Peter Kennedy
c/o Capital Yacht Club
1000 Water Street, SW
Washington, DC 20024

March 13, 2003

Secretary, Zoning Commission
D.C. 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 Commission:

My name is Peter Kennedy, a member of the Capital Yacht Club at 1000 Water Street, SW, Washington D.C.

I want to focus on the Comprehensive Plan, which does not call for the exclusive use of the Southwest Waterfront for swimming pools and parks. Conversely, the Comprehensive Plan calls for significant development.

To the extent that these proposed W-0 regulations may be 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. A December 2002 memorandum from the Office of Planning stated that the proposed W-0 Zone would be intended to apply to the Southwest Waterfront.

The only reason to apply this zone to such area would be to greatly diminish property values for easier condemnation. Moreover, DC Official Code 6-641.02 states that the regulations should encourage stability of land values. Obviously, a W-0 zone in Southwest will have a devastating effect on land values.

ZONING COMMISSION
District of Columbia
Case 02-42
Exhibit 35

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.35

The Capital Yacht Club is a pillar of the Southwest Waterfront community and many of our members are concerned about the possibility of "spot zoning."

Finally, the retroactive effect in 11 DCMR 901.6 is illegal and inconsistent with the statute and existing regulations. 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. The language does not allow for retroactive application of a zoning regulation.

Thank you for your attention to this matter. I am speaking for many in the Waterfront community who could not be here tonight.

Sincerely,

Peter Kennedy

Peter Kennedy
Member
Capital Yacht Club

Attachment