

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

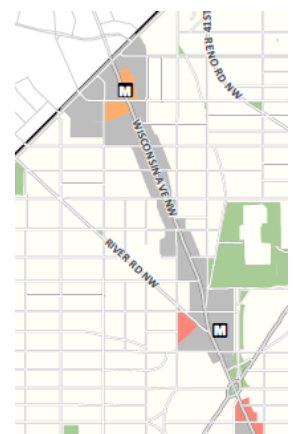
Current Zoning: 1 space per 2 units minimum
 100 units : 50 spaces minimum
 Zones: C-2-A, C-3-A, R-5-B, HE

	<i>Proximate to Transit</i> 1 space per 6 units in excess of 4 units 100 units : 16 spaces minimum
	<i>Other</i> 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

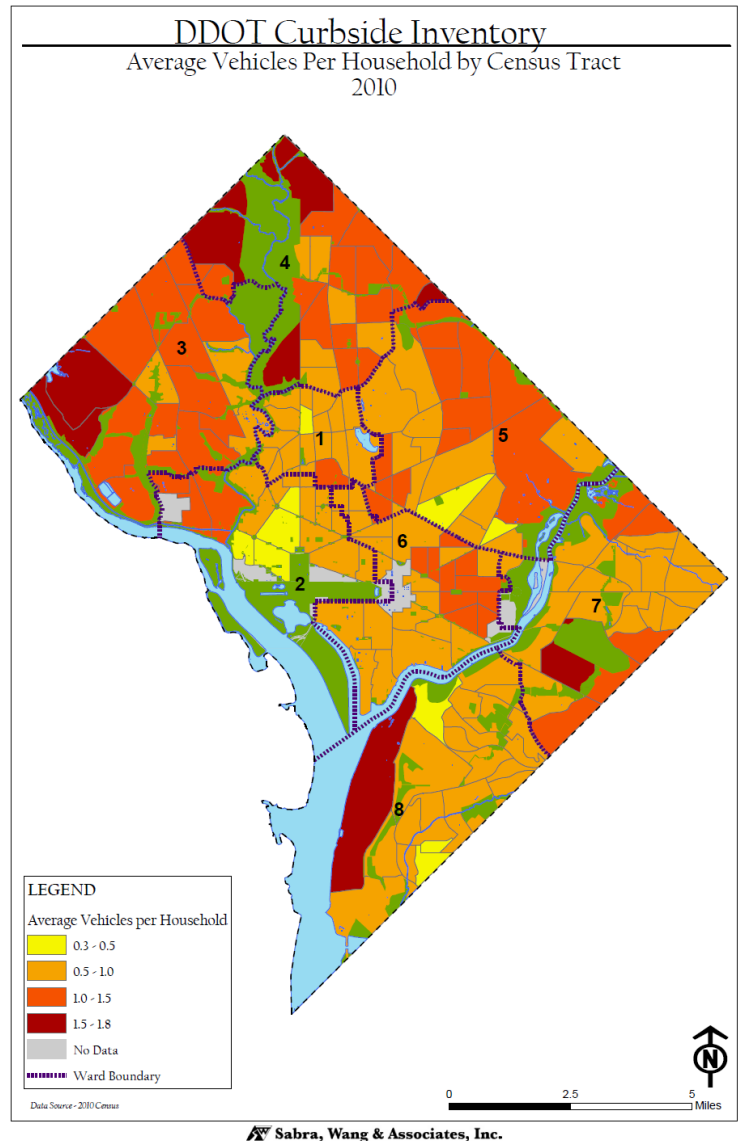
	<i>Downtown, CG, SEFC</i> No parking required
	<i>Proximate to Transit</i> 1 space per 6 units in excess of 4 units 100 units : 16 spaces minimum
	<i>Other</i> 1 space per 3 units in excess of 4 units 100 units : 32 spaces minimum



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 website 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.

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)

Proposed Revisions to Alternative Language and Sample from Arlington County

Proposed Language Changes:

Subtitle C: Proposed Edits to Conditions for Off-Site Provision of Required Parking Spaces:

1901.8 Required parking spaces shall be located either:

- (a) On the same lot as the use or structure they are meant to serve; or
- (b) On another lot, subject to the following provisions:
 - (1) The off-site location shall have a maximum walking distance be a maximum of four hundred feet (400 ft.) from the pedestrian entrance of the use; use or structure that the parking spaces serve, as measured from the nearest lot line;
 - (2) The off-site location may be located within a different zone, except that the off-site parking location for a use within any zone other than a Residential House or Flat zone of Subtitles D or E may not be within a Residential House or Flat zone of Subtitles D or E, except in accordance with the provisions of D § 1603.16 and E § 1102.11; ~~and~~
 - (3) Spaces provided off-site in accordance with C § 1901.8 (b) shall not serve as required parking for any other use, unless they are shared parking spaces in accordance with C §1901.9.;
 - (4) Prior to the issuance of the first certificate of occupancy, the written agreement between owner of the parking area and the owner of the site for which parking spaces are required shall be filed with the Zoning Administrator. Any amendment or successor agreement must be filed with the Zoning Administrator no more than ten (10 days following execution by the parties;
 - (5) Prior to the issuance of the first certificate of occupancy, an instrument in the form of a covenant which shall, in whatever detail is legally necessary, ensure the continued usage of the authorized parking area for such required parking, and allow no other use shall be recorded in the land records of the District of Columbia and filed with the Zoning Administrator; and
 - (6) The Zoning Administrator shall maintain a publicly-accessible file of all covenants, written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces.

Subtitle C: Section 1901.5: Table of Parking Requirements:

The table of current parking requirements should be substituted for this table until demand studies are conducted to determine appropriate minimum parking requirements consistent with the Comprehensive Plan.

Subtitle C: Section 1907: Mitigation for Parking Significantly in Excess of the Minimum Parking Requirement:

Delete Section 1907, which would impose penalties on developers who include adequate parking to serve the anticipated needs of the residents, employees, customers and visitors.

Arlington County regulations for off-site parking: The distance is measured from the pedestrian entrance to pedestrian entrance, and by the shortest pedestrian route. Off-site parking requires approval by the zoning administrator and includes conditions.

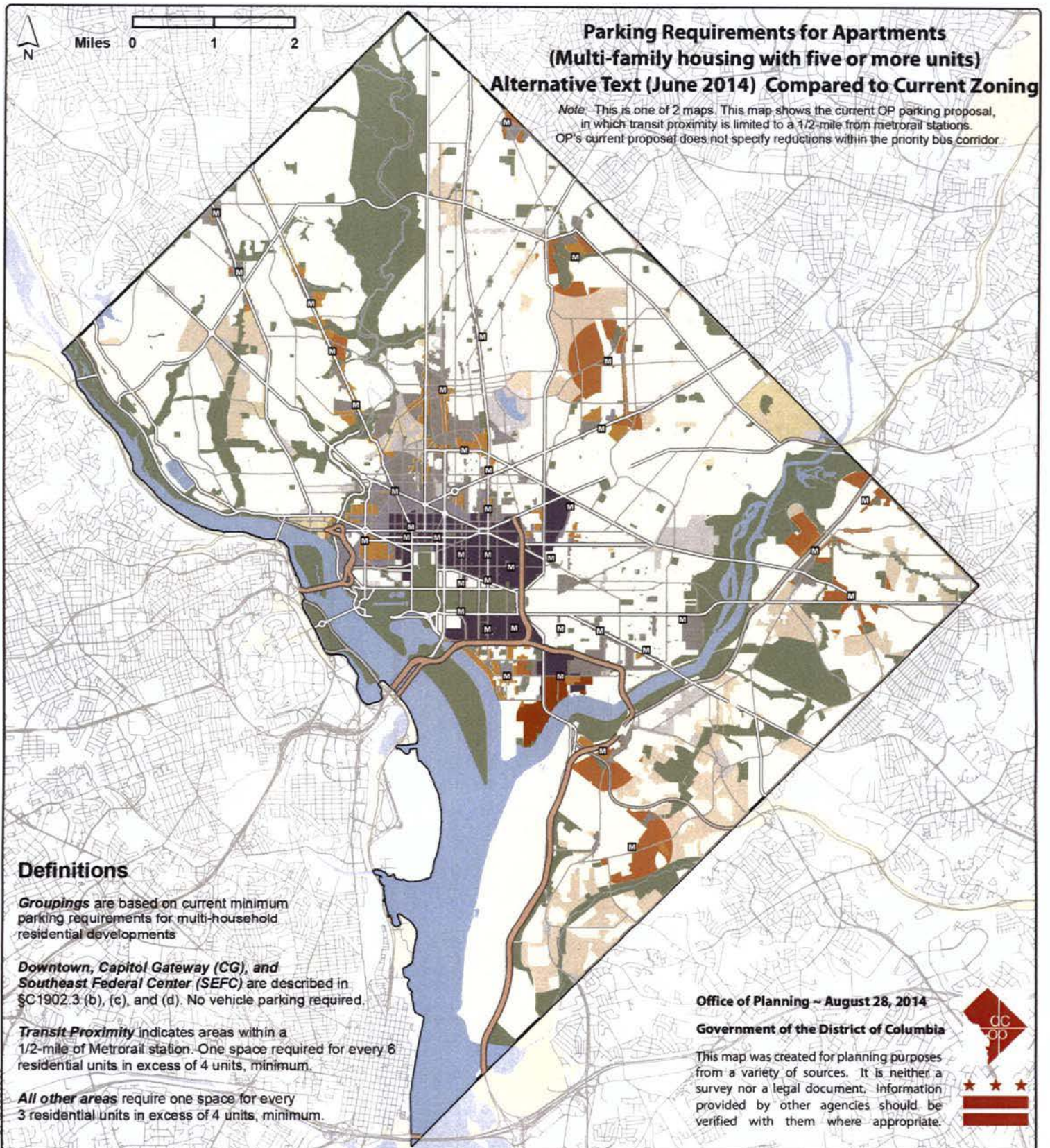
B. Off-site parking

All off-street parking space appurtenant to any use other than a use permitted in any R or RA district shall be on the same parcel of land with the use to which it is appurtenant or on common areas in the same subdivision; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the zoning administrator, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

1. Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of parking for certain restaurants, shall conform to the requirements in §14.3.6.
2. A pedestrian entrance to such space shall be located within a distance of 600 feet, by the shortest route of effective pedestrian access, entrance to entrance.
3. Such space shall be conveniently usable without causing unreasonable:
 - (a) Hazard to pedestrians.
 - (b) Hazard to vehicular traffic.
 - (c) Traffic congestion.
 - (d) Interference with safe and convenient access to other parking areas in the vicinity.
 - (e) Detriment to the appropriate use of business property in the vicinity.
 - (f) Detriment to any residential neighborhood.

Arlington County Minimum Parking Requirements for Residential Uses:

USE TYPES		PARKING REQUIREMENT, MINIMUM (SPACES)	ADDITIONAL REQUIREMENTS
Residential and housing uses			
One- and two-family dwellings	Not fronting on cul-de-sac	1 per dwelling unit	Constructed and maintained in accordance with §14.3.3.
Fronting on cul-de-sac		2 per dwelling unit	Improved in accordance with §14.3.4.A. Constructed and maintained in accordance with §14.3.3.
Townhouses and stacked one-family dwellings		2 per dwelling unit, and 1/5 additional parking spaces per dwelling unit for visitors	Additional parking spaces for visitors shall be located in a clearly marked and designated common area available to all visitors. Provided, however, that visitor parking spaces may be included within the required two parking spaces per dwelling unit when at least 50 percent of parking spaces needed to meet the requirement are located in a common area and are available for either residents or visitors. -Constructed and maintained in accordance with §14.3.3.
Dwellings, other than one- and two-family		1 & 1/8 for each of the first 200 dwelling units in any structure	Plus1 for each additional dwelling unit Constructed and maintained in accordance with §14.3.3.



Group 1

Current Zoning: 1 space per unit minimum
100 units : 100 spaces minimum
Zones: C-1, R-5-A

Note: Apartments are permitted in R-5-A ONLY by special exception.

- Proximate to Transit**
1 space per 6 units in excess of 4 units
100 : 16 spaces minimum
- Other**
1 space per 3 units in excess of 4 units
100 units : 32 spaces

Group 2

Current Zoning: 1 space per 2 units min
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 : 16 spaces minimum
- Other**
1 space per 3 units in excess of 4 units
100 units : 32 spaces

Group 3

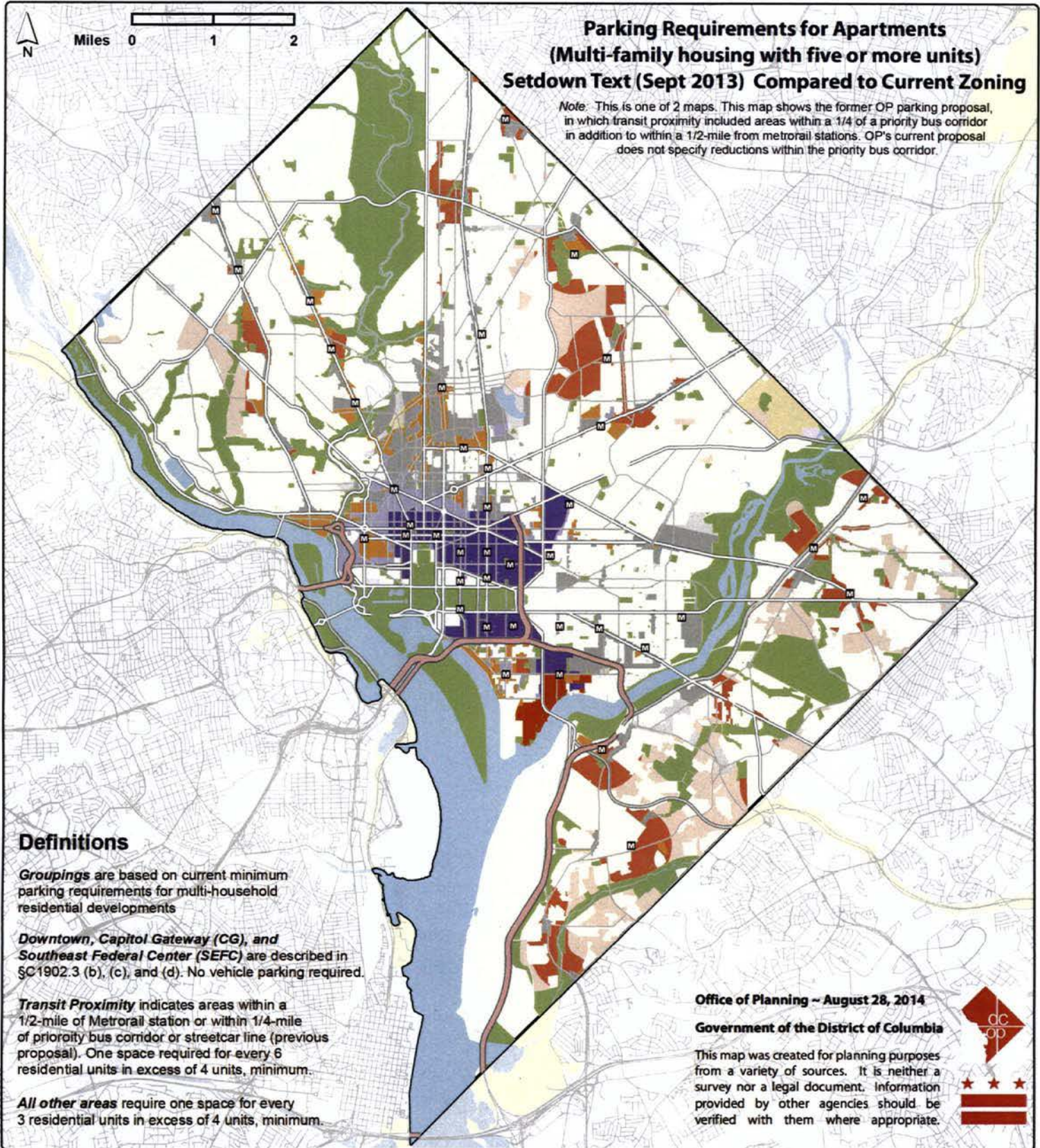
Current Zoning: 1 space per 3 units min
100 units : 33 spaces minimum
Zones: C-2-B, CR, R-5-C, R-5-D, W

- Downtown, CG, SEFC**
No parking required
- Proximate to Transit**
1 space per 6 units in excess of 4 units
100 : 16 spaces minimum
- Other**
1 space per 3 units in excess of 4 units
100 units : 32 spaces minimum

Group 4

Current Zoning: 1 space per 4 units
100 units : 25 spaces minimum
Zones: C-2-C, C-3-B, C-3-C, C-4, C-5, R-5-E, SP

- Downtown, CG, SEFC**
No parking required
- Proximate to Transit**
1 space per 6 units in excess of 4 units
100 : 16 spaces minimum
- Other**
1 space per 3 units in excess of 4 units
100 units : 32 spaces minimum



**Parking Requirements for Apartments
(Multi-family housing with five or more units)
Setdown Text (Sept 2013) Compared to Current Zoning**

Note: This is one of 2 maps. This map shows the former OP parking proposal, in which transit proximity included areas within a 1/4 of a priority bus corridor in addition to within a 1/2-mile from metrorail stations. OP's current proposal does not specify reductions within the priority bus corridor.

Definitions

Groupings are based on current minimum parking requirements for multi-household residential developments

Downtown, Capitol Gateway (CG), and Southeast Federal Center (SEFC) are described in §C1902.3 (b), (c), and (d). No vehicle parking required.

Transit Proximity indicates areas within a 1/2-mile of Metrorail station or within 1/4-mile of priority bus corridor or streetcar line (previous proposal). One space required for every 6 residential units in excess of 4 units, minimum.

All other areas require one space for every 3 residential units in excess of 4 units, minimum.

Office of Planning ~ August 28, 2014
Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Group 1	Group 2	Group 3	Group 4
Current Zoning: 1 space per unit minimum 100 units : 100 spaces minimum Zones: C-1, R-5-A	Current Zoning: 1 space per 2 units min 100 units : 50 spaces minimum Zones: C-2-A, C-3-A, R-5-B, HE	Current Zoning: 1 space per 3 units min 100 units : 33 spaces minimum Zones: C-2-B, CR, R-5-C, R-5-D, W	Current Zoning: 1 space per 4 units 100 units : 25 spaces minimum Zones: C-2-C, C-3-B, C-3-C, C-4, C-5, R-5-E, SP
<i>Note:</i> Apartments are permitted in R-5-A ONLY by special exception.		Downtown, CG, SEFC No parking required	Downtown, CG, SEFC No parking required
Proximate to Transit 1 space per 6 units in excess of 4 units 100 : 16 spaces minimum	Proximate to Transit 1 space per 6 units in excess of 4 units 100 : 16 spaces minimum	Proximate to Transit 1 space per 6 units in excess of 4 units 100 : 16 spaces minimum	Proximate to Transit 1 space per 6 units in excess of 4 units 100 : 16 spaces minimum
Other 1 space per 3 units in excess of 4 units 100 units : 32 spaces	Other 1 space per 3 units in excess of 4 units 100 units : 32 spaces	Other 1 space per 3 units in excess of 4 units 100 units : 32 spaces minimum	Other 1 space per 3 units in excess of 4 units 100 units : 32 spaces minimum