

OP's Erroneous Parking Policy: ZRR Subtitle C

DC's Office of Planning (OP) believes that rezoning can reduce the number of cars in the District. OP's vision: make car parking so scarce or difficult for commuters; for families ferrying groceries, dogs and little children; for visitors to homes and institutions; for those on a night out; and for other residents that – miracle of miracles! – cars will simply wither away.

In order to consummate its ideals, OP has proposed to abdicate its responsibility for regulating construction of parking spaces in multi-family buildings and to transfer the power to decide parking capacity to DC's real estate industry. OP would allow developers to determine – as a matter of right – whether any parking spaces should be built at all, without review by the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA), or input from any Advisory Neighborhood Commission (ANC).

OP should perform the job contemplated by DC law – facilitate the smooth flow of necessary daily activities of DC residents. OP should do a proper job of analysis and make sure there is sufficient parking to satisfy residents' reasonable expectations. Missing parking spaces cannot at some later date be inserted under a multi-family, multi-story structure once it is built.

OP policy proposal would exacerbate parking problems

Based on its 2008 review of best practices in other cities – including Los Angeles, Philadelphia, Boston, San Francisco, and several others – OP has alleged that minimum parking requirements were being eliminated in those cities. In the few instances where parking minimums have been eliminated, such changes applied only to limited areas, not on a broad scale, and not near low- and moderate-density residential neighborhoods. But in most cases, OP got it wrong! Municipalities cited by OP as exemplars for its campaign against the automobile actually maintained parking requirements far in excess of DC's current regulatory minimums in residential areas. Indeed, Portland, Oregon is backing away from the position in which OP would invest DC citizens' future. OP has ignored evidence that contradicts its tenets, such as a prominent, statistically valid parking study from New York City.

Parking requirements for multi-family developers in DC merit detailed examination. Current DC parking minimums are quite favorable to developers – typically, one space for every two-to-four units in an apartment building (0.5 to 0.25 spaces per unit). There is considerable flexibility in the existing system: the ZC has the power to waive or modify parking requirements on a project-by-project basis through the Planned Unit Development (PUD) process. Developers of commercial (e.g., office) buildings near or with direct access to Metro stations can also petition the ZC for reductions or waivers of parking requirements, subject to public hearings including testimony from affected ANCs and neighbors.

Changes proposed in the draft ZRR will effect dramatic reductions in requirements for developers of multi-family residences to provide off-street parking for occupants, not just near Metro and major bus routes, but also for new or expanded multi-family structures in other locations. Currently, for example, the minimum parking requirement in apartment zones along Connecticut Avenue is one space for every two units south of Jocelyn Street and one space for every three units between Jocelyn and Livingston Streets. OP proposes to reduce the requirement south of Jocelyn Street to less than one space for every four units, so that a building with 109 units would be required to provide only 25 off-street parking spaces – less than half the 55 spaces currently mandated.

Moreover, new residential buildings with fewer than 10 units could avoid providing any parking. And developers of multi-family housing in transit zones – which can be mapped into any commercial or mixed-use area within a half-mile of a Metro station or a quarter-mile of a major bus route – need not provide any off-street parking (vs. the current requirement of one space for every two-to-four units along upper Connecticut and Wisconsin Avenues). Resulting increases in demand for on-street parking will degrade the quality of life in such neighborhoods.

Were WMATA to designate a DC thoroughfare as a “Priority Corridor Network Metrobus Route” nearby parking requirements would be perforce cut in half – and neighbors would find their concerns not germane at WMATA proceedings!

Evidence, not ideology, should drive OP proposals

What is the evidence for OP's approach? OP's frequently repeated justification is that 35 per cent of DC households own no car. This means that 65 per cent do own at least one car. The absolute number of cars owned by DC residents increased from 220,776 in 2000 to 231,395 cars in 2010, according to census data. Because the population also increased during that decade, cars per household didn't change – 0.9 cars per household citywide; renters averaged 0.6 cars per household and owner-occupants averaged 1.3 cars per household in both censuses. And the percentage of car-less households in DC declined somewhat in that period – from about 37% in 2000 to about 35% in 2010. Census data show that vehicle ownership along upper Connecticut and Wisconsin Avenues is higher than average for the city – 0.8 cars per rental household and 1.5 cars per owner-occupied dwelling (condos as well as single-family houses). Despite efforts to promote multi-modal transportation, car ownership is still favored by DC residents. According to a current American Public Transit Association research, “millennials” – even though they are enamored of wi-fi access on buses – possess 1.4 cars per household, placing that demographic at the high end of car ownership in DC. Moreover, the Highway Loss Data Institute has just posted a study which concludes: “Drop in teen driving tracks teen unemployment.” Young people want to have cars, but can't afford them.

Although DC's population was much higher in 1958 (about 770,000) than it was in 2010 (about 602,000), the total number of privately-owned cars (including cabs) and trucks registered in DC in 1958 was only 189,443. So 1958 was a time when car ownership was less the norm than it is today: today there is one car for every 2.6 District residents, whereas there was one car for every four residents then. This whole “we're stuck in the past when the car was king” motif trumpeted by OP is belied by the numbers, demonstrating that the past was actually a less car-dominated environment than the present.

Current requirements do not overproduce parking reserves in residential buildings. The few instances of parking overproduction in the District, such as occurred in Columbia Heights or Tenleytown, are not attributable to parking minimums, but to lender requirements, public subsidies, and unique conditions. Moreover, parking spaces in multi-family rental/condo buildings have not been bundled with occupancy for decades, mainly because parking in Washington is a separate source of income for multi-family developers. Parking space in DC is as valuable as it is scarce.

Rather than allowing developers to offload the parking burden entirely onto nearby public streets, the 1958 zoning regulations mandated that new multi-family developments provide garage space to accommodate a significant portion of the parking demand such buildings would generate. The 1958 regulations (in conjunction with both the Height Act and anti-freeway activism) had lasting effects on downtown DC. In many other American cities we see fewer but taller buildings and more land

devoted exclusively to parking structures and lots. By contrast, DC has pushed most parking underground. The lots we see on the fringes of the Central Business District (CBD) are usually artifacts of landbanking rather than long-term uses.

If parking minimums are out-of-sync with demand, it makes better sense to adjust the prescribed parking ratio case by case – not to eliminate parking requirements *per se*. Current zoning regulations explicitly recognize the existence of Metrorail, car sharing, cycling, etc. and already allow for various site- and project-specific kinds of relief from the required minimums when deemed appropriate by the ZC after public notice and hearing from affected ANCs and neighbors. Moreover, it is abundantly clear that current parking minimums haven't inhibited multi-family construction in DC in recent years.

While market forces might be trusted to prevent overproduction of parking, such forces cannot be relied upon to produce an adequate supply of parking spaces. In fact there is an economic incentive for builders to scrimp on underground parking, especially because each lower level of garage excavation is disproportionately more expensive to construct. Developers' equity exposure thus increases without clear economic benefit. Capital produces higher returns by adding residential floors rather than by adding garage levels. Because the existing DC mandate – 0.5 to 0.25 spaces per unit – is low, current parking minimums likely *underestimate* related demand. At City Line, in Tenleytown, a project regularly and inappropriately cited as evidence for parking space overproduction, OP would only have required 33 spaces per ZRR provisions. But, as Susan Kimmel testified 11/1/12 to this commission, 160 spaces were sold to people for their own cars, plus another 10 or so to others. OP would have penalized the City Line builder for building more than 50 spaces. People paying for parking spaces in an apartment building are the ones using the spaces, not the car-less.

Parking omission benefits developers, penalizes neighbors

Bear in mind that while costs attendant upon unnecessary overproduction of parking spaces may be borne by the developer, the penalties for parking underproduction weigh on the community as a whole. Developers don't suffer the consequences of inadequate parking in their buildings – neighboring residents and businesses do. Consumption of on-street parking – a scarce public good – is increased without penalty to those who cause the omission of off-street parking. Developers should be forced to bear costs attendant upon growth they promote.

It is precisely the recognition that people who live near decent public transit don't drive everywhere that highlights why we require off-street parking in multi-family residential buildings. When people drive less, they don't give up their cars entirely. They park more – and in most cases, they park more at home. The District doesn't have park-n-ride garages near Metro stations, so the only solution parkers have is the city's streets, particularly for those who have a Metro station and a Residential Parking Permit (RPP) in the same Ward. If home is a place where residents are competing – with shoppers, workers, Metro commuters, students, visitors, service and delivery people, people going to the park or to church, and others – for scarce on-street parking, then it makes sense to do what we can to make it possible for residents to store their cars off the street. While some homeowners can retrofit parking (by paving over part of their yards), underground parking for apartments has to be built at the time of initial construction. It can't be slipped under the building later. OP should recognize that we need off-street parking minimums to support robust mixed-use neighborhoods, especially those proximate to mass transit. Retailers cannot survive without adequate parking for clientele; it is customer traffic that anchors retailers to a site. If parking is a problem, commercial leaseholders may be forced out, leaving space vacant behind them. And vacant storefronts are a visible blight on the neighborhood.

OP's flawed assumptions aggravate parking spillover

Residents in new multi-family buildings who don't have on-site parking will of necessity drive farther and farther on neighboring streets to park in RPP zones or monopolize non-RPP spaces for extended periods. As parking unavailability metastasizes through the neighborhood, inconvenience is compounded. More demands for Visitor Parking Permits (VPP) for service vehicles and others will follow. Such inconvenience can be serious – in what sequence and time frame does one safely remove a baby, groceries, and a dog from a car in extreme weather in these circumstances? Pets are prohibited from mass transit.

Residents of a multi-family building greatly exceed the population density of nearby single-family homes, thereby accruing political clout and frustrating solution of a problem that could have been avoided in the first place with regulations that assure adequate parking for all. Suggestions that residents of multi-family buildings be denied RPPs or visitor parking rights are clearly politically unacceptable. Car ownership restriction is also a non-starter.

The idea that proximity to a transit area obviates the need for parking rests on flawed assumptions. DC lacks an adequate array of reliable transportation choices. For many people, commuting by car is their only option. But it doesn't really matter whether a car is used 5 per cent of the time for transportation or for 95 per cent of the time. The point is: a car needs a parking space. Cars in the city aren't going to disappear in our lifetimes. In an area where parking is already at a premium and where commercial activity already leads to parking spillover onto residential streets, it is hard to understand the push to weaken existing zoning policy – which will only exacerbate parking problems.

Proposed regulations would discharge developers of downtown office buildings from parking requirements altogether. Because the CBD is accessible to mass transit, OP believes a lack of parking there will pressure – if not force – office workers to leave cars behind. OP would thereby export parking problems from downtown into neighborhoods proximate to Metro stations nearer the DC line, expanding current demand for commuter parking spaces and reducing parking supply to neighborhood residents and businesses.

Matter-of-right proposals would foreclose public input

Draft provisions of the ZRR, if finalized, would supplant a working system in which problematic issues or projects are subject to public comment and customization at ANC meetings and before the BZA or ZC. The overall impact of the proposed revisions is to limit public involvement in future development decisions – transforming decisions that now require public notice and hearing with input from ANCs and neighbors into decisions that can be made unilaterally by developers. Terms of the ZRR would grant to developers matter-of-right permission to reduce or eliminate off-street parking spaces if certain generic conditions are met.

OP's matter-of-right philosophy wrongly propels the current approach in the ZRR. The premise that DC regulatory decisions should be delegated to developers is not acceptable. Notice of a project might occur to neighbors too late – that is, only when construction equipment appears on the scene. Such delegation of regulatory authority is a breach of an implicit covenant with residents who have invested so much in their homes in expectation of government protection of neighborhood stability. If one is a

developer, all this might look like good business. If one is a neighbor, all this may well look like a significant threat to enjoyment and value of property.

Substantial elements of the draft ZRR don't reflect the level of skill, attention to detail, anticipation of unintended consequence, concern for the citizenry, and general thoughtfulness for the future that the DC electorate deserves in such a high-stakes enterprise. Important work – e.g., infrastructural analyses, implementation of Comprehensive Plan action items – that was supposed to be part of the ZRR has been left undone, while half-baked “fixes” are being proposed for things that aren't broken. As a result, neighborhoods that are successful are put at risk of destabilization while neighborhoods that are struggling are unlikely to see their problems addressed. On parking, OP would shunt the real work of administration of the Zoning Code to developers even as the planning agency promises miraculous outcomes to residents of DC.

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