



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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April 2, 2024

Mr. Frederick Hill
Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001
bzsubmissions@dc.gov

RE: Board of Zoning Text Amendments to Subtitles I, X, Y and Z for Rules of Practice and Procedure (BZA #22-25)

Dear Chairperson Hill,

On April 1st, 2024 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by seven commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (7-0-0) with regard to the above-referenced matter:

ANC 2E joins other ANCs in voicing its opposition to the reduction of public input proposed in Zoning Commission Case 22-25 Amendments to Titles X, Y and Z of the DC Zoning Regulation. The Zoning Commission is considering a Notice of Proposed Rule Making (NOPR) containing amendments to the operating rules of the Office of Zoning, the Zoning Commission and the Board of Zoning Adjustment, including public notice requirements, allowed response times, provisions for modifying final orders and similar matters. The amendments also address important matters of substance, including allowing changes to be made to a Planned Unit Development's (PUD) intended use without a hearing after a final order has been issued. ANC 2E believes the public should be given ample ability to participate in the zoning process, and ANC review is a critical step in building local participation/awareness.

- ANC 2E opposes excluding ANCs from notice when the Office of Planning and the Office of Zoning initiate text amendments and map amendments. (proposed section 500.1). The Commissioners emphasize that the Advisory

COMMISSIONERS:

Kishan Putta, District 1 Topher Mathews, District 2 Paul Maysak, District 3
Joe Massaua, District 4 Mimsy Lindner, District 5 Gwendolyn Lohse, District 6
Daniel Chao, District 7 John DiPierri, District 8

Neighborhood Commission Act, at DC Code §1-309.10(c)(1), states that “each agency, board, and commission shall ... before the formulation of any final policy decision or guideline with respect to ... proposed zoning changes ... affecting said Commission area ... provide to each affected Commission notice of the proposed action as required by subsection (b) of this section. Additionally, DC Code §1-309.10(c)(4) states the “Office of Zoning shall ensure that each affected Commission, the Commissioner representing the affected single member district, the affected ward Councilmember, and the Office of Advisory Neighborhood Commissions is provided notice of applications, public hearings, proposed actions, and actions on all zoning cases.” Accordingly, ANC 2E Commissioners propose maintaining the requirement that ANCs receive notice of all zoning cases.

- ANC 2E proposes that text amendment in Case 22-25 provide that a public meeting to consider setting down a contested case not occur less than forty (40) days after the application is referred to the affected ANC; 35 days is not ample given the scheduling of public ANC meetings vary by month. This expansion of time will allow the minimum amount of time necessary for an ANC to post all relevant cases on the public ANC meeting agenda and consider the case at a public meeting. (Section 400.9.)
- ANC 2E does not support limiting reconsideration of zoning decisions only to those with party status, which is a very narrow body of people per current rules, and limiting the types of decisions which can be reconsidered further erodes public participation in the zoning process.
- ANC 2E requests that the Board explain to ANCs why an exemption of map and text amendments from racial equity analysis – as required by the Comprehensive Plan’s racial equity requirements and supported by the DC Attorney General – is proposed.

Commissioners Gwendolyn Lohse (2E06@anc.dc.gov) and Mimsy Lindner (2E05@anc.dc.gov) are the Commission’s representatives in this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Gwendolyn Lohse". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Gwendolyn Lohse
Chair, ANC 2E