

Case No. ZC 08-06A - Zoning Regulation Rewrite.

September 21, 2015

TO: Zoning Commission Chairman Anthony Hood and members of the Zoning Commission

RE: Comments submitted by Judy Chesser of Tenleytown.

1. My first request would be that you carefully read and respond to the letters included here as pages 2-6, from:

**Councilmember Mary Cheh,
Councilmember Jack Evans, and
Former Zoning Commissioner John G. Parsons.**

All are asking the Zoning Commission not to reduce parking requirements without a comprehensive, District-wide plan for parking in DC.

2. No such plan has been produced and no changes in parking minimums, such as reducing the requirement of 1 space for every 2 units near transit to less than **1 space for every 6 units**, should be adopted before such a comprehensive plan is available.
3. Please also read my own comments starting at page 7.

Thank you

Judy Chesser
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Washington DC 20016



COUNCIL OF THE DISTRICT OF COLUMBIA
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Mary M. Cheh

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September 9, 2013

Members of the Zoning Commission
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 200S
Washington, DC 20001

Re: Subtitle C of the Proposed Zoning Regulations

Dear Commissioners,

Like many District residents and community organizations, members of the Council have been closely following the proposed rewrite of the District's zoning regulations – particularly the proposed reduction of parking minimums. Although many of the Office of Planning's ("OP") suggestions will provide necessary updates to antiquated rules, I believe that the proposed reductions in parking minimums, executed without a comprehensive, District-wide plan for parking is troubling. In anticipation of your September 9th meeting to review the proposed plan, I submit this letter to express my thoughts and suggest a course of action that could mitigate the damage of unilateral reductions in parking minimums.

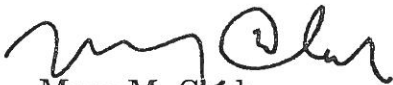
Having reviewed OP's July 29th draft, I have two primary concerns with the proposed changes to the parking minimums. First, the data that supports changes to the parking minimums is not anchored in District-focused analysis. In an effort to evaluate various parking minimum trends, OP apparently reviewed the policies of several U.S. cities, including Portland; however, the data collected from OP's review of those cities is not immediately supportive of the agency's proposed parking minimums because the District has unique parking needs. Simply stated, I would have preferred that the parking minimums put forth by OP were supported by comprehensive data and more refined analysis that take into account the District's size and proximity to both Maryland and Virginia. Second, if enacted, OP's proposed parking minimums will precede other necessary changes to parking management in the District. Although DDOT is currently crafting a city-wide parking management program, I worry that enacting a change in parking minimums without the fuller application of DDOT's plan invites error. Moreover,

not yet having seen DDOT's plan, I'm loathe to support a reduction in parking minimums for fear that the plan would inadequately address the effects of lost parking associated with changes in minimums.

All of that being said, I recognize the opportunity presented by the current zoning rewrite process to take up the issue of parking minimums. However, it is imperative that you provide that no changes in parking minimums may take effect until DDOT releases and begins action on a comprehensive parking plan. And let's be clear about the scope and character that any such plan must have to sufficiently respond to my concerns. Such a plan must lay out a clear, city-wide vision for parking management; it must recognize and accommodate the different needs and characteristics of different areas of the city; it must demonstrate how the plan integrates with the effects of changes in the parking minimums; it must identify with precision the actions that DDOT will take and the time period for taking them; and, although the plan might to some extent need to be based on a thorough analysis of data from real experiences in other jurisdictions, it must be viewed through the lens of the District's unique attributes; and it must articulate the manner in which the various multi-modal transit approaches can realistically coexist with automobiles and their parking needs.

Thank you very much for your attention to this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mary M. Cheh', with a stylized, cursive flourish at the end.

Mary M. Cheh
Councilmember, Ward 3

cc: Harriet Tregoning, Director, Office of Planning
Terry Bellamy, Director, District Department of Transportation



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September 9, 2013

Members of the Zoning Commission
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 200S
Washington, DC 20001

Dear Commissioners,

I am writing to address the proposed rewrite of the District's zoning regulations. While I understand that certain of the Office of Planning's ("OP") recommendations may be pro forma and actually make some positive change to the outdated rules, I have concerns about some of the proposed changes to the parking regulations. I understand you are meeting today, September 9th, to review the proposed plan presented on July 29th, and I am submitting this letter to express my misgivings with OP's proposed parking minimums.

Throughout OP's drafting and public comment period, I met with a variety of community groups who were actively involved with the zoning rewrite. During our discussions, these groups persistently pressed one point: we need to develop parking regulations using District-focused data. Although OP has evaluated and studied parking policies of other cities, including Portland, there apparently has not been an analysis that focuses solely on the unique circumstances of the District. The District's size and proximity to both Maryland and Virginia make for unique parking needs unlike any other city. I recognize that OP has adjusted its proposal to address concerns raised by District residents; however, I believe that in order to fully develop parking regulations that are best for the District, more data – and more refined analysis – is needed.

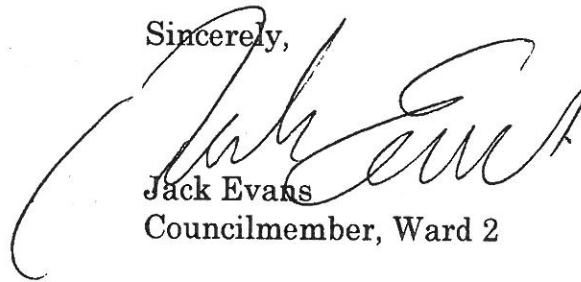
I ask that the Zoning Commission consider removing the proposed parking minimums from the plan entirely and – instead – consider requesting that OP develop a fully-researched, data-driven analysis of the parking demands of the District. Moreover, the District Department of Transportation is currently conducting a city-wide examination of the existing parking framework. The purpose of this review is to develop parking policies and practices that will best suit

the city. I believe that, in order to draft ideal parking regulations for the updated zoning code, OP should concurrently conduct an analysis with DDOT. This analysis may very well show that the District needs to adjust its parking minimums to levels currently put forth by OP; however, those needs are not immediately clear because the recent parking proposals are not supported by sufficient data. Thus, it makes sense to remove the parking proposals from the zoning rewrite and, instead, develop a set of policies, along with DDOT, that looks at parking issues coherently and comprehensively.

As members of the Council continue to look into this matter, I am considering several measures, including drafting a resolution that outlines my concerns with the current parking proposals. I understand that the Zoning Commission is a fully separate entity. Nevertheless, I believe that poor parking planning can have disastrous results, including increased traffic gridlock and reduced availability of parking spaces, and that it is appropriate for the Council to express its opinion on this issue. And, in my opinion, it is imperative that a fully-developed, data-driven analysis be conducted to determine what is best for the District. Therefore, I ask that the Zoning Commission consider removing the matter of parking minimums from the zoning rewrite proposals.

Thank you very much for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Evans", written over a large, sweeping leftward flourish.

Jack Evans
Councilmember, Ward 2

cc: Harriet Tregoning, Director of the Washington DC Office of Planning

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.



John G. Parsons

Comments of Judy Chesser

The proposed zoning regulations for the District of Columbia have several serious flaws that need modification. In addition, since these changes are not based on studies and do not comply with the Comprehensive Plan that they are meant to implement they are arbitrary and capricious.

The following are serious flaws that the Zoning Commission should address.

1. **Height limits:** The proposed regulations do not change the height limits as called for in the Comprehensive Plan. Except in Georgetown, the proposed regulations maintain the current 40 foot height limit in low-density residential zones. The Comprehensive Plan directed the Zoning Commission to reduce maximum allowable heights from 40 feet to reflect what is currently the predominant height in a neighborhood. Except for Georgetown, the Office of Planning has not done that.

2. **Parking:** Substantially reduced parking requirements contained in the proposed regulations will increase competition for parking spaces in residential neighborhoods from adjacent apartment buildings and commercial establishments. This is especially true in the Office of Planning's newly created transit zones and a vastly expanded downtown. The census shows for DC shows that while approximately 1 in 3 households are carless approximately twice as many - 2 in 3 houses - have at least 1 car. Under the proposed zoning regulations -

- Developers will not have to provide onsite parking for any use in a broadly defined "downtown", which has been tripled in size to encompass the areas from the baseball stadium – along the river – 23d Street NW – up to Dupont Circle and east of North Capitol Street. Downtown buildings will be allowed to be 40 feet taller than is currently allowed therefore creating more pressure for parking. A map of the new "downtown" is provided after my comments.
- Within half a mile of Metro stops and a quarter of a mile of major bus routes, only 1 space will be required for every 6 units/families. Currently 1 space is required for every 2 units.
- "Near" transit, for the larger apartment buildings parking the requirement is less than one space per six units. Far from transit, it is less than one space per three units.
- Single family detached homes will no longer have to have garages or driveways unless they have alley access. Those with garages can convert them for alternative uses while cars move to the street.
- No on-site parking will be required for apartment buildings with 5 or fewer units.

3. **Commercial uses** will be allowed by right in low density residential areas and will not be required to have any parking except for daycare:

- Accessory Uses (Home Occupations and Businesses): More than 175 types of businesses will be allowed as home-based occupations with a maximum of 8 clients per hour.
- Commercial: In rowhouse zones (R-3 and R-4) Retail, Art Design and Creation, Food and Alcohol plus others if located 500 feet or more from a commercial zone, operating a maximum of 15 hours from 7 am - 10 pm, 4 employees maximum and no more than 6 such establishments could be within 500 ft of your house. Liquor could not be consumed on-site but could be sold; food could not be cooked on-site.

4. Tenant suites

- Internal tenant suites and external suites that are contained in existing accessory buildings, like garages, would be matter of right.
- New external buildings built for tenant rentals would have to be approved by the Board of Zoning Adjustment and could have 2 floors, a height of 20 ft and a footprint of 900 square foot. These external buildings could be built by right with approval only needed when rented. Thus, by the time any approval is needed and neighbors were allowed to have a voice, the building in the back yard would already exist.

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**TWO GOALS UNMET: SIMPLIFY THE ZONING CODE AND IMPLEMENT THE COMPREHENSIVE PLAN AS ADOPTED BY THE COUNCIL.**

**NO STUDIES HAVE BEEN DONE TO SUPPORT CHANGES AND THERE IS NO EVIDENCE OF COMPREHENSIVE PLANNING FOR THE FUTURE OF THE CITY.**

Although many have stated that the existing regulations have not been updated recently, the existing zoning regulations have not lain idle all these years. There have been many amendments made and many exceptions granted.

The goals of the current rewrite are two-fold.

- **First, make the code simpler to use.**
- **Second, but not of lesser importance, the Zoning Regulation Rewrite is supposed to implement the Comprehensive Plan that the Council adopted in 2006.**

The Office of Planning has failed both. The current rewrite is not making the zoning regs simpler. The 966-page draft is difficult to navigate. Even at the Zoning Commission, when Chairman Hood asked Jennifer Steingasser of the Office of Planning whether the rewrite would be simpler to understand, she could not and did not answer in the affirmative.

The second goal, to implement the Comprehensive Plan, is also not being accomplished. The Zoning Rewrite picks and chooses what will be honored in the Comprehensive Plan and in some areas exceeds the scope of the Comprehensive Plan. The Comprehensive Plan called for strong recognition of DC's diverse neighborhoods and the diverse needs of those neighborhoods. In addition, the Comprehensive Plan was clear about the need for infrastructure to keep pace with growth and endorsed the wisdom of steering growth to places that had underutilized infrastructure. OP is ignoring the major tenets of the Comprehensive Plan.

**"TRANSIT ZONES" ARE BEING CREATED OUTSIDE THE LIMITED AND RESTRICTED SUGGESTIONS IN THE COMPREHENSIVE PLAN**

To give an example, transit zones, where developers might provide fewer parking spaces in new developments or renovations, were to be used in very limited areas under the Comp Plan. The Comp Plan envisioned transit zones mapped selectively in the vicinity of underutilized Metrorail stations and along major bus routes in neighborhoods that had suffered from disinvestment. In an effort to help neighborhoods that have been neglected, these reduced requirements for parking were to lure developers to areas where they might not otherwise go.

The Comprehensive Plan talks about -

- (1) mitigating the impact of new development on surrounding residential neighborhoods;
- (2) making certain that land use decisions do not exacerbate existing traffic and parking problems in already congested areas;
- (3) reducing parking requirements only where a reduction in demand can be clearly demonstrated; and
- (4) promoting walkability by encouraging the location of parking near Metro stations either behind or underneath buildings.

See relevant Comprehensive Plan provisions in their entirety at end of these comments.

I also have included the transit map at the end of these comments. This map was released by the Office of Planning to show where they think they would designate transit zones. They say this map is not final and that they reserve the right to add more transit zones in more neighborhoods after the rewrite of the zoning regulations. OP in the proposed zoning regulations makes virtually every commercial or mixed-use area within a 1/2 a mile of a Metrorail station or 1/4 of a mile of a major bus line shall be classified as a transit zone.

Wherever OP is creates transit zones new development and major renovation will NOT be required to provide adequate parking for their tenants, residents, customers, or visitors. OP also says they will add other aspects to transit zones besides dramatically reducing the parking requirements but in total lack of transparency, these other changes have not yet been revealed.

When they present this "transit zone" designation, OP tries to understate the impact of transit zones by saying transit zones will only be in the commercial area so no need to worry if you live in the residential area in the next block. But that is telling only half the story. The residential areas in the adjoining block, of course, will be where all the cars are because they will have nowhere else to go.

This violates the Comp Plan. If these transit zones are allowed in areas that clearly do not suffer from "disinvestment" and are allowed where there is already a healthy competition to develop in existing vibrant neighborhoods, they will have a serious deleterious effect by pulling developers away from areas that could use more investment. If transit zones are allowed to locate in these thriving neighborhoods then they are merely a gift to developers to locate where they would go anyway. This will be yet another deferral of development in areas where the market is comparatively weak. Rather than steering growth to neighborhoods where it is most needed and beneficial, these regulations will overwhelm successful neighborhoods and neglect struggling neighborhoods. This approach is directly at odds with Comp Plan mandates.

**DC HAS DONE NO STUDIES – THE ZONING REWRITE IS BASED ON IDEOLOGY NOT DATA.  
CAN WE LEARN FROM OTHER CITIES' EXPERIENCES AND STUDIES?**

#### **NEW YORK CITY**

New York City's Office of Planning has done several studies on parking.

#### **NYC's Residential Parking Study (2009)**

This study can be found at: [www.nyc.gov/html/dcp/pdf/transportation/residential\\_parking.pdf](http://www.nyc.gov/html/dcp/pdf/transportation/residential_parking.pdf)

"The results of this study show that even when zoning requirements are identical, rates of car ownership vary widely depending on the type and location of housing. This suggests that that it is not requirements themselves that influence car ownership. Rather, it is a range of factors, including housing density and distance from the core of

Manhattan, income, commutation patterns, and the desire for mobility among certain groups (like families with children) play significant roles in influencing car ownership." (p. 7)

"As shown in the map, the pre-1938 multifamily housing is concentrated in the same areas where transit is accessible, population densities are high, and the city's planning policies have redirected growth. When new housing is built and new residents choose to own cars, they are competing for limited on-street parking with existing residents for whom off-street parking is not provided." (p. 21)

"While it is not the city's objective to encourage car ownership where viable public transportation options exist, these patterns bring into question the argument that is made by a number of commentators that residential units built close to a subway station have no real need to provide parking. Automobile usage does not depend solely on the owner's journey to work, nor is the city's transit system sufficient for transporting all residents from home to work and back. As discussed above, in many cases, housing units may be close to one subway line, but residents may still perceive the need to own a car. New York City's subway system is designed, for the most part, to bring riders to and from the core of Manhattan ...[h]ouseholds in locations further from employment in Manhattan's CBD rely more heavily on cars to access employment." (p. 46)

"It is also important to note that as one moves farther from the core of Manhattan, households have other reasons to drive, and have fewer options to travel via public transportation even if transit is nearby. Shopping, school, and recreation destinations tend to be further from the home and, while still more urban in nature than suburban movement, travel is more dispersed than in the more dense neighborhoods of the city. The lifestyle patterns of boroughs outside of Manhattan appeal to many city residents, and are seen as desirable alternatives to moving outside of New York City. The amenities afforded in these areas keep family households in the city." (p. 48)

"Transportation planners and environmental advocates in particular have argued for a reduction in required parking in an effort to reduce the demand to own a car. It has been argued that by providing parking essentially for free by requiring developers to provide accessory off-street parking, households will choose to own – and drive – a car they might not otherwise have, thus exacerbating both traffic and sprawl by generating more cars. This suggests the problem of inadequate parking will never go away as long as zoning requires parking, because the supply itself drives increasing rates of car ownership. Data are not available on the supply of accessory off-street residential parking in New York City. However, a review of the citywide auto ownership rates and changes in New York City parking requirements dating back to the 1920s suggest, at best, a weak relationship between car ownership and parking requirements." (p. 51)

### **NYC's Manhattan Core / Public Parking Study (2011)**

This study can be found at: [www.nyc.gov/html/dcp/pdf/mn\\_core/mncore\\_study.pdf](http://www.nyc.gov/html/dcp/pdf/mn_core/mncore_study.pdf)

Basically, over a 30 year period Manhattan has shrunk the city's public parking supply and induced more (and a greater percentage of) commuters to enter Manhattan without their cars. At the same time, car ownership rates among the city's residents have increased. Thus, most public parking is now de facto residential parking. Street parking went from 85% visitors to 70% residents, for example. Public garages in some areas have 60-70% of their spaces consumed by monthly renters who live in the neighborhood. NYC also has parking maximums in an effort to prevent developers of luxury projects from providing one space per unit. (Developers then discovered they could get astronomical rates (\$200,000) for on-site parking if it's sufficiently scarce, so it's not clear that proposing 1:1 even makes economic sense for them in this environment.) This increase in price as demand outstrips supply makes the idea of penalties for provision of more parking tricky at best since the penalties could be offset by the price increase. At this point, NYC is worried that there will not be enough spaces left over for commuters, shoppers, visitors. One option is to build public lots in certain areas (e.g. Times Square). Another option is to make it legal for any private garage to rent spaces to the public. Residents, however, have complained that they do not want to compete with

hourly parkers. The Study also discusses why/when people need cars even when they have access to Manhattan's public transit system.

### NYC's Inner Ring Study on Parking (December 2013)

This study can be found at: [http://www.nyc.gov/html/dcp/pdf/transportation/inner\\_ring\\_complete.pdf](http://www.nyc.gov/html/dcp/pdf/transportation/inner_ring_complete.pdf).

New York is not assuming that lack of parking or reduction in parking minimums results in affordable units. They are more interested in a quid pro quo approach (reduction in minimums in exchange for a guarantee of additional affordable housing). In other words, do not give it away to developers. If a developer wants something – a reduction in parking – require more affordable units.

The 2013 Inner Ring study:

- (a) Affirms the earlier Manhattan Core study's findings that parking supply does not influence car ownership. The Manhattan Core study is attached to these comments. That study reached this conclusion in neighborhoods that are analogous to DC's -- e.g. Brooklyn.
- (b) Supports to quid pro quo approach mentioned above wherein if you are reducing/eliminating minimums on the theory that it will yield more affordable housing, then the way to do that is to tie reductions to a guaranteed provision of additional affordable housing; and
- (c) Could serve as a model for the Office of Planning's partially-MWCOG- funded parking demand/multifamily housing study if it were redesigned from what appears to be the current approach.

### Methodology of The Inner Ring study in NYC

First, they combined address specific DMV registration data, with development data about buildings, with site visits/surveys to check on actual parking provision, with household travel studies for residents and census data. So they really are looking at both developer and tenant decision making about parking provision, where to rent, where to park, whether to own a car, and how to use it.

Second, there is explicit discussion about housing and parking prices in a market that has effectively/informally unbundled the two. One interesting phenomenon is people without cars choosing to live in buildings with garages. If the affordability argument (based on the cost-plus assumption) were true, we should not see that in an area where tenants could find the same kind of housing without a garage (which seems to be the case in the neighborhoods they are looking at). To the extent that "parking costs" may get bundled into rent, it happens even in car-less buildings. It appears that what drives price is that once you know what the market will bear, you charge it. They note that sharing arrangements are crucial because while you can fairly accurately predict per household car ownership in an area, statistics can vary fairly dramatically from building to building. So off-street parking should be seen (and functions) not as a building-specific amenity but as a neighborhood resource.

The New York study says that the cost of building structured parking in NYC is the highest in the nation, averaging \$21K per space. (Page 32) The study observes that structured parking is not all underground parking in densely developed areas like Manhattan, where anecdotal evidence suggests costs can go as high as \$50K/space.

One interesting thing from the Inner Ring residential parking study (which is explicit in stating that they could see that they're studying a market where parking and housing have been unbundled) is that people who don't own cars often end up living in buildings with on-site parking (as well as vice versa) even in areas where comparable units without

parking were available nearby. If rents in garage-free buildings were cheaper, that would not happen. (The study did not set out to answer the question of whether rents were lower in buildings with no on-site parking -- it just made that observation along the way. The general point, as stated above, was that on-site parking functions less as a building amenity than as a neighborhood amenity because of (not always legal) monthly leasing arrangements. So even if supply and demand in a particular building does not balance out, the extra parking is not "excess" -- it compensates for buildings where demand exceeds supply.)

Maybe the short answer is that these are phenomenon that could be studied and so the effect of various factors could be isolated. Rather than assume a model of pricing (cost-plus) that we know to be false in most housing markets and then deduce lower rents from it, DC should be compiling empirical research backing up this assumption before we act on it. Otherwise we are just letting developers offload costs onto the public sphere and not getting the affordable housing OR the parking that we need.

### **PORTLAND, Ore.**

After eliminating parking minimums earlier, the Portland City Council reinstituted parking minimums.

Background/history of the issue: <http://www.wweek.com/portland/print-article-19687-print.html#>

"Hales tells WW that when the city was rewriting the zoning code in 2000 to eliminate the parking requirement, he never thought developers would actually build apartments without parking." "'We were trying to get developers to put in one [parking] spot instead of two,' he says. 'I certainly wasn't smart enough to anticipate that banks would finance projects with no parking whatsoever.'"

How development changed as a result of the elimination of parking minimums: [http://www.oregonlive.com/front-porch/index.ssf/2012/11/lenders\\_developers\\_changing\\_at.html](http://www.oregonlive.com/front-porch/index.ssf/2012/11/lenders_developers_changing_at.html).

Also, see Op-ed: [www.oregonlive.com/opinion/index.ssf/2013/02/portlands\\_new\\_proposed\\_standard.html](http://www.oregonlive.com/opinion/index.ssf/2013/02/portlands_new_proposed_standard.html)

Portland's Residential Parking Study: [www.portlandoregon.gov/bps/article/420059](http://www.portlandoregon.gov/bps/article/420059), stated at page 2: "In general, the survey results do not suggest a relationship between on-site parking and vehicle ownership. Survey responses indicate that residents at both types of buildings (those with on-site parking and those without on-site parking) have similar trends in motorized vehicle ownership." The study found that 72% of the households in these Transit Oriented Development (TOD) buildings own one or more cars. Two-thirds of the households are parking them on neighborhood streets.

### **DISTRICT OF COLUMBIA**

Too late to drive decision making for the proposed zoning regulations, DDoT and OP have recently announced a data collection effort regarding parking - <https://sites.google.com/a/dc.gov/ddot-research-program/projects-and-studies/current-research/multifamily-parking-study>.

The data collection for multifamily residential buildings is not a random sample, since it is strictly volunteer developers asked to participate. Their announcement says: "If you are a developer or property owner/manager interested in contributing properties for data collection, please contact [DCParkingStudy@goroveslade.com](mailto:DCParkingStudy@goroveslade.com)."

The announcement goes on to say, "...The uncertainty resulting from the data gap can lead to the **over-building of parking** resulting in undesirable transportation, urban design, and housing affordability impacts...."

Any developer that cannot figure out that the drill here is to prove there is "over-building of parking" should not be in business.

*I guess it has not occurred to OP and DDoT that you usually do the studies first before you conclude that over-building - as opposed to, for example, under-building – is a problem in DC. But I suppose any person in DC who has ever looked for parking could tell you lack of parking is a problem without a study.*

In addition, this study has a very narrowly drawn scope of vision. It is not trying to gather data on how actual people can live and get around in DC, it is a one-time snap shot of parking spaces vacant or occupied.

**Above I have given some examples of more comprehensive studies done by other cities. No two cities are alike, any comparisons have to take into account the similarities and differences.**

### **TENLEYTOWN**

I live in Tenleytown, which is one of the oldest areas of Washington DC, with history dating long before the Civil War. Many of our homes were built in 1920 and 1921 and before, without garages or alleys. We are a neighborhood primarily of single-family detached homes with lots of trees and neatly tended yards. Current zoning allows Tenleytown to become denser with taller buildings along Wisconsin Avenue. This is fine. Tenleytown welcomes development around our Metro stop.

The approach adopted in the proposed regulations, however, is not just to have development around Metro stops. The proposed regulations adopt the idea that few parking spaces need be provided in new development because it will force people to abandon cars and rely solely on mass transit. This is too simplistic.

The proposed regulations would reduce what is now a requirement of 1 space for every 2 units is being reduced to 1 space for every 6 units. Some have said that the juxtaposed residential neighborhoods will be protected because tenants in these new developments will be prohibited from getting Residential Parking Permits (RPP). This is ephemeral.

For Tenleytown there is a massing of development projects that will bring greater density to Tenleytown and therefore more cars.

#### **➤ Babes and RPP**

Addresses can easily be added, deleted and added back to the list of buildings that are eligible for RPPs. In fact, much was made about Jemal's Babe's (Tenleyview, 4600 Wisconsin Ave NW, Zoning Commission (ZC) Case No. 10-23) not getting parking permits. The Zoning Commission approved Babe's for development with NO parking even though parking already existed underground at the site. For the number of units – up to 65 (approximately 130 people) and the mixed use building that is expected to have a restaurant and three retail shops, current zoning would require 86 onsite spaces.

There was a promise by the developer to prohibit the tenants from getting RPP. Yet Babe's was put on the eligibility list for RPP before construction was complete. Neighbors have objected. As a practical matter, if Babe's gets removed from the list in response to objections, with a keystroke, DDoT can add it back in later. The lack of parking is permanent.

Using RPP to protect nearby residents is ephemeral. Even if Babe's residents cannot get access to RPP, there has been no accommodation for their visitors or the customers coming to the restaurant or retail on the site. Some say the retail will be retail that does not attract cars. Restaurants attract cars. Even bike shops attract cars because when the bike needs repair it is tossed in the car and brought to the shop. For Car2Go, you do not need RPPs. They park anywhere they want. RPP is full of holes.

➤ AU Law School

Besides Tenleyview, there is AU Law School with 2000 students, 500 faculty, approximately 4,492 attending CLE classes and 3,725 attending outside events. There will be 450 spaces provided but they will be available only to faculty and a few others at a fee. The AU parking enforcement has resulted in ONE ticket per day actually being paid. AU does not ask their students to provide the license plate numbers thus AU has no roster of cars connected to activity at AU, making any enforcement of what they call "the good neighbor" policy non-existent.

➤ Georgetown Day and Sidwell Friends School Consolidations

Georgetown Day will include a large mixed-use development on Wisconsin Avenue. Sidwell Friends has bought the Washington Home and it is too early for any details.

➤ Fannie Mae – will be available for development.

**Is DC planning for families, seniors and people with disabilities or only young, healthy single individuals who may not stay?**

What is planning? Are we drawing the complete picture? Are we building a sustainable city that recognizes the beauty of different neighborhoods and different age groups? Are we making this city attractive to not only single young people but also to families with children and people over sixty-five years?

In DC, we have experienced a huge increase in the number of people over 65 ~ 18,940 to 54,391. How are planning for them? Some seniors cannot drive but can walk. Other seniors have great difficulty walking but can drive just fine.

From 1950 to 2010, DC's population dropped from 802,178 to 601,723. The number of households 1950 – 2010 changed little - 224,142 to 266,707 but the size of households changed quite a lot from 3.2 people per household to 2.11. This downward trend to smaller families or single individuals may change, however, as people marry and have children. Is DC planning for what happens when the young newcomers grow out of one-bedroom condo living and they want a life that includes yards and parks for their kids? Since nearly half of our post-2010 census increase in population was newborns, that time is coming soon. City planners and developers have worked hard to lure people to DC. Our low unemployment rate, particularly in a fragile national economy, has to be our biggest draw. How will we keep the newcomers in DC when the national economy provides competition for jobs elsewhere?

As you know, Mayor Williams' goal in 2003 was to add 100,000 residents by 2013 and to develop 15,000 new homes. There are more than 11,000 new apartments expected to be completed in the next 12 months. In the early 2000's, a Brookings Institution report concluded that the District could increase its revenue by \$300 million by attracting 50,000 well-off single people and couples without school-age children. This goal has pretty much been achieved with the city's population increasing by more than 45,000 residents since 1999, with the majority of the newcomers between 18 and 34.

The units being built are small in size, on average. The number of bedrooms per apartment in the District is down 10 percent from a decade ago, to 1.23 per unit. The city now has the highest percentage of one-person households in the country, 48 percent, far higher than the national rate of 28 percent and even greater than Manhattan

So while the city's economy is getting a boost by the influx of childless residents, is there a plan to retain families and to make sure that the huge surge of new apartments does not become obsolete in a decade or so. Births in the city have risen to more than 8,000 annually in recent years. DC will have to upgrade and expand our schools and libraries, reduce crime and preserve our single-family detached residential neighborhoods.

The goal espoused during the Williams Administration was to rebuild long-blighted storefronts and commercial corridors, where existing residents would not be pushed out. Have we lost this focus on vacant, blighted or underutilized areas by cavalierly offering incentives to lure developers and businesses to robust existing neighborhoods? We should not do this.

### People are intermodal

The limitations of the mass transit system dictate choices. I live very close to central Tenley. I see people getting out of their cars for athletic games at Ft. Reno or dropping off their kids with their instruments or their tiny kids and all their paraphernalia at day care across the street from me. I watch the yoga and athletic club people drive up and get out with their gym bags and yoga mats. These are physically fit people. Does the Metro go from their house to their destination efficiently, I am guessing not... and probably they will always drive to Tenley. Nearby restaurants have said one of the barriers to their keeping good staff is the lack of parking because their staff do not live near Metro even if they work near Metro.

My husband has a disability and used to take the Metro frequently – but the Metro elevators and escalators have become too unreliable for a person such as him to use with confidence. One of the most frequent requests to senior service organizations is a ride to the doctor or the grocery.

### People park in my block and get on the Metro.

My niece rode her bike to work every day until day light savings ended and she found herself riding in the dark in isolated blocks so she switched to bringing her car to the Metro station and jumping on the Metro. I hope bicycle usage will increase but of the slightly over 600,000 people living in DC only 9,000 list themselves as riding bikes to work. I note that two-thirds to three-quarters of the 9,000 people who say they ride their bikes to work are men. Different people. Different choices.

The vision behind the proposed zoning regulations appears to be that people will somehow get to Metro but never by car. This is not supported by WMATA's numbers.

### **Metro Capacity**

When WMATA gave a presentation several years ago (September 30, 2010), Nat Bottigheimer, Asst General Manager, Department of Planning and Joint Development, stated that the Tenley station at that time took in 7,000 riders. Of whom 58% walked to the station and 23% arrived by bus. Leaving **approximately 20% -- over 1,300 people -- arriving to the Tenley Metro Station by car**, some parking, some dropped off. Note that this is intermodal.

The WMATA projection was that Tenleytown would see moderate growth in the next 30 years but stations to the north would experience highest growth. WMATA projected 70% of the growth between Shady Grove and White Flint in Maryland.

Are OP's transit zones along the red line, looking at the big picture? What does future capacity look like on the red line? We know from a presentation by Shyam Kannan, the new Managing Director of Planning for WMATA, on October 2, 2012, that the Metro now has 700,000 riders and is at 85-90% capacity. To emphasize the intermodal nature of individuals, Mr. Kannan said that 80% of Metro riders own cars, while only 47% of bus riders own cars. Mass transit does not go everywhere people want or need to go. Thankfully, however, they use mass transit a lot.

In the morning, DC residents are always the last to board trains headed downtown, and frequently find most seats already taken by riders from Maryland and Virginia riders. Will fewer DC residents take Metro over the years? Metro

was planned as single-track commuter rail and that is how it functions rather than a comprehensive urban subway system.

## FACTS

There are not fewer cars in DC today than in years past. Please base your decisions on sound data and statistics. **Vehicle ownership** is increasing every year in DC. The DMV reports that vehicles registered went from 267,000 in 2009 to 285,000 in 2012. Vehicle ownership is 0.9 per household (0.6 for rental and 1.3 for owner occupied). (Census ACS) An increase of 3.5% in 3 years and this does not count cars that do not get registered in DC – diplomats, students, the military, students. To give Ward 3 as an example, 79% of households own at least one vehicle. In addition, over 500,000 commuters enter DC each day, and that number will continue to increase as the District hopes to create 100,000 new jobs over the next 5 years. The parking needs of residents, commuters, tourists, visitors, trades people, and service providers are increasing not decreasing.

**Bikes:** DC has been supportive of bike lanes. Hopefully bicycle usage will increase but of the slightly over 600,000 people living in DC only 9,000 list themselves as riding bikes to work. I note that two-thirds to three-quarters of the 9,000 people who say they ride their bikes to work are men.

**Existing Treatment of Parking under DC Zoning:** Under existing zoning, DC's parking requirements are greater where zones are less dense and lower where they are more dense so it is not "one size fits all" currently. And waivers are available to accommodate special circumstances. Babe's, as discussed above, shows that the Zoning Commission has the freedom under current regulations to adjust parking requirements but this seems to be a practice used only to decrease parking not increase it and, as written, the ZRR imposes penalties if a developer wants to provide more parking than required.

**DC currently has very low parking requirements as compared to nearby jurisdictions, see graph at end of my comments.** If DC makes quality of life difficult, will people merely move to nearby jurisdictions where parking is more convenient and they can get on Metro when there are still seats since DC passengers are last to board.

People adjust their transport to fit their needs. If planning works well, many people will take mass transit or their bikes to work but most will also use a car in other aspects of their lives. Most households in DC own cars, even if residents do not drive every day.

When a person goes to their office, mass transit, hopefully, is very attractive. But to the parent driving their 3 kids and the dog somewhere or the parent shopping for a week's worth of groceries for a family of 5... for most, the car is the choice.

If the proposals are not data-driven, are we trying to make car ownership so arduous that people will abandon their cars? Or will they just live, shop and dine outside of DC? People are multimodal. Metro does not go everywhere they want to go. Are we building a family-friendly city where the parents with kids, the dog and sports equipment will find life appealing? How do these multimodal people fit into the landscape that is being created by the ZRR?

## CONCLUSION

The proposed zoning regulations are ideologically driven, not fact based, and not legally based in the Comprehensive Plan. The Office of Planning has failed any standard of professionalism since no statistics or studies have been done to support their extremely reduced parking requirements.

There has been little detailed discussion regarding the dramatic increases in the activities that will be allowed in residential neighborhoods for 15 hours a day. Has any consideration been given to the homes next door where they are trying to get the baby to sleep or raise children?

As to external tenant apartments in the backyard, allowing them to be built as a matter of right and only allowing the neighbors to have a voice when rental is considered is unfair to the community. This procedural order leaves the neighbors with no basis for objection except tenancy since they are already stuck with the new, potentially obtrusive, building overlooking what used to be a private back yard.

The Zoning Commission should support choice. People use many forms of transportation. People are multi-modal. They take public transit but it does not go everywhere they need to go.

Protect our residential neighborhoods. Keep DC family friendly. Keep the current, already low, parking minimums in the DC zoning regulations.

Thank you.

## ***ATTACHMENTS***

## RELEVANT COMPREHENSIVE PLAN POLICIES

The proposed regulations are to implement the Comprehensive Plan adopted by the D.C. Council. Therefore, the regulations must have a foundation in the Plan - not be inconsistent with the Comprehensive Plan. The policies in the Land Use Chapter are considered primary. These policy numbers begin with LU. Below are sections of the Comp Plan – underlines for emphasis.

### 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. (Paragraph no.: 309.15)

### 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)

### 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 nonresident 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) (Note: RCW is Rock Creek West, the area element for that section of DC.)

### Policy LU-1.3.2: Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. (306.11)

### Policy LU-1.3.6: Parking Near Metro Stations

Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters. (306.15)

### RCW-2.2 Wisconsin Avenue Corridor 2312

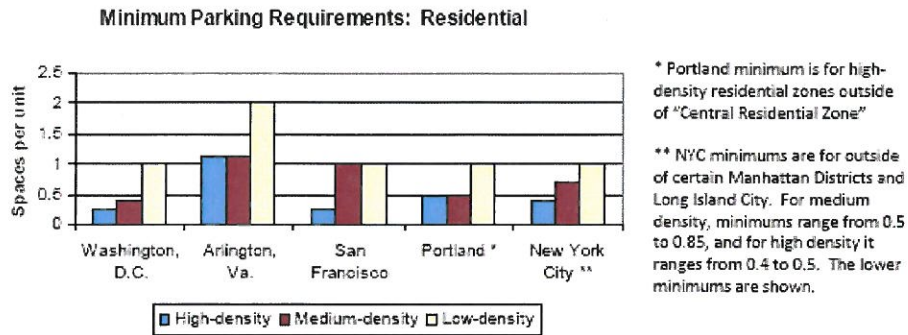
Friendship Heights and Tenleytown are stable, transit-oriented neighborhoods, and their conservation should be ensured during the coming years. Thus, several core issues must be addressed as plans for any of the sites around the Metro stations or along the corridor move forward. Any redevelopment along the corridor should respect the scale of existing neighborhoods, promote walkability, and create a more attractive street environment. The impact of new development on traffic, parking, infrastructure, and public services must be mitigated to the greatest extent feasible. The scale and height of new development on the corridor should reflect the proximity to single family homes, as well as the avenue's intended function as the neighborhood's main street. This means an emphasis on low- to mid-rise mixed use buildings rather than high-rise towers or auto-oriented strip development. (2312.6)

### LU-2.4 Neighborhood Commercial Districts and Centers 312.3

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.

## DC'S CURRENT MINIMUM PARKING REQUIREMENTS ARE LOW ALREADY COMPARED TO OTHER JURISDICTIONS

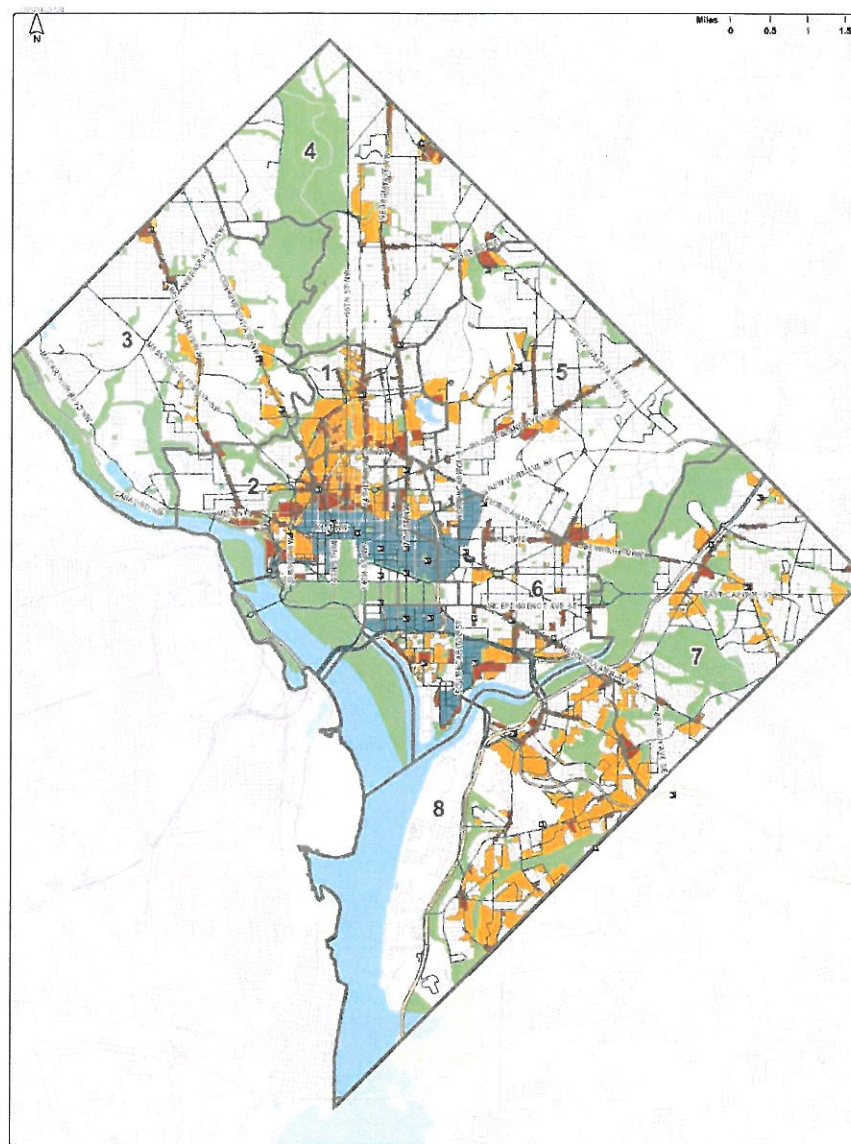
DC's current minimum parking requirements are also far below those of Arlington County, Virginia, and significantly lower than the minimum parking requirements for other jurisdictions.



The minimum parking requirement in Arlington for residential uses is more than 2 to 4 times DC's current minimum parking requirement. DC's requirement is also lower than the requirements in San Francisco, Portland and New York City.

Portland tried the experiment of eliminating parking requirements in certain areas. After the nearby neighborhoods were inundated with the cars brought by the new developments, Portland reinstated parking requirements.

**AREAS NEAR TRANSIT (yellow, red, blue)**  
**WHERE THE PARKING REQUIREMENT WOULD BE ONLY ONE FOR EVERY SIX UNITS**



 Office of Planning – March 22, 2012  
 Government of the District of Columbia

The boundaries on this map were created for planning purposes. This map is one of many sources that the Zoning Commission may use in preparing an updated zoning map reflecting Apartment Transit and Mixed Use Transit zones in the updated zoning regulations, but this is not an official zoning map. Information shown should be considered approximate and not to provide any particular designation for any particular property. The map was designed to be essentially correct when printed at its original scale. Users of electronic copies of this map may be able to "zoom in" to reveal additional detail, but any information not clearly visible in the print edition of this map has not been reviewed for correctness by the Office of Planning and does not represent any determination or recommendation by the Office of Planning.

**ZRR Draft Transit Zone Map**

-  Metro Stations
-  Apartment Transit Zone
-  Bus Routes
-  Mixed-Use Transit Zone
-  2012 Wards
-  Downtown Zones

## EXPANDED DOWNTOWN WITH NO REQUIREMENT TO PROVIDE PARKING

