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DC Zoning Commission
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Summary of the Primary Concern: We live in a Square that is landlocked. Street parking is our only option. We are very concerned about the cumulative effect of Subtitle C § 701.5, Subtitle C § 702, and lack of an equivalent to the current §11-2104 (a), which establishes buffers around residential zones to prevent “spillover” parking. We request the Zoning Commission to provide explicit protections for landlocked squares - those that are not serviced by a public alley.

List of specific points raised in this comment letter:

- 1) ZRR should contain explicit protections for squares that are not serviced by public alleys - since those are most vulnerable to “spillover” parking problems.
- 2) ZRR is missing language preventing RPP eligibility for properties that use the 50% parking reduction under Subtitle C § 702. The Commission voted to include this language during the 10/8/2014 public meeting.
- 3) Crucial protections to prevent “spillover” parking into residential neighborhoods are missing in the current ZRR draft. ZRR eliminates “buffer zones” established in §11-2104 (a) of the current zoning regulation.
- 4) Subtitle C § 701.5 “Residential, Multi-Household” appears to require NO off-street parking for buildings up to 4 units.
- 5) I join the opinion expressed in Exhibit #971 by Sandy Shapiro of 3901 Harrison St, NW and urge the Commission members to re-read it.
- 6) The Commission should delay the effective date of Subtitle C § 701.5 & Subtitle C § 702 until other city agencies implement their policies aimed at achieving the goal set in the Sustainable DC initiative of reducing car trips to 25% of total.
- 7) Suggested modifications to the ZRR language.

Dear Members of the Commission:

My wife and I lived in the city for the past 15 years, 10 of those years in Square 523. We own two properties in the square: 1248 New Jersey Ave NW and 1235 4th St NW. The residents of our square and the immediate vicinity are particularly sensitive to the issues of parking¹ because in addition to being landlocked (no public alley access), the square is located three blocks from the Convention Center which was built with no off-street parking/garage for the visitors, and only one block north of New York Ave, south of which are lots designated as Downtown, which are slated to have NO minimum parking requirement.

We believe that the proposed minimums in Subtitle C § 701.5, combined with very aggressive exceptions listed in Subtitle C § 702, and further exacerbated by lack of any buffers around residential zones provided in the existing §11-2104 (a) are 1) highly detrimental to residents that don't have access to public alleys and for whom street parking is the only option, 2) in general, rather heavy handed and will cause irreversible shortage of off-street parking, 3) reactionary anti-car and ignoring the fact that cleaner, smarter, "green" cars are just around the corner, 4) especially detrimental to families with children and citizens in blue collar jobs - the two constituencies that are more likely to need at least one car.

To be clear, I am not pro car. As a family of four we only own one vehicle - Honda Civic Hybrid 2006 model. When my office was in Tyson's Corner, VA I alternated between biking there on the W&OD trail during good weather and taking Orange line Metro to West Falls Church followed by a bus transfer. I was ecstatic when Silver line opened since the Spring Hill stop was a 5 minute was from my office. I now commute 4 day per week to Tenleytown on the Red line and occasionally on Bus #96.

We are, however, pro-reality and empirical evidence. Having lived in square 523 since 2004 when there were many vacant lots in the vicinity, which have since been filled by new construction, I assure you that even the current off-street parking minimums are inadequate in our R-4 district. While the newly built row houses provided the required minimum, there is still very little street parking available and you consider yourself lucky to find street parking after 8 pm in the neighborhood. With a couple empty lots still remaining at the intersection of Ridge and 4th St NW,

¹ BZA case 18893, Exhibit 28, shows that ANC 6E voted 4-2 against granting a variance for off-street parking to a project on a lot that is 1) landlocked and 2) where curb cuts are not allowed due to its location in the Mt. Vernon Square Historic District. Under the ZRR, the off-street parking requirement would be waived to this project, yet the ANC still voted against it. One can argue that this action infringes on the owner's right to develop the property, yet the ANC's vote against the variance shows just how sensitive the neighbors are to the issues of parking availability.

between M and N streets, we are very concerned of what this will do to parking availability, especially under the proposed ZRR.

After reviewing the report I am encouraged that the Zoning Commission is also concerned with assuring sufficient parking in residential zones and specifically discussed the issue of spillover parking - when non-residential squares contribute to parking problems in residential zones - during the 10/08/2014 public meeting.² I urge you to codify these concerns by adopting my recommended changes to the ZRR.

1) ZRR should contain explicit protections for squares that are not serviced by public alleys (landlocked squares).

Squares that are not serviced by a public alley are especially vulnerable to spillover parking. This is why I request that the following explicit protections are added to the ZRR:

- 1) Exceptions to the minimum parking requirement under Subtitle C § 702 should not apply if the property is located within 400 feet of any square that is zoned residential or residential flats on which more than half of the lots are not serviced by a public alley (therefore cars from those lots can only park on the street).
- 2) The minimum parking requirement specified in Subtitle C § 701.5 for “Residential, Multi-Household” should become 1 parking space for every 2 units if the proposed multi-household building is located within 400 feet of any square that is zoned residential or residential flats on which more than half of the lots are not serviced by a public alley (therefore cars from those lots can only park on the street).
- 3) Properties in more dense residential zones, like the current R-3/R-4 which do have access to an alley should be required to use the back yard for the minimum prescribed off-street parking spaces instead of converting it to private use.
- 4) I request the Zoning Commission to task the Office of Planning to review what other explicit protections may be appropriate in the vicinity of landlocked squares.

² Transcript of 10/08/014 public meeting. Page 222, Commissioner May, “... And I'm wondering if, you know, whether you're concerned this is going to wind up with a lot of spillover parking in those lower-density neighborhoods.” Page 235, Commissioner Miller, “ ... to prevent spillover into the residential neighborhoods.”

2) ZRR is missing language preventing RPP eligibility for properties that use the 50% parking reduction under Subtitle C § 702. The Commission voted to include this language during the 10/8/2014 public meeting.

During the 10/08/2014 public meeting Commissioner May offered "... a friendly amendment ... to include an RPP exclusion for any buildings that receive this 50 percent reduction."³ The Commission unanimously adopted this amendment.⁴ This was a good amendment as evidenced by unanimous support, yet the current ZRR text does not contain any such language.

I reviewed the record. Exhibit 890C - "Subtitle C- Revised Text" was provided by the OP subsequent to the 10/8/2014 meeting and it does have the RPP ineligibility language, but it is phrased incorrectly and inconsistent with the amendment adopted by the commission.⁵

During the 12/14/14 public meeting the issue of RPP restriction came up again.⁶ The last statement on this subject was from Commissioner May, "So, I would just suggest that the language could be written in such a manner that, as DDOT rolls out their new, improved system, and they can start disqualifying them, that those properties that have been disqualified can then apply for the reduction in parking, and that way we don't have to go and revisit it once they roll out their system."

In short, it is unclear why the order of the Commission has not been followed by the OP drafters and the language that had been voted on, and never subsequently reversed, is not in the current ZRR text. Automatic RPP ineligibility for residents in properties that take the 50% parking reduction is good policy and a way to validate a theory if proximity to public transit discourages car ownership. By not making the reduction automatic, but making it come at a price, the developers will have to make an honest decision, as opposed to doing what is expedient and more profitable at the expense of the neighborhood. I urge you to make all exceptions under Subtitle C § 702 conditional on automatic RPP exclusion.

³ Transcript of 10/08/2014 public meeting, page 253.

⁴ Transcript of 10/08/2014 public meeting, page 254.

⁵ The Commission voted to prevent RPP eligibility for any property that used the 50% reduction without any regard under which paragraph A, B, or C (Metro, Streetcar, Bus Route) the property qualified for it. The OP's draft in Exhibit 890C - "Subtitle C - Revised Text", dated 11/14/14 incorrectly placed the RPP language in paragraph C - "For any property for which participation in a District Residential Parking Permit program is not permitted, and which is within one-quarter (1/4) mile of one of the following Priority Corridor Network Metrobus Routes located entirely or partially within the District of Columbia." This is totally inconsistent with the Commission's vote.

⁶ Transcript of 12/1/2014 public meeting, pages 41-43.

3) Crucial protections to prevent “spillover” parking into residential neighborhoods are missing in the current ZRR draft. ZRR eliminates “buffer zones” established in §11-2104 (a) of the current zoning regulation.

Another way to prevent spillover parking is to provide a buffer around residential areas. This is done in the current zoning code in §11-2104 (a) - “Exceptions to the Schedule of Requirements: Near Metrorail Stations”, yet this protection is missing in the ZRR. Table below summarizing key differences and shows how the ZRR language is dramatically more aggressive in allowing exceptions than the current regulation.

	PROPOSED Chapter C, Section 702	CURRENT §2104 (a)
% reduction, if ½ mile from Metro	50%	25% (“seventy-five percent (75%) of the amount otherwise ordinarily required”)
% reduction, if ¼ mile from Streetcar	50%	N/A
% reduction, if ¼ mile from Streetcar	50%	N/A
Distance to Metro	2,640 ft (½ mile)	800ft
Residential Buffer zone	NONE	2104.1(a) establishes a buffer around residential zones by requiring that “The building or structure is located in a nonresidential district and is at least eight hundred feet (800 ft.) from any R-1, R-2, R-3, or R-4 District ”

Elimination of the buffer zones is a bad idea. At least some buffer must be maintained. Providing a buffer of one or two city blocks (400 feet, instead of the current 800) will provide for at least some distance for the spillover to get absorbed before it reaches a residential zone.

Without any buffer, the good that is done by excluding the residential and residential flats zones from these exceptions is immediately obliterated because the properties that are eligible for these dramatic reductions to the already reduced

off-street parking minimums, are allowed to be in the same square or across the street from residential lots.

4) Subtitle C § 701.5 “Residential, Multi-Household” appears to require NO off-street parking for buildings up to 4 units and has a very low requirement of 1 parking space for 3 units thereafter.

I join others who submitted testimony objecting to what appears to be an unintentional loophole for the 3-5 unit buildings. The required minimum for these buildings seems unproportional to a more reasonable minimum of 1 parking space for 2 units that is required for Flats. 1 parking space per 3 units required by § 701.5 “Residential, Multi-Household” is too little, considering that it can be combined with a 50% reduction allowed in § 702. **A hypothetical 60 unit building across the street from a residential square will only be required to provide 10 parking spaces. This simply does not reflect reality!**

Unfortunately for my neighbors and I, who live on a landlocked square where street parking is the only option, this scenario is not a hypothetical. The nearby Square 524 has an empty lot that is proposed to be zoned MU-6 under the ZRR. MU-6’s max height is 90 feet, so the future building on this lot will easily hold 60 or more units. If the building comes with only 10 parking spaces, the parking situation will become truly awful.

5) I share the opinion expressed in Exhibit #971 by Sandy Shapiro of 3901 Harrison St, NW an urge the Commission members to re-read it.

In addition, as a liberal and environmentally conscious person I agree that today’s car, with its internal combustion engine is terrible. This is why I use Metro/bicycle exclusively to commute to work and my family only owns one small hybrid sedan. We will never buy a second car, but we also must have this one. During the weekend this car is a must to do the errands and children activities. Not all locations are accessible by public transportation and the Metro/Bus does not run frequently enough to make this a viable option. Owning a car is also cheaper than using Zipcar/Uber exclusively as a car replacement. The Metro, with its frequent breakdowns and overcrowding during rush hour⁷ is reaching capacity. How many more riders can it reasonably support considering that expansion within the city core is highly unlikely? Will Metro be able to handle the additional riders that the ZRR is attempting to throw at it? If the quality of service gets any worse, will people revert to using cars?

I understand and support city’s efforts, described in the Sustainable DC initiative, to reduce the number of car trips. Yet, I am convinced that using the zoning code to achieve it is the wrong way to go primarily because there is no way to undo the

⁷ Try getting on a Red line train at Gallery Place at 8:30am.

consequences of a bad decision. Once a building is built, there is no economically viable way to add parking spaces. A more nimble and easily tweakable approach is to start experimenting with car taxes, registration fees, and more expensive RPP permit fees to achieve the desired car usage reduction. I am in favor of this approach since it can be tailored as needed to not discriminate against blue color workers since they are likely to need cars for economic sustenance, as compared to knowledge workers. As a knowledge worker I have the luxury of telecommuting and when I do go to the office, it is always at the same location. I really should not own anything more than a small sedan. On the other hand a plumber absolutely needs a large van due to his trade and the requirement of being at different locations daily.

An electric car⁸ chargeable by electricity from a renewable source⁹ is an option today. President Obama called the car industry the “heartbeat of American Manufacturing.”¹⁰ Within a decade the price of an electric vehicle will drop to become in line with a traditional car.¹¹ In short, cars will no longer be dirty, but green and good for the U.S. based manufacturing economy. Will we be against cars then?

Apple Inc., along with many other manufacturers is working on a driverless car and is rumored to be getting into an electric car business.¹² If Apple makes a \$600 phone a “basic necessity”, will an Apple car become highly desirable as well? With the proposed insufficient parking minimums written for the today’s scapegoated dirty car there will be no place to park the more palatable cars of the future.

The Commission received many petitions in favor of reducing the parking minimums. They are all a copy of the same template. The slight variations of the template express their support for “sustainable, walkable, and inclusive city” and “more affordable housing and better transportation choices”. I don’t disagree with those wishes, but I argue that reducing the off-street parking minimums has nothing to do with their stated goals:

- Walkable city. The city is either walkable or not regardless of what the parking minimums are. Walkability is a function of one's location and this location’s proximity to desirable businesses and public transportation.
- Better transportation choices: Again, this goal is independent of the parking minimums.

⁸ Tesla, Chevy Volt, BMW i3 Electric Cars, Nissan Leaf.

⁹ <http://www.pepco.com/community-commitment/renewable-energy/renewable-energy-sources/>

¹⁰

<https://www.whitehouse.gov/blog/2015/01/08/president-heads-michigan-talk-about-our-auto-industry-heartbeat-american-manufacturi>

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<http://www.cheatsheet.com/automobiles/electric-vehicle-battery-costs-are-dropping-faster-than-expected.html>

¹² <http://fortune.com/2015/09/22/apple-car-analysts/>

- Affordable housing. This is a very complex topic, but reducing off-street parking minimums is hardly related to this goal. The extra expense associated with providing such parking is negligible. Very importantly, there is nothing in the ZRR to guarantee that the savings realized by a developer by providing so few off-street parking spaces (10 for a 60 unit building) will be passed on to the buyers/tenants of the building. Thus, it is a giveaway to the developers, with no effect on housing affordability.

6) The Commission should delay the effective date of Subtitle C § 701.5 & Subtitle C § 702 until other city agencies implement their policies aimed at achieving the goal set in the Sustainable DC initiative of reducing car trips to 25% of total.

Because the consequences of Commission's enactment of the new off-street parking minimums is impossible to undo, the Commission should let other agencies go first. Let DDOT, DMV, and City Council/Office of Tax and Revenue (if cars are to be taxed) implement their policies. Only after those policies are empirically verified to work, should the Commission move forward with the enactment of the new off-street parking minimums. In other words, the parking minimums must reflect actual established car usage patterns, instead of being speculative.

7) Suggested modifications to the ZRR language.

- 1) Explicit protections for landlocked squares listed in Section 1 of this letter on page 3.
- 2) Update Section C-702 to make any exception specified in this section conditional on automatic exclusion from RPP (or any future residential parking program) eligibility, as already voted and approved by the Commission.
- 3) Update Section C-702 to add language similar to the current §11-2104 (a) , where a buffer is established around residential zones. Properties cannot be located closer than X feet from the nearest residential and residential flats lot in order to qualify for the reduction from minimums. X should be large enough for at least two city blocks.
- 4) Update section C-701.5 "Residential, Multi-Household" to A) require at least two parking spaces for four unit buildings, proportional to the Flats, B) Change the ratio so that 1 parking space is required for every **two** units, not **three**.

Thank you for your time!

*Respectfully,
Sergei Mikhailov*