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July 12, 2007

Anthony J. Hood, Chairman
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210-S
Washington, D.C. 20001

RE: Zoning Commission Case No. 07-09

Dear Mr. Hood and Members of the Commission:

I support the proposed text amendments and am commenting only to suggest alternative wording of the amendments. The Zoning Regulations include a significant number of provisions beginning with "Except as provided in ____" or similar construction, with varying results as to clarity. Usually the cross-reference is to other provisions and is an efficient cross reference. In this particular case, the exception language is long and the reference is to a specific property being exempted. It would be better, in my opinion, if the general rule is stated first, then the exemption, as follows:

- 1706.13 If a development project includes both nonresidential uses and required residential uses, whether on the same lot or in a combined lot development, no certificate of occupancy shall be issued for the nonresidential space until either:
- (a) A certificate of occupancy has been issued for the residential space; or
 - (b) An escrow account has been established and funded in a combined lot development pursuant to § 1708.2.
 - (c) This requirement shall not apply to a nonresidential development on Square 369, Square 374, Lot 848, or Square 370, Lots 40, 62, 65 through 67, 801 through 805, 838, 842, 848, 849 and 878.
- 1706.23(g) No certificate of occupancy shall be issued for the nonresidential development within the DD Overlay District until a certificate of occupancy has been issued for the affordable dwelling units; provided, that this requirement shall not apply to a nonresidential development on Square 369, Square 374, Lot 848, or Square 370, Lots 40, 62, 65

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CASE NO. 07-09
EXHIBIT NO. 6

through 67, 801 through 805, 838, 842, 848, 849 and 878. on Square 369, Square 374, Lot 848, or Square 370, Lots 40, 62, 65 through 67, 801 through 805, 838, 842, 848, 849 and 878.

I hope the Commission will consider adopting the text as suggested herein.

Sincerely,
ARNOLD & PORTER LLP

A handwritten signature in black ink, appearing to read "Nathan W. Gross".

Nathan W. Gross, AICP

Cc: Office of Planning

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