

The Committee of 100 on the Federal City



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945 G Street, N.W.

Washington, D.C. 20001

202.681.0225

info@committeeof100.net

Anthony Hood, Chair
D.C. Zoning Commission
441 4th Street, NW
Washington, D.C.

**Re: Process for conducting hearings on Case 08-15, text amendments to
revise the D.C. Zoning Code**

Dear Chairman Hood,

When you were the featured speaker at the September 2012 meeting of the Committee of 100 on the Federal City, you mentioned that you would be interested in hearing suggestions for how the Zoning Commission should organize the hearings on the Zoning Regulations Revision ("ZRR"). This will be an extraordinary undertaking that will challenge the normal rules for addressing text amendments. The complexity of the topics and the enormous number of issues that will affect residents and businesses calls for a process that will advance the Zoning Commission's task of reviewing, evaluating impacts, determining consistency with the Comprehensive Plan and deciding on proposals covering every zoning topic while ensuring effective and meaningful public participation. You will recall the tremendous outpouring of interest in 2007 when the Commission held two roundtables on changes the public would like to see in the zoning code and the diversity of the testimony. We anticipate that the interest will be greater now.

The Committee of 100 has been deeply involved in the ZRR since 2007. We have participated in the task force, in zoning hearings, in Office of Planning public meetings, in Council hearings, and engaged the public in presentations and writings. We would respectfully like to suggest a hearing format for your consideration.

1. Separate discrete zoning topics so that testimony can be focused on a single issue at one time. For example, if a hearing, or, more likely, a series of hearings, is devoted to low density residential zones, prepare an agenda that

informs the public that Accessory Dwelling Units (“ADUs”) testimony will be heard first and that the Office of Planning presentation will cover only that issue. The next issue might be height and the Office of Planning presentation would be limited accordingly with testimony on that topic following. In this way, the commission can hear without interruption all the testimony on a single topic and not have to sift through testimony on unrelated topics to gather all the thoughts and views on ADUs or height. In addition, residents may want to testify on more than one, two or ten residential proposals and the typical three minute testimony limit will not provide the Zoning Commission with a full understanding of residents’ views and it will frustrate residents who feel strongly about more than one proposal. As an additional illustration of what we are recommending, the Committee of 100 suggests that for low density residential zones, hearings isolate the following topics: ADUs, corner stores, non-residential uses, institutional parking, height, accessory structures and alley lots, and overlays. Other proposed new chapters with a subset of topics would be organized for hearings similarly.

2. Allow witnesses with similar views, at their option, to testify as a panel. This would facilitate a longer segment of time to be devoted to a discussion of the multiple aspects of a particular issue and would promote efficient but cohesive presentations without redundancy.

3. Ask the Office of Planning to prepare interactive maps that show and identify parts of the city affected by certain proposals. General maps are very hard for the public to follow, but everyone knows their neighborhood. When the Office of Planning presents a zoning topic, such as corner stores, it would be informative for the commission and the public to have a map that shows where the zoning allowance would apply and to have those areas identified by name. The National Capital Planning Commission has used similar maps to great advantage in their presentation on the modeling of proposed changes to the Height of Buildings Act.

4. Ask the Office of Planning to make public any studies they have relied on or to which they will make reference; and to provide these studies to the Zoning Commission and to the public at least one week in advance of a relevant hearing. The same notification process should be required for any changes to the text amendment proposals. Throughout the ZRR process, some of the studies that OP mentions as informing certain proposals, such as an institutional parking study, have not been shared with the task force or made public. It would be helpful to review these materials prior to a hearing so that testimony could be more meaningful and helpful to the commission. Similarly, if the Office of Planning is allowed to make last minute changes to the substance of text amendments prior to a hearing it puts witnesses at a disadvantage because they have no time to consider the change and thoughtfully make comments.

5. The Committee of 100 suggests that if it is determined that a zoning proposal may be at odds with the D.C. Comprehensive Plan, the Zoning Commission collect these proposals and refer them to the D.C. Council, which will be considering Comp Plan amendments in the near future. While it is a given that the Zoning Commission would not approve a proposal that is in conflict with the Comprehensive Plan, it is important that the Council becomes aware that the Comprehensive Plan has not fully addressed, or is in direct conflict with, some public policies that are being presented in the form of new zoning regulations. The Council should have the opportunity to consider whether or not

they want to adopt amendments to authorize policy shifts that were not previously endorsed, or even anticipated, by the existing Comprehensive Plan.

6. The Council Chair asked Director Tregoning to provide at least one hard copy of the ZRR text amendments for each DC branch library. She confirmed that the Office of Planning would provide one per ward. The proposed material is voluminous and yet it is very significant in how it may affect residents and businesses for decades. There should be no reluctance to provide the public with reasonable opportunities to learn about the entirety of the proposals or a specific text amendment. It is unreasonable to expect thousands of residents who may not have online opportunities or who prefer to read hard copies to share only eight copies throughout the city. We suggest that the Zoning Commission reiterate the Council Chair's request that each branch library have a hard copy.

7. The Committee of 100 suggests that the Zoning Commission move the ZRR hearings to the former Council chambers on the first floor. The Jerrily Kress Hearing Room is small and has limited projection resources. The first floor hearing room can accommodate more participants and it has the advantage of far superior projection display resources.

8. If possible, the Committee of 100 suggests that at setdown (if there is to be only one setdown meeting for ZRR) the schedule of hearings and the topic(s) to be covered at the hearings be publicized. Many residents will want to attend hearings and participate with testimony, but many will have to plan in advance and spend time organizing testimony. It is likely that there will be first time witnesses at the hearings and as much flexibility as possible would be appreciated by all. While the ZRR has been in process for six years and there may be pressure to compress the decision-making phase simply because it comes at the end, the Committee of 100 urges the commission to manage the hearing schedule so that residents can periodically arrange a babysitter, a ride, or get leave from work. If ZRR hearings are scheduled every week there will be a limited number of residents who will be able to attend even when a topic is particularly important to them. On the flip side, the Committee of 100 understands that the Zoning Commission may want to revise the hearing process based on experience and that flexibility should be announced at setdown so that there is no confusion about process.

The Committee of 100 appreciates the opportunity to offer some suggestions that may help the Zoning Commission to organize the significant task ahead. We believe that this is a crucial time for the city and that zoning changes will have a profound effect on the future of the District of Columbia. We look forward to continuing to participate in the process.

Sincerely,

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