

OUTLINE OF TESTIMONY TO THE ZONING COMMISSION

CASE NO. 08-06-2 ZONING REGULATIONS REWRITE PARKING

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- I. Introduction
- II. Nature of testimony
 - A. Comments on concepts
 - B. Comments on language in notice of hearing

III. Number of required parking spaces

A. Concept:

- 1. Parking required only for
 - a) Non residential uses in single family and rowhouse areas (OP report¹) but also referenced to R-1 through R-5-B Districts in the notice of hearing²
 - b) Parking based on square footage rather than other units of measurement (i.e., seats, number of staff, etc.)
 - c) Retail, office, restaurant or service uses in commercial corridors near single family or rowhouse areas but referenced in the notice as C-2 Districts
- 2. No parking required for any other use in any other district

ZONING COMMISSION
CASE No. 08-06-2
EXHIBIT No. 50

¹ All references to the OP report are to the memorandum dated July 15, 2008

² All references to the notice of hearing are to the notice published in the DC Register on June 13, 2008

B. Comments/questions:

1. **Generally supportive of letting market determine how much parking is provided (parking is generally expensive to provide and most developers will not build more than the market demands but will also provide as much as the market demands to make the project successful)**
2. **Changing parking for nonresidential uses in residential areas to a standard calculated on square footage (from number of seats, number of students, number of teachers, etc.) is a significant change from current practice and there has been no analysis of the impact of that change**
3. **Clarify distinction between "single family and rowhouse areas" and areas zoned up to R-5-B**
4. **What about C-1 Districts?**
5. **Comment: C-2-C is often not a "commercial corridor district" (see notice, §P.2.1)**
6. **Notice (§P.2.1) establishes a new standard for parking for offices in C-2 District by making it the same as the requirement for retail and service uses; this may be inadvertent, as there is no discussion in the OP report or any of the background materials on this change; the change results in a requirement that is at least twice the current requirements (see existing §2101.1³) and should not be adopted**
7. **Clarify that no other uses in any other districts require parking (see notice, §P.2.2)**
8. **Clarify that when public law, municipal regulation or DDOT prohibits a curb cut, no parking is required (see notice, §P.2.3)**
9. **Comment: vests a great deal of unbridled discretion in DDOT without any standards, a concept sprinkled liberally throughout the text in the notice**

³ All references to the existing regulations are to 11 DCMR.

10. What about existing parking (see §P.1.4 of the notice re: required parking)?

- a) May parking spaces currently provided but no longer required be reduced or eliminated?**
- b) What about spaces required by BZA or PUD orders?**

IV. Limitations on the amount of parking provided

- A. Concept:** establish maximum limitations on the number of spaces around transportation hubs and Downtown
- B. Comment:** impossible to evaluate without knowing what locations are being considered and the specific number of spaces to be limited (see notice, §P.2.5)

V. Shared parking

- A. Concept:**
 - 1. Allow different uses to share the same parking spaces if those uses have different time-of-day requirements for the use of the spaces
 - 2. Allow "required" parking spaces to be used for general public parking
- B. Comments/questions**
 - 1. Who reviews the "parking study" and agrees that there are no negative impacts? The Zoning Administrator? DDOT?
 - 2. What happens if a building is built based on shared parking and at the end of the ten year period or at any other time the two uses can no longer share the spaces?
 - 3. Does this mean that a parking area for an apartment house can be rented out for general public parking when the spaces are not otherwise occupied (e.g., during the day)?

VI. Relief from parking requirements and limitations

- A. Payment to a DDOT fund** would allow reducing the minimum requirement or exceeding the maximum limitation by 50% (notice says "Subject to DDOT review," §§P.3.2 and P.3.3)

- B. Anything beyond the 50% would require a variance, but payment for the first 50% would still be required

C. Comments/questions

1. **As currently formulated, concept of paying into a DDOT fund to get relief from a zoning requirement is troubling**
 - a) **How does DDOT set the fee?**
 - b) **What does DDOT do with the money?**
 - c) **If the zoning requirements/limitations are reasonable and related to legitimate public purposes, how are those purposes served by paying into a fund when there is no express link between the payment and the property for which the relief is given?**
2. **Can the regulations deprive a property owner of the statutory right to ask for a variance without first paying the fee to DDOT or subject to DDOT's finding (see notice, §P.3.5)?**
3. **It would be more appropriate to make relief by special exception rather than variance**
4. **Does getting relief on the first 50% require DDOT approval (see notice, §§P.3.2 and P.3.3?) If so, what standards does DDOT apply? If none specified, that is another example of unbridled discretion handed off to an agency outside the zoning context**

VII. Car-sharing spaces

A. Concept:

1. In large parking areas (over 50 spaces), require car sharing spaces to be provided
2. Do not count such spaces towards the maximum limitations

B. Comments/questions

1. **Due to security considerations, should not apply to residential parking areas**
2. **Does each car sharing provider have the right to demand a space, or is it only one space total for each 100 spaces?**

3. **Are the spaces subject to the whim of the car sharing provider (whether public or private)? What if they don't use the spaces at first and then later demand them?**

VIII. Parking size requirements

A. Concept

1. Update standards to match current DDOT and ITE standards
2. Allow compact spaces to be up to 50% of minimum and remove the requirement that they be in groups of 5
3. Set new standards for size of parking spaces and access aisles

B. Comments/questions

1. **Clarify that size requirements apply only to required spaces (see notice, §P.4.1, compared to existing section §2115.1)**
2. **ITE "desirable dimensions" are derived from a suburban surface parking paradigm where land is basically unlimited; it would not be inappropriate to adjust that dimension to make it tighter in an urban context**
3. **Change in aisle width to 24 feet:**
 - a) **Increases from the current 20 feet without justification**
 - b) **Combined with the reduction in the size of a space, still results in an increase in the overall end-to-end dimension (space-aisle-space) of 2 feet**
 - c) **"if it's not broken, don't fix it"**
4. **Comment: should allow for flexibility for parking accessed through mechanical means (i.e., size of spaces and aisle widths may be smaller than otherwise assumed necessary for standard driver access)**
5. **Rules of interpretation section has been eliminated (see notice); not a good idea**

IX. Access to parking spaces

A. Concept

1. Prioritize access to encourage (require) access of secondary streets or alleys
 - a) Off an improved alley
 - b) If no alley, then off a secondary street as determined by DDOT
 - c) If no alley or secondary street, then from the front of the building if DDOT will allow a curb cut
 - d) If adopted law, regulations or DDOT prohibits a curb cut and there is no alternative access, then parking need not be provided
2. Minimum distances between parking entrances and intersection should be increased (from 25 feet to 60 feet)

B. Comments/questions

- 1. Establishes too rigid a hierarchy**
 - a) Alley may be improved but may be too narrow**
 - b) Alley may direct traffic to rear of abutting or nearby residential areas**
 - c) May not always be preferable to locate parking on side street or rear**
- 2. Needs to be a way to get exceptions or relief from both street location and distance from intersection**

X. Location of surface parking spaces

A. Concept:

1. Spaces must be located either in the rear or, if in a side yard, screened so as not to be visible from the right-of-way
2. No spaces to be located between a building face and a lot line abutting the street

3. On a corner lot, open spaces cannot be located facing the street with the higher DDOT classification and where both streets have the same classification, spaces may face either street but not both and must be screened

B. Comments/questions

1. Does "right-of-way" mean "street," as differentiated from an alley (see notice, §P.7.1)?
2. What about parking in front of retail, specifically a grocery store in more outlying areas of the city that have to compete with suburban stores?
3. Establishes too rigid requirements
4. Access, maintenance and operation are addressed in the notice, §P.7, but not in the OP report
5. Comment: should allow for parking to be accessed through mechanical means (i.e., not necessarily through standard driveways)

XI. Parking lot trash receptacles

A. Concept:

1. Require lots to be kept free of litter and debris
2. Require one outdoor litter receptacle for lots serving retail uses and restaurants

B. Comments/questions

1. OP report states that there is no current provision requiring lots to be kept clean; but see existing §2302
2. "Parking areas serving retail uses and restaurants" *(notice, §P.7.12)
 - a) Restaurants are retail uses under the Regulations
 - b) How does the operator of a general public parking lot know whether patrons of the lot are going to retail uses?

- c) Do all retail uses generate litter that would require a receptacle? Perhaps this should be targeted specifically to parking lots accessory to the "prime offenders" (e.g., fast food establishments and other similar uses)**

XII. Landscaping

A. Concepts

1. Increase amount of landscaping provided for lots of 6 spaces or more
2. Provide for tree shading and canopy requirements

B. Comments/questions

1. **Current regulations apply to lots of 10 spaces or more (see existing §2117.11); why decrease the threshold to 6 spaces? ("if it's not broken, don't fix it")**
2. **Increasing requirement for landscaping to 10% goes against the grain to improve efficient use of land by reducing the area devoted to surface parking**
3. **Have not seen any analysis of impact of these proposals on parking lot design**
4. **What about parking being constructed over below grade space?**

XIII. Bicycle parking

A. Concepts

1. Provide parking for all new structures over 5,000 square feet of commercial space or 9 residential units
2. Identifies two new classes of spaces
 - a) Class A spaces are interior intended for resident, employees and other long-term users of the site
 - b) Class B spaces are exterior intended for visitors, customers, and other short-term users of the site

3. Shower facilities and lockers required for nonresidential uses of greater than 50,000 square feet that require Class A spaces

B. Comments/questions

1. Are uses which are neither residential nor commercial (e.g., institutional, industrial, etc.) required to provide bicycle parking?
2. No quantified analysis of how the minimum number of spaces was arrived at; some of the numbers seem high
3. If automobile parking can be left to the market to determine, why do we need requirements for bicycle parking?
4. Council of the District of Columbia has adopted legislation (DC Law 17-103, effective February 2, 2008) requiring bicycle parking; why does the Zoning Commission have to duplicate that requirement with different regulations?
5. Specific detailed requirements (see notice, §§BP2-6) are very complicated
6. Can the Class B spaces be located in public space in front of a building?
7. For Class B spaces, should have a provision allowing for common bicycle parking areas for multiple uses grouped within a certain distance

XIV. Conclusions

- A. The details of much of what is proposed are not known, therefore depriving us of the opportunity to be heard and to respond on a cogent basis
- B. There are a lot of changes proposed in the notice (which we have been told is not the focus of this hearing but is still out in the public record) which require closer examination and scrutiny
- C. The changes which decrease requirements and add greater flexibility to provide less parking or to do it in more creative ways are generally good things
- D. The reverse is also true: The changes which increase requirements and provide less flexibility are generally not good things

- E. The delegation of authority to DDOT without guidance or standards is problematic and should be reconsidered; if delegation is retained, zoning amendments should not take effect until DDOT has adopted rules that make clear in the public domain how the Zoning Regulations will be applied
- F. The notion of not fixing things which are not broken should be adhered to; there are things which are not justified and which seem to be changed for the sake of change (or perhaps because other jurisdictions do them and therefore the District should also)
- G. The reliance upon "best practices" studies needs to be tempered by whether these are truly "best" practices or whether they are "predominant" practices, which may not be better than the current regulations