

Comments of Marilyn Simon on
Notice of Proposed Rulemaking
Zoning Commission Case No. 08-06-A
(Text Amendment – 11 DCMR)
Title 11, Zoning Regulations – Comprehensive Text Revisions
Comments on RPP Restriction in Subtitle C, Section 702.1(c)

Introduction

These comments address the Residential Parking Permit (RPP) condition on the matter-of-right reduction in the minimum parking requirement based on proximity to transit. Subtitle C, Section 702.1(c) provides for a 50% reduction in the minimum parking requirements based on proximity to transit. Several Friendship Neighborhood Association comments clearly describe how the proposed schedule of minimum parking requirements, Subtitle C, Section 701.5, already represents a substantial reduction in DC's already low minimum parking requirements for many categories, and would not require sufficient off-street parking to handle the increased parking demand generated by the project.

RPP Conditions do not apply to any projects near a Metrorail Station or a Streetcar line: While in its deliberations, the Commissioners sought to have RPP conditions placed on all buildings that take the reduction in the minimum parking requirement in Section 702.1, the draft in the NPRM only applies a condition if the project is near a listed Priority Metrobus Route, but not near a Metrorail Station or Streetcar line.

Where applicable, the RPP Condition on the ZRR NPRM is not sufficient to address spillover parking issues related to multi-family housing: In addition, for the reasons described below, where applicable, the condition in the draft would not be sufficient for addressing spillover parking from multi-family housing with a reduced minimum parking requirement (one space for every six units in excess of four units, as compared with the requirement of one space for every three units in excess of four units in Table C§701.5.)

The RPP Condition, where applicable, does not address spillover parking issues related to non-residential uses: Furthermore, with the low minimum parking requirements in Table C§701.5 for non-residential uses, and with the further reduction in §702.1, there can be substantially more spillover parking than we already see with the current regulations in low and moderate density residential neighborhoods from non-residential uses in the nearby commercial corridors and centers. The Friendship Neighborhood Association comments include details on the substantial reductions in the minimum parking requirements for offices and for medical offices or clinics. In addition, in the commercial corridor along Wisconsin Avenue, the minimum parking requirement for retail would be reduced by 80% from the current minimum parking requirement.¹ Conditions on residential parking permits would not address increased spillover issues from reduced parking requirements for non-residential uses.

¹ The current minimum parking requirement for retail in the C-1, C-2-A, and C-3-A zones is one space for every 300 square feet of gross floor area and cellar floor area in excess of 3,000 square feet (3.33 spaces per 1,000 square feet in excess of 3,000 square feet). That would be reduced to 1.33 spaces per 1,000 square feet in excess of 3,000 square feet in Table C§701.5). In addition, the commercial zones along upper Wisconsin Avenue would be eligible for a 50% reduction, bringing the required number of spaces down to 0.67 spaces per 1,000 square feet in excess of 3,000 square feet. The new minimum parking requirement for Wisconsin Avenue retail is only 20% of the current minimum parking requirement.

The RPP database includes residential buildings on commercial blocks and buildings with RPP conditions in a PUD order have been added to the database. Contrary to representations made to the Zoning Commission, residents with addresses on commercial blocks can obtain RPPs or petition successfully to have their building or block added to the RPP-eligibility database.

Description of Subtitle C, §702.1

Subtitle C, Section 702.1(c) allows a fifty percent reduction in the minimum parking requirement for projects (not in an R or RF zone) within a half-mile of a Metrorail station or a quarter-mile of a streetcar line or listed Priority Metrobus Route.

If the project is within a half-mile of a Metrorail station or a quarter-mile of a streetcar line that is currently in operation or for which a construction contract had been awarded, the ZRR includes no conditions on eligibility of future residents for participation in a residential parking permit program.

If the project is not near a Metrorail station or qualified streetcar line, but near a listed Priority Metrobus route, the minimum parking requirement is reduced by 50%, provided “that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program.” (Subtitle C, §702.1(c)).

702	EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS
702.1	Within any zone other than an R or RF zone, the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located:
(a)	Within one-half mile (0.5 mi.) of a Metrorail station that is currently in operation or is one for which a construction contract has been awarded; or
(b)	Within one-quarter mile (0.25 mi.) of streetcar line that is currently in operation or for which a construction contract has been awarded; or
(c)	Within one-quarter mile (.25 mi.) of one (1) of the following Priority Corridor Network Metrobus Routes located entirely or partially within the District of Columbia, provided that the property is on a street on which participation in a District Residential Parking Permit program is not permitted, or is otherwise exempted from a District Residential Parking Permit program:
(1)	Georgia Avenue/7 th Street (Routes 70, 79);
(2)	Wisconsin Avenue/Pennsylvania Avenue (Routes 31, 32, 34, 36, 37, 39);
(3)	Sixteenth Street (Routes S1, S2, S4, S9);
(4)	H Street/Benning Road (Routes X1, X2, X3, X9);
(5)	U Street/Garfield (Routes 90, 92, 93);
(6)	Anacostia/Congress Heights (Routes A2, A4, A5, A6, A7, A8, A9, A42, A46, A48);
(7)	Fourteenth Street (Routes 52, 53, 54);
(8)	North Capitol Street (Route 80); and
(9)	Rhode Island Avenue (Route G8).

*ZC Proposed Action, Dec. 2014
Subtitle C-37*

The District Residential Parking Permit Program

The District’s Residential Parking Permit Program is described on DDOT’s Residential Parking Permit page (<http://ddot.dc.gov/node/547972>).

This page contains a link to the Residential Permit Parking Block Data Inquiry, where the RPP database is available. At the link is a spreadsheet which lists blocks (even side, odd side or both) and individual buildings where residents can obtain RPPs for vehicles registered in DC or eligible for reciprocity.

DDOT’s RPP page also includes the following two statements below the information on accessing the database: “If your street is not on the list, you can petition DDOT to initiate a permit parking program.” And “If you live on a commercial block, an RPP will not be issued.”

However, a review of the spreadsheet shows that there are many commercial blocks included where residents, when they register their cars, will be offered Residential Parking Permits. The claim that residents of commercial blocks are not eligible for RPP has been repeated in hearings and meetings on the ZRR and other cases, and perhaps that representation formed the basis for the condition in the NPRM. However, based on regulations that had been posted in the past and subsequently removed from the DDOT web-site, addresses and blocks are added to the web-site based on a petition, where they have obtained the signatures of adults representing the majority of households on the block, and where an examination of the parking

utilization on the block indicated a need for RPP. There was no prohibition on residents of buildings on commercial blocks petitioning to be eligible for RPP. Based on the review of the database, many commercial blocks are listed. There were specific conditions listed on (and removed from) the DDOT web-site for petitions to add buildings or streets where there are parking meters or other parking regulations such that RPP signs would not be placed in front of the buildings or on the block. These related to the proximity to streets with RPP restrictions.

The effectiveness of the condition for apartment buildings along listed Priority Bus Routes, but not near a Metrorail Station or streetcar line, depends on the Zoning Administrator's interpretation. Currently, there are no addresses where residents cannot petition to be added to the RPP database, except those where parking is not now and never will be an issue. If the condition is interpreted as saying that the reduction in the minimum parking requirement is only available if the building will never be eligible for inclusion in the database, then there would be no buildings eligible for that reduction based only on proximity to a bus route, since future residents can always petition to be added. One might then question why the ZRR includes a section that never can be applied. On the other hand, if the condition means only that eligibility for reduced parking is based on whether the address is in the RPP database either when the developer applies for a building permit or a certificate of occupancy, this condition is totally ineffective: as soon as residents occupy the building, they can petition to be added to the database, and if there are parking issues in the area, they will be eligible for inclusion in the program.

But the problems with relying on conditions on eligibility for RPP in order to mitigate the impact of insufficient parking for multifamily housing near low- and moderate-density residential zones goes further. There are serious problems with how DDOT is managing the RPP database, and it is impossible to enforce even the existing PUD conditions on RPP eligibility. I have attached below a e-mail chain with DDOT which I initiated after discovering that DDOT had added to the RPP database the address of Jemal's Babes PUD in Tenleytown (as a single building) while that building was under construction. The PUD order includes a condition on RPP eligibility. Further, since the building was

-----Original Message-----

From: mjsimon524 <mjsimon524@aol.com>

To: sam.zimbabwe <sam.zimbabwe@dc.gov>; leif.dormsjo <leif.dormsjo@dc.gov>; greer.gillis <greer.gillis@dc.gov>; MJSimon524 <MJSimon524@aol.com>

Sent: Mon, May 11, 2015 2:58 pm

Subject: Re: Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Zimbabwe,

I am confused by your response. You state that the only address on the 4600 block of Wisconsin Avenue is 4622 Wisconsin, and that 4600 Wisconsin Avenue (single building) is not in the RPP database.

I checked the on-line database on the DDOT web-site (<http://ddotfiles.com/db/RPP/rpp.php>) after receiving your e-mail on Friday. It includes 4600 as a single building:

WISCONSIN	AVE	NW	4600	S	3
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See also page 189 of the attached PDF that I downloaded from the DDOT web-site this afternoon.

The on-line RPP database currently does not include 4622 Wisconsin Avenue and did not include 4622 Wisconsin Avenue on April 7, 2015, although that address was in the database in July 2011.

When I checked the on-line data-base in July 2011, 4600 Wisconsin Avenue was not in the database, although 4622 Wisconsin Avenue was. (The Wisconsin Avenue addresses that were in the RPP database in July 2011 are listed below.)

So 4600 Wisconsin Avenue (single building) was added to the on-line database sometime between July 2011 and April 7, 2015, when I searched it again. From July 2011 to April 2015, when the address was added to the on-line RPP database, the building was unoccupied and owned by Jemal's Babes LLC (Douglas Development).

Since the single building 4600 Wisconsin Avenue was added to the database in the last four years, I would expect that DDOT should have a copy of the request or petition for the building to be added as well as the DDOT review to determine that the building met the criteria for inclusion in the database.

Could you please let me know who requested that 4600 Wisconsin Avenue (single building) be added to the RPP database and the procedure DDOT used in approving its addition? Simply removing the address from the database does not address my concerns about how the database is being administered.

Thank you,
Marilyn Simon

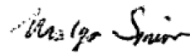
not occupied when it was added to the database, there were no residents to circulate and sign a petition requesting that the building be added to the database. When I asked DDOT who had requested that 4600 Wisconsin Avenue be added to the database and the procedure by which the application was reviewed, DDOT staff initially denied that it was in the database. After I sent DDOT a copy of the database that I had downloaded, and also provided information on earlier searches, where the building had not been listed (see my e-mail dated May 11, 2015, below), the address was removed (along with another address of a building with a ZC PUD order with an RPP condition).

DDOT has not yet provided any information on who requested that the Jemal's Babes PUD building be added to the RPP database or how eligibility was determined.

Conclusion

The Residential Parking Permit condition for reductions in the minimum parking requirement for multi-family housing that is near a bus route, but not near a Metrorail station or streetcar line, does not protect DC's neighborhoods from spillover parking as was envisioned in the deliberations by the Zoning Commission.

It has very limited applicability, and is unlikely to prevent future residents from petitioning to be added to the RPP database. Further, it does nothing to address spillover parking from non-residential uses that take advantage of the reduction in the minimum parking requirement. Moreover, given the massive reductions in basic minimum parking requirements from our already low minimum parking requirements, this provision does nothing to address the additional spillover parking that we are likely to see from residential and non-residential uses that do not take a reduction below that in Table C§701.5.



Marilyn Simon

Attachment: E-mail chain, April 8, 2015 to August 4, 2015, Marilyn Simon and DDOT on RPP eligibility for Jemal's Babes PUD at 4600 Wisconsin Avenue, ZC 10-23, and Washington Clinic PUD (Stonebridge).

-----Original Message-----

From: mjsimon524 <mjsimon524@aol.com>

To: leif.dormsjo <leif.dormsjo@dc.gov>; greer.gillis <greer.gillis@dc.gov>; sam.zimbabwe <sam.zimbabwe@dc.gov>

Cc: pmendelson <pmendelson@dccouncil.us>; jackevans <jackevans@dccouncil.us>; MChéh <

MChéh@DCCOUNCIL.US>; mjsimon524 <mjsimon524@aol.com>

Sent: Tue, Aug 4, 2015 2:15 pm

Subject: No response after nearly 3 months to Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Dormsjo:

Nearly three months have passed, and I still have not received a response to my question about the process by which this building, subject to a zoning order restricting access to RPPs by future residents, was added to the DDOT RPP database.

As I said earlier, simply removing the address from the database does not address my concerns about how the database is being administered.

As the Zoning Commission is considering new zoning regulations that will dramatically reduce minimum parking requirements citywide and is evaluating various Planned Unit Developments (PUDs) with reduced parking, where neighbors are repeatedly assured that they do not need to be concerned about spillover parking, since residents of the new building will not be able to obtain RPPs and thus will choose to be car-free.

In order to provide the Zoning Commission with useful comments on the zoning rewrite and other proposals, I need the requested information about how DDOT is handling requests to be added to the RPP database and how someone was able to file a valid petition to add an unoccupied building to the database.

As you can see from the following e-mails, DDOT staff initially denied that 4600 Wisconsin Avenue (single building) had been added to the database. After I provided DDOT with a PDF copy of the on-line database, the address was deleted from the on-line database, but I received no further information.

Thank you,
Marilyn Simon
43rd Street, NW

CC: Chairman Mendelson, Councilmember Chéh, Councilmember Evans

-----Original Message-----

From: mjsimon524 <mjsimon524@aol.com>

To: sam.zimbabwe <sam.zimbabwe@dc.gov>; leif.dormsjo <leif.dormsjo@dc.gov>; greer.gillis <greer.gillis@dc.gov>;

MJSimon524 <MJSimon524@aol.com>

Sent: Mon, May 11, 2015 2:58 pm

Subject: Re: Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Zimbabwe,

I am confused by your response. You state that the only address on the 4600 block of Wisconsin Avenue is 4622 Wisconsin, and that 4600 Wisconsin Avenue (single building) is not in the RPP database.

I checked the on-line database on the DDOT web-site (<http://ddotfiles.com/db/RPP/rpp.php>) after receiving your e-mail on Friday. It includes 4600 as a single building:

WISCONSIN AVE NW 4600 S 3

See also page 189 of the attached PDF that I downloaded from the DDOT web-site this afternoon.

The on-line RPP database currently does not include 4622 Wisconsin Avenue and did not include 4622 Wisconsin Avenue on April 7, 2015, although that address was in the database in July 2011.

When I checked the on-line data-base in July 2011, 4600 Wisconsin Avenue was not in the database, although 4622 Wisconsin Avenue was. (The Wisconsin Avenue addresses that were in the RPP database in July 2011 are listed below.)

So 4600 Wisconsin Avenue (single building) was added to the on-line database sometime between July 2011 and April 7, 2015, when I searched it again. From July 2011 to April 2015, when the address was added to the on-line RPP database, the building was unoccupied and owned by Jemal's Babes LLC (Douglas Development).

Since the single building 4600 Wisconsin Avenue was added to the database in the last four years, I would expect that DDOT should have a copy of the request or petition for the building to be added as well as the DDOT review to determine that the building met the criteria for inclusion in the database.

Could you please let me know who requested that 4600 Wisconsin Avenue (single building) be added to the RPP database and the procedure DDOT used in approving its addition? Simply removing the address from the database does not address my concerns about how the database is being administered.

Thank you,
Marilyn Simon

-----Original Message-----

From: Zimbabwe, Sam (DDOT) (DDOT) <sam.zimbabwe@dc.gov>

To: mjsimon524 <mjsimon524@aol.com>; Dormsjo, Leif (DDOT) (DDOT) <leif.dormsjo@dc.gov>; Gillis, Greer (DDOT) (DDOT) <greer.gillis@dc.gov>

Sent: Fri, May 8, 2015 11:58 pm

Subject: RE: Request to DDOT for information on how a specific building was recently added to the RPP database

Hi Ms. Simon,

We looked into 4600 block of Wisconsin Avenue NW. Evidently, 4622 was the only address in the RPP database. The address was added some time prior to January 2013, when the current staff responsible for the RPP took over. Unfortunately, prior to this date, there was not always good record-keeping, so I'm not able to answer your questions about the process by which the address was added, or even when it was added.

Regardless of the circumstances, we have re-evaluated the inclusion in the database, and found that it does not meet the program requirements, and have initiated the process of removing from the database.

Thanks for bringing this to our attention,

Sam

d. Sam Zimbabwe LEED AP | Associate Director

Policy, Planning & Sustainability Administration | District Department of Transportation

55 M Street, SE, Suite 500, Washington, DC 20003

tel: 202.671.2542 | cell/text: 202.907.7212 | fax: 202.671.0617

sam.zimbabwe@dc.gov | <http://www.ddot.dc.gov>

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From: mjsimon524@aol.com <mjsimon524@aol.com>
Sent: Wednesday, May 6, 2015 2:33 PM
To: Zimbabwe, Sam (DDOT); Dormsjo, Leif (DDOT); Gillis, Greer (DDOT)
Cc: mjsimon524@aol.com
Subject: Re: Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Zimbabwe,

Have you been able to determine who requested that 4600 Wisconsin (single building) be added to the RPP database, whether there was a petition filed to add the building (and if so by whome) and the procedure by which its addition to the database has been approved?

Thank you,
Marilyn Simon

-----Original Message-----

From: Zimbabwe, Sam (DDOT) (DDOT) <sam.zimbabwe@dc.gov>
To: mjsimon524 <mjsimon524@aol.com>; Dormsjo, Leif (DDOT) (DDOT) <leif.dormsjo@dc.gov>; Gillis, Greer (DDOT) (DDOT) <greer.gillis@dc.gov>
Sent: Wed, Apr 29, 2015 10:16 am
Subject: RE: Request to DDOT for information on how a specific building was recently added to the RPP database

Hi Ms. Simon,

I didn't understand from your initial email that you were interested in 4600 Wisconsin. I'll look into that and respond back.

Thanks,

Sam

d. Sam Zimbabwe LEED AP | Associate Director

Policy, Planning & Sustainability Administration | District Department of Transportation
55 M Street, SE, Suite 500, Washington, DC 20003
tel: 202.671.2542 | cell/text: 202.907.7212 | fax: 202.671.0617

sam.zimbabwe@dc.gov | <http://www.ddot.dc.gov>

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From: mjsimon524@aol.com [<mailto:mjsimon524@aol.com>]
Sent: Wednesday, April 29, 2015 4:40 AM
To: Zimbabwe, Sam (DDOT); Dormsjo, Leif (DDOT); Gillis, Greer (DDOT)
Cc: MJSimon524@aol.com
Subject: Re: Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Zimbabwe,

My main question was about 4600 Wisconsin Avenue, added as a single building recently.

I also mentioned the 5400 block of Western Avenue in my e-mail as an after-note, since it also was a recent addition to the database, and as described in my e-mail, after the Zoning Commission approved a PUD, subject to a condition that

the residents of the building would not be eligible for RPP, the ANC worked hard to have the building removed from the database.

With respect to 4600 Wisconsin Avenue, single building, we are not only interested in knowing whether it was added in error, but the process by which it was added. Who requested that the single building be added to the database, and was there a petition filed for that building, and if so by whom. The building has no current or past residents.

Thank you,
Marilyn Simon

-----Original Message-----

From: Zimbabwe, Sam (DDOT) (DDOT) <sam.zimbabwe@dc.gov>
To: mjsimon524 <mjsimon524@aol.com>; Dormsjo, Leif (DDOT) (DDOT) <leif.dormsjo@dc.gov>; Gillis, Greer (DDOT) (DDOT) <greer.gillis@dc.gov>
Sent: Tue, Apr 28, 2015 10:48 pm
Subject: RE: Request to DDOT for information on how a specific building was recently added to the RPP database

Ms. Simon,

To follow up on this inquiry, we have researched the 5400 block of Western Avenue and found that it was added to the RPP database in error. Evidently this happened prior to January 2013, but we do not have a date when the block was added. While it does still show in the DDOT searchable database, it is in the process of being removed.

Thanks for bringing this to our attention.

Sam

d. Sam Zimbabwe LEED AP | Associate Director

Policy, Planning & Sustainability Administration | District Department of Transportation
55 M Street, SE, Suite 500, Washington, DC 20003
tel: 202.671.2542 | cell/text: 202.907.7212 | fax: 202.671.0617

sam.zimbabwe@dc.gov | <http://www.ddot.dc.gov>

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From: mjsimon524@aol.com <mjsimon524@aol.com>

Sent: Monday, April 20, 2015 5:18 PM

To: Dormsjo, Leif (DDOT); Gillis, Greer (DDOT); Zimbabwe, Sam (DDOT); MJSimon524@aol.com

Subject: Fwd: Request to DDOT for information on how a specific building was recently added to the RPP database

Mr. Dormsjo, Ms. Gillis,

I have been trying to get information from DDOT for well over a month now about a building that was recently added to the RPP database. My original phone calls yielded clearly erroneous information and a referral to another employee who never returned my call. I followed up a week and a half ago with an e-mail to Sam Zimbabwe, but have yet to get a response.

The building in question has no current or past residents that might have petitioned to be added to the RPP database. A new building with 60 residential units, retail space and only one parking space is currently under construction.

As noted below, I am interested in determining who requested that this building be added to the RPP database and the process under which the request was approved.

Thank you,
Marilyn Simon

5200 block of 43rd Street NW
MJSimon524@aol.com
202-418-2044

-----Original Message-----

From: mjsimon524 <mjsimon524@aol.com>
To: sam.zimbabwe <sam.zimbabwe@dc.gov>; reggie.sanders <reggie.sanders@dc.gov>
Cc: ReggieASanders <ReggieASanders@aol.com>; mjsimon524 <mjsimon524@aol.com>
Sent: Wed, Apr 8, 2015 4:06 pm
Subject: Request for information on how a specific building was recently added to the RPP database

Request for information on how a specific building was recently added to the RPP database

I recently called DDOT to get information on an address (a single building) that had been added to the RPP database.

I asked how I could find out who had made the request. Given that there have never been any residents at the address, and there are no current residents, it doesn't seem that a petition with valid signatures could have been filed. I also wanted information on the criteria used to review the request to be added to the RPP database, and the process by which it was added.

The initial response to my call was an assertion that the address had always been in the database. I knew that to be false, since I had checked for the address in the database earlier, and because that address had never been a residence. A building is currently under construction.

I was then referred to someone else, sent to her voicemail, where I left a message. Several weeks have passed and there has been no response.

Could you please assist me in getting this basic information about how this address had been added to the RPP database. Is there someone I can call or write?

Marilyn Simon
5200 block of 43rd Street NW
MJSimon524@aol.com
202-418-2044

I also had determined that there was a block, the 5400 block of Western Avenue, which had previously been deleted from the RPP database. The deletion was done at the request of the ANC, after providing proof that there was a building on that block with a zoning order stating that residents would not be eligible for RPP. The designation of the entire block was replaced with a single building, 5425 Western Avenue (single building), the only other residential DC building on that block. Recently, 5400 block of Western Avenue (both sides) has reappeared in the database, along with the single building 5425 Western Avenue. Information on why the 5400 block of Western Avenue was returned to the database would also be useful. This is less critical than the information on how the building under construction was added to the database, but would be useful for my understanding of how the database is being administered.