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February 7, 2014

Members of the Zoning Commission  
DC Zoning Commission  
c/o the Office of Zoning  
Suite 210 South  
441 4th Street, NW  
Washington, DC 20001

Re: Zoning Regulations Rewrite Case No. 08-06A, Comments on:  
Subtitle C (General Rules) Chapter 19 (Parking, pg. 73) and Chapter 21 (Loading, pg. 92)  
Subtitle I, Downtown Zones, Section 402.2 (Use Permissions and Requirements) and Chapter 11  
Parking))

Ladies and Gentlemen:

The Penn Quarter, Chinatown, and Mt. Vernon neighborhoods have led the District's transformation to a living downtown. More than 10,000 residents call these neighborhoods home. The city has successfully established a community with a mix of commercial, residential, and cultural uses. The residences are often located above or tucked in between commercial buildings. This proximity comes with many benefits; however, this proximity can also adversely impact the quality of life for downtown residents. Downtown residents expect, and welcome, the opportunity to live among a greater range of uses, activities, noise, and lights than found in traditional residential neighborhoods. However, there is a point that this can be excessive and negatively alter the quality of life. The comments below address the issues in the Zoning Regulations Rewrite (ZRR) that if not modified will negatively impact our downtown residential community, and in some instances other valuable resources.

Traditionally, Residential Districts are established to protect residents from uses that generate incompatible activities, especially those that disturb the quiet enjoyment of one's home. In the proposed ZRR, these protections have been removed. Downtown does not include Residential Districts, instead 'Residential Uses' are permitted in a commercial-like zone. This issue can be ameliorated simply by substituting the words 'Residential Use(s)' in place of "Residential Districts" examples of which are noted below.

On behalf of our residential community, we respectfully request that the Zoning Commission and the District Office of Planning revise the following proposed zoning regulations in Subtitles I and C to protect the quality of life of downtown residents.

#### **Subsection I - Downtown Uses – Chapter 6, Section 402.2.**

Residential Uses in downtown commercial zones should be afforded some degree of protection from certain uses, noise, and artificial light to maintain an acceptable quality of life. To create and maintain a viable living downtown, the proposed zoning regulations should be modified to treat 'Residential Uses' in the Downtown Zone similar to "Residential Districts" elsewhere. Use Categories that include activities that are incompatible with residential uses (such as night clubs, pornography stores, or nude dancing clubs) should include conditions that prohibit, place restrictions on, or include distance requirements. For example the Food and Alcohol Services or Nude Dancing/ pornography use categories includes a full range of establishments. Some of these are incompatible with residential uses due to the excessive noise or activities generated very late at night or not appropriate. The proposed use restrictions in "Residential Districts" should also apply to all "residential uses" in the Downtown Zone. In addition, any reference to "Residential District" or "Residential Zone" should be revised to refer to "Residential Use(s)".

Using the term "Residential Use" instead of "Residential District" or "Residential Zone" will help facilitate the ability of other agencies to establish or change regulations to help protect the quality of life of downtown residents. For example, regulations that restrict hours of operation or maintain distance requirements between uses can address nuisance noise from commercial loading operations, amplified sound, or nearby construction, as well as direct or indirect light that penetrates or bounces off nearby walls into the living quarters of residential homes.

#### **Parking – Subtitle C, Section 1900**

1. Parking Requirement - (Section 1902.3 (b)): Vehicle parking shall not be required in the Downtown Zones.

If a minimum number of below grade parking spaces are not required in the future, residents, property owners, cultural venues, retailers, restaurants, and the city's tax receipts could all be affected negatively.

Several downtown property managers estimate that over 50 percent of the residents with cars do not use them to commute; they use transit, bike, or walk to work, theaters, and restaurants during the week. However, garage storage is needed for those who reverse commute; use their car on weekends/ vacations, or off-hours for errands and family visits. This is particularly true downtown because street parking is unavailable to Downtown residents —unlike other residential neighborhoods. Today, historic preservation requirements and narrow lot sizes result in residential development without parking or with only a few parking spaces, requiring residents with cars to find monthly parking elsewhere. There is also a need for parking requirements on commercial sites which can also rent to residents when parking spaces are not available on residential sites.

Parking is a use that can't easily be retrofitted, and, further, the Downtown streets are all metered leaving garage parking as the only alternative to residents living here. In the future, there is likely to be an imbalance between those owning cars wishing to live Downtown and the available number of spaces.

A lack of parking will cause a percentage of potential Downtown residents to live elsewhere and will cause property value to decline. Further, lack of parking will also affect restaurants and cultural venues, especially theaters, causing a steep decline in ticket sales. Apartment rentals, condominium sales, restaurant business, cultural venue attendance, commercial rental rates are all at stake. The market for condominiums without dedicated parking will likely be hurt because it will restrict who will purchase the property. Car sharing will likely be impacted because the cost of parking will be prohibitive.

Therefore, the zoning code should include a minimum parking requirement, especially for residential buildings to accommodate travel for the disabled, or when public transit is not a reasonable option, and to provide spaces for car sharing, regardless of the proximity to Metro stations.

#### **2. Car Sharing Requirement Section 1908.2:**

This is an important parking provision for new development; however, existing development is exempt. More Car-Sharing spaces are needed downtown in existing built-up areas. Please consider a provision (similar to other existing uses) that requires or provides incentives for parking garage managers to reassign an allocated number of their 'pay-for' spaces to 'car-sharing' spaces, including the ability to access these spaces as set forth in downtown the proposed regulations. It would be worthwhile to explore if it is possible to allow a tax rebate for car sharing spaces to compensate for lost revenue downtown, since most sites developed over the past 25 to 30 years.

#### **Loading, Subtitle C, Sections 2101.8 and 2103.3.**

The new loading regulations are good; however, to ensure downtown residents have the ability to load and unload passengers and goods (groceries, luggage, purchases, etc...) provisions are needed to

require mixed-use developments— where residential uses share loading facilities with commercial uses to:

- A. designate a twenty four hour loading zone outside the building or access to loading docks; or
- B. designates a short-term parking space for loading either in a garage, off of an alley or driveway, or elsewhere on private property adjacent to an entry door.

Such loading zone, short-term parking space, or loading dock needs to be available for residents to use at no charge 24-hours a day so residents are able to conveniently load and unload passengers and belongings for easy transport to and from residential units.

If 24 hour access can not be accommodated, then the regulations should require that the property owner obtain a space at the curb by the residential entrance so residents exclusively may load and unload passenger's belongings 24 hours a day. This is not a loading space for move in/moves out purposes but for residents who cannot park on site or who car-share to be able to place belongings into and out of a vehicle.

#### **Newspaper Box locations**

Regulations are needed to restrict the location of newspaper boxes that block parking, loading, and bus stop areas from the sidewalk in highly used pedestrian zones, especially near entries to residential buildings. For example, a long line of newspaper boxes are located at the curb in front of the Residences at Gallery Place buildings entry. This is a very heavily used pedestrian areas and the only place residents can pull up to unload a baby buggy, an elderly parent, groceries, etc... It is impossible to maneuver between the parking area and the sidewalk because of the number of obstacles. It is very dangerous and has been very dangerous getting into and out of cabs in front of our residence. These boxes are also used by folks to sit and hang out at the curb, making it even more difficult to maneuver around these obstacles. Often times it is difficult to make my way into the building between valet attendants, individuals waiting for the bus under the overhang in front of the residence, etc.

Thank you in advance for your consideration of these important issues that affects the quality of life of downtown living.

Regards,

Tom & Dorothy Belcher  
Residence @ Gallery Place, Homeowners

Cc: Members of the Zoning Commission and Staff

Anthony J. Hood, Chairman  
Marcie Cohen, Vice-Chairman  
Robert Miller, District Resident  
Michael G. Turnbull, Architect of the Capitol Designee  
Peter G. May, National Park Service Designee  
Jennifer Steingasser, Deputy Director, Development Review and Zoning