

July 28, 2008

Anthony Hood, Chairman
Zoning Commission
District of Columbia Office of Zoning
Suite 210-S
441 4th Street, N.W.
Washington, D.C. 20001

Re: Zoning Commission Case 08-06-2
Proposed Amendments to the Parking Regulations 11 DCMR
Comments by Marilyn J. Simon on OP Memorandum dated July 15

ZONING COMMISSION
CASE No. 08-06-2
EXHIBIT No. 18 orig.

The Office of Planning describes the proposed policy changes to include: (1) general removal of parking minimums; (2) retention of minimums for uses that are of concern to residential neighborhoods; (3) setting of parking maximums; and (4) supportive strategies including shared parking, car-share parking, in-lieu fees and bike parking. These recommendations differ substantially from the draft recommendations that were circulated in March. Nevertheless, the concerns expressed in my April 15 comments on the draft Vehicle Parking Chapter and the Nelson/Nygaard reports still apply, and new concerns are raised by most of OP's the subsequent changes.

As with the material provided earlier, the explanations provided by OP in the July 15 Memorandum fail to support their radical recommendations. Some of the responses, such as the assertion on page 13 that DC has "an incredibly robust transportation system," illustrate the ways in which the Office of Planning fails to grasp the basic assumptions of the analysis on which they have relied in recommending these radical changes in the regulation of parking. Some of the information presented simply has no bearing on the issue.

The Office of Planning states that the recommendations are based on recent studies, literature and available statistics and government reports. However, they have not presented studies, literature, statistics or reports sufficient to support these recommendations. In addition, they have overlooked government reports and statistics that document existing spillover issues and support the conclusion that these recommendations will increase spillover parking in many District neighborhoods, increase traffic and pollution in some residential areas, and reduce the quality of life in the impacted neighborhoods.

The percentage of households in low- and moderate-density neighborhoods that would be impacted by this proposal will be substantial. The Coalition for Smarter Growth calculates that 11% of the land area in low- and moderate-density residential neighborhoods would be impacted by the recommendation to eliminate minimum parking requirements for office development in some zones. This estimate, however, only includes a fraction of the area that would be impacted by this proposal.¹

¹ The CSG estimate, while showing that this proposal will impact a large number of District residents, grossly understates the impact of the proposal. CSG does not include, in this estimate, the recommendation to eliminate minimum parking requirements for residential development, in particular for higher density residential development near low- and moderate density residential zones. This would add a significant land area to the 11% already included. In addition, the percentage of households affected by the elimination of minimum parking requirements

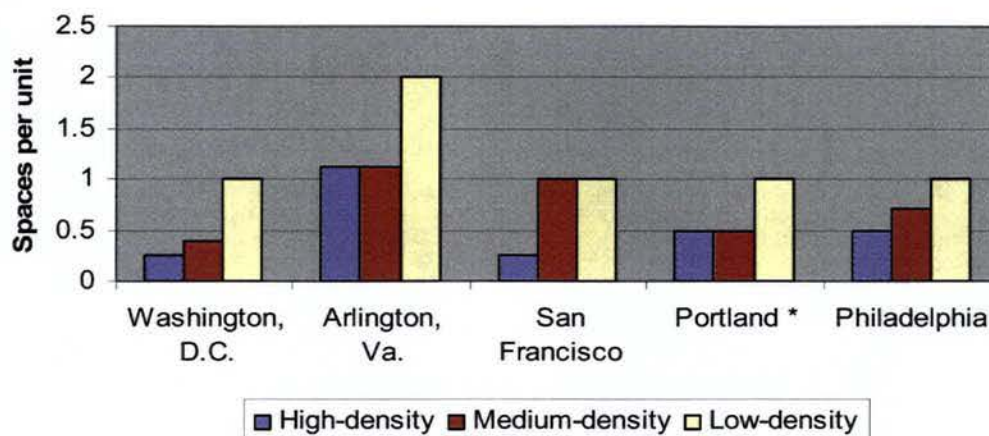
Minimum Parking Requirements

OP's Recommendation to eliminate most minimum parking requirements has no foundation and would rely on implementation of controversial policies by other agencies

- No analysis of "spillover." The Office of Planning has recommended eliminating many minimum parking requirements, which are used to address spillover parking issues, but has not considered spillover parking in making this recommendation.
 - OP has done no analysis of the extent of spillover parking and the impact of spillover parking on the District's neighborhood -- spillover parking that we observe even with minimum parking requirements, as well as in neighborhoods near buildings that were not subject to minimum parking requirements;
 - OP has provided no data on current vehicle ownership per household in DC, nor have they provided any analysis that demonstrates that elimination of minimum parking requirements would result in a decrease in vehicle ownership per household, rather than an increase in demand for on-street parking, i.e., parking spillover. Instead, OP simply seems to conclude that if the parking regulations are revised, new development will have less automobile ownership.
 - The impact of spillover parking on the District's neighborhoods is a recurrent theme in the 2006 Comprehensive Plan, and yet the assertion that "Current parking standards do not reflect the traffic and parking policies of the city or the Comprehensive Plan" is the only issue listed as the basis for the recommendation to eliminate many minimum parking requirements.
- No analysis of DC's current parking requirements. The Office of Planning's analysis seems to be based largely on theoretical statements about how minimum parking requirements in other jurisdictions are based on ITE estimates and thus might exceed appropriate requirements for an urban environment. OP's analysis ignores the fact that DC's current minimum parking requirements are significantly lower than those in many other jurisdictions, including jurisdictions like Arlington, Virginia, San Francisco, Portland and Philadelphia, all cited in the Nelson/Nygaard reports.

for commercial uses in some zones and for residential uses in all zones, including higher density residential development near low- and moderate-density neighborhoods, would be significantly higher. The CSG estimate is based on a distance of 400 feet from a zone that would allow office development without minimum parking requirements under the proposed regulations. Current zoning regulations allow a reduction of 25% in the minimum parking requirement for developments near a Metrorail station only if the development is "at least 800 feet from any R-1, R-2, R-3 or R-4 District." §2104.1(a). In addition to not including the impact of higher density residential development without minimum parking requirements near low- and moderate density neighborhoods, CSG's estimate is based on land area. Since the low- and moderate density development near commercial and higher density zones tends to have more households per acre than other low and moderate density area, the percentage of households affected would be even higher.

Minimum Parking Requirements: Residential



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

Even if some jurisdictions have minimum parking requirements that exceed appropriate levels for an urban environment, that would not justify the recommendation to eliminate most minimum parking requirements, but would, at most, justify a review of whether our minimum parking requirements are appropriate, excessive or inadequate.

- No basis for OP's list of concerns. The Office of Planning lists ten implications of having excess off-street parking² but has not determined that minimum parking requirements would produce excess off-street parking, nor have they demonstrated that minimum parking requirements have any of the listed impacts. For many of the current minimum parking

² Office of Planning, Report to the Zoning Commission, July 15, 2008, page 12.

requirements, these impacts are unlikely, improbable or would have minimal possible harm relative to the benefit of having adequate off-street parking.³ In fact, current minimum parking requirements could not produce excess off-street parking, since the levels are far below the associated parking needs. For example, for residential uses, the minimum parking requirements range from 0.25 to 1.0 spaces per unit, while vehicle ownership averages 1.27 vehicles per households, and the residential uses also generate parking demand for employees and guests.

- Unrealistic assumptions about transportation system and percent of households likely to have fewer private vehicles or no vehicles. The Office of Planning reaches conclusions based on assumptions about the existence of a transportation system that is sufficiently robust as to allow a large percentage of DC households of all types to decide to own no private vehicles.

- Yet, while our transportation system is a good commuter system, and in 2006, 39% of working District residents used public transportation to commute to work, the transportation system is not an adequate substitute for a private vehicle for many needs of many households.⁴
- OP has not produced any evidence to indicate that if the transportation system is sufficiently robust to support a significant increase in the percentage of households that own no vehicle or a significant decrease in the number of vehicles per household.

- Misrepresentation of the Nelson/Nygaard summary of parking regulation in other jurisdictions. In the July 15 Report, the Office of Planning relies on the Nelson/Nygaard report, and bases their recommendation, in part, on the finding that “the study shows a growing shift across the nation away from parking minimums.” The Nelson/Nygaard report did not present evidence of a growing shift away from parking minimums, but instead presented evidence of some cities have implemented a very limited elimination of minimum parking requirements for some uses in small geographic areas. Many of these jurisdictions have minimum parking requirements that are higher than DC’s current standards, let alone the proposed reductions.

- Recommended policies have not been implemented elsewhere and have not been evaluated. A policy is generally only considered to be a “best practice” if it has not only been adopted elsewhere, but also has been evaluated to demonstrate that it is successful. Such an evaluation could not be done, inasmuch as no jurisdiction has adopted the type of policy that OP is recommending, and even for those that have adopted much more limited policies, the adoption is too recent to be able to evaluate the impact. Nelson/Nygaard has defined certain policies as “best practices,” but has provided no examples of other jurisdictions that have adopted these policies on the scale that is recommended in their report and included in draft language included in the Public Notice. For those examples where a municipality has implemented some portion of their recommendations, the policies were implemented in very limited geographic areas. Nelson/Nygaard did not provide studies or data that could be used to evaluate the impact of these policies, either on residents’ use of private vehicles and public transportation, or on spillover parking in the adjoining residential neighborhoods, if there even are any adjoining low and moderate density residential neighborhoods in those jurisdictions. Thus, it is impossible to determine whether the policies, even in those limited areas, had the desired effect. It is also impossible to determine whether implementation of those policies, if they were even actually

³ The individual claims are discussed at pages 12-13, below.

⁴ This is discussed in more detail at page 11, below.

implemented near areas comparable to the affected DC neighborhoods, had an adverse impact on neighborhoods in those cities.

An unsupported assertion that these practices are “best practices” does not justify the recommendation for such far reaching changes. Nelson/Nygaard and OP have provided no examples of jurisdictions that have implemented these recommendations on the scale recommended. There are no examples where any of these policies, even on a smaller scale, have been in place for a sufficiently long period of time to allow a careful evaluation of whether the policies achieved the intended goals or had any negative consequences.

- Policies to address “spillover” that will result from this recommendation cannot be implemented by OP or the Zoning Commission. The Office of Planning is assuming that the additional spillover issues that will result from this proposal can be addressed, but the policies would need to be implemented by other agencies. Some of the policies that OP cites as ways to address the concerns have already been discussed by the Mayor’s Parking Taskforce, which issued a report in December 2003. Some of the recommendations also violate one of the first fundamental goals identified by that taskforce: “The priority user for parking in residential areas in the District is neighborhood residents.”⁵

- Inconsistencies in remaining requirements. The minimum parking requirements schedule has inconsistencies with no plausible explanation. For example, schools located in an R-2 zone would have a minimum parking requirement, while schools in the C-2 zone across the alley would have none. In the residential zones, the minimum parking requirement for a high school is no higher than the minimum parking requirement for an elementary school with the same square footage. In the C-2 zones, there is no distinction between different commercial uses that might have very different parking needs, so a food delivery service would require the same number of spaces per square foot as a fast food restaurant. There is no minimum parking requirement for hospitals. There is no minimum parking requirement for high-density residential buildings near lower-density neighborhoods, where spillover would be inevitable, with the resulting increases in traffic and pollution in our neighborhoods.

Parking Maximums

The imposition of parking maximums in the absence of hard data and significant research can lead to distortions. The Office of Planning is recommending parking maximums, perhaps city-wide, even though one Nelson/Nygaard paper, published by the American Planning Association, citing Donald Shoup, warns against the imposition of parking maximums in the absence of hard data. It is noted that Cambridge and Portland instituted very limited parking maximums based on significant research.

Imposition of parking maximums without sufficient research can deter development and can result in projects where developers have difficulty renting or selling residential units or renting office space. Imposition of parking maximums which are too low can make it difficult for developers to rent retail or restaurant space or limit the ability of retailers and restaurants to attract customers or diners who might instead patronize businesses in areas that are easier to reach.

⁵ Mayor’s Parking Taskforce Report, December 2003, page 17.

Relief from Parking Minimums

The proposal for relief from minimum parking requirements does not include a public interest evaluation with an analysis of the impact on the neighborhood, nor does it allow for community input. Although few minimum parking requirements remain, the proposal to allow a 50% reduction in the parking requirement, subject to DDOT review and a contribution to DDOT, allows for too much flexibility without sufficient review. This is critical since OP has not examined whether the proposed minimum parking requirements are sufficient to mitigate the harm to neighborhoods from parking spillover and the proposed parking requirements are significantly lower than many of the minimum parking requirements in similar jurisdictions with similar transit systems. The provision by which the reduction in the parking requirement is contingent on a contribution to DDOT, where DDOT is the only agency responsible for reviewing the request for the reduction, creates a perverse incentive. Further, the proposed regulations do not even specify that the impact on the neighborhood should be considered in the review. P3.2 does not offer District residents an opportunity to present their concerns to, for example, the BZA about a request for a reduction of up to 50% in the number of parking spaces required and does not provide residents with assurance that DDOT will be carefully evaluating the impact of the requested flexibility on the District's neighborhoods.

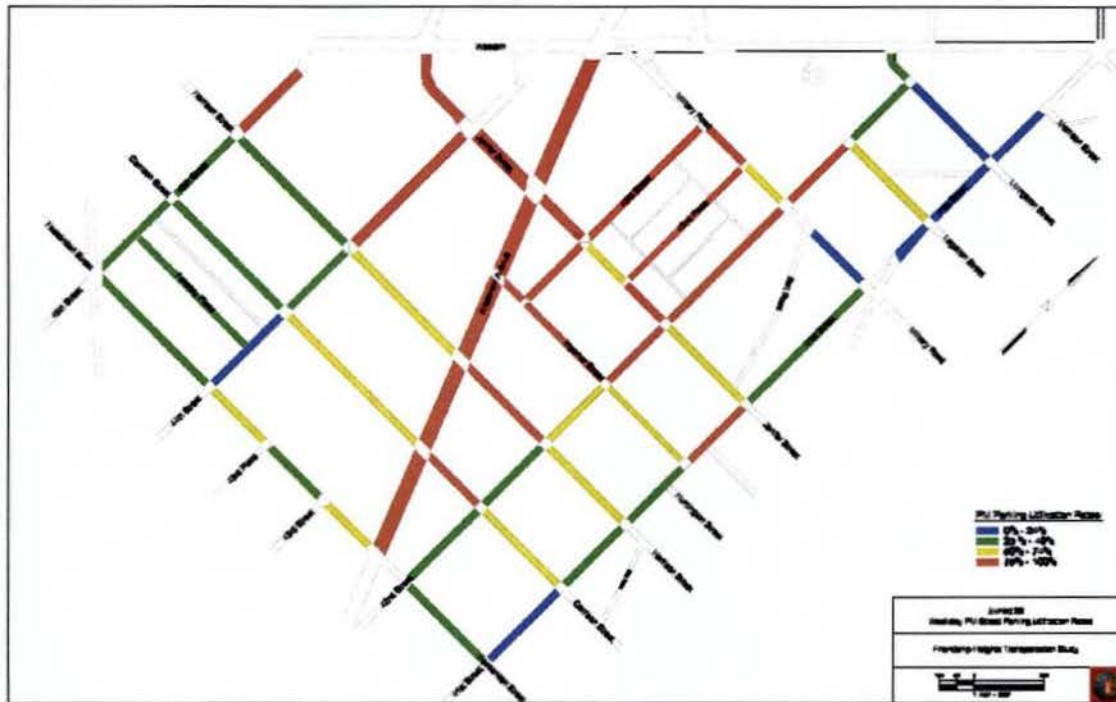
Spillover Parking in our Low- and Moderate-density Neighborhoods

The Office of Planning has done no analysis of spillover parking in the District, yet is recommending that "as a general rule, minimum parking requirements should be removed from the parking schedule." However, the impact of spillover parking on our neighborhoods is evident, and has been documented in some DDOT reports. OP has not considered those DDOT reports in making this recommendation.

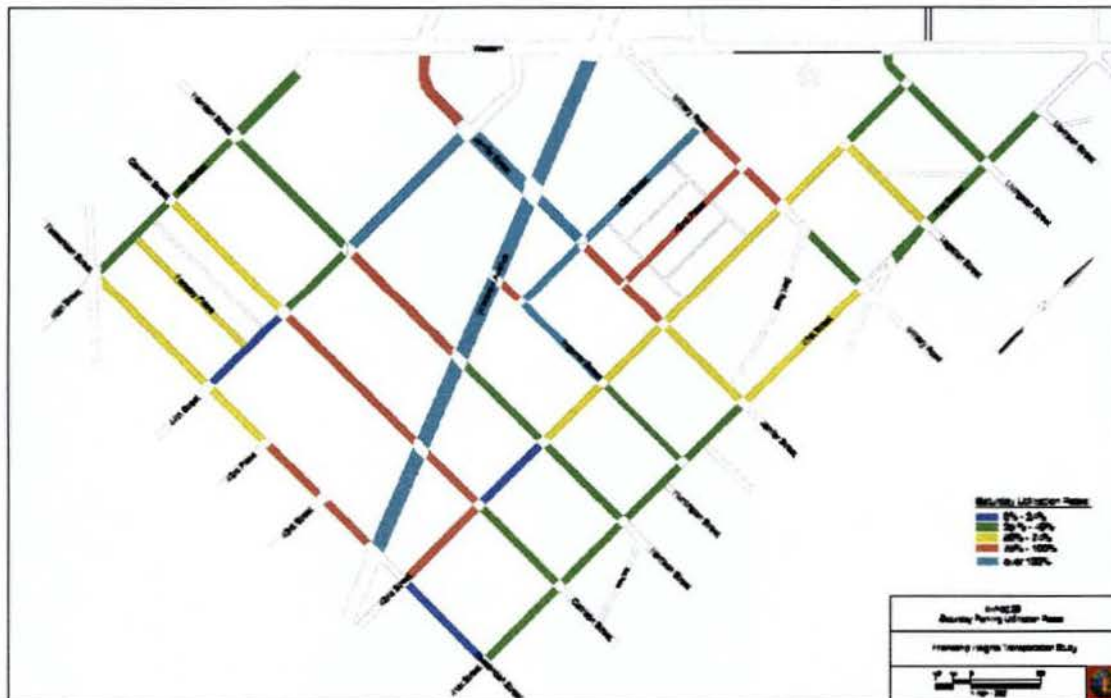
Spillover parking has had an impact on residential neighborhoods that are near older residential buildings and commercial buildings that do not meet the current minimum parking requirements and have insufficient parking to serve the needs of the residents, guests, employees and clients. Spillover parking has also had an impact in residential neighborhoods that are near buildings that meet current minimum parking requirements, but for which the available parking is inadequate.

The following two exhibits from DDOT's Friendship Heights Transportation Study show the parking spillover near the commercial development on upper Wisconsin Avenue. The parking counts were done on April 22, 2003 and May 3, 2003, and since then, with additional development, the spillover parking has only increased. Outside of the commercial area, the area in the maps is zoned R-2, low density residential. For the weekday counts, many of the blocks that are labeled as having 75-100% parking utilization actually have 94-100% utilization. The actual counts are in Appendix I of the FHTS on the DDOT web-site.

FHTS: Weekday PM Parking Utilization Rates



FHTS: Weekend Parking Utilization Rates



Light blue indicates streets where parking utilization exceeds 100%, i.e. all legal spaces used with some additional cars parked.

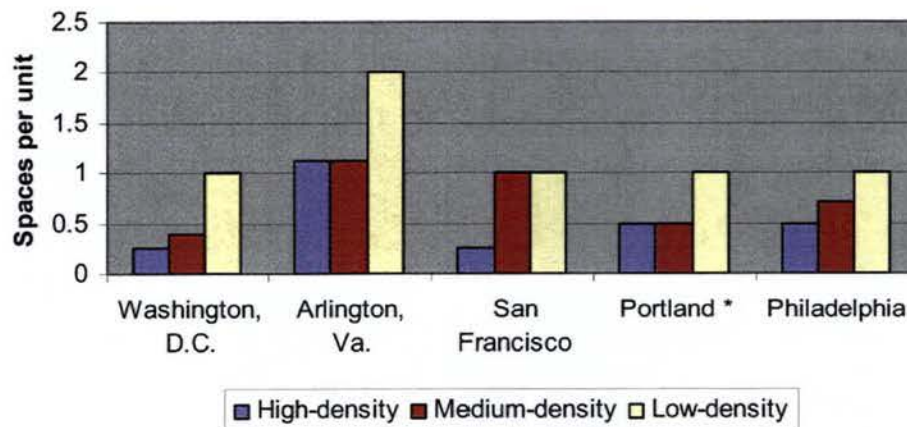
Spillover Parking and the 2006 Comprehensive Plan

In recommending that “as a general rule, minimum parking standards should be removed from the parking schedule,” the only issue that OP cites is that “current parking standards do not reflect the traffic and parking policies of the city or of the Comprehensive Plan.” Yet the impact of spillover parking is a recurrent theme in the Comprehensive Plan. In addition, the elimination of minimum parking requirements for residential uses cannot possibly be considered to be consistent with the Policy LU-2.1.11, which describes how the parking requirements for residential buildings should be defined, to “ensure that the parking requirements are responsive to varying levels of demand associated with different unit types, unit sizes, and unit locations.”

Many of DC’s Current Minimum Parking Requirements are Lower than Those of other Cities

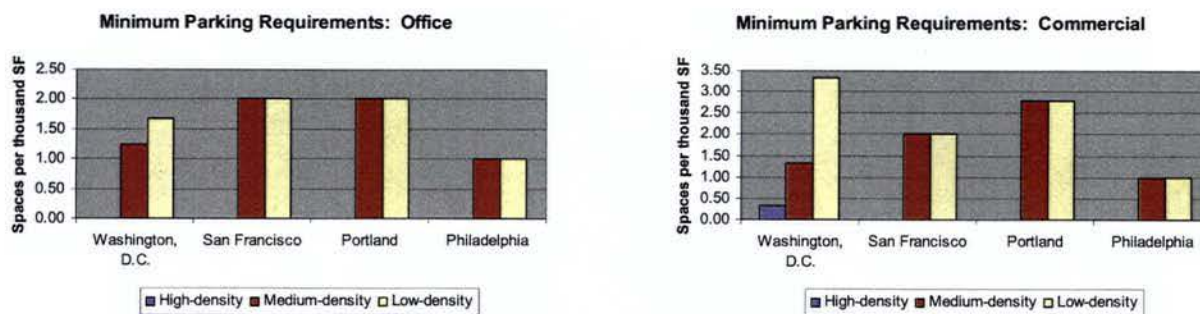
The following charts compare DC’s minimum parking requirements for high-density, medium-density and low-density zones with those of several other cities. In each of the zones, the minimum parking requirement for residential uses in DC is equal to or lower than that of each of the other cities. It is significantly lower than the minimum parking requirement for residential uses in Arlington, Virginia, which has the same transportation system as DC, but has a residential parking requirement two- to four-times our minimum residential parking requirements. While our current minimum requirements are lower than those of many other urban jurisdictions, OP is recommending that we discard even those minimums.

Minimum Parking Requirements: Residential



* Portland minimum is for high-density residential zones outside of "Central Residential Zone"

Source: Nelson/Nygaard Existing Zoning Review, page 2; Arlington County Zoning Ordinance, Chapter 33; Portland, Chapter 33.



Source: Nelson/Nygaard Existing Zoning Review, page 2

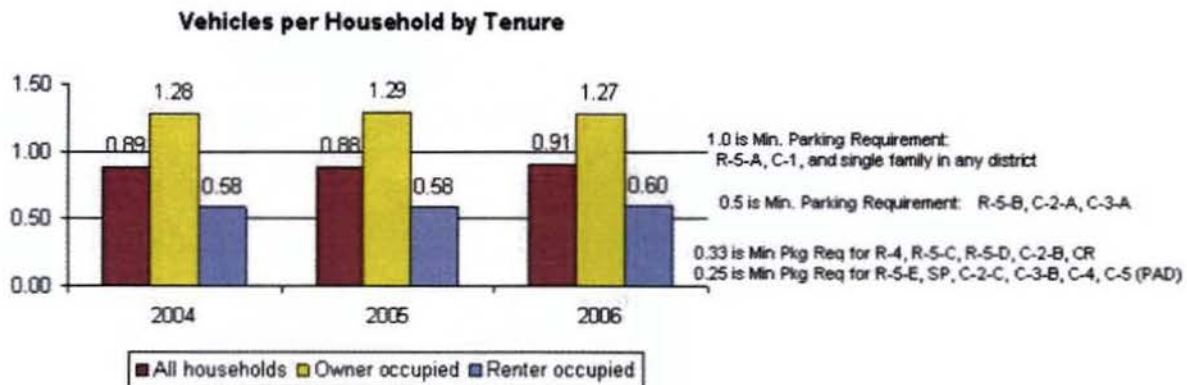
Arlington, Virginia has minimum parking requirements for residential uses, even for apartments near the Metro, which are significantly higher than the current minimum parking requirements in DC, let along those now proposed by OP.

Portland has minimums for most of the city that exceed those in DC's current regulations. For example, for residential zones outside of the "central residential zone" and the "high density residential zone," there is a minimum parking requirement of one space for each dwelling unit, except for SROs. In the "high density residential zone," which is limited to areas that are well-served by transit facilities, the minimum parking requirement for buildings with four or more units is one space for every two units, higher than DC's current requirement for high density residential zones of one space for every three units or one space for every four units depending on the zoning designation. This is not an example of a city where they have eliminated minimum parking requirements for residential uses citywide.

For a large portion of the city, San Francisco has parking minimums which generally are higher than DC's current minimum parking requirements and cover a wide variety of uses. In San Francisco, OP's consultant notes only that they have removed minimum parking requirements for multi-family dwelling buildings and only in the downtown or central business district areas. In fact, Section 151 of the San Francisco zoning regulations includes a "schedule of required off-street parking spaces. That table requires one space per dwelling, except in specific zones and certain uses. The exceptions to the one space per dwelling are quite limited, with a requirement of one space for every four dwelling units in RC-4 and RSD districts, no minimum in DTR and C-3 districts and a reduction (to one-fifth of the normal minimum requirement) for buildings specifically designed for senior citizens or physically handicapped persons. The regulations also define minimums for group housing and SROs, as well as a long list of other uses, including hotels, hospitals, schools, churches and institutions, and various commercial uses. Again, this is not an example of a city where they have eliminated minimum parking requirements for residential uses citywide.

DC's Current Minimum Parking Requirements for Residential Uses are Well Below DC's Vehicle Ownership Rates

More importantly, our current minimum parking requirements are already far lower than the current levels of vehicle ownership in the District. The following chart shows the District's minimum parking requirements as well as the number of vehicles per household from 2004 through 2006 for all households, households in owner-occupied units and households in rental units.



In criticizing minimum parking requirements, the OP report seems to rely on general comments about minimum parking requirements in other jurisdictions. OP has not looked at DC's minimum parking requirements and other relevant factors such as the number of vehicles per household in DC. In fact, DC's current minimum parking requirements are far lower than the minimum parking requirements for other jurisdictions, including many of the jurisdictions cited in the "best practices" descriptions.

While OP presents a chart that shows that the total number of vehicles owned by District residents has largely been unchanged since 1990, they did not consider the number of vehicles per households and how that compares with the minimum parking requirements per housing unit.

Shifting Costs from New Residents to Existing Residents by Providing Inadequate Parking in New Construction is not the way to increase housing affordability

Housing Costs: Should we reduce housing costs to new residents by imposing costs on existing DC residents? The discussion of housing costs⁶ seems to imply that, in order to reduce the cost of apartments and condominiums, we should reduce the amount of parking available to new residents, thereby imposing costs on existing residents and homeowners in the nearby lower density neighborhoods, where those additional vehicles will be parked.

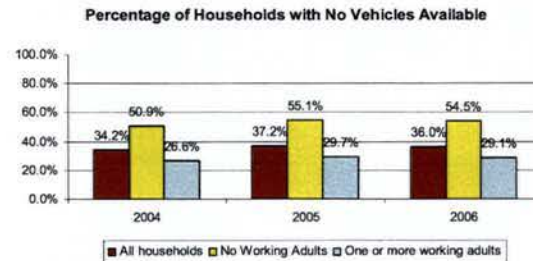
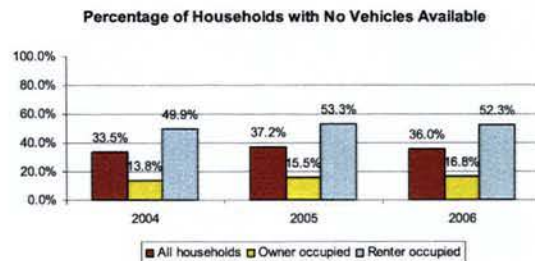
Inadequate parking in new development imposes costs on existing residents by increasing neighborhood traffic and pollution and diminishing safety as well as reducing on-street parking availability: Eliminating minimum parking requirements and inadequate off-street parking for new development causes safety concerns, increases traffic on neighborhoods streets and increases pollution in the neighborhood.⁷ While OP cites an example where a developer was not able to rent all the available parking to renters in a building, they did not provide any information on how many vehicles the tenants of that building will own and whether they will instead use on-street parking to save the cost of a off-street parking space.

⁶ Office of Planning, Report to the Zoning Commission, July 15, 2008, pages 6-7.

⁷ See, for example, "Gone Parkin'," New York Times Op-Ed piece by Donald Shoup, March 29, 2007, citing the traffic and pollution associated with cruising for curb parking. This traffic and pollution spills over into the residential streets when new higher density residential and commercial development does not provide adequate parking.

Metro is a Commuter System and Cannot Replace Vehicle Ownership for Many Households

Metro is a commuter system⁸ and is very efficient at bringing commuters from some residential areas to DC's downtown employment core and some other employment centers in the District, Virginian and Maryland. However, it is less efficient as a substitute for private vehicles for many other trips. In addition, many rush hour trains are already full to capacity as they reach the first District stations, and the suburban jurisdictions have significant increases in housing near the Metro in the pipeline. There are limits to how WMATA can address capacity, and it becomes more difficult for DC commuters to rely on rush hour Metrorail service. For some commuters, those whose jobs involve odd hours, those who need to drop their children off at day care on the way to work, those with jobs in remote locations, or who need to carry tools or supplies to their job-site, Metro is not a good alternative to a private vehicle. Also, those individuals, cited by CSG, who live within a quarter-mile of a bus stop, might face a very difficult commute by public transportation, with infrequent bus service, a need to change to another bus or rail, and a long walk, twice a day, and wait even in inclement weather.



And, DC households use transportation for other purposes, such as visiting friends and family members who might be on a different bus or rail line, taking children to multiple activities, weekly grocery shopping for a large family, caring for sick or elderly relatives, carrying bundles or doing multiple errands in one trip. Many of these households apparently find that access to a private vehicle is desirable.

OP has provided nothing to indicate that the number of vehicles per household is likely to diminish significantly as a result of these changes or that the number of households with no vehicles is likely to increase. In fact, given that our transportation system has been described as a commuter system and is used extensively for that purpose, it seems that a large percentage of households 64% of households find that they need a vehicle for other purposes or for a commute that involving hours or locations for which our transportation system is not an attractive option.⁹

⁸ See, for example, Coalition for Smarter Growth, July 10, 2008, letter, at page 3, stating: "Metro is widely regarded as one of the best commuter rail systems in the country and even those who do not live near a Metro station are almost certain to have at least one bus stop within a ¼ mile."

⁹ The data on vehicle ownership shows that even though there are a substantial percentage of DC households, approximately 36%, which do not own a private vehicle, DC households own approximately 1.27 vehicles per household. The percentage of households with no working adults that do not have a private vehicle is nearly twice the percentage of households with one or more working adults that have no vehicles. Renters are more likely than owner-occupants to have no vehicles. More than half the households with no working adults have no vehicles and more than half the renters have no vehicles.

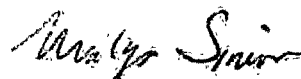
Other Erroneous Statements and Mischaracterizations of DC Zoning Regulations

- The OP report states “Parking standards today prescribe a one-to-one ratio for residential development...” Is OP implying that the current minimum requirement is a one-to-one ratio for residential development? In fact, the zoning regulations have much lower minimum requirement. There is a one-to-one ratio for single family residences and for residences in an R-5-A or C-1 district, but the minimum for multi-dwelling unit buildings in all other districts is much lower, ranging from 1 space for every two units to one space for every four units.
- OP begins its analysis of minimum parking requirements by claiming that they “tend to require more parking than is needed to accommodate average daily demand.” This premise, on which all the impacts are based, has not been demonstrated and in many instances is clearly false.
- OP states that “the recommended framework therefore emphasizes removing all minimum parking requirements except in circumstances where on-street parking management is anticipated to remain constrained, or for uses for which there is a history of public sensitivity to parking “overspill” conditions. However, the radical proposal to eliminate all minimum parking requirements for residential uses, as well as many other minimum parking requirements does not do this. Clearly, higher density housing with inadequate parking will have a spillover effect on lower-density residential neighborhoods, and OP and DDOT have not developed on-street parking management systems that could address that problem. Clearly, this will have an impact, and the zoning regulations shouldn’t be changed to create a problem for which no credible solution has been proposed. And, once buildings have been constructed with inadequate parking, it is too late to put the necessary parking in.
- In addition, some of the impacts of “excess off-street parking” are false. Putting aside the fact that OP has not demonstrated that current minimum parking requirements create “excess off-street parking,” the following claimed impacts would not follow:
 1. OP states that it “precludes or limits development on small parcels,” and yet many of the minimum parking requirements would not apply to small projects, or the requirement would be small enough that they could easily be met on-site, or possibly off-site. In addition, if this remained a concern, it would not be necessary to eliminate minimum parking requirements to address this concern. Minimum parking requirements could carefully crafted to address this concern directly.
 2. OP states that is “makes certain construction types infeasible, significantly increasing the costs of development.” It appears as though, in order to keep the costs of development low, OP will shift the cost of providing parking from the developer to the nearby neighborhoods, even though one of the fundamental goals identified by the Mayor’s Parking Taskforce is that “the priority user for parking in residential neighborhoods in the District is the neighborhood residents.” In addition, if there are certain construction types where it would be difficult to provide the parking on-site, there are or can be provisions for off-site provision of off-street parking as well as the sharing of required parking if the uses in question would qualify.
 3. OP states that it “may result in discontinuous retail frontages, as curb cuts and driveways replace storefronts to provide parking access,” that it “creates barriers to high-quality urban design by creating gaps within corridors,” and that “result(s) in further walking and driving distances.” With much of the off-street parking accessed through alleys or side streets, providing the parking that will be used by residents, employees, customers, and clients of project should

not create discontinuous retail frontages. Given that parking for many projects would be below grade, it isn't clear how it would be creating gaps within corridors. Is OP assuming that the parking will all be surface parking? On the other hand, for a large project, if below grade parking is not provided when the building is constructed, the impact is clear, with the vehicles that would otherwise be parked on-site, scattered through the neighborhood, increasing the walking distances to reach that destination as well as the existing homes and businesses.

4. OP states that it "increases the cost of housing units," and that it "hid(es) the costs of parking in the cost of housing, goods, and services." The concern about hiding the cost of parking in the cost of housing, goods and services is inappropriate. First, for housing, with the minimum parking requirements below one space per dwelling unit, it would be impossible to require that developers bundle parking with housing units, so the minimum parking requirement cannot directly result in hiding the cost of parking in housing costs. For other businesses, the cost of having adequate parking is a cost of doing business as any other. The proposal to eliminate minimum parking requirements, and encourage customers to use on-street parking in neighborhoods, as would be done with the Nelson/Nygaard proposals "manage curbside parking" to encourage turnover on residential streets so that spaces would be available to the local businesses, instead hides the cost of parking. Having businesses use neighborhood streets as parking lots for commercial development, rather than provide the necessary parking, imposes costs on our neighborhoods. Rather than protecting the neighborhoods, as required by the Comprehensive Plan, the proposals would encourage increased traffic on neighborhood streets, parking turnover, increased pollution and spillover parking.

Sincerely,



Marilyn J. Simon
5241 43rd Street, NW
Washington, DC.

Attachment: Comments on Draft Vehicle Parking Chapter, Marilyn J. Simon, April 15, 2008

Comments on Draft Vehicle Parking Chapter
From: Marilyn J. Simon
Date: April 15, 2008

ZONING COMMISSION
CASE No. 08-06-2
EXHIBIT No. 18 orig

The draft Vehicle Parking Chapter includes some radical recommendations to be implemented across the District. The underlying reports characterize these recommendations as “best practices,” and yet provide no examples where these recommendations have been implemented, much less evaluated, on the scale proposed. As noted below, the cities that have eliminated or reduced minimum parking requirements have done so only on a very limited basis. For example, Arlington, Virginia has retained a minimum parking requirement of at least one space per dwelling unit for all the zones near the Metro entrances, but has reduced the minimum parking requirements for a limited set of uses. As noted in another Nelson/Nygaard report, imposition of maximums in the absence of hard data is not described as a sensible approach, although they note that Portland and Cambridge based maximums on significant research.

The sections of the report which provide the justification for the major recommended policies, eliminating or drastically reducing minimum parking requirements and imposing maximum parking limits, are based on assumptions about the District that simply are counterfactual. The most obvious of these is the assumption that the District’s transportation system is sufficiently robust to efficiently satisfy most of the transportation needs of a high proportion of the many types of households, who might find it desirable to live near a Metro station, commercial district or transportation corridor.

The proposals in this draft chapter would set into motion a sweeping experiment, which could potentially have irreversible, adverse impacts on many neighborhoods across the District. I have described below some of the issues that have not been resolved, and have compared the proposed regulations with the zoning code for several other cities cited in the Nelson/Nygaard reports.

General Concerns

1. Goal of Zoning Update: The March 28 Nelson/Nygaard report describes the goal of the current project as “identifying zoning changes that would result in reduced accommodation of parking at new development in the District.” This goal is overly narrow, assumes the result and ignores the overarching need to evaluate parking needs and the impact of changing the current regulations on the District’s neighborhoods. Rather than assuming a result, the purpose of this project is to consider updates of the zoning regulations that are consistent with the new Comprehensive Plan.

2. The description of “best practices” lacks a basis: Nelson/Nygaard has defined certain policies as “best practices,” but has provided no examples of other jurisdictions that have adopted these policies on the scale that is recommended in their report and included in OP’s draft language. For those examples where a municipality has implemented some portion of their recommendations, the policies were implemented in very limited geographic areas. These are described in more detail, below. Many of these jurisdictions have minimum parking requirements that are higher than DC’s current standards, let alone the proposed reductions. In addition, Nelson/Nygaard did not provide studies or data that could be used to evaluate the impact of these policies, either on residents’ use of private vehicles and public transportation, or on spillover parking in the adjoining residential neighborhoods, if there even are any adjoining low and moderate density residential neighborhoods in those jurisdictions. Thus, it is impossible to determine whether the policies, even in those limited areas, had the desired effect. It is also

impossible to determine whether implementation of those policies, if they were actually implemented near areas comparable to the affected DC neighborhoods, had an adverse impact on neighborhoods in those cities.

An unsupported assertion that these practices are “best practices” does not justify the recommendation for such far reaching changes. Nelson/Nygaard and OP have provided no examples of jurisdictions that have implemented these recommendations on the scale recommended. There are no examples where any of these policies, even on a smaller scale, have been in place for a sufficiently long period of time to allow a careful evaluation of whether the policies achieved the intended goals or had any negative consequences.

3. There is no basis for the claimed benefits associated with eliminating or reducing minimum parking requirements or establishing maximums: The Nelson/Nygaard report includes many assertions about the benefits of eliminating minimum parking requirements and establishing maximums. However, the reports have not provided a solid analysis which supports those conclusions or any credible research that supports their claims. And there certainly was nothing presented to support the broad application of a policy that eliminates many minimum parking requirements and imposes maximums on the scale that they contemplate.

4. The theories on which the claimed benefits are based assume a transportation system that is far more robust than the transportation system available in DC.

5. Discussion of Resident Parking Permit Program does not address the issues faced by many District neighborhoods: The Nelson/Nygaard discussion of the resident parking permit program demonstrates that they have not examined the conditions in D.C. They do not understand the issues faced by many of the neighborhoods across the District or how the concerns vary from one neighborhood to the next. The proposal is inappropriate for most neighborhoods, would do little to solve to spillover issues, and will exacerbate some of the problems those neighborhoods face.

6. The regulations cited in the Nelson/Nygaard reports frequently actually have minimum parking requirements, even in areas served by mass transit, that far exceed DC’s current minimum parking requirements. As noted below, many of the jurisdictions cited in the Nelson/Nygaard report have parking minimums that are significantly higher than the District’s current parking minimums. To the extent that there might have been any reductions for projects near Metro, some of the reduced minimums are multiples of DC’s current parking minimums. For example, in Arlington, the minimum parking requirement for multi-dwelling unit projects within 1,000 feet of a Metro entrance, at least one space per dwelling unit, is three times the minimum that OP is proposing for MDUs that are within 400 feet of a low or moderate density neighborhood – six times the minimum if you take into account the 50% reduction that is available upon payment to DDOT.

7. The Zoning Regulations should not be used to require developers, building owners and condo owners to subsidize a private car-sharing company. It is inappropriate to use the zoning regulations to require developers, and later building owners and condominium owners, to subsidize a car-sharing company, i.e., Zipcar. The Nelson/Nygaard report includes a recommendation that would require newly constructed buildings to offer Zipcar, or another car-sharing company, parking spaces with 24-7 access at no cost.¹ At the Working Group meeting,

¹ The table in the Nelson/Nygaard Report calls for approximately twice the number of spaces that is required in San Francisco.

OP stated that this provision would be added to the draft Vehicle Parking Chapter. This involves a direct cost to the developer, and on-going costs to the building owner or condominium owners, as there is no revenue from these spaces to cover maintenance costs. It also means that either the car-sharing spaces must either be located outside the secure area, or the car-sharing members must be granted access to the secure areas of the building, either of which might be a hardship.

There has been no research to demonstrate any benefit from requiring developers and building owners to provide this subsidy. In fact, in some other cities, the car-sharing company operates by paying market rates for off-street parking or by negotiating below-market rates or a free space with some building owners who have determined that an on-premises car-sharing vehicle would be an attractive building amenity and/or useful for obtaining LEED credit.

While it has been claimed by some that parking minimums should be eliminated or reduced because they raise housing costs, certainly requiring the developer and the building owner or condo owners to provide a free parking spaces to a private company will also increase housing costs. This subsidy has not been justified. If the proponents of this change can provide such a justification, it should be pursued through other channels, not through adding language in a zoning update process.

Specific Issues and Examples

A. P 2.1: Elimination of minimum parking requirements for office uses, even within 400 feet of a low or moderate density neighborhood:

P 2.1: The table includes no minimum parking requirement for office space, even office space that is within 400 feet of a low or moderate density residential area. Even with a minimum parking requirement, many of these neighborhoods face significant parking spillover from nearby commercial district, and many clients visiting office space in the commercial area intend on staying less than two hours, so RPP restrictions do not apply and the neighborhood streets become a free parking lot for the offices in higher density zones.

B. P 2.1: Reducing or eliminating minimum parking requirements:

P 2.1: It would be irresponsible to eliminate or reduce the minimum parking requirements as proposed in this section. As noted below, Nelson/Nygaard has not provided any examples of jurisdictions that have eliminated or reduced parking requirements on the scale that is being recommended here. To the extent that examples are provided, these policies were only implemented in a few, carefully targeted parts of the city. To put this experiment into motion on a city-wide basis is irresponsible and might result in irreversible harm to many DC neighborhoods, some of which are already bear significant costs related to spillover parking from nearby commercial and higher density residential zones.

The table in P 2.1 has eliminated or reduced the minimum parking requirements for a large number of categories city-wide. The reports provided by Nelson/Nygaard have provided no examples where any municipality has made such a drastic change in the minimum parking requirements. In fact, the examples provided in the Nelson/Nygaard report only cite the elimination of minimum parking requirements in downtown districts, and then only for some uses. As noted below, Arlington, Virginia, with the same transportation system as DC, maintains minimum parking requirements for multi-family dwelling buildings, even near Metro stations,

that are significantly higher than DC's current parking minimums for multi-family dwelling buildings.

The Nelson/Nygaard "Best Practices Review," in Section II: "Zoning Reform Best Practices," cites Milwaukee, Seattle and Pasadena as examples of cities that have implemented "reducing/'tailoring' minimum requirements." [See Best Practices Review at pp. 5-6.] The examples of cities that have eliminated minimum requirements include Milwaukee, Seattle, Portland, and San Francisco." [See Best Practices Review at p. 7.] Arlington, Virginia is cited as an example of a jurisdiction that has reduced parking minimums near Metro Rail stations. [See Best Practices Review at p. 13.] The extent to which these jurisdictions have actually implemented these policies is described below.

- Milwaukee: In the first example, Nelson/Nygaard writes: "Milwaukee, WI has no minimum parking requirements for any downtown land use except high-density housing, where the ratio is only two spaces per three units." Note that, only for downtown land do they mention the elimination of minimum parking requirements, and there is a minimum for high-density housing downtown, a requirement is twice the requirement that OP is proposing for MDUs within 400 feet of a low or moderate density neighborhood, and actually is four times the minimum when the 50% reduction that OP is proposing is factored in.
- Seattle: In describing the implementation of this policy in Seattle, Nelson/Nygaard only asserts that Seattle allows reductions in minimum parking requirements based on several, very limited factors, has eliminated minimum parking requirements only in the downtown area, and has some reductions in the minimums in mixed-use, dense neighborhoods.
- Pasadena: For Pasadena, the third example in the Best Practices Review, Nelson/Nygaard cites reduced minimums, not an elimination of minimums. The reduction in minimum parking requirements is restricted to the central district and certain transit oriented developments.
- Portland has minimums for most of the city that exceed those in DC's current regulations, much less the reduced minimums that OP is proposing for the areas and uses where parking minimums are retained: Portland, Oregon, cited in the Nelson/Nygaard report as eliminating minimums for both commercial and residential uses in the central business district, has maintained minimums for most of the city, and those minimums exceed current DC regulations and are far higher than OP's proposed zoning minimums in section P 2.1. For example, for residential zones outside of the "central residential zone" and the "high density residential zone," there is a minimum parking requirement of one space for each dwelling unit, except for SROs. In the "high density residential zone," which is limited to areas that are well-served by transit facilities, the minimum parking requirement for buildings with four or more units is one space for every two units. This is one and a half times the parking requirement that is being proposed for multi-family dwelling housing that is within 400 feet of a low- or moderate-density neighborhood, and three times the parking requirement for those areas if the 50% reduction is factored in. Table 266-2 of Chapter 33.266 of the Portland zoning code includes a list of the minimum parking requirements for a wide variety of uses.
- San Francisco has parking minimums, in effect in a large portion of the city, which generally are higher than DC's current minimum parking requirements and cover a wide variety of uses: In San Francisco, Nelson/Nygaard note only that they have removed minimum parking requirements for multi-family dwelling buildings and only in the downtown or central business district areas. In fact, Section 151 of the San Francisco zoning

regulations includes a “schedule of required off-street parking spaces. That table requires one space per dwelling, except in specific zones and certain uses. The exceptions to the one space per dwelling are quite limited, with a requirement of one space for every four dwelling units in RC-4 and RSD districts, no minimum in DTR and C-3 districts and a reduction (to one-fifth of the normal minimum requirement) for buildings specifically designed for senior citizens or physically handicapped persons. The regulations also define minimums for group housing and SROs, as well as a long list of other uses, including hotels, hospitals, schools, churches and institutions, and various commercial uses.

- Arlington, Virginia has minimum parking requirements, even near Metro, for most uses, and many of those minimum parking requirements exceed DC’s current standards: In Arlington, minimum parking requirements for most zones are listed in Section 33. This section includes the required parking as well as the limited reductions that are allowed when a major portion of the use is within 1,000 feet of a Metrorail Station entrance. I have listed below some of the minimum parking requirements and all the reductions that apply to uses near Metro. Also listed are some differences in these requirements for various zones that are near Metro. As you can see from this table, the minimum parking requirements in Arlington are all significantly higher than the current minimum parking requirements in DC and the reductions in those requirements for proximity to a Metro entrance are quite limited. For some zones near the Ballston and Virginia Square Metro station, the minimum parking requirement for apartments and mixed use buildings is at least one space per unit, and in some instances, additional visitor parking is required.

The general requirements of Section 33 for Arlington include:

One- and two-family dwelling, other than those fronting on a cul-de-sac	One (1) space per dwelling unit [DU]
One- and two-family dwelling fronting on a cul-de-sac	Two (2) spaces per DU
Town houses and stacked one-family dwellings	Two (2) spaces for each DU and one-fifth (1/5) additional parking spaces per DU for visitors
Dwellings other than one- and two-family	1 and one-eighth (1 1/8) spaces for each of the first 200 DU in any structure and one (1) space for each additional DU
Retail	One (1) space for each 250 SF of GFA on the first floor plus one (1) space for each 300 SF located elsewhere, followed by a list of exceptions for particular types of business, such as furniture and appliance stores
Office	For physicians, surgeons and dentists, there is a table based on the square footage of the building, with 1 space for each 150 SF for the first 5,000 SF, 1 space for each 200 SF for the next 10,000 SF, and 1 space for each 250 SF for the area in excess of 15,000 SF For other office buildings, the requirement is based on the square footage of each floor, ranging from one space per 250 SF for the first floor to one space per 400 SF for space located above the fifth floor.
Restaurants	One space for every 6 seats.
Other categories	The regulations list requirements for a total of 33 categories of uses, along with a provision that for uses not listed, spaces should be provided on the same bases as required for the most similar listed use.

The provision in Section 33 for parking in Metro Station areas, defined as areas where the major portion of the use is within 1,000 feet of the entrance, offers very limited reductions in these requirements. Section 33 also specifies that if the floor area is converted to another use, the required parking must be provided.

Restaurants operating only between 6:00 am and 6:00 pm	Exempt
Restaurants that operate between 6:00 pm and 6:00 am	Restaurants with 200 or fewer seats are exempt from the minimum parking requirements. Restaurants over 200 seats are exempt for the first 200 seats, but shall provide parking spaces in accordance with the regulations for the number of seats that exceeds 200 seats. This means that the restaurants near Metro with more than 200 seats have a reduced minimum parking requirement. The reduction is approximately 33 spaces. These restaurants can provide 33 fewer spaces than a restaurant of the same size which is not near Metro The required spaces can be provided off-site through a legally binding agreement, but must be located in a commercial or industrial district.
Retail and service-commercial uses	Exempt for the first 5,000 SF per main building, except for certain uses, i.e., a reduction of up to 20-33 spaces, depending on use.
Grocery stores, which are not the principal use on a site	Exempt for the first 15,000 SF, i.e., a reduction of approximately 60 spaces if the grocery is on the first floor, 50 spaces if located elsewhere.

Note that there is no reduction for residential uses even if they are located within 1,000 feet of a Metro entrance, and that the requirement for multi-dwelling unit residential development is higher than the current requirement in DC for all zoning categories.

- In Arlington, there are also some modifications of the requirements in Section 33 for particular zones, some of which are near Metro, but for each of these, we see that there are minimum requirements, and that they are significantly higher than the current DC requirements and significantly higher than the proposed DC requirements.
 - For the Rosslyn Commercial Office, Retail, Hotel and Multi-family Dwelling District, parking minimums are specified, although there is a provision for changes by Site Plan Approval. ACZO Section 25B(F) specifies a requirement of one parking space for each dwelling unit. For commercial uses, TDM plans are required and the minimum parking is one off-street space for every 1,000 GSF of office, retail or service gross floor area and a maximum of one off-street space for every 530 GSF. Short term convenient parking for customers is also required. Hotels have a minimum of 0.7 off-street spaces per guest room and dwelling unit, and no maximum.
 - For R-C, Apartment Dwelling and Commercial District, “designed for use in the vicinity of the Metro-rail stations and, to be eligible for the classification, a site or the major portion of a site, shall (1) be within a one-quarter (1/4) mile radius of a Metro-rail station entrance and (2) be located within an area designated ‘high-medium residential’ or other compatible designations on the general land use plan,” the Arlington regulations include the following requirement: “Parking spaces shall be provided as required in Section 33, provided, however, that as part of the site plan approval, the County Board may reduce this requirement to no less than one (1) space for each unit.” The apartment projects have a maximum FAR of 3.24.
 - For some portions of Virginia Square, the MU-VS district, development is subject to the parking requirements of Chapter 33, except that no parking is required for the first 5,000 SF of some uses, and restaurants that expand might provide the required additional parking off-site at a

close location with a legally binding parking agreement. For MÜ-VS in Virginia Square, there is a requirement of one off-street space per dwelling unit, 0.7 off-street spaces per guest room for hotels, and one off-street space per 580 SF of office space, with conditions for shared parking. The County Board may have a different requirement for a particular proposal.

- For C-O-A, Commercial, Office and Apartment Districts, classification “to encourage a coordinated mixed-use development of office, apartment and hotel use in the vicinity of metro-rail stations,” the requirement is one space per dwelling unit, one space per 530 SF of commercial or office space, except in projects with associated residential uses, where it is one space per 580 SF, one space per hotel unit, and all the other regulations of Chapter 33 apply.

- For RA-H3.2 Multiple-family Dwelling and Hotel Districts, a classification is to provide for multiple-family dwelling development at moderate densities and, under appropriate conditions, high-rise hotel and/or multiple-family dwelling redevelopment within “Metro Transit Corridors,” the minimum parking requirements are higher than those listed above, with one space per dwelling unit, one space per hotel guest room or dwelling unit, and one space for every 300 SF of commercial space, and includes all the other regulations of Chapter 33.

C. P.2.2: Imposition of Maximum Parking Limits

P.2.2: The Nelson/Nygaard “Best Practices Review,” in Section II: “Zoning Reform Best Practices,” cites Portland, Oregon, as well as San Francisco and Cambridge, as examples of cities that established maximum thresholds. [See Best Practices Review at p. 8.]

San Francisco: The maximum parking limits were put into effect in May 2006, and apply only in the DTR (downtown residential) and C-3 (downtown commercial) districts. [Section 151.1] As noted above, for most of the districts, minimum parking requirements are in effect, and for many zones, they are significantly higher than the DC minimum parking requirements.

Portland: Table 266-2 lists the minimum requirements and maximum limits. For the residential categories, there is no maximum requirement in any zone, except for EX (the central employment district), where the maximum parking limit is the same as the minimum parking limit described on page 4, above. The minimum parking requirement for residential uses in most of Portland, which is also the maximum parking limit for residential uses in the central employment area, is significantly higher than the DC’s minimum parking requirement and significantly higher than the proposed minimum parking requirement.

Cambridge, Mass.: Section 6.36 has a table of minimum parking requirements and maximum parking limits. Section 6.36.1 gives the requirements/limits for residential uses. There are no parking maximums for any of the residential uses in any of the zones. For most of the uses including multi-family dwellings, the minimum is one space per dwelling unit in any zone. The requirement is lower, one space for every two units for elderly oriented housing. There are also minimums, but no maximums for hotels and motels. Many of the institutional uses and industrial uses have a minimum, but no maximum.

As noted in a Nelson/Nygaard paper, published by the American Planning Association, Cambridge and Portland based their maximums on significant research. The same paper warns against the imposition of parking maximums in the absence of hard data.

D. P.2.1: Oversimplification of Parking Requirements:

P.2.1: Oversimplification of the parking requirements. Each of the parking minimums has been replaced with very crude measures for the minimum parking requirements. Examples of other

zoning codes with these simplified parking requirements were not provided, and, in fact, it appears as though most of the other zoning codes that have been cited in the Nelson/Nygaard report have parking minimums that are much more granular, based on the use. I think that it is necessary to maintain granularity in the table of the minimum parking requirements.

San Francisco: See, for example, the San Francisco Zoning Code, Table 151, with over 30 categories, some subdivided by district, and with the parking minimums based on natural measures, logically related to the parking demand likely to be associated with that use, such as classrooms, guest bedrooms in hotels, inns and hostels, or seats in theaters, churches or stadiums. In addition, there are refinements, such as having a higher parking minimum for medical offices than for other offices, but lower for studios. For each of these, the requirement kicks in only if the occupied floor area exceeds 5,000 SF. For medical or dental offices, they require one space for every 300 SF of occupied office space. For offices or studios for architects, engineers, etc., they require one space for each 1,000 SF of occupied office space, and for other business office, the requirement is one space for every 500 SF.

Portland: See, also, Portland, Chapter 33.266, Parking and Loading, Table 266-1, which provides the minimum required and maximum allowed parking spaces. The table has minimums for all residential zones except “central residential” and for most of the commercial zones, although there are no minimums for the central zones, in CN1, small commercial sites in or near dense residential neighborhoods, in CO1, small scale office, in CM and in CS. In the residential category, for “household living,” the minimum is one space per unit, except SROs which have one space for every 4 units and high density residential zones, which have a minimum of one space for every two units. While the minimums are somewhat less granular than the minimums on the San Francisco regulations, the minimums are based on logical units, which would have a natural relationship to demand for parking.

E, P.3.2: Flexibility to reduce parking requirements by 50% subject to payment to DDOT and DDOT review.

The proposal to allow a 50% reduction in the parking requirement, subject to DDOT review and a contribution to DDOT, allows for too much flexibility without sufficient review. This is critical since OP has not examined whether the proposed minimum parking requirements are sufficient to mitigate the harm to neighborhoods from parking spillover and the proposed parking requirements are significantly lower than many of the minimum parking requirements in similar jurisdictions with similar transit systems. The provision by which the reduction in the parking requirement is contingent on a contribution to DDOT, where DDOT is the only agency responsible for reviewing the request for the reduction, creates a perverse incentive. P3.2 does not offer District residents an opportunity to present their concerns to, for example, the BZA about a request for a reduction of up to 50% in the number of parking spaces required and does not provide residents with assurance that DDOT will be carefully evaluating the impact of the requested flexibility on the District’s neighborhoods.