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April 5, 2007

Sharon Schellin
Secretary
Zoning Commission
441 4th Street, N.W., Suite 200
Washington, D.C. 20001

Re: Z.C. Case No. 07-03: Text Amendment to Minimum Lot Dimensions in Residential Districts

Dear Ms. Schellin:

I write to make two points in opposition to the Zoning Commission's proposed rulemaking to amend the text of section 401.1 of the Zoning Regulations.

First, the text of section 401.1 has been substantively unchanged for nearly fifty years, and addresses only a narrow category of cases that has never previously been seen as a problem. It creates a partial exemption only for the immutable characteristics of a lot that was already improved on May 12, 1958: its total area, and its width. In its long-standing form, section 401.1 does not allow a building on such a lot to be enlarged or rebuilt unless the proposed building and use would meet *all other requirements of the Zoning Regulations*, including those for percentage of lot occupancy, Floor Area Ratio, building height, rear and side yards, and parking.

Second, this rulemaking in some senses extends the reach of last year's text amendment in Case No. 06-06, which significantly increased the minimum lot size and lot width required for public schools. At the time, many of the public comments criticized the Commission's use of an emergency rule and its use of a one-size-fits-all formula. By adopting a single set of minimum dimensions, the Commission treated small pre-school programs as if they are the same as much larger high schools.

When the Commission adopted its final rule in Case No. 06-06, it acknowledged that failing by asking the Office of Planning to study the issues associated with small schools and "report the results to the Commission." 53 D.C. Reg. 9580, 9582 (Dec. 1, 2006). Moreover, Commissioners Jeffries and Turnbull expressly questioned in retrospect whether the Commission should have pursued Case No. 06-06 as an emergency rulemaking. Z.C. Transcript at 36-38 (Sept. 25, 2006).

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It would be particularly unfortunate if the Commission's first chance to revisit its handiwork in Case No. 06-06 did not involve the more sophisticated consideration of small schools that the Commission invited, but was instead simply a further tightening of last year's rules (even if would apply in only a small number of highly unusual cases). In addition, Case No. 07-03 is again tinged with signs of haste (as seen by the fact that the Commission had to waive its usual procedures in order to hold its public hearing on Case No. 07-03 so soon after it agreed to set it down).

I urge the Commission not to approve the proposed text amendment.

Respectfully yours,



Russ Williams
Deputy Director
AppleTree Institute for Education Innovation