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PLEASE REPLY TO:

BARBARA ZARTMAN
1642 35 STREET NW
WASHINGTON, DC 20007

July 31, 2008

The Hon. Anthony Hood, Chair
Zoning Commission
441 Fourth Street, N.W.
Washington, DC 20001

Dear Mr. Chairman:

Re: Zoning Case 08-06-02

Enclosed please find the comments of The Committee of 100 on the Federal City regarding proposed changes in regulations relating to parking.

The Committee shares the goals of environmental improvement and abatement of traffic burdens, but we are not confident that all of the proposals from the Office of Planning will produce those results.

Sincerely,


Barbara Zartman
Zoning Chair

ZONING COMMISSION

CASE No. 08-06-2

EXHIBIT No. 56

ZONING COMMISSION

District of Columbia

CASE NO.08-06-2

EXHIBIT NO.56

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Comments from The Committee of 100 on the Federal City

Zoning Commission Case 08-06-2 **Comprehensive Zoning Regulations Rewrite**

The Committee's comments deal first with the process that is being introduced this evening. While we did not object to the waiver of set-down hearings and pre-hearing reports, the current reshaped process troubles us significantly. The Public Hearing Notice, which establishes the areas the Commission may consider this evening, is by its own language conceptual.

Because there is so much that is unclear in the PHN – because you are in essence being asked to treat the OP report recommendations as PHN conditions – and because we sincerely believe that a number of those recommendations are ill-formed – we ask that you take no vote on “conceptual” language tonight, though your comments and direction are much to be appreciated.

If you vote tonight (or in any subsequent first hearing during this zoning review process), you will be directing OP to “codify the Commission’s ‘determination’ into legally sufficient form” (PHN, p. 1). We cannot believe this series of recommendations is anywhere close to meeting a standard for such a vote, such a commitment to vague concepts. We also believe the public deserves better notice of impending changes in the rules governing their property and shaping their neighborhoods. As we understand it, the only additional hearing that would occur in the process before omnibus passage is a session on particular regulatory language.

As to the topic before the Commission tonight, parking, we have worked within the OP's working group and the task force itself. We first want to say that the text offered to you is not the recommendation of the “citizens’ panel” referred to. It is the product of OP's plan to reshape vehicular behavior in the District. I say this in no pejorative sense, but as a reference to a policy preference that we do not share in significant ways. This is not a recommendation from the panel, but from OP, shaped in part by aggressive and effective advocacy of outside groups. But we do not believe public policy should support the goal of making it more difficult for District residents to own and operate a private motor vehicle.

Tonight presents special challenges because two documents that are not fully comparable are to be considered at the same time: the Public Hearing Notice that called this hearing and the Office of Planning recommendations report. Marilyn Simon's analysis of the OP report, done for the Friendship Neighborhood Association, is a document that the Committee of 100 very much wants to be associated with. The evaluations, the questions, the data it presents are resources which we very much encourage the Commission and its staff will take time to assess. We will offer our comments principally about the PHN.

Regarding the concept recommendations of the PHN

Minimums. The Committee of 100 strongly opposes the dropping of minimum parking requirements. Perhaps the simplest argument is to suggest looking at already fully-

utilized curbside parking, most easily observed in historic districts. When one considers a district that already has close to 100% curbside utilization, the suggestion that more intense development will be encouraged produces concerns among existing residents. The new development, freed from any minimums and placed under hard maximums, can have no alternative but to generate more vehicles aggressively looking for curbside parking in adjacent residential areas, competing with and potentially denying residents the ability to park near their homes.

It is harmful to District residents to remove the most basic minimum of parking is a promise of further congestion and frustration. To use an incorrect representation of current requirements (suggesting it is one-to-one for residential units) is a disservice to this process, and to the citizens of the District.

Maximums. Other than to serve the goal of making private motor vehicles more difficult to operate in the District, the purpose of this provision is not clear. It compounds the problems of spillover parking from new projects that are adjacent to residential neighborhoods, and it adds to the pollution caused by vehicles circling while looking for curbside parking. But the PHN is deeply flawed because major categories of parking are left "To be determined."

The Committee has aggressively opposed various development projects across the District that add great numbers of vehicle parking spaces, usually for suburban commuters coming to Federal workplaces (the proposal for St. Elizabeths would add thousands of additional – free – parking spaces for commuting employees). The addition of such parking capacity for commuters while denying any to District residents is perplexing.

We cannot help noting that none of the groups here tonight expressing concerns about the amount of vehicular traffic in the District has been seen or heard at any of the Section 106 hearings about the Southeast Federal Center, about St. Elizabeths on either campus, or about the Armed Forces Retirement Home. Other huge Federal developments that are on the horizon are similarly bereft of these voices seeking to limit huge increases in vehicular traffic.

50% Buyout. It is not clear why these provisions are being added. If OP argues that the maximums are a positive policy (even though we disagree), to allow a buy-out for more or fewer spaces represents inconsistent advocacy. And having the decision-making agency be the recipient of the sizable buyout payment is not sound management.

Regarding the particular language of the PHN

What follows are comments about the elements of the PHN, which we argue should be the guiding document for tonight's consideration.

P.1 The language is very loose in terms of new construction and rehabilitation, addition, renovation; the application of requirements P.1.1 and beyond do not make clear these provisions apply to anything but new buildings and structures.

P.1.9 The empty reference to historic structures (let alone districts) is stunningly unhelpful. The ZC should not consider voting on any generic proposals that would affect any of the National Historic Landmark property (let alone individual NHLs), nor contributing buildings, nor historic districts. C100 could not object in any stronger terms to what the PHN seems to allow.

P.2.5 There is no meaning in the charts provided. (TBD is not a proposed policy.) One wonders why this proposal is being pushed forward when only 2.1 contains any specifics.

P.3.2-4 Based on the current language, the DDOT reviews enabling high-dollar payments to avoid certain parking requirements or maximums seems wholly inappropriate. There is no reference to policy objectives that would be served by the buy-outs, to either increase or reduce standards.

P.3.5 The standard suggested for BZA review of “no significant adverse impact of an applicant’s parking study” is wholly inadequate; we have sought a new general, less subjective standard that excludes subjective modifiers such as “significant,” which befuddle findings of fact.

P.3.6 This section should include definitions of “development” to determine whether the topic is a single building, a complex of buildings, an addition, or expansion. The provisions for each topic need to be explained, as well as the combined impacts.

The Committee will avoid commenting on several aspects of this proposal, such as bicycle parking. This should not be considered an endorsement of the proposals. While we are supportive of programs to encourage safe bicycle use in DC life, we are not sure that all the proposed provisions are the best possible means of achieving this goal; we are especially interested in analyses of the additional costs that are being spread across building tenants.

Similarly, we strongly support car-sharing programs and view them as an important amenity for District residents. But we are not comfortable with the amount of public (and mandated private) subsidy for a single private corporation.

For these reasons among many others, we ask that the Commission not take any votes on these proposals until answers to many of the questions are provided; the analysis by Friendship Neighborhood Association, combined with the concerns we have raised, should give the Commission pause. Guidance and direction would, I’m sure, be appreciated, but taking votes that set direction on these issues is, in our judgment, significantly premature. Do not set in motion any “determination” for the Attorney General to “codify” into “legally sufficient form.”

July 31, 2008