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IN REPLY REFER TO:
NCPC File No. ZC #08-06-10

OCT 30 2009

Chairman Anthony Hood
Zoning Commission for the District of Columbia
441 4th Street NW, Suite 210 South
Washington, DC 20001

RE: Comments on Proposed Amendments to Zoning Regulations – Downtown

Dear Mr. Hood:

NCPC staff appreciates the opportunity to comment on the District of Columbia Office of Planning's general recommendations for changes to the zoning regulations in relation to downtown and adjacent high density commercial and mixed use areas. This is a timely and important issue, and we have appreciated the detailed studies and work products from the consultants and staff team on this issue.

The enclosed comments are provided by NCPC staff for your consideration. These comments are based on the public hearing report for ZC 08-06-10, Proposed Amendments to Zoning Regulations - Downtown, dated October 15, 2009 (received by NCPC via email notification on October 26, 2009). NCPC staff's comments reflect both general planning perspectives and specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission has the opportunity to review updates.

If you have any questions, please call me at 202-482-7254 or Jeff Hinkle at 202-482-7265.

Sincerely,

Michael Sherman
Director, Policy and Research

cc: District of Columbia Zoning Review Taskforce,
Travis Parker, District of Columbia Office of Planning

On August 19, 2009 NCPC staff provided comments to the District of Columbia Office of Planning (OP) on the June 2009 draft of proposed zoning regulation changes to the zoning districts in the Downtown and Central Washington (as defined by the OP map presented at the working group meetings). A copy of these comments is attached for your review.

As noted in our August 19, 2009 comments to OP, NCPC staff is very interested in the proposed zoning regulations revisions for the Downtown and Central Washington zoning districts, which generally cover the monumental core of Washington. These areas contain the highest concentration of federal government employees and operations, not only in federally-owned buildings, but also in leased office space. Furthermore, numerous federal laws govern the development of land in the monumental core, including the National Capital Planning Act, the National Historic Preservation Act of 1966 and the Height of Buildings Act of 1910, the Pennsylvania Avenue Development Act, and the Federal Triangle Development Act. These laws and others guide NCPC's review of federal projects in the monumental core as well as non-federal projects with impacts on federal interests.

Our review of OP's proposed revisions to the D.C. Zoning Regulations is also guided by the Comprehensive Plan for the National Capital (Comprehensive Plan), both the Federal Elements and the District Elements. Overall, NCPC staff finds that the proposed zoning revision recommendations will facilitate the creation of vibrant, mixed-use compact development, serviced by mass transit is consistent with the principles of Smart Growth espoused by the Comprehensive Plan Federal Elements. The Central Washington (and Downtown) neighborhoods are prime areas for transit-oriented development given the high number of transit lines to include the Metro train lines, bus lines and the DC Circulator. Such developments maximize the utility and public investments in mass transit. NCPC staff also endorses strategies to increase the affordable housing stock and useable open spaces in the Central Washington neighborhoods. The above strategies, when incorporated into OP's recommendations for the Downtown zoning regulations, could enhance the work environment of federal employees and improve their commuting and housing choices, thus improving their quality of life.

Overall, we find that it is premature for NCPC staff to determine the impacts to federal interests of the downtown regulations revisions at this time due to the conceptual nature of the recommendations. We understand that after the Zoning Task Force and the DC Zoning Commission evaluate OP's recommendations and provides input to DC Planning staff, there will be another opportunity to review the actual proposed language for the Downtown zoning amendments. At this next phase, NCPC staff will provide further review comments to the District.

The following highlights where NCPC staff's August 19, 2009 comments to OP have been addressed and areas of continued concern; these comments are organized under the seven recommendations as identified under the public hearing report for ZC 08-06-10, Proposed Amendments to Zoning Regulations - Downtown, dated October 15, 2009.

Recommendation 1

Replace complicated overlay structure with six stand-alone downtown zoning districts in order to establish a simplified zoning structure for height, bulk, and use permission.

NCPC staff conceptually supports simplifying the number of zoning districts in the monumental core and combining zoning districts with similar goals such as the promotion of mixed-use high-density development or encouraging high-density residential development near mass transit and employment centers. NCPC staff appreciates the map delineating the proposed DD zones and the identification of the height, bulk, by-right uses, and other significant requirements of each zoning district that OP included within the October 15, 2009 public hearing report.

The October 15, 2009 public hearing report proposes that some sites under the Capital Gateway Overlay (CG) be absorbed into the proposed "DD" zoning districts. NCPC currently reviews projects in the CG overlay. However, in the Mixed/Other (a.k.a. Waterfront zoning districts) working group meetings, OP discussed the CG Overlay within the context of the Waterfront zoning districts. Unlike the Downtown recommendations, OP staff seems to recommend preserving the CG Overlay and the Planned Unit Development (PUD) option within the Waterfront zoning districts. The new regulations should address how the Zoning Commission will identify those projects in the new DD districts that it must refer to NCPC for review as predicated by the current, defined boundaries of the CG Overlay. [Note: NCPC staff has not analyzed the map delineating the proposed DD zones as we understand that it should not be interpreted to represent final boundaries of any new zone.]

NCPC staff appreciates the report's clarification that the bonus height of buildings is subject to compliance with the Height of Buildings Act of 1910 (Heights Act). We encourage the District to continue to refer to our comments to the Zoning Commission for measuring height (Appendix A within the attachment), previously submitted as part of this Zoning Regulations review on Height standards.

Recommendation 2

Replace the current mechanisms for incentivizing housing (combined lot developments and transferable development right) within a single system of Housing Credits. Ensure that vested TDR and CLD rights not yet allocated will retain existing rights and value, including converting unallocated rights to Housing Credits. Allow the generation of extra Housing Credits through the creation of on-site affordable housing. Retain an ability to reduce a downtown housing requirement by constructing affordable housing projects outside of the DD.

As we noted in our August 19, 2009 comments to OP, NCPC staff is concerned that replacing the PUD provision as a way to access bonus density incentivizes one public benefit of development while sacrificing others, specifically a functional or aesthetic feature that adds to the attractiveness, livability, and sustainability of the emerging and historic neighborhoods in the Central area such as (as identified in the PUD regulations of the DC Zoning Regulations):

- Urban design, architecture, landscaping, or creation or preservation of open spaces;
- Historic preservation of private or public structures, places, or parks;
- Employment and training opportunities;
- Housing and affordable housing;
- Social service facilities;
- Environmental benefits, such as stormwater runoff controls and preservation of open space or trees

In restating our August 19, 2009 comments, the recommendations to use TDRs as the main strategy to incent the production of housing imply that PUDs will be less commonly used in the downtown and Central Washington area. Given the large number of federal buildings in the said areas, many private development proposals could have significant impacts on federal interests. The PUD process currently allows NCPC to ensure that these federal interests are protected or appropriately addressed prior to development approval. One potential approach could be to identify streets and squares adjacent to major federal facilities as sites that would require NCPC review.

To the extent possible, the zoning regulations should also look at establishing a direct link between the new residential units developed and the amount of parkland needed as a basis for requiring parks and/or open spaces in the new DD zoning districts. Expanding the area where high-density residential development can be built outside of the Downtown and within Central Washington will entail an evaluation of current infrastructure capacity in this larger area. In particular, demand for parks and useable open space by the new population should be taken into account by including the provision of new recreational amenities and useable open spaces as part of the zoning requirements. We have provided the CapitalSpace GRASP Map for Access to All Recreation which includes an inset map "Average GRASP Score per Planning Area" showing the Central Area/DD district having a low score of 19, which indicates low access to public recreation amenities found in parks, DCPS schoolyards and DPR recreation centers. (Appendix B within the attachment).

Recommendation 3

Continue existing street-based retail requirements from the DD and CG overlay zones. Standardize requirements and combine them into a single list or map of retail streets. Add streets where approved policy guidance calls for support of retail. Do not allow the generation of Housing Credits for retail uses.

NCPC staff appreciates the creation of a map showing the location of proposed retail requirements in the new DD districts. As noted in our August 19, 2009 comments to OP and previously submitted comments to the Zoning Commission regarding our review of the Retail Strategy for the zoning regulations (Appendix C within the attachment), NCPC staff recommends further consideration of the following locations for retail within Central Washington:

- Across federal facilities with ground floor retail, public plazas, historic parks and memorials. NCPC is currently conducting a study with the General Services Administration to develop strategies to activate the ground floor public spaces of federal buildings through programming, streetscape design, and appropriate uses such as retail. As double-loaded retail corridors stand a better chance of succeeding, sites opposite federal properties with ground floor retail and public gathering spaces could be the most viable locations for retail uses.
- Various streets at the Northwest Rectangle and Southwest Rectangle, especially along 10th Street SW, as recommended by the Monumental Core Framework Plan.
- NCPC staff continues its offer to meet with OP staff to coordinate our related efforts for improving and expanding retail opportunities in the new DD zones.

NCPC staff also suggests that the zoning regulations incentivize the development of grocery stores in areas where a concentration of high-density residential development is anticipated. Instead of eradicating the TDR provision for retail, consider TDR generation for grocery store sites (as TDR sending areas) that meet a minimum gross floor area requirement.

Recommendation 4

Allow the generation of Housing Credits through renovation of historic landmarks in the expanded downtown area.

As we noted in our August 19, 2009 comments to OP and above in our comments on Recommendation 2, NCPC staff is concerned that replacing the PUD provision as a way to access bonus density incentivizes one public benefit of development while sacrificing others, specifically a functional or aesthetic feature that adds to the attractiveness, livability, and sustainability of the emerging and historic neighborhoods in the Central area. This includes historic preservation of private or public structures, places, or parks (as identified in the PUD regulations of the D.C. Zoning Regulations).

NCPC staff does, however, support OP's effort to promote historic restoration within an expanded downtown area.

Recommendation 5

Maintain designation of existing arts area within the DD. Guidelines will be changed according to Arts & Culture recommendations and do not require HC production for arts uses.

As noted in our August 19, 2009 comments to OP, NCPC staff understands that OP has previously developed a set of recommendations for the Arts uses which will effectively preserve the existing Arts-related spaces in the DD (currently part of the Downtown Arts overlay) and strengthen the requirements for Arts uses by not permitting non-arts uses to count towards the proposed 0.5 FAR requirements for Arts uses. NCPC staff supports the District's efforts to

strengthen the zoning requirements for Arts-related uses in the Central Area as a means to provide another layer of diversity in the mix of uses in the DD zoning districts. Arts and Culture uses contribute to the success of retail and street-level pedestrian amenities, which in turn enhance the work environment of federal employees. As the District evaluates the appropriate locations where Arts-related uses will be required, NCPC recommends that locations adjacent to or across the street from commemorative sites and public parks and squares be considered as viable areas for the Arts-related uses.

Recommendation 6

Establish parking maximums for residential uses downtown. Maximums should be geared toward ensuring unbundling of residential parking and maximum efficiency of residential parking lots.

NCPC staff notes that in the October 15, 2009 public hearing report does not contain a recommendation for commercial parking downtown, as was included within OP's June 2009 draft of proposed zoning regulation changes to the zoning districts in Downtown. Within the August 19, 2009 comments from NCPC staff on the June 2009 report, we note that our comments on Parking and Loading Requirement have been previously provided to the Zoning Commission as part of this zoning review (Appendix D within the attachment). These comments are likewise applicable to commercial and residential parking and loading issues in the downtown study area.

In addition to these previous comments, NCPC staff also requests that OP staff consider the following issues:

- When allowing the conversion of underground parking spaces to other uses, the zoning regulations must account for restrictions on uses in underground vaults. Currently, garage footprints are allowed to extend to the public right-of-way in underground vaults. However, if these garage areas are converted to other uses, these new uses may not be legally allowed under the rights-of-way.
- NCPC staff encourages the continued consideration of multi-modal transportation strategies to minimize single-occupant vehicle commutes in the downtown and Central Washington area. One way to encourage alternative transportation modes is to provide ample bicycle storage facilities in garages. Secure bicycle storage in underground garages should be required for commercial buildings in the new DD zoning districts and the zoning regulations should ensure their preservation.

Recommendation 7

Require a special exception with time limitations for surface parking lots in the proposed downtown area.

NCPC staff supports imposing a time limit for surface parking lots as a temporary use in the downtown and Central Washington area (not just in the downtown area as the recommendation states). As we noted in our August 19, 2009 comments on OP's June 2009 draft of proposed

zoning regulation changes to the zoning districts in Downtown, the following issues should be clarified as OP develops the specific regulations for temporary parking:

- Requests for extension of temporary use and maximum cumulative period for granting such temporary surface parking uses. Will the District grant multiple requests for extensions or is there a limit to the number of times a land owner can request a temporary use permit for a surface parking lot?
- Distinguish between "short term" and "long term" temporary parking lots and impose additional requirements for long-term parking lots. Specify a reasonable maximum number of days for a short-term temporary use (i.e., 365 days) and a long-term temporary use (i.e., 3 years) specific to parking lots in the new DD zoning districts.
- There should be an acknowledgement that "long term" temporary parking lots have significant visual impacts that need to be mitigated through additional zoning requirements such as:
 - Landscape screening
 - Posting a landscape bond equivalent to the number of years that a temporary use is granted for the property to ensure that the landscape screening and all site improvements required to mitigate the negative impacts of the proposed use will be maintained throughout the duration of the temporary parking lot use.
 - Incorporating Low Impact Development solutions to treat on-site stormwater runoff consistent with the Sustainability recommendations for parking lots that were previously considered in the zoning review.

MEMORANDUM



Date: August 19, 2009
To: Travis Parker, District of Columbia Office of Planning
From: Michael Sherman, National Capital Planning Commission *MS*
Subject: NCPC Staff Comments on the Office of Planning's Recommendations Regarding the Downtown

NCPC staff appreciates the opportunity to comment on District of Columbia Office of Planning's (OP) proposed zoning regulation changes to the zoning districts in the Downtown and Central Washington (as defined by the OP map presented at the working group meetings).

The following comments on the June 2009 draft are provided by NCPC staff for your considerations. These comments reflect both general planning perspectives and identify specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission have the opportunity to review draft updates.

NCPC staff is very interested in the proposed zoning regulations revisions for the Downtown and Central Washington zoning districts, which generally cover the monumental core of Washington. These areas contain the highest concentration of federal government employees and operations, not only in federally-owned buildings, but also in leased office space. Furthermore, numerous federal laws govern the development of land in the monumental core, including the National Capital Planning Act, the National Historic Preservation Act of 1966 and the Height of Buildings Act of 1910, the Pennsylvania Avenue Development Act, and the Federal Triangle Development Act. These laws and others guide NCPC's review of federal projects in the monumental core as well as non-federal projects with impacts on federal interests.

Our review of your proposed revisions to the DC Zoning Regulations is also guided by the Comprehensive Plan for the National Capital (Comprehensive Plan), both the Federal Elements and the District Elements. Overall, NCPC staff finds that the proposed zoning revision recommendations will facilitate the creation of vibrant, mixed-use compact development, serviced by mass transit is consistent with the principles of Smart Growth espoused by the Comprehensive Plan Federal Elements. The Central Washington (and

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Downtown) neighborhoods are prime areas for transit-oriented development given the high number of transit lines to include the Metro train lines, bus lines and the DC Circulator. Such developments maximize the utility and public investments in mass transit. NCPC staff also endorses strategies to increase the affordable housing stock and useable open spaces in the Central Washington neighborhoods. The above strategies, when incorporated into OP's recommendations for the Downtown zoning regulations, could enhance the work environment of federal employees and improve their commuting and housing choices, thus improving their quality of life.

Overall, we find that it is premature for NCPC staff to determine the impacts to federal interests of the downtown regulations revisions at this time due to the conceptual nature of the recommendations. We understand that after the Zoning Task Force and the DC Zoning Commission evaluate OP's recommendations and provides input to DC Planning staff, there will be another opportunity to review the actual proposed language for the Downtown zoning amendments. At this next phase, NCPC staff will provide further review comments to the District.

We look forward to continued participation in the DC Zoning Review process. If you have any questions, please call me at 202-482-7254.

NCPC staff comments are organized under the nine recommendations as identified under DCOP's proposed Downtown zoning regulations recommendations to the Task Force.

Recommendation 1: Building Bulk and Height Regulations

Provide a simplified zoning structure for height, bulk and use permission. Replace complicated overlay structure with six stand-alone downtown zoning districts.

NCPC staff conceptually supports simplifying the number of zoning districts in the monumental core and combining zoning districts with similar goals such as the promotion of mixed-use high-density development or encouraging high-density residential development near mass transit and employment centers. However, Staff cannot determine what type of impacts these changes to the zoning district designations will have on federal interests until the zoning districts are clearly delineated on a map and the height, bulk, by-right uses, and other significant requirements of each zoning district are clearly identified. We understand that these will be developed by OP staff in the second phase of the zoning regulations update which NCPC staff will review further.

As OP staff develops the specific regulations to accomplish recommendation 1, we ask that the following issues be addressed:

1. Clarify whether the Capital Gateway Overlay (CG), will be absorbed into the new "DD" zoning districts or the Waterfront zoning districts. NCPC currently reviews projects in the CG overlay. The new regulations should address how the Zoning Commission will identify those projects in the new DD districts that it must refer to

NCPC for review. [Note: NCPC's review authority of the CG is predicated by defined boundaries of the overlay that do not correspond to the zoning district lines.] Based on the information provided, the Capital Gateway Overlay is one of the designations that will be replaced with the new DD districts. However, in the Mixed/Other (a.k.a. Waterfront zoning districts) working group meetings, OP discussed the Capital Gateway Overlay within the context of the Waterfront zoning districts. Unlike the Downtown recommendations, OP staff seems to recommend preserving the Capital Gateway Overlay and the Planned Unit Development (PUD) option within the Waterfront zoning districts.

2. Clarify whether all R-5s in the zoning map will be changed or only those contiguous to other zoning districts in the Central Washington area.
3. Clarify that the bonus height of buildings is subject to compliance with the Height of Buildings Act of 1910 (Heights Act). Historically, there are many factors in addition to the Height Act that the District used to determine the building height limits for various zoning districts. NCPC's concern is to assure that the federal Height Act limits are met: NCPC has no concerns about the maximum height permitted by zoning when that height is below the maximum height allowed by the Height of Buildings Act. There are zoning districts in the Central area whose height limits will increase through the simplified zoning categories being proposed. Care should be taken to ensure that the new height limits comply with the Height Act.
 - a. A map of height limits in the monumental core would assist NCPC staff in determining how the proposed DD zoning district standards will or will not be consistent with the Height Act.
 - b. We encourage the District to refer to our comments to the Zoning Commission for measuring height (Appendix A), previously submitted as part of this Zoning Regulations review on Height standards.

Recommendation 2: Housing

Develop new housing incentives for the entire Study area, based on existing Transfer of Development Rights (TDR) and Combined Lot Development (CLD) programs. The new incentives would replace the existing TDR and CLD programs while ensuring that existing TDR and CLD credits are maintained and retain existing rights. The intent of this recommendation is to increase options for bonus density, remove the uncertainty of the PUD, and incent housing throughout Central Washington (new DD zoning districts).

While this recommendation will facilitate the production of housing in the downtown neighborhoods, NCPC staff is concerned that replacing the PUD provision as a way to access bonus density incentivizes one public benefit of development while sacrificing others, specifically a functional or aesthetic feature that adds to the attractiveness, livability, and sustainability of the emerging and historic neighborhoods in the Central area such as (as identified in the PUD regulations of the DC Zoning Regulations):

- Urban design, architecture, landscaping, or creation or preservation of open spaces;
- Historic preservation of private or public structures, places, or parks;

- Employment and training opportunities;
- Housing and affordable housing;
- Social service facilities;
- Environmental benefits, such as stormwater runoff controls and preservation of open space or trees

The recommendations to use TDRs as the main strategy to incent the production of housing imply that PUDs will be less commonly used in the downtown and Central Washington area. Given the large number of federal buildings in the said areas, many private development proposals could have significant impacts on federal interests. The PUD process currently allows NCPC to ensure that these federal interests are protected or appropriately addressed prior to development approval. One potential approach could be to identify streets and squares adjacent to major federal facilities as sites that would require NCPC review.

To the extent possible, the zoning regulations should look at establishing a direct link between the new residential units developed and the amount of parkland needed as a basis for requiring parks and/or open spaces in the new DD zoning districts. Expanding the area where high-density residential development can be built outside of the Downtown and within Central Washington will entail an evaluation of current infrastructure capacity in this larger area. In particular, demand for parks and useable open space by the new population should be taken into account by including the provision of new recreational amenities and useable open spaces as part of the zoning requirements. We have provided the CapitalSpace GRASP Map for Access to All Recreation which includes an inset map “Average GRASP Score per Planning Area” showing the Central Area/DD district having a low score of 19, which indicates low access to public recreation amenities found in parks, DCPS schoolyards and DPR recreation centers. (Appendix #B).

Recommendation 3: Retail

Continue existing street-based retail requirements from the DD and CG zones. Standardize requirements and combine them into a single list or map of retail streets. Add streets where approved policy guidance call for support for retail. Remove TDR generation potential for retail above 0.5 F.A.R.

NCPC staff supports the creation of a map showing where retail is required in the new DD districts as an effective way of implementing its retail strategies. We have previously submitted comments to the Zoning Commission regarding the Retail Strategy review of the zoning regulations (Appendix C). We hope OP staff will revisit those comments for consideration in the retail recommendations as the District develops the retail requirements for the downtown and Central Washington.

As OP staff embarks on its evaluation of potential areas for additional retail spaces outside of the DD and CG overlay zones, NCPC staff recommends consideration of the following locations for retail:

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- Across federal facilities with ground floor retail, public plazas, historic parks and memorials. NCPC is currently conducting a study with the General Services Administration to develop strategies to activate the ground floor public spaces of federal buildings through programming, streetscape design, and appropriate uses such as retail. As you know, double-loaded retail corridors stand a better chance of succeeding so sites opposite federal properties with ground floor retail and public gathering spaces could be the most viable locations for retail uses.
- Various streets at the Northwest Rectangle and Southwest Rectangle, especially along 10th Street SW, as recommended by the Monumental Core Framework Plan.

NCPC staff will be more than happy to meet with OP staff to coordinate our related efforts for improving and expanding retail opportunities in the new DD zones.

NCPC staff also suggests that the zoning regulations incentivize the development of grocery stores in areas where a concentration of high-density residential development is anticipated. Instead of eradicating the TDR provision for retail, consider TDR generation for grocery store sites (as TDR sending areas) that meet a minimum gross floor area requirement.

Recommendation 4: Design Review

Examine the inclusion of design review for downtown buildings over 90 feet. This issue should be reviewed by the Design Review working group with the goal of effective, meaningful review in a short period of time.

NCPC staff looks forward to participating in the working group meetings to discuss the Design Review issue. Please notify Michael Sherman at NCPC regarding the meeting dates and Zoning Commission review dates at michael.sherman@ncpc.gov.

Recommendation 5: Arts

Maintain designation of existing arts area within the DD. Guidelines will be changed according to Arts & Culture recommendations and do not require continued TDR production for arts uses.

NCPC staff understands that OP has previously developed a set of recommendations for the Arts uses which will effectively preserve the existing Arts-related spaces in the DD (currently part of the Downtown Arts overlay), and strengthen the requirements for Arts uses by not permitting non-arts uses to count towards the proposed 0.5 FAR requirements for Arts uses. NCPC staff supports the District's efforts to strengthen the zoning requirements for Arts-related uses in the Central Area as a means to provide another layer of diversity in the mix of uses in the DD zoning districts. Arts and Culture uses contribute to the success of retail and street-level pedestrian amenities, which in turn enhance the work environment of federal employees. As the District evaluates the appropriate locations where Arts-related uses will be required, NCPC recommends that locations adjacent to or across the street from commemorative sites and public parks and squares be considered as viable areas for the Arts-related uses.

Recommendation 6: Historic Preservation

Remove the potential to generate TDRs for historic preservation within the DD.

NCPC staff notes that many mid-century modern buildings in the Central Washington area may eventually qualify as historic buildings. Instead of eradicating the TDR program for historic preservation, perhaps it should be retained to anticipate the new opportunities for preserving mid-century modern architecture. The District may want to conduct a study of its existing stock of mid-century modern architecture in the DD study area and identify those buildings that merit preservation.

Recommendation 7: Commercial Parking

Do not provide commercial parking maximum downtown. However, commercial parking in excess of existing averages should be built to be convertible to other uses as travel modes shift.

NCPC staff previously submitted comments on Parking and Loading Requirement to the Zoning Commission as part of this zoning review (Appendix D). These comments are likewise applicable to parking and loading issues in the downtown study area. In addition to these previous comments, NCPC staff requests that OP staff consider the following issues:

- When allowing the conversion of underground parking spaces to other uses, the zoning regulations must account for restrictions on uses in underground vaults. Currently, garage footprints are allowed to extend to the public right-of-way in underground vaults. However, if these garage areas are converted to other uses, these new uses may not be legally allowed under the rights-of-way..
- NCPC staff encourages the continued consideration of multi-modal transportation strategies to minimize single-occupant vehicle commutes in the downtown and Central Washington area. One way to encourage alternative transportation modes is to provide ample bicycle storage facilities in garages. Secure bicycle storage in underground garages should be required for commercial buildings in the new DD zoning districts and the zoning regulations should ensure their preservation.

Recommendation 8: Residential Parking

Establish parking maximums for residential uses downtown. Maximums should be geared toward ensuring unbundling of residential parking and maximum efficiency of residential parking lots.

NCPC staff previously submitted comments on Parking and Loading Requirement to the Zoning Commission as part of this zoning review. These comments are likewise applicable to parking and loading issues in the downtown study area. (Appendix D)

Similar to our comments on Commercial Parking, the zoning regulations should ensure the provision of secure bicycle storage for residential buildings in the new DD zoning districts.

Recommendation 9: Surface Parking

Require a special exception with time limitations for surface parking lots in the proposed downtown area.

NCPC staff supports imposing a time limit for surface parking lots as a temporary use in the downtown and Central Washington area (not just in the downtown area as the recommendation states). As OP staff develops the specific regulations for temporary parking, the following issues should be clarified:

- Requests for extension of temporary use and maximum cumulative period for granting such temporary surface parking uses. Will the District grant multiple requests for extensions or is there a limit to the number of times a land owner can request a temporary use permit for a surface parking lot?
- Distinguish between “short term” and “long term” temporary parking lots and impose additional requirements for long-term parking lots. Specify a reasonable maximum number of days for a short-term temporary use (i.e., 365 days) and a long-term temporary use (i.e., 3 years) specific to parking lots in the new DD zoning districts.
- There should be an acknowledgement that “long term” temporary parking lots have significant visual impacts that need to be mitigated through additional zoning requirements such as:
 - Landscape screening
 - Posting a landscape bond equivalent to the number of years that a temporary use is granted for the property to ensure that the landscape screening and all site improvements required to mitigate the negative impacts of the proposed use will be maintained throughout the duration of the temporary parking lot use.
 - Incorporating Low Impact Development solutions to treat on-site stormwater runoff consistent with the Sustainability recommendations for parking lots that were previously considered in the zoning review.

APPENDIX A
NCPC letter to Zoning Commission
DC Zoning Revisions: Height



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IN REPLY REFER TO:
NCPC File No. 08-06-01

JAN 05 2009

Anthony Hood, Chair
Zoning Commission of the District of Columbia
441 4th Street NW, Suite 220
Washington, DC 20001

RE: Case No. 08-06-1: Updates to Zoning Codes Related to Height

Dear Chairman Hood and Members of the Commission:

We have received the District of Columbia Office of Planning (DCOP) December 1, 2008 memorandum providing revisions to their conceptual approaches to measuring height, for use in updating the District's zoning codes. Our understanding is that the Zoning Commission will be reviewing and providing direction on this topic at their January 5 meeting. The December 1 memorandum proposes several significant changes from the previous memorandum, about which we have a number of concerns which will be discussed in more detail below. Several of the conceptual recommendations could result in continuing conflicts in interpretation, as several of the proposals do not appear consistent with our agency's interpretation of the 1910 Height of Buildings Act (Height Act). This could lead to an approach where buildings at or above the limits established by the Height Act would have to meet zoning requirements to ensure consistency with the Height Act, while buildings fully below the Height Act limits could meet different standards set by District codes. While a solution, this provides neither the desired consistency in interpretation, nor does it promote uniformity in the built environment. Our concerns regarding the December 5 memorandum are not just with individual sections, but with the result of the proposal in total. Many of the current recommendations could result in buildings that are significantly higher and out of scale with surrounding streets and adjacent development, particularly in areas of the city with sloping topography; and where rooftop structures occupy the majority of the roof area, providing de facto additional floors, and are clearly visible from adjoining streets.

As noted in our earlier testimony to the Zoning Commission, the Height Act has shaped the horizontal character of the city and the skyline, and the urban form and airy, light-filled streets that comprise the unique look of our nation's capital. Planning policies in both the District and Federal Elements of the *Comprehensive Plan for the Nation's Capital* support the Height Act

Mr. Anthony Hood
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and the qualities it advances. Within the framework of this shared support for the Height Act, we acknowledge that NCPC and the District have had some differences of interpretation. For your information, we have attached a letter providing background on NCPC's authority to interpret the Height Act (Attachment A). Our Commission and the Board of Zoning Adjustment requested that staff from our agency work cooperatively with DCOP to resolve differences in interpreting height requirements within the context of the Height Act. The September 15, 2008 memorandum presented by DCOP provided a number of recommendations which reflected consensus between the staff of our two agencies, as well as the input of the zoning task force. We remain committed to working cooperatively with the District and other interested stakeholders to develop mutually consistent interpretations, which would benefit agencies, developers and the public, and ensure that the character and urban design of the city continue to be protected and enhanced.

Our prior comments on the September 15 memorandum are included as Attachment B. The following items remain as previously proposed, and we concur with DCOP's proposals: Item 2: Streets Fronting on Open Space, Item 3: Business v. Residential Streets, Item 6: Elevation of Bottom Measuring Point and Item 8: Top Measuring Point. Item 1: Streets with Multiple Frontages would benefit from a definition of a building front, a term used in the Height Act, and distinct from the "frontage."

Our comments on the remaining items follow. Items 5 and 7 are related, and our key concern is that long term, areas of the city with significant grade changes may develop in a manner significantly out of scale with surrounding development and steps should be taken to identify and address this possibility. Items 9 through 12 are also related. To ensure consistency with the language and urban design intent of the Height Act, all rooftop structures *at or above* the limits of the Height Act must be set back from exterior walls, which we define more broadly than the District, and relief cannot be granted from this requirement.

Item 4: Single v. Multiple Buildings

We believe that DCOP should continue to work on a clear, usable definition. The definition offered in the December 1 memorandum is headed in this direction, but may still create uncertainty in application. We do *not* believe that a roofed-only connection with no enclosed walls, as suggested at the end of the discussion, should be used to establish building connections.

Item 5: Location of Bottom Measuring Point

A long-standing concern of our agency has been the possibility that a combination of site topography on through lots adjacent to streets of different widths could result in buildings with heights that are significantly higher than adjacent development, and potentially high enough to negatively impact the horizontal character of the city. The approach that the city is proposing, which allows the use of any street to establish height and the selection of any street to measure height, is allowable as an interpretation of the Height Act language, although based on our agency's experience, is less likely to provide uniformly consistent interpretations as the other option presented in the September 15 memorandum. However, the most extreme cases, where the widest street is also at the highest elevation, are permissible under either proposed interpretation. Note that we did not find the arguments regarding non-conformity to be

Mr. Anthony Hood
Page Three

compelling, as non-conformity can and does occur under zoning code changes. Further, to our knowledge neither the District nor other groups raising this argument appear to have conducted a thorough analysis that could quantify issues of non-conformity in regards to this specific topic, and such an analysis would be useful.

A broader concern may not be successfully addressed through the proposed District zoning changes. Attachment C is a GIS map developed by NCPC staff that identifies topography changes across parcels with business code classifications. Grade changes across parcels in the downtown area could result in one to three stories of additional allowable height for development, as compared to a flat site. The downtown is generally flat and has parcels of generally consistent size. This is not true throughout the rest of the District, as illustrated on this map. Large parcels with grade changes are present along the highway and railroad corridors, near NoMa, and the New York Avenue corridor. Steep topography is present along the entire escarpment, and many of the city's commercial corridors have adjacent sites with steep topography as they move across the escarpment. Although not shown on the map, some residential areas on steeply sloped areas near the escarpment or stream valleys may, over time, move towards more urban, mixed-use or commercial development that approaches the limits established through the Height Act. These are the areas where we anticipate that future development - outside of the traditional downtown - may use site grade changes to propose significantly taller structures that are dramatically out of scale with adjacent development. We strongly encourage the District to fully analyze this issue throughout the city, and to contemplate an innovative approach, such as establishing overlay zones or parcel-specific height limits on parcels of large size or with significant grade changes. This is also a compelling reason to ensure that Item 7: Natural and Artificial Grade, is appropriately addressed.

Item 7: Artificial and Natural Grade

While agreeing with the originally proposed concept, the proposed additional language is confusing and could lead to difficulties in consistent interpretation and require significant record-keeping. The District should have clearly defined standards for when projects vest under current codes; if any proposed developments have not vested, they should be subject to the new code language. This section should be clear in how the idea of "precedent" would apply to new additions and redevelopment of existing sites. Please refer also to the discussion in Item 5, above.

Item 9: Structures Permitted Atop the Roof:

The District could allow rooftop amenity structures in their own zoning codes where they are completely under the limits of the Height Act; however, specifically allowing amenity features when at or above the height limit established by the Height Act does not appear to be consistent with the Height Act. Amenity features are not specifically provided for in the Height Act as allowable rooftop structures. Practically, many of the recent development proposals our agency has reviewed relative to this issue have proposed exercise areas and lounges with features that appear to be occupiable space not consistent with the intent or language of the Height Act.

Mr. Anthony Hood
Page Four

Item 10: Height, Width and Massing of Roof Structures:

Maximizing rooftop development in the interior area of the rooftop is acceptable, but *only if*: 1) all of the setbacks are maintained (see discussion in item 11) and rooftop uses are consistent with the Height Act (see discussion in item 9). A special exception review for enclosed features *within the setback area* would not be consistent with the intent or language of the Height Act. We have no specific issues with the deletion of the special exception for the height of ornamental features, as the District can choose to be more restrictive than allowed by the Height Act.

Items 11: Roof Structure Setbacks and 12: Exterior Walls

We agree with District staff that setbacks for rooftop structures should be provided from all of the following: walls facing streets, walls facing alleys, any wall facing a court open to the street, any wall setback and facing a lot line and any lot line wall built higher than the greater of the neighboring building's actual or matter of right height. However, the Height Act requires setbacks from exterior walls, and the long-standing interpretation of our agency is that all of these walls noted above are *exterior* walls. The related provisions of the Height Act are intended to achieve urban design objectives – namely, that rooftop structures should be set back to reduce visibility from adjacent streets and public spaces. This distinction regarding the definition of exterior walls becomes important when considered together with the proposals below to provide setback relief for rooftop structures.

We do not believe it is appropriate for the Board of Zoning Adjustment (BZA) to provide setback relief where a rooftop structure is proposed at or above the limits of height established by the Height Act. The BZA cannot grant relief from a federal law. Again, this leads to an approach with one set of codes for rooftop structures fully below the limits of the Height Act and a different set for those at or above the limits of the Height Act. This approach could work, but does not provide a single, consistent interpretation, nor does it advance a consistent urban design approach.

We appreciate the opportunity to provide the Zoning Commission with these comments. Should you have any questions, please call me at 202-482-7211.

Sincerely,



Julia Koster, AICP
Director, Planning Research and Policy Division

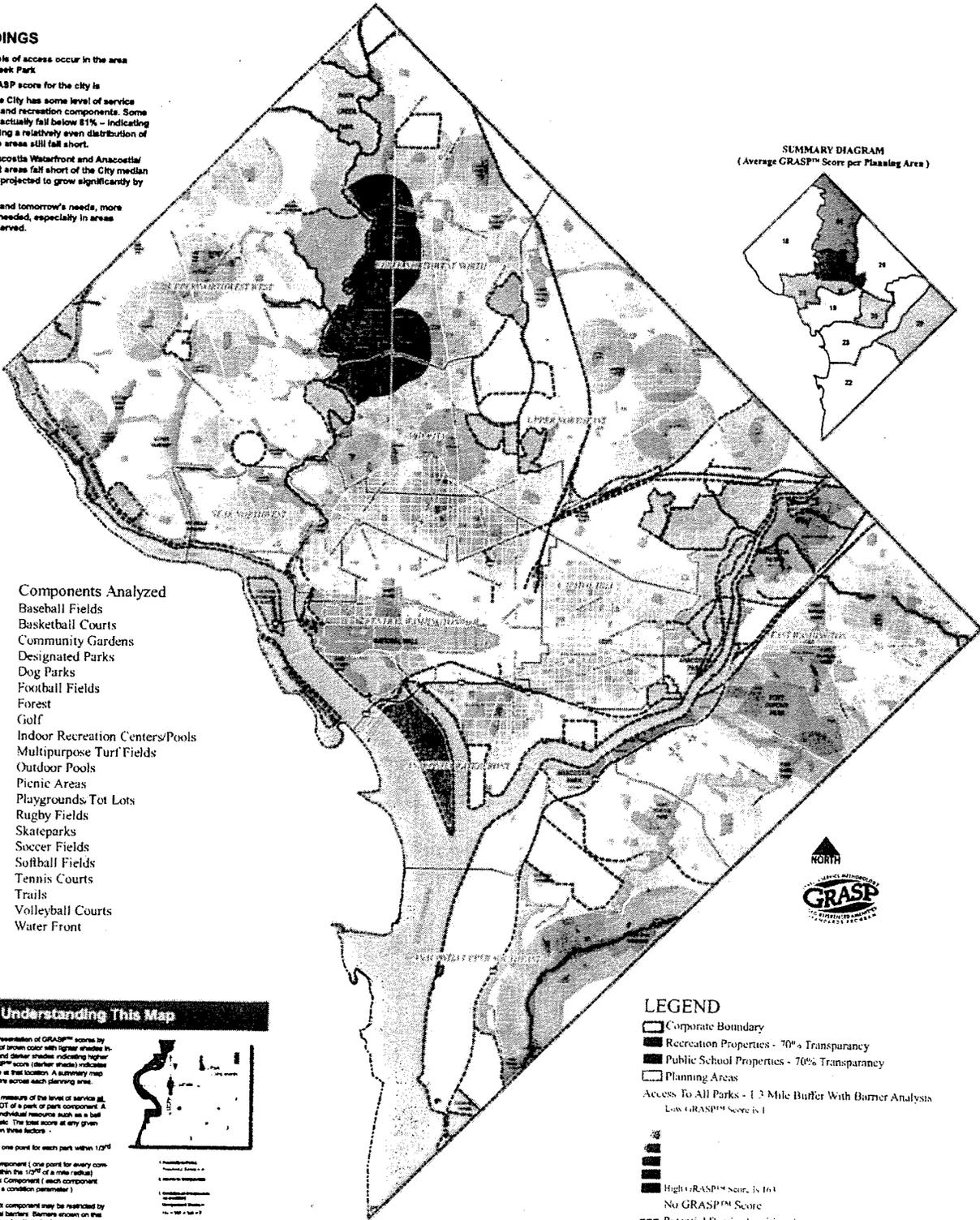
Attachments

Cc:
Jennifer Steingasser, DCOP
Travis Parker, DCOP
Steve Cochran, DCOP

ACCESS TO ALL RECREATION

KEY FINDINGS

- The highest levels of access occur in the area around Rock Creek Park
- The median GRASP score for the city is
- About 81% of the City has some level of service related to parks and recreation components. Some parts of the city actually fall below 81% - indicating that despite having a relatively even distribution of resources, some areas still fall short.
- Central City, Anacostia Waterfront and Anacostia Upper Southeast areas fall short of the City median and these areas projected to grow significantly by the year 2025.
- To meet today's and tomorrow's needs, more facilities will be needed, especially in areas currently underserved.



Components Analyzed

- Baseball Fields
- Basketball Courts
- Community Gardens
- Designated Parks
- Dog Parks
- Football Fields
- Forest
- Golf
- Indoor Recreation Centers/Pools
- Multipurpose Turf Fields
- Outdoor Pools
- Picnic Areas
- Playgrounds, Tot Lots
- Rugby Fields
- Skateparks
- Soccer Fields
- Softball Fields
- Tennis Courts
- Trails
- Volleyball Courts
- Water Front

Understanding This Map

This Map shows a representation of GRASP™ scores by location using shades of green with higher shades indicating lower scores and darker shades indicating higher scores. A higher GRASP™ score (darker shade) indicates a better level of service at that location. A summary map shows the average score across each planning area.

A GRASP™ Score is a measure of the level of service at a particular location, NOT of a park or park component. A park component is an individual resource such as a ball field, tennis court, trail, etc. The best score at any given location is dependent on three factors:

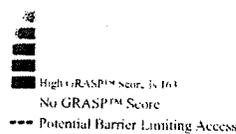
- 1) Proximity to a Park (one point for each park within 1/2^{mi} of a mile)
- 2) Access to a Park Component (one point for every component measured within the 1/2^{mi} of a mile radius)
- 3) Condition of the Park Component (each component score is modified by a condition parameter)

Access to a park or park component may be restricted by the presence of physical barriers. Barriers include, but are not limited to, highways/roads with limited crossings, natural streams, fenced areas, railroad, and steep slopes. Those locations restricted by barriers correspondingly show lower or no GRASP™ scores.



LEGEND

- Corporate Boundary
- Recreation Properties - 70% Transparency
- Public School Properties - 70% Transparency
- Planning Areas
- Access To All Parks - 1/2 Mile Buffer With Barrier Analysis
- Low GRASP™ Score is 1



Map Date: August 2008
 Data Source:
 All data provided by NCPIC, DC Office of Planning and the National Park Service (National Capital Region)



A Park System for the Nation's Capital

APPENDIX C
NCPC letter to Zoning Commission
DC Zoning Revisions: Retail Strategy



401 4th Street, NW
North Lobby, Suite 500
Washington, DC 20004
Tel 202 482 7200
Fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. ZC #08-06-5

November 13, 2008

Chairman Anthony Hood
Zoning Commission for the District of Columbia
441 4th Street, NW, Suite 210 South
Washington, DC 20001

Ref: Comments on the Proposed Amendments to Zoning Regulations 11 DCMR – Retail Strategy

Dear Mr. Hood:

NCPC staff appreciates the opportunity to comment on the District of Columbia Office of Planning's proposed retail strategy for the zoning regulation updates.

The following comments are provided by NCPC staff for your consideration. These comments are based on the public notice for the October 23, 2008 hearing on Case No. 08-06-5 (Comprehensive Zoning Regulations Rewrite: Commercial Zones: Mapping and Use Principles), which was received by NCPC on October 21, 2008. NCPC staff's comments reflect both general planning perspectives and specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission have the opportunity to review updates.

If you have any questions, please feel free to call me at 202-482-7211.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Koster", with a long horizontal line extending to the right.

Julia Koster, AICP
Director, Planning Research and Policy Division

cc: District of Columbia Zoning Review Taskforce
Travis Parker, District of Columbia Office of Planning
Mike McGill, General Services Administration
Ralph Newton, Department of Defense

Retail Strategy

NCPC staff notes that DCOP's recommended text and policy changes for a proposed retail strategy for the zoning regulations do not represent a change in zoning and land-use for federally-owned property and that federally-owned property within the District of Columbia is not subject to local zoning regulations. However, policies within the Federal Elements of the Comprehensive Plan encourage federal agencies to develop sites and buildings consistent with local agencies' zoning and land use policies and development, redevelopment, or conservation objectives, to the maximum extent possible.

In addition, the Federal Workplace Element within the Federal Elements of the Comprehensive Plan supports the provision of habitable building space along the street frontage to accommodate public space or activated ground floor uses, such as retail or other commercial enterprises, as appropriate. The Element also states that federal agencies should design projects in a manner that does not impede commerce and economic vitality but balances the need for security with the need to enhance and maintain the viability of urban areas. As such, NCPC staff encourages activated ground floors, when appropriate, in federal buildings within the District and generally supports DCOP's proposed retail strategy for updating the zoning regulations. However, NCPC staff notes that to address federal safety and security concerns, innovative site development and building construction methods to accommodate ground floor retail activities may be required where federal tenants are involved.

NCPC staff comments on DCOP's proposed retail strategies are below:

Establishment of Commercial Zone Districts and the Uses Permitted Within

Recommendation #1 text:

"Replace existing commercial zone districts and overlays with standalone districts in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas."

NCPC staff response to Recommendation #1:

NCPC staff generally supports replacing existing commercial zone districts and overlays with standalone districts in which the uses and area restrictions are tailored to the needs of specific and contiguous geographic areas. This approach would allow new zones to reflect specific building forms and retail use needs within specific areas.

Application of this approach within the Monumental Core is of particular interest to NCPC staff. In July, 2008, NCPC, along with the U.S. Commission of Fine Arts, released a *Draft National Capital Framework Plan* that re-imagines the Monumental Core as a livelier area with an improved physical structure. It does this through the identification of numerous goals and objectives, and strategies to achieve these, within the District's general downtown area. These strategies include: creating new places for shops to increase the mix of uses within the Northwest Rectangle; enlivening daily street life and evening use along Pennsylvania Avenue and the Federal Triangle; and creating new places for shops to increase the mix of uses within the

Southwest Rectangle and especially along 10th Street SW. NCPC staff looks forward to exploring with the District of Columbia opportunities where standalone districts may help further the strategies outlined within the Framework Plan.

NCPC staff requests the opportunity to review any proposals for standalone commercial districts within the Monumental Core, or where major federal facilities are located within or adjacent to proposed districts.

Recommendation #2 text:

“Consolidate the current retail, service and miscellaneous use lists contained in Chapter 7 into approximately 7 categories, with conditions for each use (such as hours of operation, radius requirements, and the amount of gross floor area occupied) established for each district.”

NCPC staff response to Recommendation #2:

NCPC staff generally supports consolidating and updating the current retail, service and miscellaneous use lists contained in Chapter 7 into broad categories to simplify regulation of commercial uses.

Recommendations #3 and #4 text:

“Uses will either be permitted or prohibited within each zone. A property owner wishing to establish a use that exceeds the maximum gross floor area would need to obtain special exception approval. A waiver of any other condition would require an area variance.”

“Where appropriate, limit the percentage FAR within a portion of a district that may be devoted to retail or other preferred uses.”

NCPC staff response to Recommendations #3 and #4:

NCPC staff generally supports floor space caps to be applied to achieve local retail goals, either within portions of total commercial zones or portions of some projects, especially where these caps may be used to support small scale retail and other commercial uses. The Small Business Act, as amended (15 U.S.C. § 631 et seq.) promotes the creation, expansion, or improvement of small business by providing the maximum practicable opportunity for the development of small business concerns owned by members of socially and economically disadvantaged groups. It promotes the advancement of such firms through the procurement of goods and services by the federal government. Such procurements also benefit the federal government by expanding the number of suppliers. The availability of commercial and retail space for small businesses, and their proximity to potential federal government clients, should help foster the creation, expansion, or improvement of small businesses within the District.

Ground Floor Uses—Requirements and Restrictions

Recommendations #5 and #6 text:

“Where appropriate, require buildings within a particular area of a district to devote a percentage of their ground floor to retail or other preferred uses.”

“Where appropriate, limit the types of uses that may occupy a ground floor of buildings within a particular area of a district.”

NCPC staff response to Recommendations #5 and #6 text:

NCPC staff generally supports the requirement of a minimum percentage of the ground floor of any new building in commercial zones to be built for retail use but notes that safety and security concerns may limit the extent to which federal agencies may develop or lease sites and buildings that are consistent with this zoning policy. The Federal Workplace Element under the Federal Elements of the Comprehensive Plan promotes the provision and maintenance of space for activities that encourage public access to and stimulates public pedestrian traffic around, into, and through federal facilities—including shops, restaurants, and other public activities. However, the provision of these activities must be weighed against the sensitive nature of federal workplaces and their security needs.

From a general design and use perspective, NCPC staff encourages DCOP to examine the private development practice of creating large lobbies within office buildings (primarily in the downtown area) and to look into opportunities to require additional retail/commercial activities within these spaces or provide other measures to activate the ground floor and enhance street vitality.

Ground Floor Uses—Design Standards

Recommendation #7 text:

“Establish design standards addressing:

- a. Minimum clear ceiling height;
- b. Active retail/window space;
- c. Minimum distance between building access points; and
- d. The limitation of office or residential lobby entrances relative to overall retail frontages.”

Asterick

NCPC staff response to Recommendation #7 text:

NCPC staff generally supports the requirement of minimum ceiling heights to enhance opportunities for first floor retail. NCPC staff notes that the allowance of additional height to a building within the zoning regulations to achieve a higher first floor for retail use should not allow the building to exceed the height allowed under the Height of Buildings Act (D.C. Code § 6-601.01 et seq.).

NCPC staff generally supports design standards that are tailored to the needs of specific and contiguous geographic areas. NCPC staff notes that there are additional elements of the ground-level interface between the building façade and the sidewalk that were not highlighted, but that

may significantly impact the quality of the streetscape and the ability of retail to thrive. NCPC staff recommends that DCOP:

- Discourage covered-over windows and blank walls. These elements usually interrupt sidewalks and are “dead” zones for pedestrian traffic.
- Prescribe an area as a percentage of the whole ground floor façade for windows instead of regulating the length; otherwise, for example, ribbon windows that are only 3 feet tall may still meet any length requirement.
- Encourage retail storefront design that is exciting and unique through flexibility in the regulations; perhaps through performance-based or qualitative-based design standards. The prescriptive standards can be a baseline.
- Add design standards regarding materials used for the retail storefronts, and the types of architectural detailing that contributes to the texture and color at the street level.
- Designate double-loaded retail streets to enhance the pedestrian experience.
- Consider live-work units to accommodate local retail (e.g., artist studios or small professional offices). These types of spaces can be constructed with 14-foot high ceilings and can be converted to residential or retail as the market allows. If allowed in residential zones, they can be designated in the corners of blocks. Their presence in the residential neighborhoods recalls the traditional neighborhoods with the corner store.

Recommendation #8 text:

“Require new large ground floor retail sites to be built so that they can be structurally adaptable to smaller tenants.”

NCPC staff response Recommendation #8 text:

Note NCPC staff response to Recommendations #3 and #4 above.



APPENDIX D
NCPC letter to Zoning Commission
DC Zoning Revisions: Parking and Loading



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IN REPLY REFER TO:
NCPC File Nos. ZC 6817 & 6818

JUL 28 2008

Chairman Anthony Hood
Zoning Commission for the District of Columbia
441 4th Street, NW, Suite 210-South
Washington, DC 20001

Ref: Comments on the Proposed Amendments to the Parking and Loading Regulations, 11 DCMR

Dear Mr. Hood:

NCPC staff appreciates the opportunity to comment on the District of Columbia Office of Planning's proposed parking and loading chapters for the zoning regulations.

In general, NCPC staff supports DCOP's proposed changes in parking and loading regulations. As stated within the Federal Elements of the Comprehensive Plan, it is in the best interest of the federal government to encourage its employees to use transit and other alternative transportation options apart from the single-occupant commuter vehicle in order to reduce demand on the region's limited vehicular infrastructure. DCOP's proposals to employ alternatives to minimum parking requirements, add bicycle facility requirements, and update other important parking and loading regulations for the District of Columbia align with the Comprehensive Plan in principle. We look forward to our continued work with DCOP on these proposals.

The attached comments on the April 6th and July 15, 2008 drafts are provided by NCPC staff for your consideration. These comments reflect both general planning perspectives and identify specific federal interest issues. These comments have not been approved by official Commission action, and additional comments may be provided in the future, particularly as staff and our Commission have the opportunity to review draft updates.

If you have any questions, please feel free to call me at 202-482-7211.

Sincerely,

Julia Koster, AICP
Director, Planning Research and Policy Division

Enclosure

cc: District of Columbia Zoning Review Taskforce

Travis Parker, District of Columbia Office of Planning

NATIONAL CAPITAL PLANNING COMMISSION

Parking Minimums and Maximums

NCPC staff conceptually supports the proposal to employ maximum parking requirements and reduce the use of minimum parking requirements. NCPC staff understands that proposed quantities have not yet been established for zoning districts, and as such has limited its comments on this proposal to the following:

Minimum parking requirements—Parking minimums are proposed to be maintained for institutional uses, or non-residential uses, in predominately single-family areas. NCPC parking ratio policies in the Transportation Element under the Federal Elements of the Comprehensive Plan set maximum ratios for the number of parking spaces allotted per federal employee at federal installations and buildings. In areas within the District of Columbia but outside the Central Employment Area, parking ratios are set at 1 space per 4 federal employees. Because these are often federal institutional, research, or light industrial uses, NCPC staff finds that it may be useful to use this ratio as a benchmark when developing the proposed minimum parking requirement for institutional uses in predominately single-family areas. For planning purposes, GSA policy allocates 230 rentable square feet (rsf) of office space per federal employee. Using that figure to convert the 1:4 parking ratio maximum to parking spaces per square foot of space would result in 1 space for each 920 rsf (a slightly more restrictive requirement than the 1 space for each 1000 square feet identified in table P.2.1).

NCPC staff also note citizen interest and concern regarding parking impacts on residential neighborhoods from new developments, and encourages the District to ensure that residential parking enforcement programs are coordinated in concert with these proposed parking standards.

Maximum parking requirements—NCPC staff note that within the Central Employment Area (where C-3 and above is likely to be located), parking ratios within the Transportation Element under the Federal Elements of the Comprehensive Plan are set at 1 space per 5 federal employees. Where applicable as a model, or benchmark, for DC to use in its regulation of land use on private property, NCPC staff recommends employing a similar ratio. We see mixed use and commercial districts as having some characteristics similar to the CEA. That is, both districts have a high intensity of office space and are a destination for employees who commute to work. Therefore, it may be useful to compare the proposed minimum parking requirement to the maximum parking ratio for the CEA of 1 space per 5 federal employees. Using GSA's 230 rsf of office space per federal employee to convert the 1:5 parking ratio maximum to parking spaces per square foot of space would result in 1 space for each 1,150 rsf.

In addition, DCOP has not yet defined transit oriented zones in this draft of its proposed parking regulations. NCPC notes that this definition is central to the process of identifying parking maximums and recommends that it be defined both quantitatively and qualitatively.

Other Parking Issues

NCPC staff encourages the continued consideration of innovative approaches to incentivize the use of alternative forms of transportation over the single-occupant vehicle and offers the following comments on the proposed regulations:

Contributions to a DDOT transportation fund—NCPC staff generally supports contributions to a transportation fund in lieu of providing fewer parking spaces than the minimum required or providing more spaces than the maximum allowed. NCPC staff would encourage a nexus between why these funds have been collected and how they are to be used (i.e., will these funds be used for specific capital or operational proposals such as a building of a shared garage or the management of a carpool permit parking program).

Shared parking—NCPC staff agrees with the concept of shared parking as a strategy to influence the supply of off-street parking and support parking maximums and recommends that it not just be allowed, but encouraged through use of developer incentives. Shared parking, however, should not be required as it may not be feasible in buildings with federal tenants that have requirements for secured space.

Car sharing—NCPC staff supports the inclusion of car sharing within the proposed regulations, as car sharing may be a viable transportation option for federal employees both on and off duty. However, how this proposed regulation can be implemented in buildings with federal tenants needing secured space should be further considered.

Parking for carpools—The Transportation Element within the Federal Elements of the Comprehensive Plan promotes providing priority parking to carpools and vanpools as an extra incentive for employees to leave their cars at home. NCPC staff recommends that a similar incentive is considered within the proposed regulations (while accommodating the physically disabled in accordance with federal law).

Unbundling of parking costs—NCPC staff supports the concept of charges for parking access from the lease or sale of development space to make the cost of vehicle ownership and use transparent to tenants as identified in DCOP's consultant report, and understands that this concept is under consideration for implementation by DCOP via other programs. This single measure may be the most effective means for encouraging developers to "right-size" their accessory parking plans once minimum requirements have been eliminated or reduced.

Transportation Demand Management (TDM)—The concept of TDM does not appear to be in the proposed language. However, under P.3.7 (f), the proposed language does require that if the applicant relies on a TDM program, the applicant shall demonstrate that the program continue as long as the use continues. It is unclear if, in fact, TDM strategies are to be included in the proposed regulations, which NCPC staff supports. NCPC requires all federal applicants to propose TDM strategies as part of a transportation management plan for all federal projects that will increase the employment level on a worksite to 500 or more and supports this requirement as a model for consideration.

Facility Design

Street frontage—NCPC staff strongly supports liner buildings fronting off-street parking facilities to activate streets with ground-floor retail uses and pedestrian sidewalk traffic. In particular, NCPC staff supports this type of design where vistas and views and functional qualities of the rights-of-way that are an integral part of the national capital's image are protected

and enhanced as promoted within the Preservation and Historic Features Element under the Federal Elements of the Comprehensive Plan.

Porous surfaces—NCPC staff commends the introductions of porous or pervious surfaces and mechanically-reinforced grass as allowable, and recommends adding a proactive incentive for developers who use these more sustainable and low-impact materials. NCPC recommends studying ways to promote these surfaces in public alleys, where appropriate.

Alley access—NCPC staff supports requirements to access parking areas through improved alleys. However, a comprehensive review of how this proposal may conflict with current District practices and policies related to alley closures may be warranted.

Structured parking—The Transportation Element under the Federal Elements of the Comprehensive Plan promotes the placement of parking in structures, preferably below ground, in the interest of efficient land use and good urban design. NCPC staff recommends that a proactive incentive for developers to do so be considered.

Bicycle Parking

NCPC staff strongly supports the bicycle parking requirements within the proposed language and notes that they are generally consistent with bicycle facility policies within the Transportation Element under the Federal Elements of the Comprehensive Plan.

Loading

NCPC staff supports the proposed language that limits locations for loading berths, platforms and service delivery spaces to within the building or structure the berths of spaces are designed to serve; or to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way. In particular, NCPC staff supports this type of design where vistas and views and functional qualities of the rights-of-way that are an integral part of the national capital's image are protected and enhanced as promoted within the Preservation and Historic Features Element under the Federal Elements of the Comprehensive Plan. NCPC staff recommends that DCOP considers opportunities for developments to share these facilities.