

March 11, 2004

Committee of 100 on the Federal City

2004 Council Oversight Hearings  
Office of Zoning

On behalf of the Committee of 100 on the Federal City, the oldest citizens advocacy organization in the District, I thank the chair for the opportunity to speak about the operations of the Office of Zoning.

Like others who testify, the Committee has been pleased with the continuing development of the Office of Zoning, and with the way in which OZ has used the resources that Council has made available. The ability to search transcripts electronically greatly enhances citizens' ability to learn about cases similar to their own, and now the prospect of webcasting hearings and meetings will similarly enable greater involvement by the public. We join, again, in support for adequate space in which the staff and the public can work. And the need for independent counsel to enhance the work of the Zoning Commission and the Board of Zoning Adjustment is, if anything, greater.

We comment about the increasing number of instances in which the Zoning Commission is asked by the administration to establish Planned Unit Developments or otherwise re-zone land before Council has had the ability to consider small-area plans. Council's considered political judgment (in the very best meaning of that phrase) is an important part of the land-use decision-making in the District. For the Zoning Commission to rezone parcels even before Council can consider amending the Comprehensive Plan is putting the cart before the horse; it's planning by zoning, and it writes Council out of important decisions.

We are further troubled by the continuing role of Carol Mitten as both the head of Property Management and the chair of the Zoning Commission. Our admiration for Ms. Mitten (a Committee of 100 member) is at the highest level; her knowledge and experience have been great assets for the Commission. But the Mayor has a right to expect his office heads to implement his policy goals. Zoning Commission decisions affect the ability to use property to accomplish administration goals - or not. The public has a right to both the appearance and the reality of independent ZC members, not agents of the administration. Ms. Mitten cannot be put in a position where such conflicting pressures are at play.

The Committee has advocated for the creation of a Planning Commission, which would be a very helpful advocacy instrument in keeping the process intended in the Home Rule Act. Our Planning Subcommittee chair, Dorn McGrath, has submitted separate testimony describing the role of such a Commission and the contributions it could make.

Last, we again are forced to consider whether the Zoning Administrator functions should be moved into the Office of Zoning. The increasing number of appeals from ZA decisions is one measure of the inability of that office to function as presently structured. The Office of Zoning has demonstrated the management skills and land-use knowledge to handle large numbers of specific zoning cases with even-handedness and transparency. These qualities are critically needed in the processing of permit requests that involve judgment calls.

The Committee will provide additional information about how other jurisdictions organize these related-but-different functions. Clearly, there is need for change. We appreciate the very significant improvement that Jerrily Kress and her team have brought to this agency. Your personal leadership has meant a great deal in this transition.

We thank you for your consideration of our comments, and we will be pleased to answer any questions.

Barbara Zartman, Chair