

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CASE NO. 08-06-3
COMPREHENSIVE ZONING REGULATIONS REWRITE: LOADING
Comments of Marilyn J. Simon, October 9, 2008

I am Marilyn J. Simon, a resident of the Friendship Heights neighborhood since 1985. I am concerned about the type of explanation offered by the Office of Planning for their recommendation to reduce loading requirements, and I am concerned that similar explanations are the basis for some of OP's recommendations in other portions of the Zoning Regulations Rewrite to reduce zoning requirements.

In response to questions from the Zoning Commission, the Office of Planning offered the following explanation for its recommendation to reduce the required loading berth for some uses from a 55-foot berth to a 30-foot berth.

Excerpt from Office of Planning October 3, 2008 Response to the Zoning Commission on Proposed Amendments to the Loading Regulations 11 DCMR

4. What are the basis on which DDOT will allow an apartment building developer to reduce the required loading berth from a 55-foot to a 30-foot berth?

In the past 5 years DDOT has recommended the approval of requested reductions in the size of loading berths on a case-by-case basis through the variance or PUD process. Applicants have been able to demonstrate that they cannot accommodate the required loading on the property or that the loading berth size required would not be necessary for their use. They have also demonstrated that the reduction would not be detrimental to the community.

This response does not demonstrate that the Office of Planning has determined that the larger berth is no longer necessary, or that the reduction in the requirement might not have a negative impact on the surrounding area. It simply states that there have been instances in which developers have requested and been granted a change in the requirement through a variance or through the PUD process. Certainly, it is appropriate that there is a process by which requirements can be reduced or waived under certain circumstances, but the fact that there have been some projects where the Zoning Commission or BZA determined that it was appropriate to waive or reduce the requirement does not mean that the requirement is not appropriate for the many other projects where a variance was not requested or where the Applicants could not adequately demonstrate that they could not accommodate the required loading on the property or that the loading berth size required was not necessary, or where they could not demonstrate that the reduction in the requirement would not be detrimental to the community.

The purpose of the Zoning Rewrite is not to reduce or eliminate requirements so that variances will no longer be necessary. Before any of the current parking or loading requirements, or any other zoning requirements, are reduced or eliminated, the Zoning Commission should evaluate the impact of reducing or eliminating those requirements, and whether the purposes for which those requirements were put into place are no longer valid or other requirements or regulations currently in place might be an adequate substitute for those requirements.

Since the Reports and testimony provided by the Office of Planning for its recommendations for parking and loading are not adequate to demonstrate that their proposed amendments are in the public interest, I respectfully request that the Zoning Commission consider holding an additional public hearing at which each of the relevant agencies as well as members of the public can testify.