

December 19, 2010

CASE NO. 08-06 (Comprehensive Zoning Regulations Review: Chapters B-15, B-16 & B-17)

Testimony of John M. Goodman

My name is John Goodman, and I live at 2810 29th St NW. I am an active member of the Zoning Review Task Force and participated in its discussions of proposed parking and loading provisions for the new zoning code.¹

I support OP's proposals and urge the Commission to adopt them with the following modification:

Sections 1505.1 and 1604.1 and 1702.1 provide that vehicle and bicycle parking minima and loading requirements should be based on the gross floor area of the non-residential use. Unless OP proposes to change the definition of gross floor area, that term excludes below-ground floors. If the below-ground space is used by humans — retail shops, food court, fitness center, hotel conference rooms — why shouldn't those areas be part of the calculation of parking requirements? Similarly, below-ground businesses should have the same loading needs as those on the ground floor. Therefore, total floor area would seem to be a better measure to use in these provisions.

As to the other issues raised in OP's November 5 Hearing Report.

Vehicle parking maxima. The Commission should adopt meaningful parking maxima, as long as it also provides a clear, not excessively bureaucratic, path for property owners to get relief from them.

OP's Hearing Report suggests that the Alternative 1 maxima would not be particularly meaningful — they would not have prevented some of the worst recent examples of over-parking.

OP would make special exception relief from parking maxima under section 1513.6 dependent on a DDOT-approved transportation demand management plan. If a property owner can satisfy all the regular special exception requirements, there is no reason for additional regulation in the form of a TDM plan. Such a plan should be required only if it is needed to enable the property owner to satisfy the general special exception standards.

Special exception relief. OP reports, "During discussions with the Task Force, some Task Force members expressed a strong preference for allowing complete relief from

¹ I am a past president of the Woodley Park Community Association, and although I have testified before the Commission in the past on its behalf, the opinions expressed herein are my own and not necessarily those of the Association.

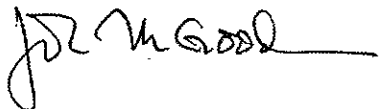
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minimum parking requirements through the special exception process." OP Report Hearing at 10. I was one of those Task Force members, and I urge the Commission to include such a provision in the regulations. The general special exception test is not an easy one to meet and specifically requires the showing that the exception "will not tend to affect adversely, the use of neighboring property." In addition, an applicant will have to demonstrate that "[t]he use or structure will generate demand for less parking than the minimum parking standards require." If an applicant can show that it doesn't need parking and the lack of parking will not adversely affect neighbors, what possible reason could there be for requiring parking?

Driveways and alley access. I agree that the zoning code should generally not include provisions that are more appropriately within the scope of another agency's regulations. This is duplicative, at best, and can potentially become unworkable if one agency changes its rules in a manner inconsistent with those of the other agency. Driveway and alley access certainly seem to be a subject of this type and should be regulated in one set of rules, not two.

One major concern, however. If there is a requirement in the zoning rules, and a property owner wants to deviate from it, there is a clear — and very public — process for getting an exception from the BZA. Unfortunately, the DDoT process is neither very clear nor very public. DDoT's Design and Engineering Manual, which contains these standards, does not contain anything like a "special exception" procedure; nor does it set out the criteria for granting relief from its requirements (or, at least, I have not been able to find them). At least as important, DDoT does not have the same sort of transparent well-publicized process as the BZA for giving notice of and for hearing such requests (or, unfortunately, any public space request of any sort). Until DDoT can get its act together, I believe there is a need to include these regulations in the zoning code.

A handwritten signature in black ink, appearing to read "Joe M. Good". The signature is fluid and cursive, with a long horizontal line extending to the right.