Mr. Chris Miller
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 Chris Miller and I am a member of SW Washington's Capital Yacht Club. I am speaking today representing many members of the yacht club and the larger Washington Waterfront Community who could not be here tonight.

I want to add voice to widely-expressed concerns about the status of the Comprehensive Plan, which does not call for the exclusive use of the SouthWest Waterfront for swimming pools and parks. In fact, the Comprehensive Plan calls for significant development.

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. Our research into this matter is 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.

So far as I can see, the only logical reason 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

ZONING COMMISSION
District of Columbia
Case 02-42
Exhibit 43

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.43

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

Capital Yacht Club members are deeply concerned by the appearance of what seems to be "spot zoning," a practice that we understand to be improper, if not illegal.

Finally, we believe 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 considering my concerns in this matter. Many on the waterfront are paying close attention to this zoning process, and I am grateful to have had the opportunity to speak here tonight.

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

Sincerely,

Chris Miller
Member, Capital Yacht Club