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PLEASE REPLY TO:
BARBARA ZARTMAN
1642 35 STREET NW
WASHINGTON, DC 20007

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October 10, 2008

The Hon. Anthony Hood, Chairman
Zoning Commission
441 Fourth Street, N.W.
Washington, DC 20001

Dear Mr. Chairman:

Re: Zoning Case 08-06-3 – Loading
Zoning Case 08-06-4 – Arts

Enclosed please find follow-up comments of The Committee of 100 on the Federal City regarding proposed changes in regulations relating to Loading and to the Arts.

The Committee recommends that the Zoning Commission hold a roundtable at which the related governmental agencies – OP, DDOT, DPW, and the Zoning Administrator – can offer integrated proposals based on their programmatic responsibilities for Loading, as well as for Parking. The public, too, deserves the opportunity to inquire further into what will change in their communities.

We also restate our strong opposition to eliminating the Arts overlays in order to create a “stand-alone Arts zone.” We believe such a change would be impractical, an inconsistency with the Comprehensive Plan, and a highly destabilizing force.

We welcome your consideration of these views.

Sincerely,


Barbara Zartman
Zoning Chair

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-3
EXHIBIT NO. 15

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Comments on Revisions to Chapter 21 – LOADING
ZC 08-06-3 – October 10, 2008
The Committee of 100 on the Federal City

Enforcement. Like all the work of the task force, recommendations about loading are overwhelmingly dependent on enforcement; it was established as a ground rule that we were to assume any zoning regulations could and would be enforced. We question whether the Zoning Commission should even consider accepting those limitations. When even one readily identified hauler using oversized trucks, using them in rush hours, closing pedestrian sidewalks, and permanently removing curbside parking 24/7 cannot be controlled, policies that depend on administrative enforcement seem ill-advised. *(Yes, I mean CVS.)*

We have suggested that the Commission call for a roundtable at which a joint proposal from OP, DDOT, DPW, and the Zoning Administrator on both Parking and Loading could be discussed, with an opportunity for comment by the affected public. After such consideration, the Commission would be in a far better position to act with confidence about policy direction, and then regulations, for the District.

We have seen submissions from Lindsley Williams and from Marilyn Simon that echo generally a call for a broader forum to discuss these issues, albeit from very different perspectives.

The Commission's Questions 1 and 2.

The responses from OP dated October 3 seem to say that tractor-trailers are almost always larger than even the bigger of the two options discussed at the earlier hearing, where the "larger" berth was 55' deep even though the "new" 53' trailer adds 5' to the length for a total of 65' to 70'.

These dynamics would seem to mean that curbside parking or curb cuts will be required for the majority of new development or redevelopment of any size. Since DCRA has the responsibility for this private development, it would seem productive to have them join in the roundtable to see what can be coordinated – before setting policy that would lock in or lock out options.

The Commission's Question 8: OP's reply states that "The location of trash receptacles is not currently included in either the Building Code or Zoning Regulations ..," However, the current Regs. cover this territory for various commercial uses [e.g. §734.4 "Any refuse dumpster shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6-ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Resident District."

Actually, the existing text suggested conditions for measuring objectionability to neighboring properties in broader terms than OP suggests; §733.7 cites the conditions as including noise, sounds, odors, lights, hours of operation, or other conditions. We would not want the more limited basis included in OP's prior draft to be seen as an adequate substitution for the more expansive existing standards. Indeed, we would add vermin to the list of objectionable impacts.

The Commission's Question 9: While the question from the Commission specifically mentioned apartments and hotels, we believe square footage is not the best measurement for other uses in OP's proposal. Perhaps separating the requirement for hotels from the requirement for a range of

retail and “all other” uses would offer a more practical standard. Many small-footprint establishments have heavy patterns of traffic, both for deliveries-in and for hauling-out.

The Commission’s Question 13: OP apparently is not considering returning the standard for substantial change to historic properties back to the 25% that used to be the standard for historic and non-historic properties alike. We believe this is a serious error and ask the Commission to direct that a single standard of 25% be used to define substantial change and thus trigger a series of reviews, including loading requirements.