

The District of Columbia Council, Committee of the Whole  
Oversight Hearing on the Performance of the Office of Planning  
February 16, 2011

Testimony of Nancy J. MacWood  
Vice Chair, The Committee of 100 on the Federal City

Good afternoon, Mr. Chairman and Council Members. I am Nancy MacWood, Vice Chair, The Committee of 100 on the Federal City, a member of the D.C. Zoning Rewrite Task Force, and an ANC commissioner.

Mr. Chairman, in your first term you began crossing the city to talk to small groups of District residents about choices confronting the Council. You said that you wanted to hear citizen's thoughts on education and the budget and that what you heard would inform your views.

Time and again you have demonstrated that citizen outreach influences your decision making. Unfortunately, the Office of Planning has a very different version of citizen outreach as it continues to manage the rewrite of the District's land use laws.

The Office of Planning will tell you that they have participated in over a hundred public meetings. Well, as everyone in this room knows the number isn't meaningful, it's the content that is important. Holding 100 or more working group and task force meetings reaches a very small group of residents and is not a replacement for citywide outreach.

The Office of Planning may further argue that zoning is too complicated for most residents and that there just isn't any interest. That simply is not true. Changes to what can occur in a neighborhood or how property can be developed would surely be of interest and residents demonstrate repeatedly by participating in zoning cases that they can adequately learn zoning concepts and rules. The goal should be to demystify zoning and engage residents in land use policy decisions.

The Committee of 100 believes that an outreach effort would be an exercise in good government and would raise serious concerns, before these changes are implemented about the direction OP is taking land use in the District. There are land mines in these proposals and District residents would quickly find them.

Here are a few examples. Commercial activities that have been strictly prohibited in most residential neighborhoods will be encouraged in residential districts. Instead of a finite list of mostly passive home occupations, any type of office or service establishment could locate in any neighborhood. A dry cleaner could operate in one house, an appliance repair shop next door, and a bank in the house across the street. OP's recommendation stipulates that only 25% of the house could be used for office or service activities and that

only one non-resident could be engaged in the business but some residents might ask how those restrictions would make the use any less undesirable in a residential neighborhood.

The Office of Planning will no doubt say that commercial uses are present in Georgetown and Capital Hill and we want other neighborhoods to have similar access to businesses. That notion misses the point because those uses pre-date modern zoning and they cannot be expanded or replicated so they don't present the level of intrusion into a neighborhood that compares to what OP is proposing.

In Georgetown, Capital Hill, Dupont Circle and similar neighborhoods OP wants to introduce restaurants, bars, and retail into the residential areas. With some restrictions, including how many of these establishments could open within a certain distance and that alcohol sale and on-site cooking would not be allowed initially, these establishments could sit side by side with national associations, offices, banks --- uses that you expect to see in commercial areas. And all would be matter of right.

These proposed changes have the potential to transform and destabilize neighborhoods. When Georgetown heard about the proposed changes they immediately began organizing to write a residential overlay proposal to exempt their community from the changes.

Outside of the Office of Planning it is an unanswered question who is asking for these changes. The Comprehensive Plan doesn't include these changes in its prescription for land use over the next 20 years. It states that small offices and retail should be in commercial areas and non-profits, institutions, and other office uses in buffer zones outside residential areas.

Mr. Chairman, I hope these examples trouble you and give you some idea of the significant zoning changes being proposed. The Office of Planning is not encouraging the Zoning Commission to write a few technical amendments to the zoning code. They are orchestrating a retooling of how we use residential property without first having a conversation with District residents.

On behalf of The Committee of 100 I urge you and your fellow council members to insist that OP's participation in the rezoning process suspend while it conducts public meetings throughout the city on the totality of the proposed land use changes and that where appropriate OP respond to the public with revised proposals to the Zoning Commission.