

BUILDING AN INCLUSIVE CITY

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The Zoning Regulation Rewrite (ZRR) represents a massive overhaul to DC's zoning code -- the rules that determine how DC develops (height, density, types of development around the city).

DC has had zoning rules in place since 1958. As a compendium, and as the Office of Planning has stressed, these rules have been amended hundreds of times to address policy deficiencies and deterrents in development planning.

In recent years, the DC Office of Planning has sought to rework all of these rules in an effort (they claim) to reformat and make the zoning regulations easier for the public to use.

Today, that same public finds itself reviewing a one-thousand page ZRR document with limited written rationale and substantiation by urban science and study, and without clear redline cross-references to the current regulations which are only seven hundred and fifty pages long.

Regardless, changes in the zoning rules for the entire City are meant to flow from the urban planning policies of the DC Comprehensive Plan,^{1 2} and are supposed to reflect DC's enacted, "Vision for Growing an Inclusive City."³

1 **DCMR 10A-2510 -- IM- 2.2 RECOMMENDED CHANGES TO THE ZONING REGULATIONS**

10A-2510.1 -- "As noted in Section IM-1.3, the Zoning Regulations are a primary vehicle for implementing the Comprehensive Plan."

2 **DCMR 10A-2504 -- IM-1.3 ZONING REGULATIONS AND CONSISTENCY**

DCMR 10A-2504.1 -- "The importance of zoning as a tool for implementing the Comprehensive Plan, particularly the Future Land Use Map, is discussed in several places in the Comprehensive Plan. The Home Rule Charter requires that zoning 'shall not be inconsistent' with the Comprehensive Plan."

3 [A Vision for Growing an Inclusive City](http://tinyurl.com/intro-inclusive-vision-doc-dc), District of Columbia, July 2004 (<http://tinyurl.com/intro-inclusive-vision-doc-dc>),

INTRODUCTON -- "A closer look at our landscape, however, reveals a legacy we have yet to overcome. ***We remain a divided city.*** We are geographically divided by race, educational attainment, income, and employment. Physical barriers, such as rail lines and freeways, only compound our social and economic divides. This document, A VISION FOR GROWING AN INCLUSIVE CITY, ***seeks to move our city beyond these divides.*** The Vision is intended to guide an update of our city's Comprehensive Plan, the legally mandated document that regulates how and where we grow. With the Comprehensive Plan update before us, there is no better time for Washingtonians and DC government to make the hard choices that will create a more inclusive city for future generations. ***Growing inclusively means that individuals and families are not confined to particular economic and geographic boundaries but are able to make important choices***—choices about where they live, how and where they earn a living, how they get around the city, and where their children go to school. Growing inclusively also means that every resident can make these choices— regardless of whether they have lived here for generations or moved here last week, and ***regardless of their race, income, or age.***

Surprisingly, the existing zoning regulations unfairly relieve developers from providing any Inclusionary Zoning (affordable housing) in the Downtown District and other parts of the City.⁴

To date, neither the Office of Planning nor the Zoning Commission have used the ZRR as an opportunity to fix this unreasonable exception to our affordable housing production rules.

When and if the ZRR is enacted, there will be absolutely no “low-income” housing required in any developments in the newly expanded Downtown District, and other parts of the City.⁵

And, the ZRR will significantly enlarge the the Downtown District, in effect tripling an area of exclusive housing and office space dedicated to only very wealthy residents and corporate interests.⁶

So, instead of promoting an "Inclusive City" with mixed-income housing throughout all of DC, the ZRR perpetuates unforgivable exclusion.

As it stands now, the ZRR demonstrates that the Office of Planning and the Zoning Commission are attempting to exacerbate exclusive city divisions along lines of class and race instead of promoting an inclusive one city.^{7 8 9 10 11}

4 **11-DCMR-2602.3** – This chapter (11-26 INCLUSIONARY ZONING) shall not apply to: (e) Properties located in any of the following areas: (1) The Downtown Development or Southeast Federal Center Overlay Districts; (2) The Downtown East, New Downtown, North Capitol, Southwest, or Capitol South Receiving Zones on February 12, 2007; (3) The W-2 zoned portions of the Georgetown Historic District; (4) The R-3 zoned portions of the Anacostia Historic District; and (5) The C-2-A zoned portion of the Naval Observatory Precinct District; (6) The Eighth Street Overlay.
<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=11-2602>

5 Eight of the eleven Downtown Districts are exempted from Inclusionary Zoning in the proposed new zoning code, where the three districts that are covered by IZ only require "moderate-income" affordability (offered to individuals making approximately \$60,000 a year). See Provisions 502.3, 516.2, 531.4, 539.2, 547.3, 555.3, 562.3, 569.2 in Subtitle I of the ZRR.

6 The DC Office of Planning has a blog regarding Zoning in DC with an entry dated September 1, 2015, entitled, “ZRR Revisions for DC’s Central Area” which attempts to explain how the ZRR will triple the area of Downtown DC.
<http://zoningdc.org/2015/09/01/zrr-revisions-for-dcs-central-area/>

7 **DCMR 10A-100 -- PLANNING AN INCLUSIVE CITY**
<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=10-A100>

8 **DCMR 10A-502 -- POLICIES AND ACTIONS H-1 HOMES FOR AN INCLUSIVE CITY**
<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=10-A502>

9 **DCMR 10A-902 -- POLICIES AND ACTIONS TOWARD A STRONGER CIVIC IDENTITY**, particularly 10A-902.5 -- "... *Future design decisions must help to reconcile some of the inequities that persist in the city, changing the District's image from that of a **divided city** to one that is much **more inclusive**.*"
<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=10-A902>

10 DCMR 10A-107.3 -- "... The '**Vision for Growing an Inclusive City**' included an appraisal of the District's major planning issues and articulated goals for addressing these issues in the future. Its content was shaped by position papers on topics ranging from education to housing, workshops with department heads and civic leaders, and input from more than 3,000 District residents at the Mayor's Citizens Summit in November 2003. The Vision was endorsed by the Council in June 2004."
<http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=10-A107>

11 **DCMR 10A-304.11 -- Policy LU-1.1.5: Urban Mixed Use Neighborhoods**, "Encourage new central city mixed-use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas: 1. Mt. Vernon Triangle; 2. North of Massachusetts Avenue (NoMA); 3. Downtown East; 4. South Capitol Street corridor Stadium area; 5. Near Southeast/Navy Yard; 6. Center Leg Freeway air rights; and 7. Union Station air rights. The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements. Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture and public spaces. Housing, **including affordable housing**, is particularly encouraged and should be a vital component of the future land-use mix. <http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=10-A304>

The undersigned individuals and organizations therefore find the ZRR unacceptable in its assignment of exclusivity in the Downtown District, as well in other parts of the City, especially at a time when the nation's capital is experiencing an affordable housing crisis.

These effectively racist-classist zoning regulations must be eliminated in the ZRR now so that all DC neighborhoods can welcome mixed-income developments that allow for true economic and cultural diversity.

We are asking for more time for public review and comment of the ZRR in light of these concerns, and until these affordability issues are fixed.

The District's Comprehensive Plan expects much better from DC's planning and zoning officials.

As signed by the following organizations followed by the petition list of individuals,

EMPOWER DC

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DC ENVIRONMENTAL NETWORK

Chris Weiss

Coalition for Inclusive Planning & Language Access