Comments of Friendship Neighborhood Association on Notice of Proposed Rulemaking Zoning Commission Case No. 08-06 Comprehensive Zoning Regulations Review: Chapters B-15, B-16 & B-17 March 11, 2011

Friendship Neighborhood Association opposes those sections of the proposed regulations that will eliminate minimum parking requirements and impose maximum parking requirements in the zones within Subtitles F (apartment-transit) and H (mixed use-transit).[1] As described and tentatively mapped by OP, these zones will include many areas that are near single family neighborhoods.[2]

Specifically, as described in the supporting OP report, referenced in this NPRM, implementation of this text, as contemplated, would be inconsistent with the Comprehensive Plan. We ask that no final rulemaking action and no final order which states the approved text be issued until a number of critical issues are resolved and consistency with the Comprehensive plan is clearly demonstrated.

If these changes are approved, many District residents might be taken by surprise as building permits are issued for matter-of-right projects on the edge of their neighborhood, and those new buildings have no off-street parking for the residents, employees and customers of those projects. The obvious result will be spillover parking in the neighborhoods, an impact from which DC's residents have believed that they had a degree of protection in the zoning regulations and the Comprehensive Plan.

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[1] The OP Report (page 9) includes a description of the TOD areas where minimum parking requirements would be eliminated: "areas within ½ mile of Metrorail stations or ¼ mile of corridors with high levels of bus service and ridership, excluding existing R-1 through R-4 zones, and M and C-M zones." At the request of the Zoning Commission, OP provided a map, as Attachment 1 on page 20, depicting these areas. The map was described as showing the relevant areas which OP would place in these Subtitles, with the caveat that there might be further adjustments to the actual zone boundaries.

[2] In the October 2008 meeting, several Commissioners expressed concern about the spillover effect with OP's recommendation to eliminate parking minimums in certain districts. In response, OP assured the Commission that they would be maintaining minimums where there is a potential spillover effect.

See, for example, Zoning Commission Hearing Transcript, October 16, 2008, page 24.

VICE-CHAIR JEFFRIES: Do you mind, Commissioner May, that I step in? I just want to get some clarity here. So the Office of Planning you were effectively recommending that we remove minimum parking standards from the parking schedule but maintain minimums in areas where there is potential spill-over effect.
MR. PARKER: Absolutely.

The Comprehensive Plan and the Proposed Elimination of Minimum Parking Requirements:

The Land Use element includes the Policy LU-2.1.11, which describes the methodology for setting minimum parking requirements, matching the requirements to the demand, and in particular, making certain that reductions in parking are put into place only after it has been clearly demonstrated that there will be an associated reduction in demand. The broad elimination of minimum parking requirements proposed here, with no demonstration that future residents, employees and customers will not require parking, is clearly inconsistent with the methodology described in the Comprehensive Plan policy.

> *Policy LU-2.1.11: Residential Parking Requirements*
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> Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated. 306.16

In addition, several policies in the Land Use Element deal explicitly with the need to mitigate the impact of commercial development on surrounding residential areas. For example, in the discussion of commercial districts and centers (¶312.3), it is noted that commercial parking demand affects nearby residential streets, and that effective zoning requirements are important to address those concerns and protect neighborhood character. Minimum parking requirements are used to limit the commercial parking demands on nearby residential streets and to protect the neighborhood character. The elimination of minimum parking requirements in Subtitles F and H removes the necessary protection.

> **LU-2.4 Neighborhood Commercial Districts and Centers** 312
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> Even the most successful neighborhood centers in the District must deal with land use conflicts. Excessive concentrations of bars, liquor stores, fast-food outlets, convenience stores, and similar uses are causes of concern in almost every part of the city. Commercial parking demand affects nearby residential streets around many centers. In some locations, commercial and residential rear yards abut one another, causing concerns over rodents, odors, noise, shadows, view obstruction, and other impacts. Effective zoning and buffering requirements are important to address such concerns and protect neighborhood character. Zoning overlays have been adopted in some commercial districts to limit the range of allowable uses and reduce the likelihood of external impacts. 312.3

Policy LU-2.3.2 also deals with the mitigation of the impact of commercial development on surrounding residential areas, requiring that before commercial development is approved, requirements be in place to avoid these adverse effects, including the impact on parking. The elimination of minimum parking requirements near single family zones is inconsistent with this policy.

> *Policy LU-2.3.2: Mitigation of Commercial Development Impacts*
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> Manage new commercial development so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas. Before commercial development is approved, establish requirements for traffic and noise control, parking and loading management, building design, hours of operation, and other measures as needed to avoid such adverse effects. 311.4

In addition, the Comprehensive Plan provides for additional protections for the residential neighborhoods near Regional Centers, such as Friendship Heights. Yet, as shown below, the map provided by the Office of Planning has included the entire Friendship Heights Regional Center in the areas where they would eliminate minimum parking requirements, in spite of the fact that the surrounding neighborhood is zoned R-2 and R-1-B, and that it is not unusual for all the legal on-street parking spaces on the nearby neighborhood streets to be utilized. Elimination of minimum parking requirements exacerbates the problem.

> ***Policy LU-2.4.3: Regional Centers***
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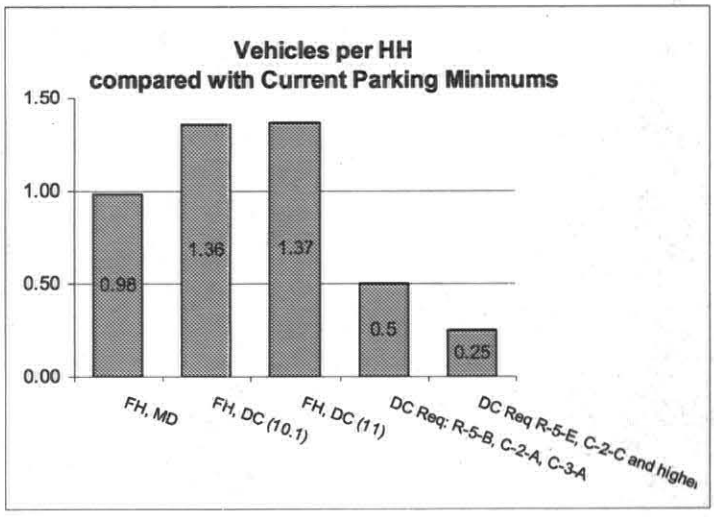
> Permit the District's two established regional commercial centers, Georgetown and Friendship Heights, to develop and evolve in ways which are compatible with other land use policies, including those for maintaining stable neighborhoods, mitigating negative environmental impacts, managing parking, and minimizing adverse traffic impacts. Likewise, encourage the continued development of the emerging regional centers at Minnesota-Benning and Hechinger Mall in a manner that is consistent with other policies in the Comprehensive Plan. 312.7

Impact on Friendship Heights, Tenleytown and other pre-1958 neighborhoods:

Elimination of minimum parking requirements in higher density zones near single family neighborhoods is particularly problematic for DC's many pre-1958 single family neighborhoods which are near major corridors. In many of these neighborhoods, the homes tend to be on relatively small lots, some without off-street parking or the ability to add off-street parking. These neighborhoods also are characterized by overburdened on-street parking. This is likely to have a destabilizing affect on these neighborhoods, including Friendship Heights and Tenleytown, that are described in the Comprehensive Plan as "stable, transit-oriented neighborhoods."[3]

There are substantial filings in the record documenting the likely impact of elimination of minimum parking requirements in these areas, especially on pre-1958 single-family neighborhoods that are near Metro or transit corridors.



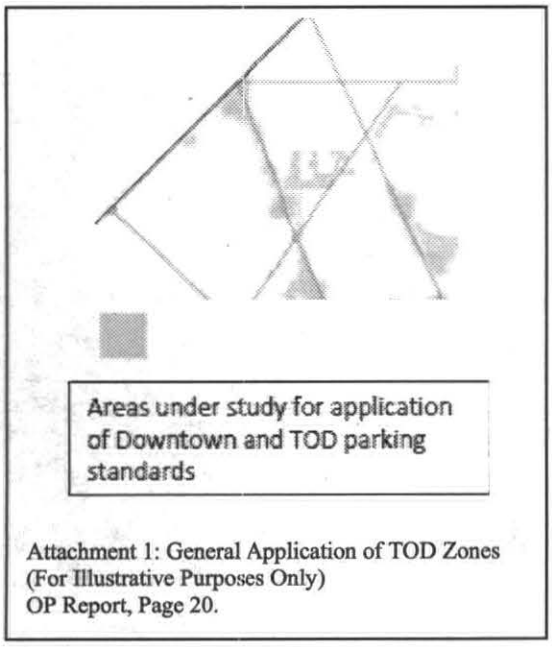
For multi-family residential development, DC's current minimum parking requirements (one space for every two to four units depending on the zone – 0.25 to 0.50 spaces per unit) are already low when compared with the minimum parking requirements in neighboring

[3] Comprehensive Plan, ¶2312.6.

jurisdictions, such as Arlington County (1.125 spaces for each of the first 200 units and 1.0 spaces per unit for each additional unit), and when compared with vehicle ownership rates residents in those zones (See graph showing vehicle ownership rates ranging from 0.98 to 1.37 spaces per unit in Friendship Heights). It is not realistic to assume that vehicle ownership rates will fall that far below current levels, or that when DDOT provides RPPs to residents of new buildings, that, with insufficient parking in their new buildings, the new residents will not choose to park in nearby neighborhoods. The language of this NPRM and the proposed mapping will result in increased spillover parking in precisely those neighborhoods that already have significant parking problems that are not addressed by any DDOT program.

Friendship Heights and Tenleytown:

This proposal is of critical concern to Friendship Heights and Tenleytown, as well as other neighborhoods near commercial or higher density zones with development potential. The map of areas where minimum parking requirements would be eliminated, and maximum parking requirements would be imposed includes all the commercial zones as well as the R-5-B zones



Attachment 1: General Application of TOD Zones
(For Illustrative Purposes Only)
OP Report, Page 20.

along upper Wisconsin Avenue. There are a number of developable sites in that area, and, with the current zoning regulations, matter of right development between Albemarle and Western Avenue could add over 2,300 new housing units plus ground floor retail. For the area from Garrison Street to Western Avenue, included on the zoning map above, matter of right development could add over 1,600 new housing units plus ground floor retail.

Currently, there is a minimum parking requirement of one space for every two units (with the exception of a few parcels that require only one space for every three units). Likely vehicle

ownership rates far exceed these minimums, and DDOT has made it clear that new residents will be eligible for RPPs and VPPs. There is currently a new matter-of-right condominium under construction on Harrison Street, behind 5201 Wisconsin, which has 49 units and 25 parking spaces. There are six other residences and a total of 19 on-street parking spaces on the 4200 block of Harrison Street.[4] If the residents of this new building have vehicle ownership rates similar to the vehicle ownership rates for Friendship Heights, Maryland (which is significantly lower than that for the single family homes in Friendship Heights, DC), there would be 24 more vehicles than off-street spaces. The residents of the new matter-of-right building and their guests will need all the spaces on that block (which already has a utilization rate as high as 84%) as well as a number of spaces on the other residential blocks.

With our current minimum parking requirements, matter of right development in the area mapped above will already create significant spillover problems for the surrounding neighborhood. Consider, now, the recommendation to eliminate the minimum parking requirement while matter of right development could add over 1,600 new housing units between Garrison Street and Western Avenue, alongside a neighborhood where many blocks already have parking utilization rates in excess of 75%. The impact is clear, and the recommendation is clearly inconsistent with the Comprehensive Plan.

Our current minimum parking requirements are inadequate to protect the neighborhood, as required by the Comprehensive Plan. The language of this NPRM and the associated mapping is a step in the wrong direction, removing what little protection is currently available.

The Rock Creek West Element and other Area Elements of the Comprehensive Plan:

These issues were also addressed in the Rock Creek West Element of the Comprehensive Plan, and similar issues are raised in other area elements.

The Overview of the Rock Creek West area specifically mentions that the downside of vibrancy of its commercial areas is that residential streets are burdened with parking problems.

> **Overview** 2300
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> Some of the District's most vibrant retail districts are located around the area's Metro stations and along its major corridors. Commercial overlay zones have been created in three of these areas, allowing a mix of retail uses and retaining a human scale and pedestrian character along neighborhood shopping streets. Much of the commercial land use in the area is located along the Wisconsin and Connecticut Avenue corridors in shopping districts like Friendship Heights and Cleveland Park. While the presence of these uses is generally positive and creates some of the most livable neighborhoods in the city, the downside is that major thoroughfares are often congested and residential side streets are burdened with parking problems. 2300.5

[4] Friendship Heights Transportation Study, Appendix I, Parking Inventory and Utilization Data.

Several policies are included in the Rock Creek West Element to ensure that land use decisions do not exacerbate the congestion and parking problems in these already congested areas, such as the Friendship Heights, Tenleytown, and Connecticut/Van Ness areas. Yet these are three areas where minimum parking requirements would be eliminated and maximum parking limits imposed – exacerbating the parking problems on the neighborhood streets.

> ***Policy RCW-1.1.12: Congestion Management Measures***
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> Ensure that land use decisions do not exacerbate congestion and parking problems in already congested areas such as the Friendship Heights, Tenleytown, and Connecticut/Van Ness Metro stations. When planned unit developments are proposed in these areas, require traffic studies which identify the mitigation measures that must occur to maintain acceptable transportation service levels—and secure a commitment to implement these measures through transportation management plans. Traffic studies and mitigation plans should consider not only the impacts of the project under consideration but the cumulative impact of other projects which also may impact the community, as well as the impact of non-resident drivers using local streets. Car-sharing, bicycle facilities, and designs which promote transit use should be encouraged as mitigation measures, in addition to measures addressing passenger and service vehicles. 2308.13

Ensure that land use decisions do not exacerbate congestion and parking problems in already congested areas such as the Friendship Heights, Tenleytown, and Connecticut/Van Ness Metro stations.

Comprehensive Plan, page 23-15.

> ***Policy RCW-1.1.13: Parking***
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> Consider the use of easements with private developers to provide additional public parking in the area's commercial districts. On-street public parking should not be removed within these districts. 2308.14

> ***Policy RCW-1.1.5: Preference for Local-Serving Retail***
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> Support new commercial development in the Planning Area that provides the range of goods and services necessary to meet the needs of local residents. Such uses are preferable to the development of new larger-scale or "big-box" retail uses that serve a regional market. "Destination" retail uses are not appropriate in smaller-scale commercial areas, especially those without Metrorail access. Regardless of scale, retail development must be planned and designed to mitigate traffic, parking, and other impacts on adjacent residential areas. 2308.6

There is a common theme: Maintenance and enhancement of the parking available in the area's commercial districts, and mitigation of the traffic, parking and other impacts on adjacent residential areas. The recommendation to eliminate minimum parking requirements in precisely the areas where it is noted that residential side streets are burdened with parking problems is inconsistent with the Rock Creek West Element of the Comprehensive Plan.

The Elimination of Minimum Parking Requirements in Subtitles F and H is Inconsistent with the Comprehensive Plan:

The Comprehensive Plan calls for reductions in minimum parking requirements for residential uses only when there is clear evidence that demand for parking has been diminished.

For commercial uses, the Comprehensive Plan calls for mitigation of parking impacts on nearby residential neighborhoods.

These policies are already incorporated, to some extent, in our current zoning regulations. Specifically, our current zoning regulations made certain that minimum parking requirements were maintained for residential uses, even near Metro, and that reductions in minimum parking requirements for non-residential uses were allowed only when the building or structure was located in a non-residential district and was at least 800 feet from any R-1, R-2, R-3 or R-4 district.[5]

This rulemaking would eliminate the protections that our current zoning regulations provide, maintaining minimum parking requirements for residential buildings and for non-residential buildings that are near a single family zone (zones to be included in Subtitle D). Comprehensive Plan policies indicate that these neighborhood protections should continue, and that only after there is a clearly demonstrated decrease in demand for parking can further reductions in our already low minimum parking requirements near Subtitle D zones be considered.

Conclusion:

Friendship Neighborhood Association maintains that the recommendation to eliminate minimum parking requirements in for Subtitles F and H is inconsistent with the Comprehensive Plan, and its impact would be irreversible as single family neighborhood near these zones will see building permits issued for matter-of-right development where no off-street parking is necessary and none can be added later. Spillover parking will result, as residents, employees and customers of those projects will park on neighborhood streets, exacerbating the already tight parking conditions.

Submitted on behalf of
Friendship Neighborhood Association

Marilyn Simon

[5] DCMR Title 11, Section 2104.