JANET MILES
Ms. ~~Marcy Downes~~
c/o Capital Yacht Club
1000 Water Street, SW
Washington, DC 20024

March 13, 2003

Secretary, Zoning Commission
District of Columbia Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

RE: Proposed W-0 Open Space Zone, Case #02-42

Dear DC Zoning Board:

My name is ~~Marcy Downes~~ JANET MILES, and I am a proud member of the Capital Yacht Club community. I am speaking today representing many members of the yacht club, and the larger Washington Waterfront Community who are deeply concerned about these zoning changes but could not be here tonight.

I am concerned about the possibility of "spot zoning," a highly unethical process by which local communities such as ours are displaced to make room for commercial special interests. The Capital Yacht Club is more than a collection of boats. We are a community that stretches back 111 years, and I am here to make sure that our historic organization is respected.

If these proposed W-0 regulations are intended to apply to the existing SouthWest waterfront, they are inconsistent with the Comprehensive Plan and therefore violate DC Official Code sec. 6-641-02. This seems to be confirmed by a December 2002 memorandum from the Office of Planning. It clearly states that the proposed W-0 Zone would be intended to apply to the SouthWest Waterfront.

It seems that the only reason to apply W-0 regs to this zone is to demolish property values for easy condemnation. Moreover, DC Official Code 6-641.02 states that the regulations should encourage stability of land va[illegible]

ZONING COMMISSION
District of Columbia
Case 02-42
Exhibit 34

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.34

Obviously, a W-0 zone in SouthWest will have a devastating effect on land values.

Let me repeat that Capital Yacht Club members are paying close attention to the possibility of "spot zoning," a practice that we understand to be improper, if not illegal.

And then there is basic fairness to our community. The retroactive effect in 11 DCMR 901.6 is illegal and inconsistent with the statute and existing regulations. I want to repeat the testimony of others that DC Official Code sec. 6-641.06a states that a lawful use of a building or premises pre-existing the adoption of a regulation is lawful. It is clear that the language does not allow for retroactive application of a zoning regulation.

Thank you for hearing my concerns in this matter. You have my promise that many on the waterfront are paying close attention to this zoning process. We trust that you will be fair to our community as this process continues to unfold.

I am submitting this letter and attachment for the official record.

Sincerely,

JANET MILES

~~Marcy Downes~~

Member, Capital Yacht Club