



Ward 3 Housing Justice

ORGANIZING FOR EQUITABLE HOUSING IN WARD 3

To: District of Columbia Zoning Commission Office of Zoning
441 4th Street NW #200 Washington, DC 20001

Subject: **Notice of Proposed Rulemaking, Case # 22-25**

Housing Justice Advocates Challenge Zoning Rule Changes

March 18, 2024

Dear Chairman Hood and Zoning Commissioners:

[Ward 3 Housing Justice](#) (W3HJ) works to expand affordable housing in Ward 3 and to enhance the participation and influence in government processes of those who are housing burdened. We are taking this opportunity to comment on the text amendments, ZC Case 22-25, that have been published in DC Register as proposed rulemaking prior to final consideration by the Zoning Commission.

The text amendments conflict with efforts to make the zoning process more transparent and participatory. The text amendments will deprive the public, including ANCs, with the necessary information to participate fully in zoning processes. It is not enough for the Zoning Commission to assert that current regulations allow participation when the regulations do not adequately notify the public about the topic or subject of a proceeding. The 22-25 text amendments indirectly deny access by not informing.

Specifically, the Zoning Commission would deny notice to government agencies, suspend physical notices on the subject property, omit

substantive descriptive information on notices, and exclude notice to tenants within 200 feet of a subject property and previously affected ANCs. The only reason given by the Zoning Commission is that inclusion would cause process delays and be burdensome and complex. W3HJ finds that the benefit of ensuring all potential stakeholders a seat at the table outweighs minimal delays and is not at all burdensome or complex.

Other approved amendments increase our impression that the Zoning Commission does not want public participation and prefers an insider's process, with applicant's attorneys and the Office of Planning dominating proceedings and alone influencing the outcome. Of particular concern are approved amendments that would allow applicants to bypass meeting with ANCs before a set down meeting with the Zoning Commission and allow OP to file map and text amendments without notifying ANCs and property owners within 200 feet of the subject property prior to set down. The implication is that the Zoning Commission does not want ANCs to be aware of applications that could affect their constituents. ANCs should be fully informed and encouraged to submit set down comments to advise the Zoning Commission on whether to accept an application and schedule a hearing.

The Zoning Commission has compounded its decisions to limit notice by excluding non-parties from filing motions for reconsideration and rehearing. In effect, the Zoning Commission is squeezing the public at both ends of the zoning process. The Zoning Commission is completely excluding the public when it considers successful applicant's motions to change the conditions of a zoning order that could include affordable housing commitments.

The perception that the Zoning Commission wants to limit public interference with its proceedings is most clear in its resistance to public pressure to codify a Racial Equity analysis requirement. The Zoning Commission refers to this analysis as a tool, implying that it is not a significant factor in its deliberations. The Council clearly intended Racial Equity analyses to influence zoning decisions in all cases, including the zoning matters handled by the Board of Zoning Adjustment, which the

Zoning Commission exempts from considering Racial Equity in its decisions. We urge the Zoning Commission to elevate Racial Equity analysis as a regulatory requirement to signal to applicants that reversing decades of discrimination and displacement – often through zoning processes – will be actively pursued.

W3HJ urges the Zoning Commission to put aside concerns related to delays and burdens on applicants, which influenced the 22-25 amendment decisions, and instead consider the consequences of erring on the side of streamlining applicant's requirements. The public has a right to be fully informed and participate in zoning proceedings and indeed the Zoning Commission has a responsibility to evaluate public impacts, benefits, and outcomes, including how decisions will affect Black and Brown residents. Zoning decisions cannot be deemed legitimate and authentic without a fully informed public participating in all zoning matters and with a regulatory foundation that ensures Racial Equity as a fundamental zoning purpose.

Thank you,

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