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March 20, 2007

VIA HAND DELIVERY

Zoning Commission of the District of Columbia
One Judiciary Square – Suite 200 South
441 Fourth Street, N W
Washington, D C 20001

RECEIVED
D C OFFICE OF ZONING
2007 MAR 23 PM 2:19

Re: ZC Case 06-33 (Parking Requirements for Historic Landmarks and Contributing Buildings)

Dear Honorable Members of the Commission

This letter requests you to open the record to receive supplemental information on the data collected during discussion with the Office of Planning to help inform us on the scope of problems encountered with parking waivers for historic buildings. As you know, at the conclusion of your hearing on this matter on November 27, 2006, you requested the Office of Planning to convene one or more meetings with stakeholders to review the concerns raised at the hearing, to "educate" ourselves the usage and impact of the waiver, and to develop alternative language as a result of that research and data.

The stakeholders had very productive meetings with the Office of Planning, and while we did not ultimately agree on the final language, we were successful in drafting some alternative language. However, perhaps in the haste to provide the revised amendments, one significant fact has been overlooked: the statistics collected do not support any change in the regulations as written and interpreted. Because this omission affects the rationale and justification for the proposed amendments, we ask that you open the record to accept the attached data and accompanying letter of explanation.

Because the data do not support any changes to the parking waiver provisions, we continue to oppose the proposed text amendments.

Very truly yours,

HOLLAND & KNIGHT LLP



Carolyn Brown



Lindsley Williams

Land Use, Planning and Zoning Consultant

Attachment

4431657_v1

ZONING COMMISSION
District of Columbia

CASE NO. 06-33
EXHIBIT NO. 18
ZONING COMMISSION
District of Columbia
CASE NO. 06-33
EXHIBIT NO. 18

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VIA HAND DELIVERY

Zoning Commission of the District of Columbia
One Judiciary Square – Suite 200 South
441 Fourth Street, N W
Washington, D C 20001

Re ZC Case 06-33 (Parking Requirements for Historic Landmarks and Contributing Buildings)

Dear Honorable Members of the Commission

During the course of your hearing on whether to amend the provisions of Chapter 21 to address potential issues with the waivers that have been a part of the regulations since the mid-1980s, the Zoning Commission had very little in the ways of specific evidence about cases when there were changes to historic landmarks and contributing buildings in historic districts. Rather, the case seemed to have emerged out of a fear that the flexibility that has been in the regulations for more than two decades was apt to lead to shortchanging of parking with the consequence that surrounding public streets would have to absorb the additional parking demands generated from properties as they redeveloped.

A single case was cited by the Office of Planning (“OP”), which referenced 1445 Church Street, N W. In fact, that address has a covenant developed under BZA 16914 to provide parking for the residents of that address. Instead, we think OP meant to refer to BZA 17459 at the location 1446 Church Street, a case in which the Board concluded that the applicant did not require any parking relief under the applicable regulations, a case in which the site was developed with 27 units and had an open area in a yard sufficient to provide just some of the overall parking required in a fragile historic building, one where excavation would have risked loss of that historic, contributing building. Although already in your system of records, copies of the two orders are attached for your convenience along with the transcript of the decision discussion in BZA 17459.¹

The undersigned met with OP and others over the course of the last few months. Among other steps, the Office prepared an initial roster of parking waiver cases in a spreadsheet. Other data were added to this as the meetings progressed. As the attached spreadsheet demonstrates, the available data simply do not support the conclusion that developers are shirking their “obligation” to provide parking even though the present waiver provides them ample authority to do so.²

¹ Since these are already in your system of records, we did not specifically request approval to open the record in the case to receive your own information.

² The data are those prepared by the Office of Planning, updated by the undersigned to reflect facts added at the meetings by the participants and two columns of additional information from the applicable regulations and a calculation of percentages based on the information in other columns from OP.

We urge you to examine facts, not fears, in reaching your conclusions. The data that we have looked at and now share with you do not appear to justify taking the action proposed – amending Chapter 21 – at all. Quite the contrary, the data suggest that in larger projects, parking is consistently provided in most circumstances (certainly all those tallied). It is only in the smaller apartment buildings, where the amount of additional parking that might be required is fairly modest in the first place, that parking is sometimes not provided to the full extent required and, in the smallest projects, sometimes not at all. These are the very projects that will generate units that are more affordable, even if at “market rate.” To impose a burden on them to provide such is to thwart objectives of adding a population of new residents to the District of Columbia.

Accordingly, we urge you to reject making changes such as those proposed by the Office of Planning in their report to you.

Thank you.

Holland & Knight LLP


Carolyn Brown



Lindsley Williams
Land Use, Planning and Zoning Consultant

Attachment

4429137_v1

Historic Buildings / Parking

Columns added or Headings Edited by Holland & Knight LLP								*					*				
				Floor Area of building(s)										Waiver used to relax or eliminate:			
BZA Case	Premise Address	zone	square	lot size	original size	proposed size	addition	Pct of Addition to Original Floor AREA	Units	Space Need per Sec. 2101.1	Spaces Required (from OP; may reflect "credits")	Spaces provided	Pct Spaces Provided to That Required	number of spaces	aisle width	space size	compact spaces
17332	1230 Pennsylvania Ave SE	CHC / C-2-A	1019		1,599	55,467	53,868	3368.9%	47	1:2	24	24	100.0%	no	Yes - does <u>not</u> conform	Yes - does <u>not</u> conform	yes
17403	917 M Street NW	C-2-A	368	15,976	4,250	39,937	35,687	839.7%	44	1:2	22	41	186.4%	no	No - appears to conform	No - appears to conform	none
17323	2105 10th Street	ARTS / C-2-B	358	9,563	16,730	40,171	23,441	140.1%	42	1:3	12	16	133.3%	no	Yes - does <u>not</u> conform	Yes - does <u>not</u> conform	yes
17459	1446-54 Church Street NW	ARTS / C-3-A	209	6,525	2,800	29,562	26,562	948.6%	27	1:2	11	6	54.5%	yes	n/a - direct alley access	No - appears to conform	no
	1828-34 Jefferson Pl. NW	DD / C-3-C	139	1,840	18,166	39,804	21,638	119.1%	21	1:4	7	4	57.1%	yes	No - appears to conform	Yes - does <u>not</u> conform	technically yes
17485	1321-25 Naylor Ct NW	R-4	367	4,950	3,062	9,048	5,986	195.5%	3	1:1	3	4	133.3%	no	n/a - direct alley access	Yes - does <u>not</u> conform (8 X 19)	n/a
17420	1123 11th Street NW	DD / R-5-E	341		2,879	13,079	10,200	354.3%		1:4	3	0	0.0%	yes	n/a	n/a	n/a
17446	2160-62 California Ave NW	R-5-B	2530	4,000	2,840	7,220	4,380	154.2%	4	1:2	2	0	0.0%	yes	none provided	none provided	none provided
17495	2208 / 10 Q Street	R-3	2510	3,651	2,013	4,486	2,473	122.9%	1	1:2	1	2	200.0%	no	n/a - direct alley access	Yes - does <u>not</u> conform (9 X 18 & 9 X 14)	technically yes
	1229 E Street SE	C-2-A	1019						2	1:4	1	0	0.0%				
	660 Pennsylvania Ave SE	CHC / C-2-A	873														
	2516 Q Street NW	R-5-B	E1264														
	2208-10 Q Street NW	R-3	2510														

DC Office of Planning
DRAFT FOR DISCUSSION ONLY

3/20/2007 (Supplemented by Holland & Knight LLP to fill in some missing cells, adding the columns for §2101.1 ratio and pct of spaces provided/required, and sorting by total spaces newly required)