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P.O. Box 60847
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February 12, 2014

Zoning Commission
Government of the District of Columbia
One Judiciary Square
441 4th Street NW, Suite 200-S
Washington, DC 20001

Re: BZA Case Number 08-06A

At a properly noticed community meeting on February 12, 2014 and with a quorum present, the 4C Commission voted unanimously to support the following changes to the Board of Zoning regulation revisions:

1. **Current Zoning Regs, Section 3113.5 – Pre-Hearing Procedures for Application – Content of the Application** - *Each application to the Board shall be made on the appropriate form (i.e. Form 120 for variance applications) provided by the Board. All information required by the form shall be furnished by the applicant at the time of filing the application including*
 - (a) *The name and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property; provided, however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, mailed notice may be provided to the board of directors or to the association of the condominium or cooperative that represents all of the owners of all the dwelling units; and*
 - (b) *The name and address of each person having a lease with the owner for all or part of any building located on the property involved in the application.*

Proposed Change: Recommend that all of the requirements listed in the Application Forms be specifically listed in the regs. The current regs include some but not all of these requirements. This is confusing to the public. The zoning revision process is an opportunity to list the complete set of requirements.

Proposed Change: Recommend that the Application Forms are modified to require the applicant to include statements, information, briefs, reports (including reports or statements of expert and other witnesses), plans, or other material that the applicant may wish to offer into evidence at the hearing. Any map, plan, or other document, or matter readily available to the general public need only be fully referenced and the source given by the applicant in place of

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ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.617

filing a copy. The current regs do not clearly require that these be submitted with the application but appears to allow these to be submitted 14 days before the hearing. See Comment #3 below, which addresses why this timeframe is unfair and should be changed.

Proposed Change: Recommend that where an applicant is applying for a variance for more than one location, the BZA Board require a separate application for each location. This ensures that the applicant is in compliance with all the requirements on the application form. For example, the application for a variance, Form 120, requires the applicant to set out in detail how the property at each location meets the tests for a variance. In the past some institutions submitted one (1) application even though variances were being sought for multiple locations and this requirement to set out in detail how each property met the tests was not addressed for all the locations.

Proposed Change: Recommend that a hearing not be scheduled until all information required in the application is provided. In its recent zoning regs rewrite, the City of Baltimore requires that a complete application be submitted before a hearing will be scheduled. It is unfair to the community to do otherwise.

2. Current Zoning Regs, Section 3113.5 (a) – Pre-Hearing Procedures for Application – Information on Neighboring Property within 200 feet. - Each application to the Board shall be made on the appropriate form provided by the Board. All information required by the form shall be furnished by the applicant at the time of filing the application, including:

(a) The name and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property; provided, however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, mailed notice may be provided to the board of directors or to the association of the condominium or cooperative that represents all of the owners of all the dwelling units;

Proposed Change: Recommend that residents within five hundred feet (500 ft.) of the property be able to voice their concerns about the proposed changes. In some areas in this community, particularly in the Sixteenth Street Heights Overlay, there is a concentration of institutions in close proximity of each other. As a result a 200 foot notification radius excludes a significant segment of the impacted residential community. So communities in which zoning changes have a significant impact were not informed of pending changes or were only notified at the last minute. By then it is too late to take action to mitigate problems.

3. Current Zoning Regs, Section 3113.8 - Pre-Hearing Procedures for Application – Supplementing the Application Before the Hearing. No later than fourteen (14) days before the date of the hearing for the application, the applicant shall file with the Board any additional statements, information, briefs, reports (including reports or statements of expert and other witnesses), plans, or other material that the applicant may wish to offer into evidence at the hearing. Any map, plan, or other document, or matter readily available to the general public need only be fully referenced and the source given by the applicant in place of filing a copy.

Proposed Change: Recommend that this be changed to no later than thirty (30) days before the date of the hearing on the application. Under the current regs, in many cases, the "meat" of the application (for example, traffic impact studies, traffic management, expert reports) is provided within days of the hearing. This may even be a misinterpretation of the current regulations, which uses the term "additional", which would appear to imply that some form of these documents was submitted with the initial application. If the Applicant wishes to supplement an application with additional info, it should be allowed to do so within certain days of the hearing but the community should get to see these changes at least 30 days prior to

hearing to allow time for adequate review, particularly given that most community organizations meet monthly and these documents can impact whether a community needs to become involved.

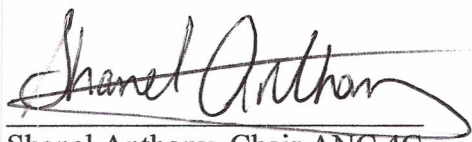
4. Current Zoning Regs, Section 3115.1(e) – Advisory Neighborhood Commissions Reports and Notice – Required Contents. Section 3115.1(e) requires that the ANC's written report include "issues and concerns of the ANC about the appeal or application as related to the standards of the Zoning Regulations against which the appeal or application must be judged".

Proposed Change: Recommend that BZA specify the standards that ANCs must include in their written reports on zoning application decisions. The current language is too vague and as a result ANCs are challenged in complying with this provision, leading to the denial of great weight, disenfranchisement of the community and arbitrary decisions by ANCs and the BZA. Specifically, the BZA rejected an ANC4C unanimous protest on a zoning application because the ANC did not state any specific issues or concerns about the application in its written report as it relates to these standards. This is also confusing for the ANC since subsequent ANC4C written reports that supported the applicant were given great weight even though these written reports did not specifically state the standards against which the ANC review was conducted.

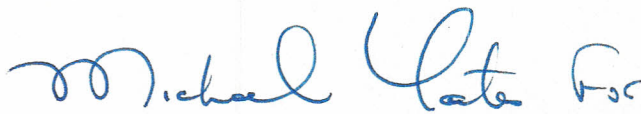
5. Current Zoning Regs, Section 2101.1 – Schedule of Requirements for Parking Spaces – Reduction in required parking spaces & Substitution of off-site parking for on-site required parking. Under the current Office of Planning recommended zoning revisions, most parking requirements would be reduced substantially, and will be based on the number of square feet of the facility. Parking requirements would be reduced further by 50% for institutions near transit. Penalties would apply if developers or owners provide more than twice the amount of required parking without considering proximity to transit. In addition, under some BZA Orders applicants have been allowed to substitute off-site parking for on-site required parking.

Proposed Change: Recommend that the Board retain existing minimum parking requirements for new development and institutions; ensure that the community retains a voice in any requests to reduce parking requirements; and eliminate penalty for too much parking spaces. The issue of when off-site parking can serve as a substitute for the on-site parking requirement should be addressed in the regs. The public should know when or under what conditions off-site parking can be substituted for on-site parking requirements in an open process such as a rulemaking which sets out guidance.

Based on the foregoing, ANC 4C respectfully requests that the Board give great weight to the ANC4C position to support these changes to the BOZ rewrite.



Shanel Anthony, Chair ANC 4C



Zachary Hartman, Vice Chair ANC4C