



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



RECEIVED
J.C. OFFICE OF ZONING
2010 SEP 16 AM 8:48

September 15, 2010

Ms. Sharon S. Schellin
Secretary of the Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: ZA Case 08-06 –ANC 6A Comments on Proposed Zoning Chapters B-2 and B-4.

Dear Ms. Schellin:

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted 5-0 (with 5 Commissioners required for a quorum) to support the adoption of Chapters B-2 and B-4 of the Zoning Regulations Rewrite with recommended changes to Subsection 402.4.

Our ANC believes that the new zoning code will make the Zoning Regulations more accessible by consolidating regulations applicable to a single zone in a single chapter and eliminating the need to read all the regulations for a less dense zone to understand the rules for a denser zone. This simplification should also result in less confusion by applicants for zoning relief and fewer errors by the Office of the Zoning Administrator.

While the Zoning Regulations Rewrite accomplished many of the goals of simplification and standardization, our ANC does have significant concerns that Subsection 402.4 of Subtitle B is far too permissive in allowing the determination of the zero point for measuring height. While Paragraphs 402.4(a) and 402.4(b) provide objective standards for uniformly measuring height, Paragraphs 402.4(c) and 402.4(d) allow the designation of arbitrary and capricious zero height measuring points. For example, Paragraph 402.4(c) permits 20-year-old zero height measuring point determinations by the Zoning Administrator developed under obsolete zoning regulations to be used in place of the uniform standards contained in Paragraphs (a) and (b). In addition, Paragraph 402.4(d) allows each zone to arbitrarily set its own zero height measuring point.

Our ANC strongly believes that fundamental concepts like building height measurement should be determined by a uniform objective standard rather than balkanized by dozens of incompatible standards allowed by Paragraphs 402.4(c) and 402.4(d). Moreover, the proposed regulations do not state which Paragraph would take precedence when the provisions conflict. For example, if a 20-year-old zero height measuring point determination of the Zoning Administrator is 60 feet higher than what is obtained from applying Paragraph 402.4(a), which standard should be used? The current regulations offer no guidance as to the order of precedence of these Paragraphs.

It is our ANC's belief that the City would be much better served by striking 402.4(c) and 402.4(d), which would leave a single uniform standard for setting the zero height measuring point and thereby promote OP's stated objectives of "removing conflicts between policy objectives which do not necessarily work in conjunction with one another" and "avoiding regulatory contradiction."

Finally, there are two technical errors in the proposed regulations. First, Subsection 406.2 currently states, "A *structure* listed under § 403.1..." but should state "A *structure* listed under § 406.1..." In addition, Subsection 406.2 currently states, "*Structures* listed under § 403.1..." but should state "*Structures* listed under § 406.1..."

ZONING COMMISSION
District of Columbia

CASE NO. 08-06

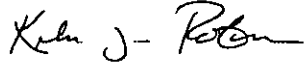
EXHIBIT NO. 1

ZONING COMMISSION
District of Columbia
CASE NO. 08-06
EXHIBIT NO. 11

Letter to Ms Schellin
Page2

Please be advised that Commissioner Drew Ronneberg, Commissioner David Holmes or any member of the ANC 6A Economic Development and Zoning Committee are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or ronneberg6a02@gmail.com.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Kelvin J. Robinson". The signature is fluid and cursive, with the first name "Kelvin" and last name "Robinson" clearly distinguishable.

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director
Jennifer Steingasser, Office of Planning
Karen Wirt, ANC 6C Chair