

December 9, 2013

To The Chairman and Members of the Zoning Commission:

The Commission has completed its scheduled hearings for public comment on the Office of Planning's ("OP") proposed amendments of the zoning regulations. OP's draft, of course, is a complete overhaul of Title 11, containing innumerable changes, both in substance and structurally, in the regulations which have basically been in effect for 58 years. In the eight formal hearings held by the Commission on this draft, the testimony overall was substantially addressed to a relatively few controversial topics.

Given this background, a number of groups, spearheaded by ANCs, are asking the Commission to delay its final rulings until sufficient time has elapsed for a thorough public review of OP's lengthy and complex document. I believe that a helter-skelter rush to judgment is both dangerous and unnecessary, and that at least a one-year period of further public consideration and input is in order. There may be much left to find and fix in this enormously complicated document which has not yet been discovered or adequately analyzed. Here's a small example.

In the current zoning rules regulating "home occupations," there is a permitted category described as "Tutoring not more than five (5) students at a time." OP now proposes to elaborate on the permission as follows: "Tutoring and instruction of not more than five students at any one time, including academic tutoring, dance, languages, culinary arts, and musical instrument and similar activities."

Accordingly, a teacher of, say, percussion or brass instruments could, with the blessing of the expanded regulation, legitimately instruct as many as five students in those skills "at any one time" and could lawfully go on for hour after ear-blasting hour doing so. And while a proposed list of conditions regarding home occupations provides that the use "shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood," we are not told how this vague requirement can be practically enforced short of some sort of expensive, and perhaps repeated, litigation by unhappy neighbors.

This provision needs fixing, and not just after the fact. And there's no way to know how many such problems lurk in the thousand pages of OP's proposal, which that agency has stated will require further changes as the document is explored. The three months that have elapsed since this complex book of rules was submitted to the Commission is scarcely time enough for the public to inspect and appraise its contents.

I urge that when the Commission meets, this evening or at a more weather-agreeable time, to discuss how it should proceed, you will authorize a lengthy delay in order to permit a careful study of the draft to be made.



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