affected, to get a grip on the process.

Finally, let me briefly mention four areas in which I believe the Commission’s staffing and operations could be improved:

First, the Commission should be staffed in such a way that it can write its own decisions and orders and draft its own regulations, and should have adequate legal Counsel for this purpose, rather than being dependent on the

executive branch. It is an independent body and its functions should be independently undertaken.

Secondly, nevertheless, in text cases and map changes, its orders should always refer to specific policies and actions in the Comprehensive Plan, which is enacted by this Council, and with which the Commission's regulations may not be inconsistent.

Third, the Zoning Commissioners should have special computers for the commissioners that can readily access the Zoning Office's excellent information system in the course of hearings and deliberations, including regulations, decisions, zoning maps, and transcripts of previous sessions, as well as Comprehensive Plan maps and decisions related to Historic Preservation, and other materials of interest. Full-scale planning and zoning maps should be readily viewable for the Commissioners at their hearings and deliberations.

Fourth, there is a need to rationalize the process by which the Commission (as well as the BZA) and the Historic Preservation Review Board undertake, in pursuance of their separate mandates, decision-making about historic landmarks and contributing buildings in historic districts. The present process does not adequately deal with the fact that zoning is frequently inconsistent with the requirements and objectives of historic districts, and it would be a step in the right direction if zoning regulations were designed explicitly to eliminate such inconsistencies in historic districts in which most of the properties are contributing buildings to the districts.