

Lindsley Williams
3307 Highland Place, NW
Washington, DC 20008

September 24, 2015

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

Re: ZC Case 08-06A Commenting on Texts of Certain Automobile- Garage- and
Parking-Related Provisions

Honorable Members of the Commission:

This letter reminds you, as you prepare to start overall consideration of the considerable texts flowing from the Zoning Regulation Review (“ZRR”), of broadly declared purposes, namely to complementing objectives to “simplify”, “streamline,” and at the same “update” its provisions. In fact, updating has been taking place since the current code was adopted in 1958. For example, the quaintly termed use “eleemosynary institution” was retired years ago but the use itself was relocated in another suitable classification. ZRR continues such refinements, and has other uses that are being retired as they no longer exist and will not reappear (“mechanical parking garage” being one, in a recent parallel to the proverbial “buggy whip” factory of the 1800’s.).

At the same time, my sense was and remains that the Zoning Commission, the Office of Planning, and at least some of those participating in the case hearings and submissions, were not intending ZRR to be a process by which existing development rights and controls were to be tightened. If anything, the notion was to provide ample protections and, where appropriate, more flexibility. (However, when so guided by the Comprehensive Plan or other clear evidence, the ZC has the duty to review rules that are inconsistent with that Plan or are adverse to the community from what are determined to be overly permissive provisions, but that was not, at least in my mind, a core purpose of ZRR.)

I have reviewed, as best I can, the many pages of the proposed ZRR published in May 2015 following the decisions the Commission reached in December 2014, with a focus on parking, garages, and automobile-related uses.

In this context, I have detected instances where there may be unintended curtailment of rights and instances where the terms defined and used appear to create some new problems even as ZRR seeks to simplify/streamline/ update.

Existing and Proposed Types of Garages – and “Service/Repair” in Gasoline Service Stations:

The present zoning code defines five types of garages; the proposed code four, of which only one keeps its prior term intact, as follows (simplified):

Present Zoning		ZRR of May 2015 Proposes	
Term	Key Feature(s)	Term	Key Feature(s)
Garage, Private	May not exceed 900 ft. ² ; no service or repair facilities	Garage, Parking	May not exceed 900 ft. ² ; no service or repair facilities <i>Comment: Term proposed is identical to a current term but has opposite meaning as to square footage.</i>
Garage, Parking	Over 900 ft. ² ; no service or repair; specifically mentions intent to cover as “accessory use” of a building; not “Mechanical Parking Garage”	Garage, Public	Over 900 ft. ² ; no service or repair. <i>Comment 1: The word “Public” implies ownership by a public entity, which is rare in DC</i> <i>Comment 2: If not retained as “Parking Garage,” perhaps “General Parking Garage” would be suitable.</i>
Garage, Public Storage	Any size; allows incidental service and repairs	(Nothing comparable)	<i>Comment: Thus, for any service, vehicle must be taken or get elsewhere, then return.</i>
Garage, Repair	Any size; allows repairs to body, engine, etc.	Garage, Repair	Any size; allows repairs to body, engine, etc.
Garage, Mechanical Parking	Any size; no service or repair; only occupant storage area is attendant <i>Comment: Use allowed sparingly, only downtown; none now exist; obsolete</i>	(Definition retired)	
		Garage, Automated Parking	Any size; no occupancy of storage area by anyone; computerized; may be a Public Garage . <i>Comment: Would be allowed by right in most/any garage.</i>
Gasoline Service Station	For fueling and lubricating; other incidentals OK (hand-washing, polishing, minor tire repair, battery charging, etc.); not a repair garage nor “automobile laundry”	Gasoline Service Station	For fueling and lubricating; other incidentals OK (hand-washing, polishing, minor tire repair, battery charging, etc.); not a repair garage nor “car wash”

From this table, I find considerable basis for expecting citizen, owner, and overall administrative confusion as old terms take on new meanings (and, for no clear purpose); instead, as in “repair garage” and “gasoline service station,” I recommend that when current and proposed terms have essentially the same provisions, the terms are best left unchanged.

I see no reason from the ZRR case record or Comprehensive Plan to delete or retire “Public Storage Garage,” casting such uses into investment-chilling non-conforming status to boot. Keep that term in the tool box and allow it to exist, with appropriate controls if needed, in new ZRR zones where now allowed in the present code.

Finally, while I see every reason to keep the ban on service and repair “facilities” in garages limited to 900 square feet, requiring vehicle owners to take their vehicles somewhere else for minor servicing such as hand-washing, detailing, polishing, tire inflation, battery charging, etc., only adds to trip miles and owner frustration/annoyance if the needed service could be provided to those already parking there instead, at least in those garages that must be over 900 square feet (whatever they wind up being called).

Other Observations:

I have tried to read the proposed regulations in some detail, searching out terms pertinent to this letter’s content. Please understand that while “Word” allows text searches that span lines, the same function in Adobe does not so if a term such as “mechanical parking garage” appears in the proposed rule on two lines, it will not be found with that search term, defeated by the line break.

Loose Use of “Parking Garage”

A full “Word” search of ZRR is needed to locate and fix instances where the term “parking garage” is meant to be the term now proposed, particularly if kept in the roster of proposed uses (which I earlier recommended against). **The most egregious of these is in the definition of “gross floor area”.** There, one of the exclusions is ramps leading down to a **“parking garage,” the term ZRR proposes just the garages that are no larger than 900 square feet.** Clearly not the intent, but there it is! A **“fix” there is essential**, perhaps as simple as **“ramps leading down to areas of parking.”** The term “parking garage” shows up 26 times (in my Adobe search), likely a bit more with a Word search. Sometimes it means exactly what is proposed, but in other instances this is not the case. Another reason to keep existing garage terms intact, other than the retirement of “mechanical” and the addition of “automated”.

Likely Inadvertent Exclusion of Automated Parking Garage:

As noted earlier, the present rules put many limits on mechanical parking garages. And, the new term, “Automated Parking Garage,” can be seen as a successor. But, in one part of Subtitle H, Special Exception Uses (NC Use Group C, at page H-47, section 1109.1(c)(3)) automated parking garages are reference, inappropriately in my mind, as they bear no external similarity to the “mechanical parking garages” that were understandably limited in the corresponding portion of the existing zoning code.

Public Storage Garages:

As noted above, the use “public storage garage” would not continue if ZRR as proposed goes into effect. Yet it would be allowed thrice (pp. H-38, H-42, and U-57), and be banned/restricted twice (pp. U-65 and U-70). As expressed above, I think at least some of that term’s thought, if not name, should continue as it allows, as two others now proposed would exclude, truly incidental services such as washing, polishing, detailing, inflating tires, jumping car batteries and even refueling electric vehicles at charging stations. While a cure here might be to soften the restriction on “service” in Public Garage (the term proposed); to me, incidental services need not be the exclusive realm of a Repair Garage or a Gasoline service station, forcing countless trips to and back from such places (not all of which would be in DC), uses which are dwindling in DC for

market reasons, yet, for no community purpose. My preference would be to restore “Public Storage Garage” to the list of ZRR’s uses, and add some clearly incidental services to all other garage uses over 900 square feet, thus maximizing consumer choice and competition without creating trip-inducing vehicle service “magnets”.

Accessory Gasoline Sales:

In three instances, there are provisions about gasoline service stations accessory to a parking use (pp. H-38, U-65, and U-71). While such gasoline accessory uses existed in the past, I know of no such use in the District in this century, and I can't imagine one being developed as the mix of fuel and parking is too risky so insurance would be prohibitive, along with nasty fuel storage hassles from DDoE if no where else. The one at U-71 is tied to a relic of the past ("mechanical parking", again none left) so that whole text should be deleted as should those tied to other types of garages.

Car Wash versus Carwash:

I found "Car Wash" in definitions and five other places, all seeming to be just what was intended. But, I also found "carwash" six other places. Of these, three seem as if they would be what was intended *if a space were added* to separate “car” from “wash”, thus conforming to the defined term (pp. B-45, U-70, and U-98). For the other three, the context suggests that while washing and detailing by hand would be allowed, but a (mechanical) car wash would not, so maybe that text should be studied and something like "hand washing, polishing, and detailing of vehicles already parked on an incidental basis is permitted, but not a mechanized *car washing* facility" (pp. I-24, U-46, and U-58).

You may also want to explore the definition of car wash itself. One defining element seems to be the “chain or other conveyor”. (Subtitle B, page B-10). Such features are found in full-fledged car washing establishments. But, many gasoline stations across the country offer smaller facilities in which the vehicle remains stationary and the equipment moves instead. Are such to be regulated? How?

Key card station:

I found this term twice (pp. K-58 and K-101); its meaning is not clear to me. Is it some unattended gas pump?

Conclusion:

You have a major undertaking in the entire ZRR. I hope it can emerge soon and have it launch with minimal glitches. Hopefully, what I have provided above will get you closer to those results.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Williams", with a long horizontal flourish extending to the right.

Lindsley Williams

cc: Office of Planning
Zoning Administrator, DCRA