

LINDSLEY WILLIAMS
3307 HIGHLAND PLACE NW
WASHINGTON DC 20008

(202) 537-4884 - PRIMARY
 (202) 246-4814 - MOBILE

August 29, 2008

RECEIVED
 D.C. OFFICE OF ZONING
 2008 AUG 29 PM 12:06

Zoning Commission of the District of Columbia
 One Judiciary Square, Suite 210-South
 441 Fourth Street, NW
 Washington, DC 20001

Re: Additional Comments about Comprehensive Rewrite of Zoning Regulations: Parking
 (ZC Case 08-06-2) (By Fax and E-mail)

Honorable Members of the Commission:

Attached, as a reminder, is a copy of the outline of comments I touched on briefly when testifying July 31, remarks that I could not complete in the allotted time.

This letter focuses on a few of the topics I and others discussed that evening, and benefits from my reading/interpretation of the transcript that was produced from that hearing as well.

From the transcript, it appears that the Commission will dedicate some of its upcoming meeting of September 8, 2008 to provide direction for concepts that will then be developed for formal advertisement.

- You will recall, from my outline and remarks, a reservation (that others expressed as well) about having so many concepts for subsequent regulation tied to determinations that will be made by officials in the District of Columbia Department of Transportation ("DC-DoT"). These could be critical in the overall development process, but at present there are few published standards – let alone regulations that have been subject to public review and adoption consistent with the Administrative Procedures Act. As a consequence, the process that could result is undefined and the resulting zoning regulations operation is unpredictable. As a practical matter, you will not be able to project with any certainty just how the regulations will apply and thus are limited in your ability to discern if they will serve the public interest, harm it, or otherwise. Accordingly, my suggestion would be that you provide guidance the nature of which would call for dual and concurrent adoption of zoning regulations and related regulations from DC-DoT on the aspects that intersect, harmonizing the final products.
- As to changes that would hinge on Transit Oriented Development ("TOD"), I suggest that you direct those who will take that to more specific language identify a range of circumstances that would establish TOD projects or areas by a range of physical features, metrics, and public transportation services – clarifying, for example, that being "along or near a bus route or stop" would not necessarily propel a site to such status if, for example, the service were only there on rush hours or did not operate with some reasonable frequency weekends.
- Next, as to bicycle parking, I would urge the Commission to request that the two critical Agencies – the Office of Planning and Department of Transportation – provide the Commission and public a rationale for, on the one hand, proposing elimination of, or substantial reduction in, parking requirements for automobiles while concurrently suggesting significant increases in required bicycle parking. Pending receipt and acceptance of this, I would urge the Commission to forego publication of any standards as to requirements in this conceptual round and leave that, as seems likely for automobiles in many other sections, for determination as a part of the regulations for each zone district (with possible modification by overlays).

ZONING COMMISSION
 District of Columbia

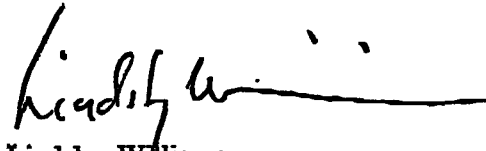
CASE NO.

EXHIBIT

ZONING COMMISSION
 District of Columbia
 CASE NO.08-06-2
 EXHIBIT NO.80

- Finally, it would be a suggestion that you affirm that the many existing "exception" and "interpretive" provisions be retained in the absence of a clear rationale for changing them or eliminating them.

Respectfully,



Lindsley Williams

Attachment

Lindsley Williams

3307 Highland Place NW
Washington DC 20008

July 31, 2008

**Outline of Remarks Regarding
Potential Changes to "Parking" Requirements in DC Zoning Regulations**

1. Introduction and Documents Reviewed (Concept Report and Notice of Hearing)
2. Context of Case
 - a. Existing Provisions (1958, 1984, as amended)
 - b. Comprehensive Plan Amendments (2006)
 - c. Zoning Update Process (2008)
3. Goals and Directions Provided by Comprehensive Plan
 - a. Location, Location, Location (Generalized Land Use Map, and more)
 - b. Use, Use, Use (and Mixes Thereof)
 - c. Density, Intensity, Proximity – or the Obverse
 - d. Form, form, form: High and Thick, Low and Thin, In Between (Range)
4. Parking (and Loading) are By Products of What is, or Comes to Be, Established
5. Zoning Provides Direction to Steer Development in the Directions Set Out by the Comprehensive Plan
 - a. The Basics of this Are the Essence of Paragraph 3, which is informed by the degree to which the effects of that contemplated can be achieved within the whole panoply of urban resources available (land, utilities, transportation, communication, etc.)
 - b. Parking, as such, cannot be fully studied in the context of any zoning "update" until the basics to which it is tied are themselves better settled.
 - c. Even then, the need for zoning controls must be weighed against the benefits of allowing market factors to operate freely – particularly if they produce no unacceptable adverse impact on the surrounding community or overall public: the test should be: Why is this regulation needed?
 - d. It seems possible that control on numbers (minimums and maxima) and metrics are less relevant to (adverse) impact than various aspects of operation (c.f., CM zone rules).
6. The concepts advanced at this time are stimulating, but mostly so vague as to make detailed comment impossible.
7. Reducing requirements in zoning may be a useful step, but one to be taken with care about situations that could see themselves as released from burdens of prior (current) regulations and various BZA or ZC Orders, which is a matter to which the Zoning Commission should give further thought prior to adoption of any changes.
8. Conversely, the proposed concepts move in quite the opposite direction for one mode of transportation – bicycles, without explanation or justification.
9. Finally, the proposed concepts appear to defer to as yet unspecified, and certainly unpromulgated, standards to be determined and interpreted by the DC Department of Transportation. This puts what are quintessentially zoning decisions outside the realm of both the Zoning Commission and the Zoning Administrator – which seems unwise.
10. Focus on critical elements (those in paragraph 3, then return to this question later (post DC-DoT)

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

TO:**Zoning Commission of the District of Columbia****202-727-6072**

FAX NUMBER

Washington

DC

202-727-6311

CITY

STATE

(TELEPHONE NUMBER)

FROM:

Lindsley Williams

202-537-4884**4**

NAME

TELEPHONE

TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: August 29, 2008

URGENCY: ☐ SUPER RUSH☐ RUSH ☐ REGULAR

FAXED BY: Lezlie Nye

FILE #:

CLIENT NAME: Firm/General

CONFIRMED: ☐ YES ☐ NO

NAME:

TIME:

If you did not receive all of the
pages or find that they are
illegible, please call
202 828-5085

CONFIDENTIALITY NOTICE: This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

MESSAGE:

5576228_v1

RECEIVED
D.C. OFFICE OF ZONING
2008 AUG 29 PM 12:06