



Government of the District of Columbia
**Advisory Neighborhood
Commission 6C**

January 17, 2022

Anthony J. Hood
Chair
Zoning Commission
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: ZC 21-10 (Proposed Rulemaking, Parking and Loading)

Dear Chairman Hood:

We write to offer ANC 6C's comments¹ on the proposed rulemaking addressing parking and loading requirements (and relief therefrom).

First and most importantly, we appreciate the willingness of the Commission and the Office of Planning to give our earlier suggestions (Exhibit 6) such thoughtful consideration. ANC 6C thanks both the Commission and OP for accepting the first two of our three recommendations.

On the third point—the existence of a DDOT-approved loading demand management plan (LDMP) as a basis for relief from the minimum loading requirements—we remain concerned about the practical enforceability of an LDMP and the uncertainty around our ability to bring an appeal to BZA over refusals by the Zoning Administrator to address noncompliance. Rather than repeat those concerns in full, we refer the Commission to pages 3 and 4 of Exhibit 6, especially footnote 2.

The proposed rulemaking somewhat improves on the text considered at the hearing by requiring that the LDMP be in the case record instead of having the specifics left until after BZA approval. In making this change, OP explained its goal thus: “OP recommends requiring that the DDOT approved loading demand management plan be filed in the record 30 days prior to the BZA hearing so that the plan may be reviewed by interested parties, including the ANC.” OP Supplemental Report (Exhibit 8) at 10.

¹ On January 12, 2022, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present via videoconference, this matter came before ANC 6C. The commissioners voted 6-0 to adopt the position set out in this letter.

Unfortunately, the new proposed text does not fully achieve this goal. New proposed section 909.2(a)(2) would require, as a condition of special-exception relief, “[a] loading demand management plan filed in the case record in accordance with Subtitle Y § 300.14 and approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment’s approval.”

As worded, this provision would require that the applicant file an LDMP 30 days before the hearing (per section Y-300.14), **but it does not clearly require that the LDMP be approved by DDOT as of that filing.** Instead, it leaves the door open to DDOT giving its approval at a later time.² Under this scenario, ANCs and other parties would not, in fact, have 30 days to consider and vote on a plan known at the time to be approved by DDOT.

Accordingly, we respectfully suggest rewording this provision to foreclose this scenario: “[a] loading demand management plan, **approved by District Department of Transportation**, filed in the case record **by the applicant** in accordance with Subtitle Y § 300.14 **and approved by District Department of Transportation**, the implementation of which shall be a condition of the Board of Zoning Adjustment’s approval.” These changes would make explicit that the applicant must come to agreement with DDOT and submit DDOT’s approved LDMP 30 days in advance of the hearing.

Thank you for giving great weight to the views of ANC 6C.

Sincerely,



Karen Wirt
Chair, ANC 6C

² Under section Y-405.3, agency reports are not due until 10 days before the BZA hearing.