

Thursday, February 26, 2009

Committee of the Whole

Vincent C. Gray, Chairperson

"Agency Performance Oversight Hearings – Office of Planning"

Testimony of Marilyn J. Simon
Friendship Neighborhood Association

My name is Marilyn Simon, and I am speaking today on behalf of Friendship Neighborhood Association. FNA has been active in the Office of Planning's zoning revision process, participating in working groups, providing comments and testifying before the Zoning Commission on OP's recommendations.

In revising these regulations, it is important to recognize the critical role of our zoning regulations as a contract between the citizens of the District and their government, a contract which protects homeowners and businesses that have invested in the District and its neighborhoods. Residents and businesses have relied on these protections when they chose to live and invest in the District's neighborhoods and zoning regulations have provided residents and businesses with predictability that is essential to development.

The Comprehensive Plan calls for revision of the Zoning Regulations so that, as required by the Home Rule Charter, the Zoning Regulations would not be inconsistent with the Comprehensive Plan. But, the Office of Planning has taken this process far beyond that, making sweeping changes in the regulations, some based on untested theories and some based on false assumptions about DC and its residents.

I have attached copies of some of FNA's testimony before the Zoning Commission that illustrate some of the ways in which OP's recommendations are irresponsible and will have unintended consequences which will destabilize many of the District's neighborhoods and threaten the viability of businesses in many of the District's commercial zones.

For example:

- Parking: OP has proposed elimination of minimum parking requirements for all residential buildings in the District without considering the impact of spillover parking on our neighborhoods, and in particular low-density neighborhoods near new high density apartments.
- New non-residential uses in residential neighborhoods: OP recommended that institutional uses, such as day care centers, below some as yet to be determined size, be matter of right in residential zones. This means that there would be no review of their impact on the neighborhood and that we might see clusters of such uses without any opportunity for review.
- Change in defining use lists: OP recommended eliminating necessary granularity and grouping together many dissimilar uses eliminating the ability to cluster different types of uses in areas with different designations in the Comp Plan.

A common theme runs through the recommendations. The Office of Planning has been seeking to increase densities and to eliminate areas of BZA or ZC review. For several of the

recommendations, OP has noted that in a number of instances, a variance or special exception was sought and granted, and on that basis recommended that the regulations be changed so that the requested change would be matter of right throughout the District, not considering the many instances in which such a request, such as the reduction in the loading facilities, would not have been granted given the impact on the neighbors.

I ask that you require the Office of Planning abandon its efforts to go far beyond its mandate, using the zoning rewrite to treat the District as a laboratory for a city-wide experiment in untested theories and that OP refocus the task to modifying the zoning regulations to conform with the Comp Plan, to protect neighborhoods, supporting stable neighborhoods and evolving neighborhoods, to update use lists and to update some other provisions.

I would be remiss if I did not also mention the Office of Planning draft “Retail Action Strategy” for Friendship Heights and Tenleytown. Without any research, and clearly with a substantial amount of misinformation about the retail businesses in Friendship Heights and Tenleytown and the customers who patronize those businesses, the Office of Planning has prepared two documents that revive many of the recommendations of the Upper Wisconsin Avenue Corridor Study, which was withdrawn as a small area plan after it was determined that OP had not done the requisite infrastructure studies. At the request of the Ward 3 Councilmember, one infrastructure study was conducted, and demonstrated that the area could not support those recommendations. I have attached an ANC resolution describing many of clear errors in those documents.