

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

CASE NO. 08-06-2

COMPREHENSIVE ZONING REGULATIONS REWRITE: PARKING

Public Hearing, July 31, 2008

Testimony of Bill Crews, DC resident

Good evening, I am Bill Crews, a resident of the Capitol Hill neighborhood in the District and a former Advisory Neighborhood Commissioner for SMD 6C07 as well as a former Zoning Administrator for the District of Columbia. I speak tonight on behalf of myself.

This evening's hearing is the first of many – perhaps as many as 20 – public hearings on various subject areas as defined by the DC Office of Planning (OP) in the execution of the process to revise Title 11 of the District of Columbia Municipal Regulations know as the Zoning Regulations of the District of Columbia after adoption of the new comprehensive plan for the District. This phase of the revision process presents conceptual proposals for consideration by the Commission before any actual drafting of regulation language occurs. While I believe this phase will be contentious, the actual language drafting phase could be even more daunting. The process is fraught with potential dependencies and inconsistencies among the subject areas.

I appreciate your willingness to start this journey. I urge you to be realistic in the effort and time that will be required to successfully complete this journey.

Zoning regulations are designed to provide for both orderly growth and protection of private property values. For many residents of the District, our home values represent the bulk of our personal assets. The DC Official Code Section 6-641.02 states that the purpose of the Zoning Regulations is, among other purposes, “to create conditions favorable to...safety,...protection of property... and with a view to encourage stability of districts and of land values therein.” In addition, the DC Code Section 6-641.11 requires a strict construction of the zoning regulations. This means that the stricter, more limiting provisions of allowable uses, densities and other standards, wherever in the Code or regulations, rule. This requirement is also stated in Section 101 of Title 11.

People do depend upon the zoning regulations to control development, uses and impacts that negatively reflect upon their property values. Good zoning provides some certainty and limits external forces and uses on residents' property. Good zoning helps protect property values and quality of life within our neighborhoods.

While there is little disagreement on the need to revise the current zoning regulations -- they are internally inconsistent, hard to administer and in many ways outdated -- the revision is an

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extremely important action that needs thoughtful consideration because it threatens that certainty and those limits.

I commend the Office of Planning staff for the job it is attempting to do. I also commend the Office of Zoning and the work it also is doing to improve the functionality of the process.

In developing the order of subject area topics, the Office of Planning has not shied away from tackling hard issues such as height and parking first. As many know, height was initially set down to come before you first, but was thoughtfully delayed for further discussion. However as the revision process has been adapted to respond to concerns, discussing parking first is akin to having the Washington area professional football team play a Super Bowl contender for the first game of the season. But good for OP to start early to tackle the tough issues that frame the tensions in regulating land use and density through zoning.

I have experience in leading zoning administration, management and enforcement in three different jurisdictions, including, as I mentioned, here in the District. Zoning for all its public benefits, creates tensions. There are tensions between developers and neighbors. DC has become an even greater City in the past few years and does not need to subsidize development and certainly should not allow developers to get away with not paying the full price for the impacts of their development on their neighbors. Time and time again, the developers make the money and the neighbors suffer the consequences.

There are tensions between economics and the environment. As we know now, for far too long we have made the wrong choices when trading off private economic gain against environmental degradation.

And there are tensions between existing uses and proposed new uses which will show up in future subject area hearings such as a proposed 'any use goes' in residential neighborhoods.

I am sensitive to the need to reduce vehicular use, especially commuter traffic, promote increased public transit and generally reduce use of limited fossil fuels. And, I realize that proponents of OP's proposal to remove minimum parking requirements will use the economic verses environmental tension to argue for their support. One of the previously referenced purposes for zoning is to "lessen congestion in the street." I believe in so-called "Smart Growth" and the changes in lifestyles that such growth will require, but these changes cannot happen overnight or with the simple passage of new zoning regulations. Transitions, especially for families needing private vehicle use, must be developed to reduce the burdens and be fair.

Unfortunately, the current conceptual proposal as detailed in the July 15, 2008, memo from Travis Parker, Zoning Review Manager with the Office of Planning, to the Commission, does not adequately provide this transition and needs additional work before any vote should be taken by the Commission.

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In addition to all the other testimony by ANCs, the Committee of 100 and neighborhood associations opposed to the current proposal, I have two principal concerns with the OP proposal before you tonight.

First, OP's effort to remove minimums relies on both market forces and on-street parking to assumedly not increase negative impacts on residents. It is my personal experience, both as an Advisory Neighborhood Commissioner and as Zoning Administrator that developers' interest is the bottom line return on investment for them. If they can sell houses and condos or rent apartments without having to provide any parking never mind the impact on neighbors, then they will. It is my understanding that a residential development in the vicinity of 16th and Mt Pleasant NW did just this – remove parking when the return on investment fell.

But will all these new residents not own cars? And if some do own cars, where will they park? Many witnesses here tonight will talk about their neighborhoods and the impact of additional housing units without adequate off-street parking.

The proposed conceptual revision removing minimum parking requirements also relies directly on better on-street parking management, yet there is no legal nexus between the zoning regulations and on-street parking management. The District Department of Transportation Public Space Management staff is working hard to improve on-street parking management, but there is no legally enforceable coordination or reliance in place to ensure existing residents that the two will work together successfully and not increase the already overwhelming demand for on-street parking in many neighborhoods - especially in those cherished neighborhoods within the L'Enfant Plan, like my own, where triangle blocks have historically reduced the ability to provide off-street parking for residents.

One example where coordination can work is related to the availability of Residential Parking Permits (RPP). It is my understanding that current DDOT policy does not allow residents of new multi-unit buildings to qualify for RPPs. Again this is my understanding, but I am not sure if it's codified and/or can't be changed in the future. Does the Zoning Commission want rely upon a DDOT regulation that you have no control over to force market-based decisions that hopefully reduce unfair impacts to existing neighbors? Do you have minimum parking requirements if RPP is available to the new development's residents? What happens after a building is built under one scenario and the DDOT regulations change? Additional work to coordinate policies must occur.

Further, if no parking is provided, how will the development comply with the requirements of the Americans with Disabilities Act (ADA) to provide handicapped parking spaces? Will the District be left to take away additional on-street parking available to anyone to be reserved only for fulfilling the legal requirement for a few? I support the ADA, and only state this as an example of the missing work on the current conceptual proposal.

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Second, on page 12 of the July 15, 2008, memo from Travis Parker, Recommendation 1 recognizes the problems with the “spillover effects” of no parking minimums on “single-family and rowhouse zones”. This is a very crucial recognition and I appreciate and support these exceptions to ‘no minimums’. However the specific uses listed to trigger the exceptions **do not** include multi-family residential uses whether in the ‘single family and rowhouse areas’ or “in commercial corridors near” such areas. I repeatedly tried to make this point and requested OP include multi-family buildings in this ‘carve-out’ for no minimum requirements during work group and task force meetings, but to no apparent avail. Multi-family uses without required off-street parking can have as much as, if not greater impact, than “non-residential uses” as listed in sub-number “1.” or “Retail, Office, Restaurant or Services” in sub-number “2.”.

In my R-4 neighborhood there is an island of R-5-B (although the DCGIS map as of today has not been updated to reflect the right zoning from R-5-D – showing an even worse potential for increasing parking demand by residential development) and C-2-A. The R-5-B (R-5-D) district in Square 895 is locally known as “Medlink” and has been the focus of proposed extreme density residential reuse. The square has been before the Board of Zoning Adjustment on parking requirements for the current uses as well as before the Commission for what I thought was a right zone to R-5-B, although the DCGIS leads me to wonder. Redevelopment of this property into residential uses at an appropriate density is not opposed by neighbors, but not requiring any off-street parking will change this position in a heartbeat. Quite frankly, my neighbors are very leery of any protection zoning ostensibly provides and are still waiting for enforcement of the current parking requirements for the existing uses.

Already residents must search far and long for parking spaces. This is a very real public safety issue when residents must walk long distances late at night to get from a parking space to their home. In my opinion, not requiring adequate off-street parking and without any legal connection with DDOT to adequately provide parking will put you as the Zoning Commission in clear conflict with your statutory duty.

I join with the other ‘protectors of neighborhoods’ and respectfully request you delay any vote on this ‘conceptual’ parking policy until further work can be done to clarify the serious deficiencies in the current concept.

I appreciate your consideration of my testimony.

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