

## CASE NO. 08-06

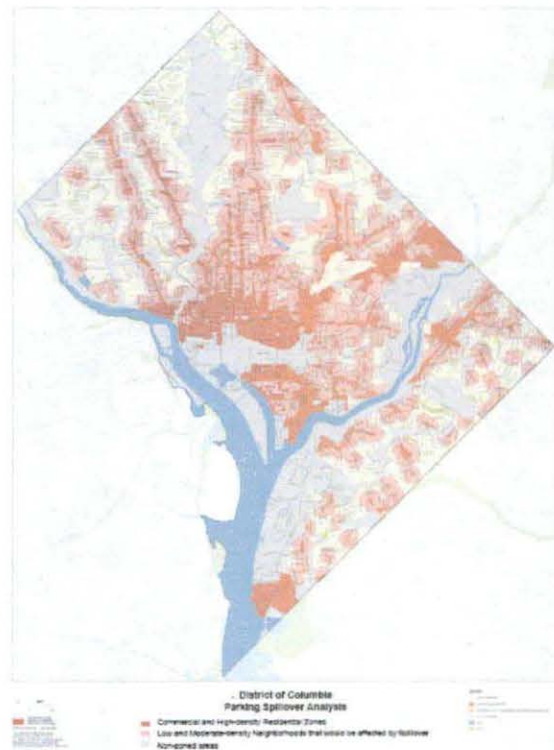
## Comprehensive Zoning Regulations Review: Chapters B-15, B-16 &amp; B-17

## Testimony of Marilyn J. Simon, Friendship Neighborhood Association

Monday, November 15, 2010

My name is Marilyn Simon, and I am speaking on behalf of Friendship Neighborhood Association. In October 2008, the Zoning Commission provided the Office of Planning with guidance on its proposed changes in the parking regulations. At that meeting, Chairman Hood stated that there would be another bite at the apple, and so tonight is the public's opportunity to ask that the Commission reconsider some of the more sweeping, and untested, changes in this proposal. I want to thank the Commission for this opportunity. The ZRR is an important effort by the District that, if done correctly, will enhance our cityscape, while if done poorly, could threaten the quality of life and our environment for decades to come.

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.<sup>1</sup> However, we are now presented with draft regulations that provide no such protection to our low and moderate density neighborhoods. OP is recommending that there be no minimum parking requirements in several as yet unmapped areas, including the zones in Subtitle F (apartment – transit) and Subtitle H (mixed use – transit).<sup>2</sup>



<sup>1</sup> 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.

<sup>2</sup> See, OP Setdown Presentation, Slide 10, Relationship to Land Use Subtitles. There also would be parking requirements in Subtitle I (downtown) and Subtitle J (PDR/Industrial).

DDOT has listed several tools for mitigating spillover,<sup>3</sup> and it is clear from that list, that for many of the District's neighborhoods and for the type of spillover effect that will result for OP's recommendations, DDOT's tools will be ineffective. For example, nearly all of the mitigation tools relate to limitations on the use of on-street parking by non-residents. Yet, with these changes, we will see new housing units with residents (eligible for RPPs and VPPs) in new buildings where adequate parking for those residents' vehicles is not required.<sup>4</sup> In essence, it demonstrates that neither OP nor DDOT have seriously considered the impact of eliminating minimum parking requirements for medium and high density residential and commercial development near low and moderate density residential neighborhoods.<sup>5</sup> None of the recommended tools for mitigating spillover addresses the problems faced by lower density residential neighborhoods, when new apartment buildings with inadequate parking to serve its residents are built nearby, and the new residents, many of whom will own private vehicles, even if they take transit to work and drive infrequently, will park their private vehicles in the lower density neighborhood. In fact, some of the proposed tools for mitigation, such as issuing visitor parking permits to residents, including residents of the new buildings with inadequate off-street parking, exacerbate the spillover problems.

At the earlier hearing, I submitted a map showing the low- and moderate density neighborhoods that would likely be affected by the recommendation to eliminate minimum parking requirements. OP's map (for illustrative purposes only) of areas under consideration for TOD parking standards was not available until recently. The map I presented earlier, however, does provide a reasonable, if not overly conservative depiction of the areas subject

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<sup>3</sup> See, OP Setdown Presentation, Slides 20 and 21, "DDOT Recommendations: Tools for Mitigating Spill - over"  
Parking Management:

Residential Permit Parking (RPP)

Residents Only (No Grace Period): Ballpark District; Convention Center □□

Extension of permit parking hours:

Performance Pricing w/ Multi space Meters

Visitor Passes by ANC: First Piloted in Ward 4; Now Operating in Wards 3, 4, 5 and partially in 1 & 6 □□

Meter Parking w/ RPP Exempt

Traffic Control Officers issuance of standing violations

Traffic Safety / Calming

Livability Studies: Proactive; Citywide

Traffic Calming Assessments: Customer Response; Spot locations

Transit Services: Circulator; Express Bus; Streetcar; Bike Share

<sup>4</sup> It might also be noted that residents of the new buildings who use transit regularly, but still own a private vehicle, might be more willing to park their vehicles further into the neighborhood than apartment residents who will be using their car regularly and needing to walk that distance more often. Vehicles of new transit commuters in residential buildings with inadequate parking might be likely to sit in on-street spaces in the low-density neighborhood for extended periods of time.

<sup>5</sup> The mitigation tools also do not address the spillover impact associated with visitors to residential buildings or for commercial development of employees and customers of who live on RPP zoned streets in the same Ward.

to spillover.<sup>6</sup> The mapped spillover areas only include the low- and moderate density areas within 800 feet of the potential non-minimum parking requirement high-density development. Yet, for many purposes, OP uses a quarter mile to half a mile as the distance that one might walk to transit, so it would be reasonable to assume that some residents of new buildings with inadequate parking might park their car a quarter mile (1320 feet) into the lower density neighborhood.

The problem of spillover parking when high density residential development is near low density residential neighborhoods was understood and addressed in our current parking regulations. Section 2104 provides for a reduction in the parking requirement for development near Metrorail stations. The parking requirement may be reduced by up to 25%, recognizing that it is unrealistic to assume that Metro is a viable option for many of the employees and visitors. The reduction does not apply to residential buildings, recognizing that we already have low minimum parking requirements for residential buildings, and that it is unrealistic to assume that vehicle ownership will be less than 1 vehicle for every four units for high density residential development or 1 vehicle for every two units for moderate density residential development, even if many residents use the Metro to commute to work and for some other trips. Further, and most importantly in this context, the 25% reduction in the parking requirement for non-residential buildings did not apply if the building was within 800 feet of a low-density residential neighborhood.<sup>7</sup> In particular, the commercial area in Friendship Heights is included in OP's map of areas under consideration for no minimum parking requirement. The surrounding low-density residential neighborhoods (R-2 and R-1-B) consist of detached, semi-detached and rowhouses on relatively small lots, with many of the older houses lacking off-street parking, and some lacking the ability to add off-street parking.<sup>8</sup> These neighborhoods already have a severe spillover problem, with some of the blocks closest to Wisconsin Avenue having parking utilization rates above 100%, where all the legal spaces are taken with additional vehicles illegally parked. There currently is a MOR condominium building under construction with a parking ratio of one space for every two units,

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<sup>6</sup> There are a few areas on this map which were not included in OP's map (for illustrative purposes) of areas under study for application of Downtown and TOD parking standards. However, most of those areas are on transit corridors, and so the language that you are being asked to approve might affect those areas as well.

<sup>7</sup> Specifically, Section 2104 Exceptions to the Schedule of Requirements near Metrorail stations stated that "The number of parking spaces required under 5 2101.1 for a nonresidential building or structure located within a radius of eight hundred feet (800 ft.) of a Metrorail station entrance may be reduced by up to twenty-five percent (25%); provided: (a) The building or structure is located in a nonresidential district and is at least eight hundred feet (800 ft.) from any R-1, R-2, R-3, or R-4 District; and (b) The Metrorail station is currently in operation or is one for which a construction contract has been awarded."

<sup>8</sup> Some of the older houses have off-street parking, and some homeowners addressed this issue by sacrificing a large portion of their small yards to add off-street parking. The newer, infill houses, have adequate off-street parking.

and there is potential for significant new development in the area, at the WMATA Bus Garage, Lord & Taylor property and the Home Plate Lot. With inclusionary zoning and no zoning changes, we can see an addition of more than 1,200 housing units. Without minimum parking requirements, one would expect to see the spillover parking problems in this neighborhood exacerbated. More of the neighborhood streets will have parking utilization rates that approach or exceed 100%.

We cannot change our zoning regulations based on unrealistic expectations about whether future residents will own fewer vehicles.<sup>9</sup> Our transportation system is largely a commuter system, very efficient at bringing commuters from residential neighborhoods to the employment core, but for many households it is not the type of robust transportation system that meets most of their transportation needs, and it is unrealistic for the Zoning Commission to adopt regulations that are based on this assumption.

We ask that the Zoning Commission be cautious in approving text that eliminates minimum parking requirements for an unspecified geographic area, especially since OP and DDOT have not presented any evidence to demonstrate that they are limiting this mapping to areas where there will not be a risk of parking spillover into low- and moderate-density residential neighborhoods.

Other areas of concern are included in my written testimony:

(1) Section 1513: Special Exceptions from Parking Requirements: For each of these alternatives, the language sets very broad conditions under which there can be a substantial reduction in the minimum parking requirement without providing any guidance as to the factors that the BZA should be considering, and relying only on the following provision of Section 3104 ["where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps"]. For the reasons provided in the above testimony, we urge the Zoning Commission to reject either version of this provision, which would allow for a substantial, or perhaps a full reduction in the minimum parking requirement for sites which are within a quarter-mile of a Metrorail entrance,

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<sup>9</sup> Anticipated vehicle ownership and parking patterns can be discerned by examining developers' decisions. We note that frequently, presumably in anticipation of residents' parking requirements, developers will include more parking than required. But we also note that developers recognize that some residents might choose to forego (paid) on-site parking and instead park in nearby lower-density residential streets if that option (with RPPs) is available. In particular, one developer in Friendship Heights was required to provide 1.1 accessible spaces per unit plus four spaces in the garage for the day care center plus eight surface spaces, which would also serve as visitor parking. However, after agreeing to a condition, where residents of the project would not seek or obtain residential parking permits (RPPs), the developer voluntarily increased the parking available, and the project currently has 1.4 accessible spaces per unit plus the day care and visitor parking.

a streetcar line in operation, or a high-frequency bus corridor, or where the applicant agrees to implement a demand management plan (which might not be effective, or might not be enforceable through the life of the project).

The revised regulations should include a provision for special exceptions to allow for a reduction in the minimum parking requirement, but those regulations should limit the amount of the reduction and should include substantial guidance for the BZA to use in evaluating whether there will be spillover and whether the proposed reduction would likely adversely affect the use of the neighboring property.

(2) Section 1503: Maximum Parking Requirements: We are concerned about both the OP and DDOT proposals. If the maximum is set below the amount of parking that will be required by the associated uses, it is likely to lead to spillover parking. Further, there does not appear to be any justification for a maximum number of parking spaces that is not related, in any way, to the size of the project. We urge you to reject both the OP and DDOT language.

## CASE NO. 08-06-2

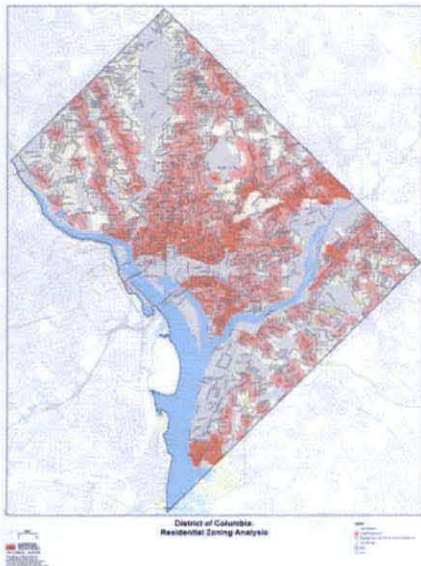
## Comprehensive Zoning Regulations Rewrite: Parking

## Testimony of Marilyn J. Simon, Friendship Neighborhood Association

Thursday, July 31, 2008

My name is Marilyn Simon, and I will be speaking on behalf of Friendship Neighborhood Association. The Office of Planning is recommending sweeping changes in the parking regulations, but in recommending the elimination of most minimum parking requirements, OP has ignored the basis for minimum parking requirements: to protect the District's neighborhoods from spillover parking.

However, the issue of spillover parking cannot be ignored. OP's proposal to eliminate entirely DC's low minimum parking requirements will affect a large number of DC neighborhoods, and a large number of households.



I have submitted a map which shows the low- and moderate density neighborhoods that will be affected by OP's elimination of minimum parking requirements. Those areas are shown in pink. The pink areas actually underrepresent the percentage of households affected, since the density in those areas tends to be higher than the density in the rest of the low- and moderate density residential zone.<sup>1</sup>

This will impact a large number of households, and we cannot, as OP suggests, simply eliminate minimum parking requirements, and then address the spillover problems that we cause later. Existing spillover issues have been well-documented in DDOT studies and it is a recurrent theme in the 2006 Comprehensive Plan.

OP has provided no basis for eliminating minimum parking requirements.

OP has called their recommendation "progressive" and "best practices," but a review of the parking regulations in the other jurisdictions cited in OP's studies shows that those jurisdictions, including several such as Portland and San Francisco that were mentioned tonight, have, at most, eliminated only some minimum parking requirements and only in very limited geographic areas, usually only the downtown employment zone. Most of those jurisdictions have minimum parking requirements that are equal to or exceed DC's current minimum parking requirements. In fact, for Arlington, Virginia, there is a



<sup>1</sup> The areas in light pink are those areas in low- and moderate-density residential zones where OP's proposal to eliminate most minimum parking requirements will result in increased exposure to spillover parking. These areas are within 800 feet of a zone where OP is recommending elimination of minimum parking requirements for some uses. §2104.1 provides that a 25% reduction in the parking requirement based on proximity to Metro for buildings that are at least 800 feet from an R-1, R-2, R-3 or R-4 zone.

minimum parking requirement of 1 space per unit or higher for residential uses, even residential uses near the Metro stations. Arlington's minimum parking requirement for residential uses is two to four times

Comparison of DC's Current and Proposed Parking Requirements with Arlington, San Francisco, Portland and Philadelphia: Residential Uses

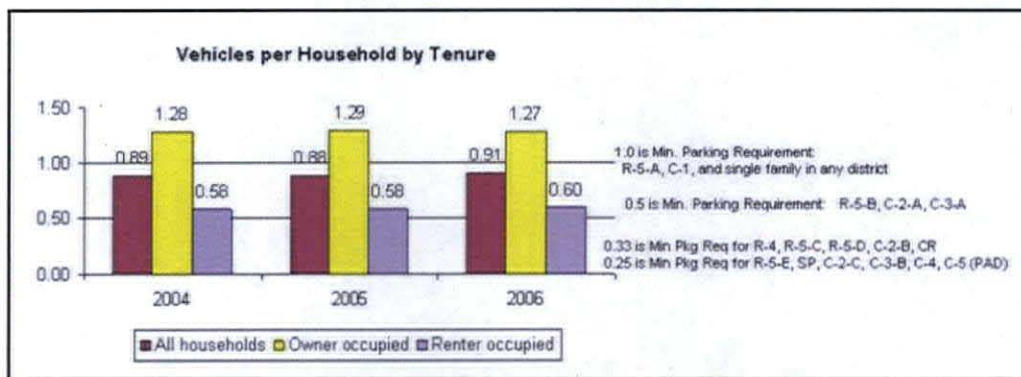
	Comparison with Current DC Zoning Regulations
Arlington, Virginia	Minimum Parking Requirement for Residential Uses: All Zones: 2-4 times the current DC minimums
San Francisco	Minimum Parking Requirement for Residential Uses: Medium density zones: 2 times DC minimums Low- and high density zones: same as current DC minimum
Portland	Minimum Parking Requirement for Residential Uses: Medium and high density zones: higher than current DC minimums Low density zones: same as current DC minimum
Philadelphia	Minimum Parking Requirement for Residential Uses: Medium and high density zones: higher than current DC minimums Low density zones: same as current DC minimum
OP Proposal	Eliminate all minimum parking requirements for residential uses

DC's current minimum parking requirement. My July 28 letter includes a chart and table comparing the DC's current minimum parking requirements for residential uses with those of other jurisdictions that OP has cited. Since none of the cities listed in OP's report have adopted policies as radical as OP's proposal, it is difficult to see

how this can be considered "best practices." Also, to the extent that these cities have adopted even a limited elimination of some minimum parking requirements, OP has presented no evaluation of those programs to show that the policy had the desired effect.

To justify the elimination of minimum parking requirements, OP points to other jurisdictions that might have set their minimum parking requirements too high. But OP has done no analysis of DC's minimum parking requirements. Certainly, an observation that some other jurisdictions might have used the wrong data to set their minimum requirements would not justify a recommendation to eliminate most of DC's minimum parking requirements.

In fact, for residential uses, DC's current regulations set the minimum parking requirements well below the current level of vehicle ownership per household in DC. But, OP did not include information on vehicle ownership per household in their report, only the total number of vehicles.



Most importantly, OP seems to assume that if developers do not provide adequate off-street parking in new development, the residents will own fewer vehicles, rather than relying on on-street parking. A critical underlying assumption is that our city has a robust transportation system that can meet most of the needs of DC households. However, our transportation system is largely a commuter system, and is efficient at bringing commuters from some residential areas to DC's downtown employment core. But, it is less effective as a substitute for private vehicles for other purposes, and it is absurd to assume

that many families living a quarter-mile from a bus stop will find that our transportation system is an efficient way to take children to their activities, shop and visit relatives and friends in other neighborhoods. For many DC families, access to a private vehicle is desirable, and OP has not presented evidence that our current vehicle ownership rates can be cut significantly. In my July 28 letter, I also addressed the other claims that OP has made about the impact of minimum parking requirements.

With respect to the requirement that developers provide spaces for car-sharing vehicles, we would suggest that, if such a requirement was found to be desirable, you might consider requiring developers to give a preference to a non-profit car-sharing company.

For these reasons among others, we ask that you not take any votes on these proposals. Guidance and direction might be useful, we think that a vote on these issues is premature.