

Comments of Friendship Neighborhood Association on
Notice of Proposed Rulemaking
Zoning Commission Case No. 08-06-A
(Text Amendment – 11 DCMR)
Title 11, Zoning Regulations – Comprehensive Text Revisions
Subtitle C: Chapter 7, Vehicle Parking

The Proposed Minimum Parking Requirements are Inconsistent with the Comprehensive Plan

Sections 701 and 702 of Subtitle C of the proposed Zoning Regulations would decrease the minimum parking requirements citywide. The provisions in these sections are inconsistent with the Comprehensive Plan and should be rejected.

Friendship Neighborhood Association (FNA) submitted comments in the March 2011 Notice of Proposed Rulemaking on the parking regulations in the ZRR and discussed why the proposed regulations were inconsistent with the Comprehensive Plan. In particular, FNA's comments demonstrated that the proposed regulations were inconsistent with Comprehensive Plan policies that: (1) ensure that parking requirements for residential buildings are responsive to varying levels of demand [LU-2.1.1], (2) limit the impact of commercial parking demand on nearby residential streets [LU-2.4, LU-2.3.2 and LU-2.4.3] and (3) tailor the transit-oriented development policies and regulations to "reflect the specific conditions at each Metrorail station and along each transit corridor" [LU-1.3.7], as well as various policies in the Rock Creek West chapter.

Rather than drafting regulations that would be consistent with these Comprehensive Plan policies, the Office of Planning's stated objective was to make it more difficult and expensive for DC residents to own cars.¹ To pursue this objective, the Office of Planning set the same arbitrarily low parking requirement for multi-family housing (currently proposed to be 16 spaces for a 100-unit building) outside downtown, but within a half-mile of a Metrorail station or a quarter-mile of a major bus corridor, with no respect for differing circumstances across neighborhoods. Not only does the Comprehensive Plan call for varied objectives with respect to parking management in different areas, it explicitly disavows a one-size-fits-all strategy for transit zones.

While the proposal has been revised slightly, for example, reducing the minimum parking requirement for multi-family housing to less than one space for every six units for projects that are within a half-mile of a Metro station or a quarter-mile of a listed bus route, rather than eliminating minimum parking requirements for those areas, this new proposal has minimum parking requirements for multifamily housing that are not related to the demand for parking associated with residential buildings in those zones and it has commercial parking requirements that do not protect the neighborhood character and mitigate commercial development impacts as called for in the Comprehensive Plan.

In the Zoning Order for that NPRM, the Commission requested that the Office of Planning address the issues about inconsistency with the Comprehensive Plan that Friendship Neighborhood

¹ The paper that was cited as providing the empirical basis for choosing the minimum parking requirements did not contain any empirical evidence supporting the choice of minimum parking requirements. It did, however, include one telling quote. The Office of Planning's consultants stated that "The primary goal of the current project was to identify zoning changes that would result in reduced accommodation of parking at new development in the District." ["Washington DC Review of Zoning Requirements for Parking," Prepared by Nelson\Nygaard Consulting Associates for the DC Office of Planning, May 2008, page 49]

Association raised in its submission prior to moving to apply the new parking requirements. Those concerns were never addressed, and the new proposal is clearly inconsistent with the Comprehensive Plan for the reasons discussed in FNA's March 11, 2011 Comments (attached).

On November 4, 2013, former Zoning Commissioner John Parsons wrote to the Zoning Commission commenting on the applicability of the statistics cited to support the proposed changes in the parking regulations and requesting that the Commission "defer establishment of new parking regulations until more reliable behavior patterns are apparent." [Mr. Parsons' letter, attached.] The concerns raised in Mr. Parsons' letter have not been addressed and the proposed changes in the parking regulations should be deferred until the Office of Planning can produce the necessary supporting studies.²

The Residential Minimum Parking Requirements Do Not Reflect Likely Vehicle Ownership

Sections 701.5 and 702 set the minimum parking requirements for multi-family housing at one space for every three units in excess of four units for buildings that are over a half-mile from a Metro station and over a quarter mile from a streetcar line or a listed bus line. This would mean that only 32 spaces would be required for a 100 unit building in a location without easy (or convenient) access to transit. Car-free residents of that building would be required to begin and end every trip with a walk of over a quarter-mile to a major bus line or a half-mile to the Metro. Are 68% of those households likely to be car-free?

For buildings that are within a half-mile of a Metro station or a quarter mile of a listed bus route, the minimum parking requirement would be reduced to one space for every six units in excess of four units, which would be 16 spaces for a 100 unit building. Members of the 84 households that are assumed to be car-free would begin and end each trip with a walk of up to a half mile to a Metro station or up to a quarter-mile to a major bus line.³

The assumption that vehicle ownership rates would be as low as 0.33 vehicles per household without convenient access transit or 0.167 vehicles per household "near" transit (where residents would walk up to a half-mile to Metro or a quarter-mile to a bus) for all sections of the city strains the imagination. And, in fact, a review of most recent Census Bureau American Community Survey data (5-year estimate) shows that the vehicle ownership rates are not that low in any part of DC.

While the highest minimum parking requirement for multi-family housing is slightly less than one space for every three units, there is only one census tract in DC that has fewer than 0.33 vehicle per household.⁴ That is the census tract that includes the George Washington University campus.

² The Office of Planning recently began to collect data on residential parking. The data collection phase had not yet been completed when the proposed regulations were published in the DC Register. And, the design of the study is flawed. In addition, there has been no study initiated to examine the parking needs for non-residential uses.

The data collection for apartment buildings is flawed, since they are collecting data on overnight parking in apartment garages, rather than on vehicle ownership, so they will not have an accurate estimate of the number of vehicles that residents own. Vehicles that are routinely parked on neighborhood streets using RPPs will not be counted, nor will the vehicles that are frequently parking in the garage, but happen to be elsewhere on the evening of the count. Instead, OP could have determined the number of vehicles registered to residents of the building (including the vehicles that are registered out of state, but qualify for reciprocity), which still might not count all the vehicles that residents routinely use, but at least wouldn't assume away the spillover issue.

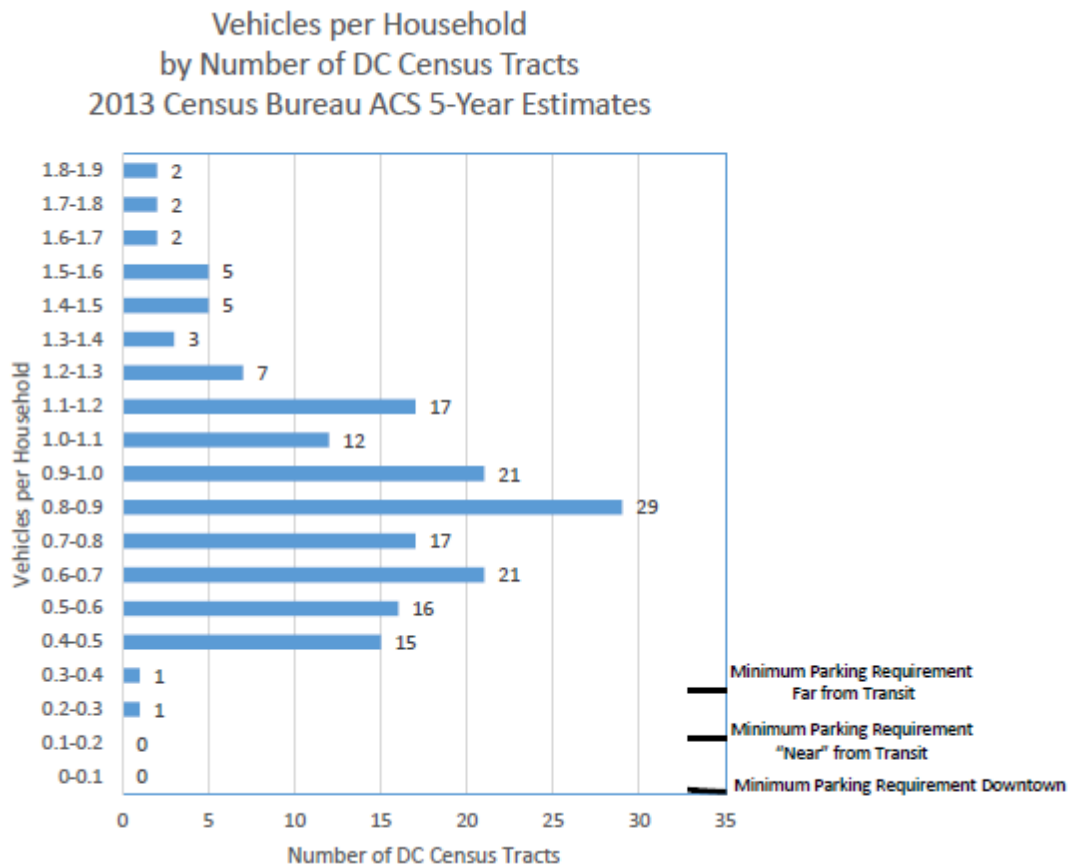
³ Since there would be no restriction on access to Residential Parking Permits for residents of buildings that are within a half-mile of a Metrorail station, those 84 households might not be car-free, but instead competing for already stressed on-street parking supply on the nearby residential streets.

⁴ Data is from the Census Bureau's recently released American Community Survey 5-year Estimates for DC (2009-2013).

For that census tract, there are 0.27 vehicles per household. With the ZRR, the minimum parking requirement for the western portion of this census tract would be 0.167 spaces per unit, while there would be no minimum parking requirement on the eastern portion of the census tract.

There are no other census tracts in DC where there are fewer than 0.33 vehicles per household, the vehicle ownership rate that corresponds to the ZRR proposed minimum parking requirement far from Metro or priority bus lines.

The following chart shows the estimated average vehicles per household for the District's 176 Census Tracts and compares vehicle ownership with the proposed minimum parking requirements on the right hand side of the chart.



There is only one census tract with average vehicle ownership below the highest minimum parking requirement, and the proposal would have part of that census tract with no minimum parking requirement and the remainder of that census tract with a reduced minimum parking requirement, far below the average for that census tract. Of the remaining 175 census tracts, the overwhelming majority have average vehicle ownership rates that are a multiple of the highest minimum parking requirement, even though many of those census tracts would be mapped for a 50% reduction in the minimum parking requirement. For example, there are two census tracts in Ward 3 where over 95% of the residents live in apartments, coops or condominiums and own, on average, 1.5 vehicles per household. Yet, the proposed minimum parking requirement for those areas would be less than 0.167 spaces per unit. Average vehicle ownership in those two census tracts is 9 times the proposed minimum parking requirement. If a developer built new multi-family housing in those areas and provided only the minimum required parking, we would expect to see 8 vehicles parked on the

neighborhood streets for every vehicle parked in the garage under the building. For the census tract that includes 16th Street north of Military Road, there are 0.8 vehicles per household, but the minimum parking requirement would be less than 0.167 spaces per unit. This means that average vehicle ownership in the census tract is approximately 5 times the minimum parking requirement. If new multi-family housing had only the minimum required parking, there would be 4 vehicles parked on the street for each vehicle that would be parked off-street in the garage.

The ZRR record includes no data or studies to support the proposed minimum parking requirements. When OP staff was asked for the supporting materials, Jennifer Steingasser provided only a Nelson/Nygaard report that included absolutely no data supporting the recommendations. There was no data on parking needs. The report simply compared our parking requirements with those for other jurisdictions. And, for the most part, our requirements were already significantly lower than the others.

Section 703: Special Exceptions from Minimum Parking Requirements

With these low minimum parking requirements, the standard for flexibility should be a variance, not a special exception. In addition, some of the justifications listed, of which the Applicant need only demonstrate one, are duplicative of the criteria already incorporated in the minimum parking requirement. For example, 703.2(b) and (c) are largely captured by the reduction allowed for proximity to transit, except for the mention of bicycle facilities, which is unlikely to reduce parking demand sufficiently to have it fall below the very low minimums proposed. 703.2(g) looks to the availability and likely future availability of existing parking that might be available to their residents, employees or customers. If such parking actually is available, and likely to be available in the future, it seems that the zoning flexibility allowing for off-site parking, with the contractual provisions that ensure its future availability, is more appropriate than a reduction in the minimum. Allowing a reduction instead of using the provisions of 701.8(b) would likely lead to currently available spaces being doubled counted for multiple projects.

Comparison of the Proposed Minimum Parking Requirements with DC's Current and Montgomery County and Arlington County Minimum Parking Requirements

In the following tables, we compare DC's current minimum parking requirement with the minimum parking requirements proposed in this NPRM for several uses, and also compare the current and proposed minimum parking requirements with the parking requirements for Arlington, Virginia and the new zoning code for Montgomery County, Maryland.

For clinics and medical offices, we see that the proposed minimum parking requirements are substantially lower than the current minimum parking requirements. For a 100,000 square foot clinic in a commercial zone, the current minimum parking requirement is 326 spaces, while the proposed minimum parking requirement would be 97 spaces if the clinic is far from transit, i.e., more than a half-mile from a Metro station and more than a quarter mile from a listed bus line. If the clinic is "near" transit, the minimum parking requirement would be 49 spaces. In contrast, Arlington County would require 423 spaces (380 if there is direct access to Metrorail), while Montgomery County would require 100-200 spaces in reduced parking areas (depending on the zone) and would require 400 spaces in other non-rural areas.

Clinics, Medical and Dental Offices

DC CURRENT USE AND PARKING STANDARD	DC ZRR PROPOSED USE CATEGORY AND PARKING STANDARD	NOTES AND COMPARISON: Current DC minimum parking requirement compared with the proposed minimum parking requirement “far” from transit, “near” transit and in where minimum parking requirements are eliminated “downtown”					Arlington County		Montgomery County	
	(without reduction for transit proximity)	Example	Existing	Proposed “far from transit”	Proposed “near transit”	Proposed Downtown	Requirement: Arlington County		Requirement: Montgomery County (reduced parking area; other non-rural areas)	
Clinic	Medical Care						Offices or clinics, medical or dental		Medical and Dental	
R4, R5: 1 space for each 300 SF of GFA or cellar floor area	All districts: In excess of 3,000 SF, 1 per 1,000 SF, with a minimum of one space required	2,000 SF 6,000 SF 10,000 SF	7 20 33	1 3 7	1 2 4		1 per 150 feet for the first 5,000 SF, plus 1 per 200 SF for the next 10,000 SF plus 1 per each 250 SF in excess of 15,000 SF Note: There is a 10% reduction for buildings with direct Metro access, but medical buildings are not eligible for the other Metro proximity reduction.	13 37 58	Reduced parking area: 1-2 spaces per 1,000 SF Other areas: 4 spaces per 1,000 SF	2-4; 8 6-12;24 10-20; 40
C-1, C-2-A, C-3-A (when more than 25% of GFA and cellar area is used for this purpose) 1 Space for each 300 SF of GFA or cellar area in excess of 2,000 SF	All districts: In excess of 3,000 SF, 1 per 1,000 SF, with a minimum of one space required	10,000 SF 100,000SF 300,000 SF	26 326 994	7 97 297	4 49 149		1 per 150 feet for the first 5,000 SF, plus 1 per 200 SF for the next 10,000 SF plus 1 per each 250 SF in excess of 15,000 SF See note, above.	58 423 883		10-20; 40 100-200; 400 300-600;1200

For other office space, we see that the proposed minimum parking requirements are substantially lower than the current minimum parking requirements. For example, for a 100,000 SF building in a low- to moderate-density zone, the current minimum parking requirement is 163 spaces, and it would be reduced to 49 spaces if the building is far from transit, to 24 spaces if it is within a half-mile of a Metrorail station or quarter mile of a listed bus line, and eliminated downtown. On the other hand, Arlington County would require 298 spaces for a building that size, unless it is within 1,000 feet of a Metrorail station, in which case, it would be reduced to 278 spaces, and if there is direct access to Metrorail, it will be reduced another 10%. In Montgomery County, the requirement in the reduced parking areas would be 200 spaces, with a requirement of 225 spaces in other non-rural areas.

Offices:

DC CURRENT USE AND PARKING STANDARD	DC ZRR PROPOSED USE CATEGORY AND PARKING STANDARD	NOTES AND COMPARISON: Current DC minimum parking requirement compared with the proposed minimum parking requirement “far” from transit, “near” transit and in where minimum parking requirements are eliminated “downtown”					Arlington County		Montgomery County	
	(without reduction for transit proximity)	Example	Existing	Proposed “far from transit”	Proposed “near transit”	Proposed Downtown	Requirement: Arlington County		Requirement: Montgomery County	
Office	Office									
C-1, C-2-A, C-3-A In excess of 2,000 SF, 1 for each additional 600 SF of GFA and cellar floor space	In excess of 3,000 SF, 0.5 per 1,000 SF	10,000 SF	13	4	2		1 per 250 SF of floor area on the first floor, plus 1 per 300 SF in the basement or 2 nd through 5 th floors plus 1 per 400 SF above the 5 th floor ⁵	35	Reduced parking area: 2 spaces per 1,000 SF Other areas: 2.25 spaces per 1,000 SF	20; 23
		100,000 SF	163	49	24			298		200; 225
		300,000 SF	497	149	74			798		600; 675
W, C-2-B, C-2-C, C-3-B, C-3-C, SP, CR In excess of 2,000 SF, 1 for each additional 1,800 SF of GFA and cellar floor space	In excess of 3,000 SF, 0.5 per 1,000 SF	10,000 SF	4	4	2	0	Same	35		20; 23
		100,000 SF	54	49	24	0		298		200; 225
		300,000 SF	166	149	74	0		798 See footnote for reductions due to Metrorail proximity.		600; 675
C-M, M In excess of 2,000 SF, 1 for each additional 800 SF of GFA and cellar floor space	In excess of 3,000 SF, 0.5 per 1,000 SF	10,000 SF	10	4	2		Same	35		20; 23
		100,000 SF	123	49	24			298		200; 225
		300,000 SF	373	149	74			798 See footnote for reductions due to Metrorail proximity.		600; 675

The contrast is also striking for multi-family housing. For moderate density zones, like the ones along the upper Wisconsin Avenue corridor, the minimum parking requirement for a 100 unit building would drop from the current requirement of 50 spaces to 32 spaces if far from transit, or 16

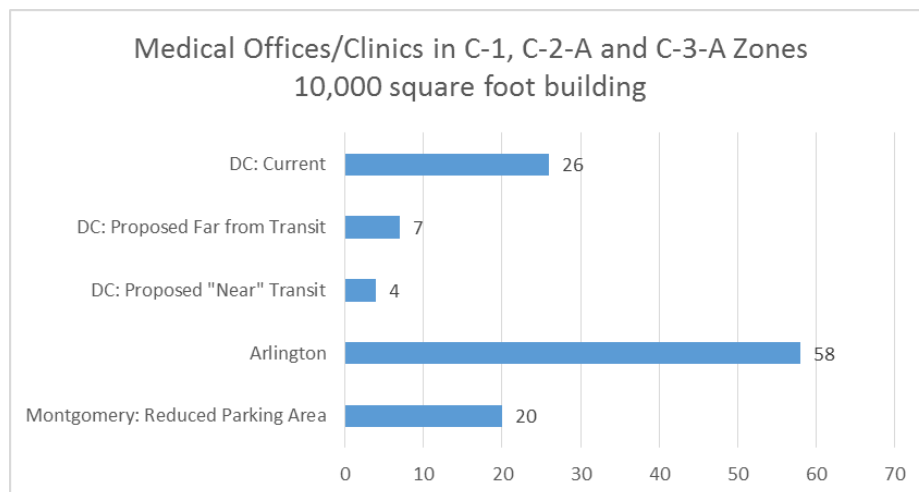
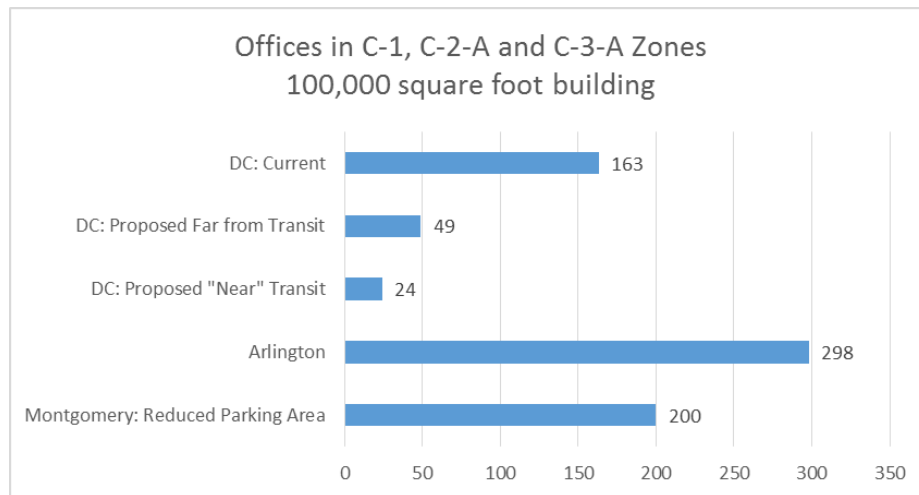
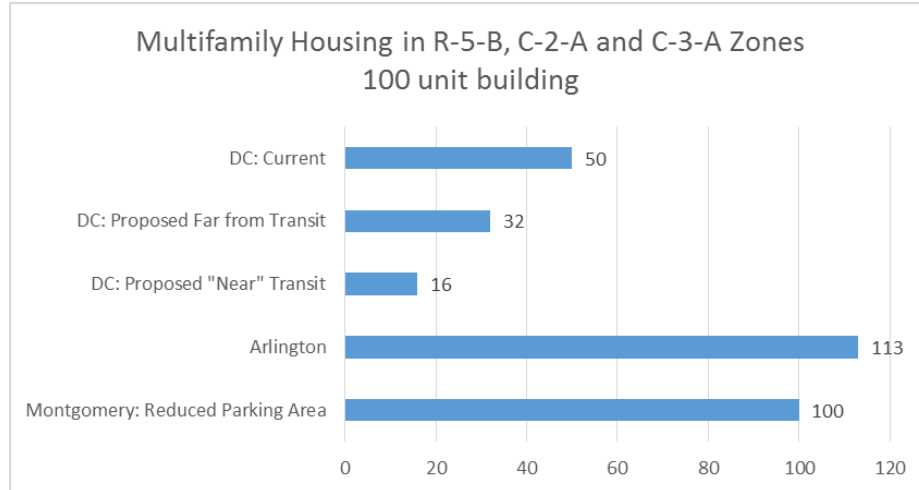
⁵ For Arlington County, these can be reduced by 20 spaces if within 1,000 feet of a Metro station. These can be reduced by 10% if direct connection to Metro no greater than 500 feet in length.

spaces if eligible for the proximity to transit reduction, as the upper Wisconsin Avenue corridor is. In contrast, the same building in Montgomery County would require at least 100 spaces, and if it isn't in a parking reduction area, the requirement would be higher if the units aren't all efficiencies. For a building with 100 one-bedroom apartments, the minimum parking requirement in those areas would be 125 spaces, and if there are larger units, the requirement would increase. In Arlington, the minimum parking requirement for a 100 unit building is 113 spaces, more than double DC's current minimum parking requirement and nearly 7 times the minimum parking requirement proposed for the upper Wisconsin Avenue Corridor.

Multi-family Housing: Apartments, Condominiums and Coops

DC CURRENT USE AND PARKING STANDARD	DC ZRR PROPOSED USE CATEGORY AND PARKING STANDARD	NOTES AND COMPARISON: Current DC minimum parking requirement compared with the proposed minimum parking requirement “far” from transit, “near” transit and in where minimum parking requirements are eliminated “downtown”				Arlington County		Montgomery County	
	(without reduction for transit proximity)	Example	Existing	Proposed “far from transit”	Proposed “near transit”	Requirement: Arlington County		Requirement: Montgomery County	
Multifamily housing									
R-5-A, C-1 1 for each dwelling unit (DU)	1 per 3 units in excess of 4 units	6 units 50 units 100 units	6 50 100	1 15 32	1 8 16	1 and 1/8 for each of the first 200 units plus 1 for each additional unit		7 56 113	Reduced Parking area: 1 space per unit Other areas: 1 space per unit for efficiencies, 1.25 for 1- bedroom, 1.5 for 2-bedroom, 2 per unit for 3- bedroom or more 6; 6+ 50;50+ 100;100+ Parking requirement outside reduced parking zones is higher for apartments with one or more bedrooms
R-5-B, C-2-A, C-3-A 1 for each 2 units	1 per 3 units in excess of 4 units	6 units 50 units 100 units	3 25 50	1 15 32	1 8 16			7 56 113	Same 6; 6+ 50;50+ 100;100+ See Note, above
R-4, R-5- C, R-5-D, C-2-B, W, CR 1 for each 3 units	1 per 3 units in excess of 4 units	6 units 50 units 100 units 200 units	2 17 33 67	1 15 32 66	1 8 16 33			7 56 113 225	Same 6; 6+ 50;50+ 100;100+ 200;200+ See Note, above
R-5-E, SP, C-2- C, C-3-B, C-3-C 1 for each 4 units	1 per 3 units in excess of 4 units	6 units 50 units 100 units 200 units	2 12 25 50		1 8 16 33			7 56 113 225	Same 6; 6+ 50;50+ 100;100+ 200;200+ See Note, above

The following three charts show how the ZRR would reduce our already low minimum parking requirement for multifamily housing, offices, and medical offices or clinics in the low and moderate density zones along the Upper Wisconsin Avenue corridor. For other zones and uses, we also see a major reduction in minimum parking requirements, where DC's current minimum parking requirement is significantly lower, or in some cases comparable, to the minimum parking requirements in Arlington County and Montgomery County.

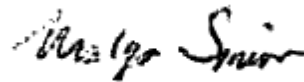


Summary

Many summaries of the ZRR have only mentioned that the minimum parking requirement will be lower near transit than far from transit, and they omit the fact that the draft regulations would result in major reductions in minimum parking requirements in many categories city-wide.

The proposed changes are inconsistent with the Comprehensive Plan and will likely cause irreparable harm if adopted, whereas, there will be no harm associated with delaying any changes in the minimum parking requirements until they are revised to be consistent with the Comprehensive Plan and the Office of Planning provides reports and data to demonstrate that they will address future parking demand.

As Mr. Parsons requested earlier, the Commission should defer the establishment of new parking regulations until we have seen reliable reports that support all the proposed changes.



Marilyn Simon

For Friendship Neighborhood Association

The following documents are attached to this submission, to be included in the record. They provide background information demonstrating that the proposed minimum parking requirements are inconsistent with the Comprehensive Plan

1. Comments of Friendship Neighborhood Association on NPRM, ZC Case 08-06, Comprehensive Zoning Regulations Review: Chapters B-15, B-16 & B-17, March 11, 2011. These comments demonstrate that the proposed regulations were inconsistent with the Comprehensive Plan, and while there have been some changes in the proposal, the current proposal is inconsistent with the Comprehensive Plan for the reasons described in this submission. Although the ZC asked the Office of Planning to address these concerns prior to moving forward with the proposal, they have not yet been addressed.
2. Testimony of Marilyn J. Simon, Friendship Neighborhood Association, ZC Case 08-06, November 15, 2010. This includes a map that shows some of the areas at risk of increased spillover parking impacts.
3. Comments of Friendship Neighborhood Association, ZC Case 08-06A, November 12, 2013
4. Two maps from DDOT's Friendship Heights Transportation Study (July 28, 2008) showing high parking utilization on neighborhood streets near the Friendship Heights Metrorail station, sometimes over 100% (all legal spaces taken and additional vehicles illegally parked).
5. Testimony of Marilyn J. Simon, Friendship Neighborhood Association, ZC Case 08-06-2, Comprehensive Zoning Regulations Rewrite: Parking, July 31, 2008, which includes a comparison (based in part on documents OP presented to the ZRR Working Group) comparing DC's current minimum parking requirements with vehicle ownership and with Arlington, San Francisco, Portland (Oregon) and Philadelphia.
6. Testimony of Marilyn J. Simon, Friendship Neighborhood Association, ZC Case 08-06A, September 8, 2014, including DDOT maps of vehicles per household and map of changes in minimum parking requirements along Wisconsin Avenue.
7. Letter from former Zoning Commissioner John G. Parsons to Chairman Anthony Hood dated November 4, 2013, in which he states "It would seem prudent to me that you defer establishment of new parking regulations until more reliable behavior patterns are evident," and also describes specific concerns about the national trends on miles driven and car purchases, as well as concerns about the application on changed parking regulations to a wide variety of neighborhoods.

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

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

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

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

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

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

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

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

MR. PARKER: Absolutely.

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

The Land Use element includes the Policy LU-2.1.11, which describes the methodology for setting minimum parking requirements, matching the requirements to the demand, and

Policy LU-2.1.11: Residential Parking Requirements

Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated. 309.16

in particular, making certain that reductions in parking are put into place only after it has been clearly demonstrated that there will be an associated reduction in demand. The broad elimination of minimum parking requirements proposed here, with no demonstration that future residents, employees and customers will not require parking, is clearly inconsistent with the methodology described in the Comprehensive Plan policy.

In addition, several policies in the Land Use Element deal explicitly with the need to mitigate the impact of commercial development on surrounding residential areas. For example, in the

LU-2.4 Neighborhood Commercial Districts and Centers 312

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

discussion of commercial districts and centers (§312.3), it is noted that commercial parking demand affects nearby residential streets, and that effective zoning requirements are important to address those concerns and protect neighborhood character. Minimum parking requirements are used to limit the commercial parking

demands on nearby residential streets and to protect the neighborhood character. The elimination of minimum parking requirements in Subtitles F and H removes the necessary protection.

Policy LU-2.3.2 also deals with the mitigation of the impact of commercial development on surrounding residential areas, requiring that before commercial development is approved,

requirements be in place to avoid these adverse effects, including the impact on parking. The elimination of minimum parking requirements near single family zones is inconsistent with this policy.

Policy LU-2.3.2: Mitigation of Commercial Development Impacts

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

In addition, the Comprehensive Plan provides for additional protections for the residential neighborhoods near Regional Centers, such as Friendship Heights. Yet, as shown below, the map

Policy LU-2.4.3: Regional Centers

Permit the District's two established regional commercial centers, Georgetown and Friendship Heights, to develop and evolve in ways which are compatible with other land use policies, including those for maintaining stable neighborhoods, mitigating negative environmental impacts, managing parking, and minimizing adverse traffic impacts. Likewise, encourage the continued development of the emerging regional centers at Minnesota-Benning and Hechinger Mall in a manner that is consistent with other policies in the Comprehensive Plan. 211.7

provided by the Office of Planning has included the entire Friendship Heights Regional Center in the areas where they would eliminate minimum parking requirements, in spite of the fact that the surrounding neighborhood is zoned R-2 and

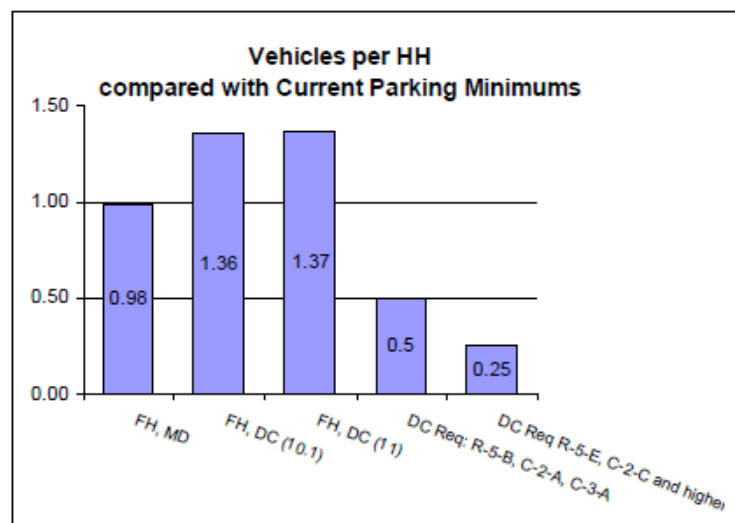
R-1-B, and that it is not unusual for all the legal on-street parking spaces on the nearby neighborhood streets to be utilized. Elimination of minimum parking requirements exacerbates the problem.

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

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

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

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

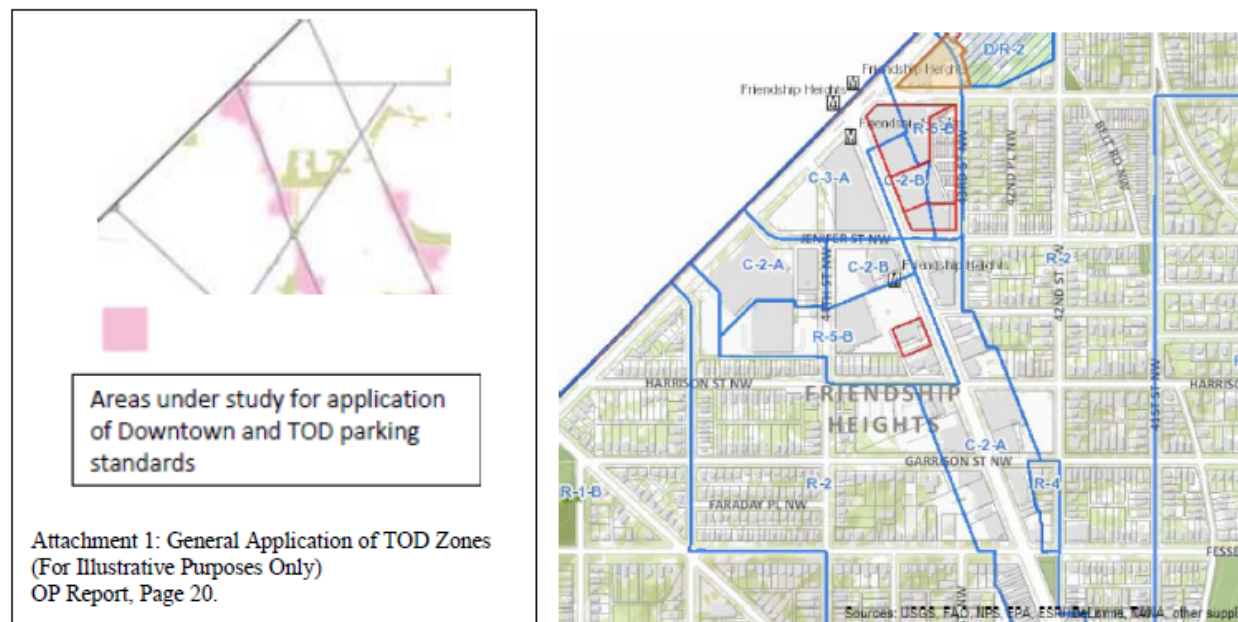


³ Comprehensive Plan, ¶2312.6.

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

Friendship Heights and Tenleytown:

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



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

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

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

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

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

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

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

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

Overview 2300

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

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

Several policies are included in the Rock Creek West Element to ensure that land use decisions do not exacerbate the congestion and parking problems in these already congested

Policy RCW-1.1.12: Congestion Management Measures

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

areas, such as the Friendship Heights, Tenleytown, and Connecticut/Van Ness areas. Yet these are three areas where minimum parking requirements would be eliminated and maximum parking limits imposed – exacerbating the parking problems on the neighborhood streets.



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

Comprehensive Plan, page 23-15.

Policy RCW-1.1.13: Parking

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

Policy RCW-1.1.5: Preference for Local-Serving Retail

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

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

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

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

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

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

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

Conclusion:

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

Submitted on behalf of
Friendship Neighborhood Association

Marilyn J. Simon

⁵ DCMR Title 11, Section 2104.

Marilyn J. Simon, Testimony, November 15, 2010, Case 08-06

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CASE NO. 08-06

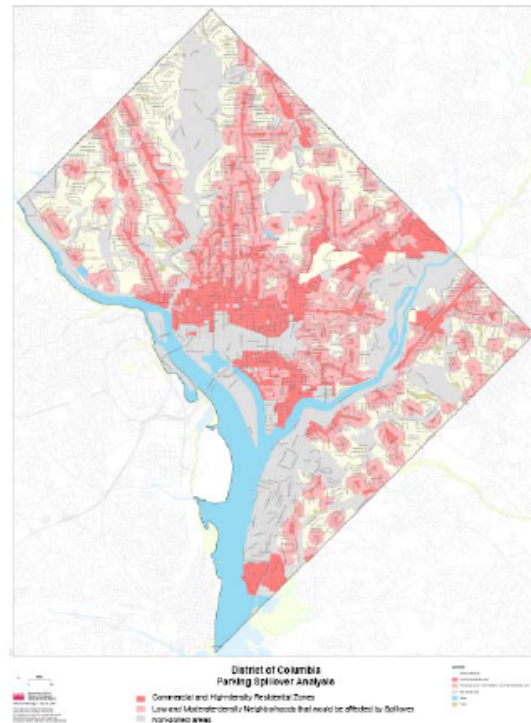
Comprehensive Zoning Regulations Review: Chapters B-15, B-16 & B-17

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.¹ 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).²



¹ 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.

² See, OP Setdown Presentation, Slide 10, Relationship to Land Use Subtitles. There also would be no minimum parking requirements in Subtitle I (downtown) and Subtitle J (PDR/Industrial).

DDOT has listed several tools for mitigating spillover,³ 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 resident's vehicles is not required.⁴ 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.⁵ 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 like 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

³ 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

⁴ 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.

⁵ 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.

Marilyn J. Simon, Testimony, November 15, 2010, Case 08-06

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to spillover.⁶ 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.⁷ 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.⁸ 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,

⁶ 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.

⁷ 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."

⁸ 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.

Marilyn J. Simon, Testimony, November 15, 2010, Case 08-06

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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.⁹ 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,

⁹ 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.

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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.

**Comments of Friendship Neighborhood Association on
Zoning Commission Case No. 08-06A
Zoning Regulations Review: Subtitle C
November 12, 2013**

My name is Marilyn Simon and I am speaking today on behalf of Friendship Neighborhood Association. FNA has been involved in the Zoning Rewrite since July 2007, and over the past six years, I have testified before the Zoning Commissions on many sections of the proposed zoning code. We have provided a significant amount of information on parking, including data showing that the proposed parking requirements are inadequate and inconsistent with the Comp Plan. We ask that our previous testimony on the zoning rewrite be included in the record.

I will outline our major concerns.

OP has not provided information required in ZC 08-06-C: FNA filed comments in the 2001 NPRM, and in the Order, the ZC requested that OP explain how what they were proposing was consistent with the Comp Plan policies identified in our comments. OP has not provided any explanation and none is possible inasmuch as the draft text is inconsistent with those policies.

OP's recommendations lack empirical support: OP has not provided any data to support their recommendations to reduce minimum parking requirements, and in fact all the data in the record indicates that our minimum parking requirements are much lower than the increased parking demand that a project would generate.

When I asked OP for the reports cited in support of the recommendations, Jennifer Steingasser provided me with a report that included absolutely no data supporting the recommendations. There was no data on parking needs. The report simply compared our parking requirements with those for other jurisdictions. For the most part, our requirements were already significantly lower than the others.

DDOT report does not provide any data on parking needs. It cites changing demographics, but provides no data. In fact, DMV data shows that vehicle ownership has been increasing, and Census data shows that the number of vehicles per household in DC has been roughly constant for a substantial period of time.

The draft requires less than 0.167 spaces per housing unit in a large portion of the areas zoned for apartments, even though vehicle ownership rates are more than five times that amount. This is a recipe for disaster and simply is not sustainable. A sustainable parking policy would increase off-street parking at approximately the same rate as development is increasing demand for parking so that the limited supply of on-street parking is not overwhelmed, or further overwhelmed. The ZC should make no change to reduce the minimum parking requirements until there is area based data supporting that reduction.

Drafting Issues, lack of enforcement and monitoring mechanisms: Even the sections where OP is trying to implement a desirable policy, the implementation is faulty. In my earlier submission, I described the enforcement and monitoring issues in the text that OP proposed for shared parking and off-site parking,

and provided suggested language changes. But I caution you that similar issues pervade this nearly 1,000 page document, and in this accelerated review process, it seems unlikely that you will be able to locate and correct all the poorly drafted sections.

DC zoning requirements a function of unrelated WMATA decisions: Another example of poorly drafting was the section tying the minimum parking requirements to WMATA's decisions as to which routes are designated as Priority Bus Routes, meaning that DC's minimum parking requirements can change as a result of a WMATA action where there would be no opportunity to consider that impact.

Assessing a penalty on developers who choose to provide adequate parking: Even though OP is proposing to increase the trigger for assessing a penalty on developers providing more than the required parking, given the very low minimum parking requirements, far below the new parking demand generated, for many projects, a responsible developer choosing to simply produce adequate parking for the residents, employees, customers and visitors to the site will be assessed a penalty. This is simply a bad policy, and like so many other radical changes in this section, it does not have a basis in the Comprehensive Plan, and in fact, is inconsistent with the Comprehensive Plan.

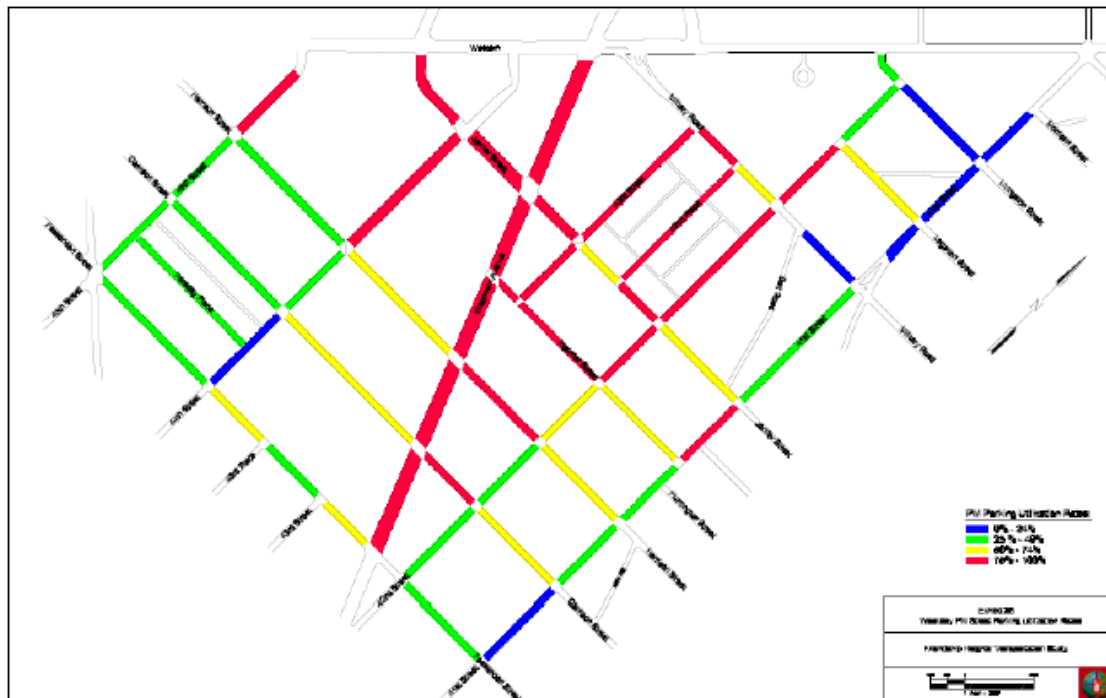
The proposed changes do not enhance housing affordability: You have heard much testimony tonight about how reducing minimum parking requirements will increase the supply of affordable housing. Our low minimum parking requirements do not increase housing costs for any car-free residents. For apartments, we generally require less than one space per two units. This low minimum does not force residents without cars to pay for parking. Further, the unpublished study that OP cited to support this claim was based on assumptions that simply do not apply to DC.

Over time, the proposed changes can have a negative impact on walkability and the environment: The proposed changes do not improve walkability or help the environment. In fact, it has the opposite effect. When new buildings with inadequate parking are built near single family neighborhoods, we see that over time, more of the residents who did not have off-street parking find it necessary to pave over a portion of their yard. In other instances, since underground parking cannot be added after the fact, as parking becomes more of an issue, there is pressure for either more surface parking or structural parking, both of which have a negative impact on the environment and on the walkability of the area.

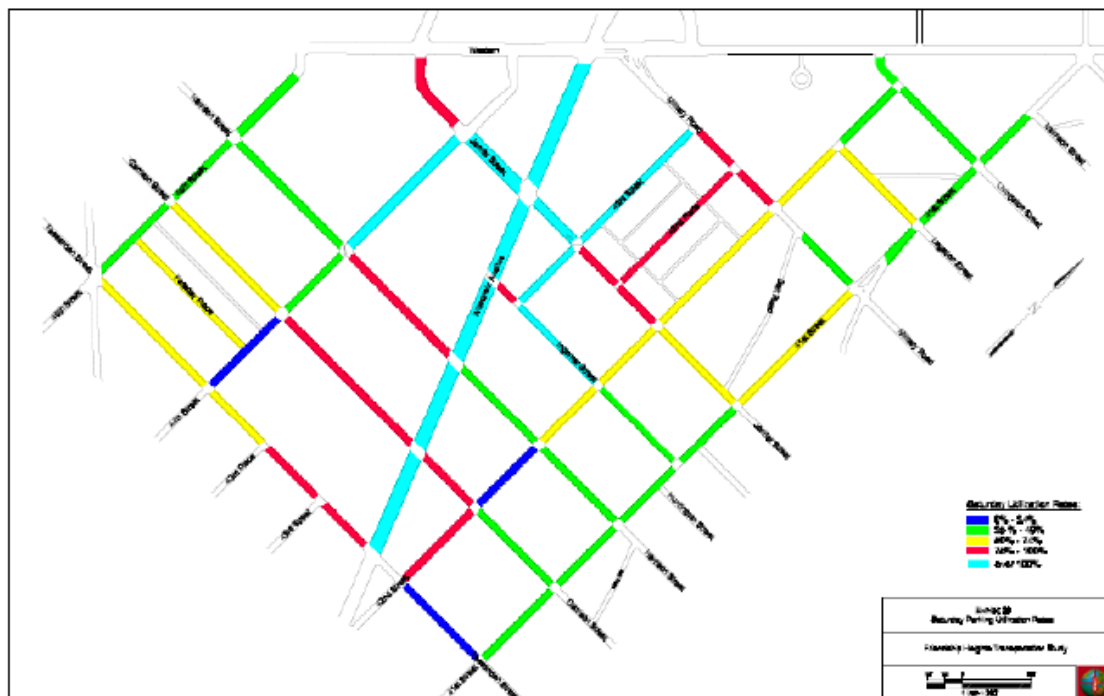
Conclusion: We ask that you, as suggested in letters by Councilmembers Evans and Cheh, and former Commissioner John Parsons, defer establishment of new parking regulations.

From Friendship Heights Transportation Study (DDOT)

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.

Marilyn J. Simon, Testimony, July 31, 2008, Case 08-06-2

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CASE NO. 08-06-2

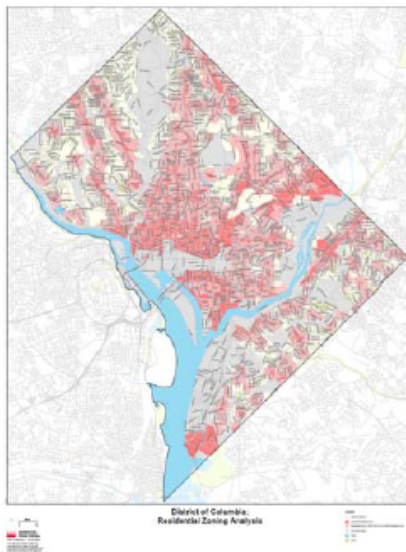
Comprehensive Zoning Regulations Rewrite: Parking

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.

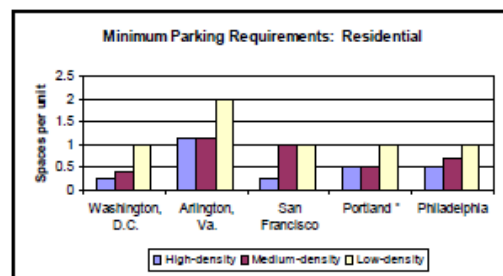


I have submitted a map which shows the low- and moderate density neighborhoods that will be affected by OP's elimination of minimum parking requirements. Those areas are shown in pink. The pink areas actually underrepresent the percentage of households affected, since the density in those areas tends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

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



¹ 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

Marilyn J. Simon, Testimony, July 31, 2008, Case 08-06-2

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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

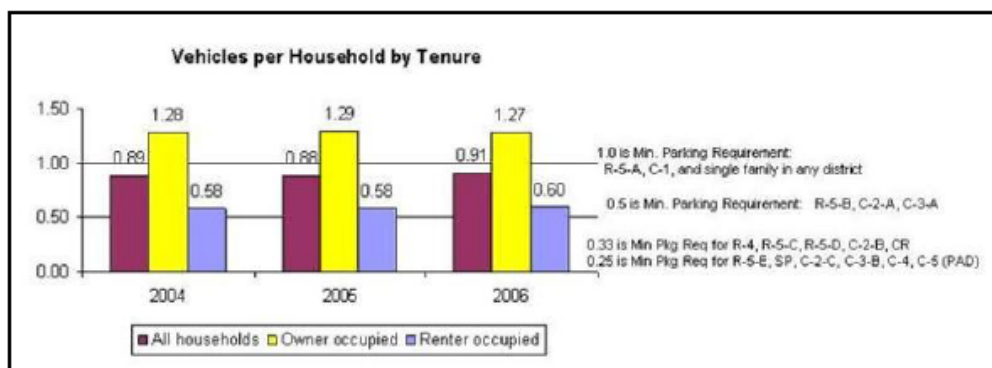
	Comparison with Current DC Zoning Regulations
Arlington, Virginia	Minimum Parking Requirement for Residential Uses: All Zones: 2-4 times the current DC minimums
San Francisco	Minimum Parking Requirement for Residential Uses: Medium density zones: 2 times DC minimums Low- and high density zones: same 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

Marilyn J. Simon, Testimony, July 31, 2008, Case 08-06-2

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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.

CASE NO. 08-06A
Zoning Commission of the District of Columbia
Zoning Regulations – Comprehensive Text Revisions
Limited Public Hearing: Alternative Language to Certain Advertised Text
Testimony of Marilyn J. Simon, Friendship Neighborhood Association
Monday, September 8, 2014

Subtitle C: Alternative Language Addressed:

1. Vehicle Parking: Remove the Priority Bus Corridor from the areas within which required parking may be reduced by up to 50% as a matter of right as originally advertised.

In the Alternative: Retain the Priority Bus Corridor as an area within which required parking may be reduced by up to 50% as a matter of right, as originally setdown on September 9, 2013.

2. Vehicle Parking: Increase the threshold for requiring mitigation efforts when the parking provided for a project is twice the required amount instead of 1.5 times the required amount as originally; add a minimum threshold of 20 required parking spaces.

In the Alternative: retain the threshold for mitigation when provided parking is 1.5 times the required amount as originally setdown on September 9, 2013; add a minimum threshold of 20 required parking spaces.

3. Vehicle Parking: Allow off-site parking to be within 600 feet of the use or structure that the parking serves instead of 400 feet as originally setdown. Allow off-site parking at a distance greater than 600 feet as a special exception.

4. Bicycle Parking: Increase allowable distance from a primary building entrance for short term bicycle spaces to 120 feet from 50 feet as originally setdown.

My name is Marilyn Simon, and I am speaking on behalf of Friendship Neighborhood Association. Tonight I will address some of the alternative language to the original parking text setdown last September, some of which was characterized as being responsive to concerns I raised in earlier testimony.

Remove WMATA Priority Bus Corridor from areas where requirement is reduced by 50%:

The language offered by OP on mapping the areas where the parking requirement is reduced is a small first step toward addressing one of the concerns expressed in our earlier testimony. It only addresses the concern about how, with the setdown language, WMATA was determining DC's zoning requirements without public input on the relevant issues. The alternative language fails to address the fundamental concerns about OP's failure to map transit zones consistent with the Comprehensive Plan. Both the setdown and alternative proposals are inconsistent with ZC 08-06-C, where the Zoning Commission required OP to explain its mapping and demonstrate consistency with the specific Comprehensive Plan policies listed in the FNA comments on the NPRM.

We would like to thank OP for preparing the maps I requested showing how minimum parking requirements are changing under each of the proposals. As you can see from the maps, minimum parking requirements for multi-family housing are being reduced city-wide, with the requirement along much of Wisconsin Avenue being reduced from 50 spaces for a 100-unit building to 16 spaces.

Group 2

Current Zoning: 1 space per 2 units minimum
100 units : 50 spaces minimum
Zones: C-2-A, C-3-A, R-5-B, HE

Proximate to Transit
1 space per 6 units in excess of 4 units
100 units : 16 spaces minimum

Other
1 space per 3 units in excess of 4 units
100 units : 32 spaces

Group 3

Current Zoning: 1 space per 3 units minimum
100 units : 33 spaces minimum
Zones: C-2-B, CR, R-5-C, R-5-D, W

Downtown, CG, SEFC
No parking required

Proximate to Transit
1 space per 6 units in excess of 4 units
100 units : 16 spaces minimum

Other
1 space per 3 units in excess of 4 units
100 units : 32 spaces minimum

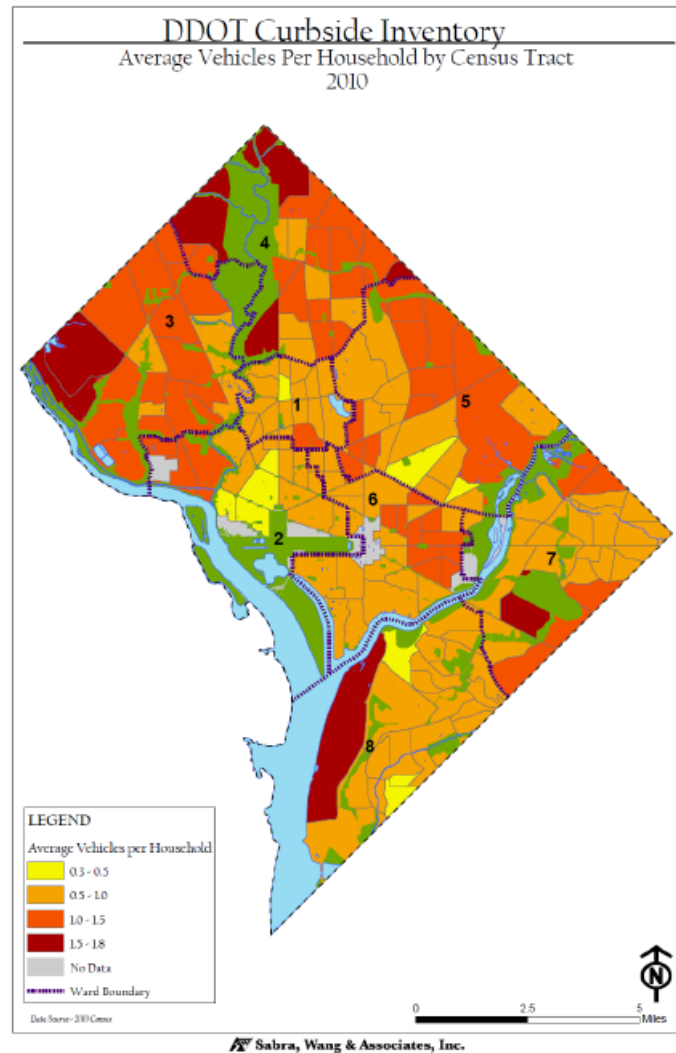


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This drastic reduction was made without any evidence that the current requirements are excessive, or that the proposed requirements are appropriate. The record includes a significant amount of testimony about lack of empirical evidence to support the lower requirements and the areas mapped for further reductions. OP's response to these comments was to refer the commenters to OP's ZRR web-site and to Census data. However, Census data indicates that our current parking requirements are, if anything, too low.

In DC, vehicle ownership has been steady at about 0.9 vehicles per household for decades, hardly a statistic to support a recommendation to eliminate parking requirements in some locations, and reduce it to less than one space for every three or six housing units elsewhere, especially in a city with limited on-street parking and a large stock of pre-1958 housing.

When I reviewed the Nelson\Nygaard paper that was cited as providing the empirical basis for choosing the minimum parking requirements, I found that that paper provided absolutely no empirical evidence supporting the choice of minimum parking requirements. It did, however, include one telling quote. The consultants stated that "The primary goal of the current project was to identify zoning changes that would result in reduced accommodation of parking at new development in the District."¹ In other words, OP didn't study or ask the consultants to study the situation near various Metro stations and propose appropriate off-street parking requirements. Instead, OP asked the consultants to figure out how to use the zoning code to make car ownership and use more difficult.



Increase Trigger for Penalty for Excess Parking Spaces to Twice Spaces Required (trigger would be approximately 0.66 spaces per unit for multi-family housing):

The change in the trigger for the penalty for "excess parking" was proposed in response to comments by FNA and others. The record includes comments noting that given the very low minimum parking requirement and the proposed trigger, a responsible developer who chooses to produce adequate parking for the users of the project will be assessed a penalty.

Increasing the trigger to twice the required parking begins to address this concern. However, given the very low basic requirement of less than one space for every three units, a responsible developer will still face a penalty for providing adequate parking.

For example, consider a 350-unit apartment building nearly a half mile from the Friendship Heights Metro. The current minimum parking requirement is 175 spaces, far less than the 315 spaces the residents would need if their vehicle ownership reflected only the city-wide average, rather than the higher average for

¹ "Washington DC Review of Zoning Requirements for Parking," Prepared by Nelson\Nygaard Consulting Associations for DCOP, May 2008, page 49.

Marilyn Simon, Friendship Neighborhood Association. ZC 08-06A

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that Census block. The proposed minimum parking requirement would be 58 spaces, and the developer would begin to pay a penalty for "excess parking" if he exceeds 234 spaces, a trigger which is significantly lower than the number of parking spaces (at least 315 spaces) that the residents would require.

Location of Off-site Parking:

The alternative language proposes to increase the allowable distance for off-site vehicle parking from 400 feet to 600 feet, measured as the distance between the two property lines. In my earlier testimony, I pointed out that, for other jurisdictions, the distance for off-site parking is measured to the pedestrian entrance of the building (as is proposed for the bicycle parking) and that it is measured along the route that a pedestrian would actually take. I provided language based on the Arlington regulations. Yet OP's new language did not correct the method of measurement and an increase in distance was proposed. It wasn't clear to us why bicyclists could be expected to walk only 120 feet to the entrance, while people who arrive by car are expected to walk a distance that might far exceed 600 feet from entrance to entrance. I also highlighted how the regulations did not include necessary monitoring and enforcement mechanisms for off-site parking. Inconsistencies of this type permeate the text.

Conclusion:

In closing, we urge you to review the entire record, including substantive filings from earlier phases of this process, to note what is in the record and what is missing from the record. After careful review, we expect that you will find that support for many of the more controversial policy changes is absent. You are being asked to adopt policy changes which have no Comprehensive Plan mandate, and where, in many situations, the Comp Plan language explicitly embraces a different goal.

These drastic reductions in minimum parking requirements should be dropped, as recommended by Councilmember Cheh, Councilmember Evans, and former ZC Commissioner John Parsons, we ask that the parking recommendations be deferred until the ZC is presented with recommendations that can be supported by empirical evidence. We have similar concerns about other sections of the document, as evidenced by our earlier testimony.

Attachments:

Proposed Revisions to Alternative Language and Sample from Arlington County

Map: Parking Requirements for Apartments (Multi-family housing with five or more units) Setdown Text (Sept 2013) Compared to Current Zoning. (letter size)

Map: Parking Requirements for Apartments (Multi-family housing with five or more units) Alternative Text (June 2014) Compared to Current Zoning. (letter size)

Map: Parking Requirements for Apartments (Multi-family housing with five or more units) Setdown Text (Sept 2013) Compared to Current Zoning. (poster size, with detail)

Map: Parking Requirements for Apartments (Multi-family housing with five or more units) Alternative Text (June 2014) Compared to Current Zoning. (poster size, with detail)

Mr. Anthony Hood, Chairman
District of Columbia Zoning Commission
441 Fourth St.,NW, Suite 200-S
Washington, DC 20001

November 4, 2013

Dear Mr. Hood and Members,

I have reviewed the proposed zoning regulations revisions and want to congratulate you and the Office of Planning for finally bringing the obsolete regulations forward for public discussion.

I have become aware of the impressive efforts of the Committee of 100 to evaluate the proposed revisions and find much to agree with in their recommendations to you.

I am writing today to express my views on the parking proposals. When the Zoning Commission established the Overlay Districts, we undertook case studies of similar techniques in other American cities so as to borrow concepts that would work here. It is not clear to me that such an effort has taken place with the current proposals for parking requirements.

While it is true that we are driving fewer miles per capita, buying fewer cars per family and many younger people are not getting drivers' licenses, these are national trends rather than specific to the District of Columbia. Also, establishing parking regulations based on behavior patterns during a recession and incredibly high gasoline prices is problematic. Thus, more analysis is needed to determine if these behaviors are short or long term.

It would seem prudent to me that you defer establishment of new parking regulations until more reliable behavior patterns are apparent. In residential zones I would recommend the application of custom made regulations in each overlay district based on the conditions therein. Where overlay zones do not exist, parking regulations could be established, based on the similarity of other neighborhoods within the evaluated overlay zones. That is, where a single parking regulation can apply in downtown where conditions are fairly uniform, this should not be the technique used in a wide variety of neighborhoods.

Thank you for considering my views on this matter.

A handwritten signature in black ink, appearing to read 'JG Parsons', with a long horizontal line extending to the right.

John G. Parsons