

Testimony for ZC case #08-06A, Zoning Regulations Review
Subtitle C, General Rules (including parking)
David Alpert, Greater Greater Washington

Dear Chairman Hood and members of the Zoning Commission,

Thank you for your detailed attention to the zoning update process. Here is my testimony for Greater Greater Washington on Subtitle C of the Zoning Regulations Review.

Summary

Subtitle C, chapter 19 (vehicle parking): We recommend adopting the OP proposal, except:

- Modify 1902.1 to eliminate to zero, rather than reduce by 50%, the requirement for buildings near transit (similar to OP's prior proposal). Then use as the threshold for TDM in 1907.3 the underlying parking minimum that would have applied in the absence of transit.

Subtitle C, chapter 20 (bicycle parking): We recommend adopting the OP proposal.

Detailed discussion

OP's proposal to reform vehicle parking is a much-needed step forward. DC's most historic and often most economically desired neighborhoods have varying amounts of parking, including many buildings with little or none. Yet if these neighborhoods did not exist, it would be illegal to construct them today. Something must be wrong with a code that mandates this.

Today, we think about a city as one with choices. Some people drive. Some people do not. Some ride bicycles, some walk, some use Zipcar or car2go instead of owning a car. We need a zoning code that allows for a diversity of options and choices, not a 1958 legacy code that assumes (we now know wrongly) that denser urban living is "blight," and automobile use will not just be one of many choices, but "universal."

Parking minimums do not affect most properties

When people discuss parking minimums, they often think about their own neighborhoods. They might ask questions such as:

- Is it too hard to park on the street in my neighborhood?
- Does my neighborhood need more parking?
- Will residents of a particular building near me own cars?
- Can I think of a building near me which, if it had no parking, would be worse for the neighborhood than with the garage it actually has?

However, while interesting questions, these are actually in most cases not relevant to the question of parking minimums. Rather, primary question we must ask is this:

- **When zoning forces a property owner to build more parking than he or she feels is appropriate, are we better off or worse?**

This is because of two fundamental propositions that are key to thinking through the parking issue:

A parking minimum change will have no effect at all on the vast majority of building projects.

A parking minimum change will not meaningfully affect the difficulty of parking on the street.

The first proposition says that parking minimums are actually a debate not about most projects, but about a very small number. This is because most new and renovated buildings build more parking than zoning currently requires.

It is not true that developers seek to build as little parking as they can. Rather, they want to build as much parking as they think residents will want to purchase, and no more. In most cases, that amount is greater than the minimums in zoning.

One can argue two opposite conclusions from this. First, if parking minimums do not affect most buildings, it might mean that there's little need to lower them. On the other hand, if they do not affect most buildings, it could also mean (and I would argue it does mean) that there's little need to retain the higher current minimums.

Unfortunately, when most people think about parking, they analogize to their own experiences in their own neighborhoods. Do they want a building with lower amounts of off-street parking than current rules require? Would they want to live in such a building? Do they know people who do? And so forth.

But this is a false analogy. The hypothetical building would almost certainly have more parking than even current rules demand, so it is a moot point. A building might have less parking because:

1. The developer feels that residents will not actually rent more spaces in the garage, because the building primarily appeals to people less likely to have cars.
2. The building is aiming to have lower-cost units than it would with a more expensive garage (either formally affordable under income restrictions or else is targeting a lower-income market for market-rate units).

I have attended community meetings for numerous buildings being proposed in my neighborhood, and each time have asked the developer why they chose the amount of parking they did. In virtually no cases did they say it was because that is the minimum allowed under zoning. In one case the developer did say this, and related that in his other buildings (rental apartments), residents do not rent all of the spaces. Yet he feels constrained by zoning, and neighborhood pressure, to build the extra parking anyway.

In scenario #1, where the spaces will not get rented, the effect of a minimum parking requirement is to drive up construction costs and sometimes limit the number of units, which reduces our opportunities

to add housing. But constructing empty spaces does not achieve any goal for the immediate neighborhood; the spaces will go unused.

In scenario #2, the minimum requirement directly drives up housing costs.

What about “spillover” – on-street parking management?

Opponents of the parking minimum proposal argue that I am leaving out a third option. Perhaps there are enough people who would want to rent spaces in a building garage, except the developer concludes that they would instead use residential spaces on the street. The developer can save money by building too little parking, and people end up parking on the street instead.

This is, however, an incorrect argument, and this takes us to the second key proposition: **A parking minimum change will not meaningfully affect the difficulty of parking on the street.**

This seems counter-intuitive. Does not more parking off-street reduce the pressure to park on-street? The answer, however, is that the two are tenuously linked at best.

This is because there is such a drastic difference in price between on-street parking and off-street. On-street parking costs \$35 per year, though there is an inconvenience cost associated with having to find spaces, move one’s car for street cleaning, and so on. Off-street parking costs at least \$100 per month and often over \$200. In the neighborhoods where the inconvenience factor is greatest, the off-street parking is also more expensive ((though the direct user almost never pays the full cost to construct and maintain an off-street parking space).

Therefore, people who are willing to park on the street will do so regardless of whether there is a garage, because the savings are so great. People who own a car but don’t want to park on the street will demand a building that has off-street parking, or where there is off-street parking for rent elsewhere.

Further, any new building, unless it is aiming to build affordable housing, will be shooting for the higher end of the market, simply because new construction typically represents the more luxury portion of any residential real estate market (while older buildings provide lower-cost housing). This is the segment of people least likely to suffer the inconvenience of parking on the street, unless they are in a neighborhood where parking is actually quite plentiful and parking is not very inconvenient, or if the building is specifically targeting car-free residents.

In many neighborhoods, in fact, there is considerable off-street parking which residents do not use. I was recently visiting a home in Shepherd Park, which includes a detached garage. But when I asked, the owner told me that, of course they do not park the car in the garage. Almost nobody in the neighborhood does. Instead, they use it for storage, and park on the street, because there is plenty of space to park on the street.

Councilmember Tommy Wells said at a recent hearing that in his neighborhood of Capitol Hill, some residents park on the street and rent their garages to commuters who work nearby.

(<http://greatergreaterwashington.org/19399>)

In short, these examples show how adding off-street parking does not inherently increase on-street capacity. Yet defenders of the outdated, higher parking minimums fear that a lower requirement will suddenly make parking difficult. It is already becoming difficult in many areas, regardless of parking minimums. The parking minimum zoning tool does not guarantee on-street space at all.

Do not wait for a better on-street management policy

The only way to better manage on-street parking space is to actually directly manage it better. I agree that DDOT has failed utterly over the past several years in devising a better on-street management system, and constantly urge them to do better. However, there is no reason to delay fixing unnecessary off-street parking rules, ones which drive up housing costs, because a similar but only tenuously related policy area is falling behind.

This is like saying that we should not buy new books for a school because the city has failed to renovate the school and the library shelves are old.

Councilmembers Jack Evans (ward 2) and Mary Cheh (ward 3) sent nearly identical, though separate, letters in this case on this issue. Cheh asked the Commission to specify that changes shall not go into effect until DDOT has a better on-street program in place. Evans would like to postpone even considering the parking minimum changes until that time.

Both letters are misguided. There is no time to waste. While parking minimum changes will affect few new buildings, when zoning does force extra parking on a new building, it significantly drives down housing supply, especially supply of affordable housing, and drives up costs for everyone. But it does not actually significantly affect on-street availability.

The Evans and Cheh letters both argue that the District “has unique parking needs” (Cheh letter) and “unique circumstances” (Evans letter), specifically “the District’s size and proximity to both Maryland and Virginia” (identical language in both letters) and call for “more refined analysis” (both letters) than the existing analysis, which considered other cities “including Portland” (both letters).

Neither letter gives any justification for what is wrong with an analysis that includes other cities, “including Portland” – the only city either letter mentions, despite the original report also analyzing San Francisco, Philadelphia, San Diego, Seattle, Boulder, Milwaukee, Arlington VA, and London.

Nor does either letter explain why proximity to Maryland and Virginia is relevant. These cities (or, in Arlington’s case, county) all manage parking on the local level, and are adjacent to other less urban jurisdictions. All have considerable numbers of commuters traveling into the city as well as people who live in residential city neighborhoods who travel between neighborhoods and into the central employment areas.

Portland also shares a border with a neighboring state (Washington) across a river, like the District does Virginia, and Philadelphia likewise borders New Jersey across a river. San Diego is close to an international border. There is no evident reason, nor any given in the letter, why this creates a unique circumstance for the District or, for that matter, affects parking policy in any way.

In fact, if there is one clear and relevant way in which the District is indeed different, it is that DC's share of commute trips made by single-occupancy vehicle is smaller than all of these others, and indeed smaller than all major U.S. cities except for New York, while DC's transit mode share is larger than all major cities except New York.

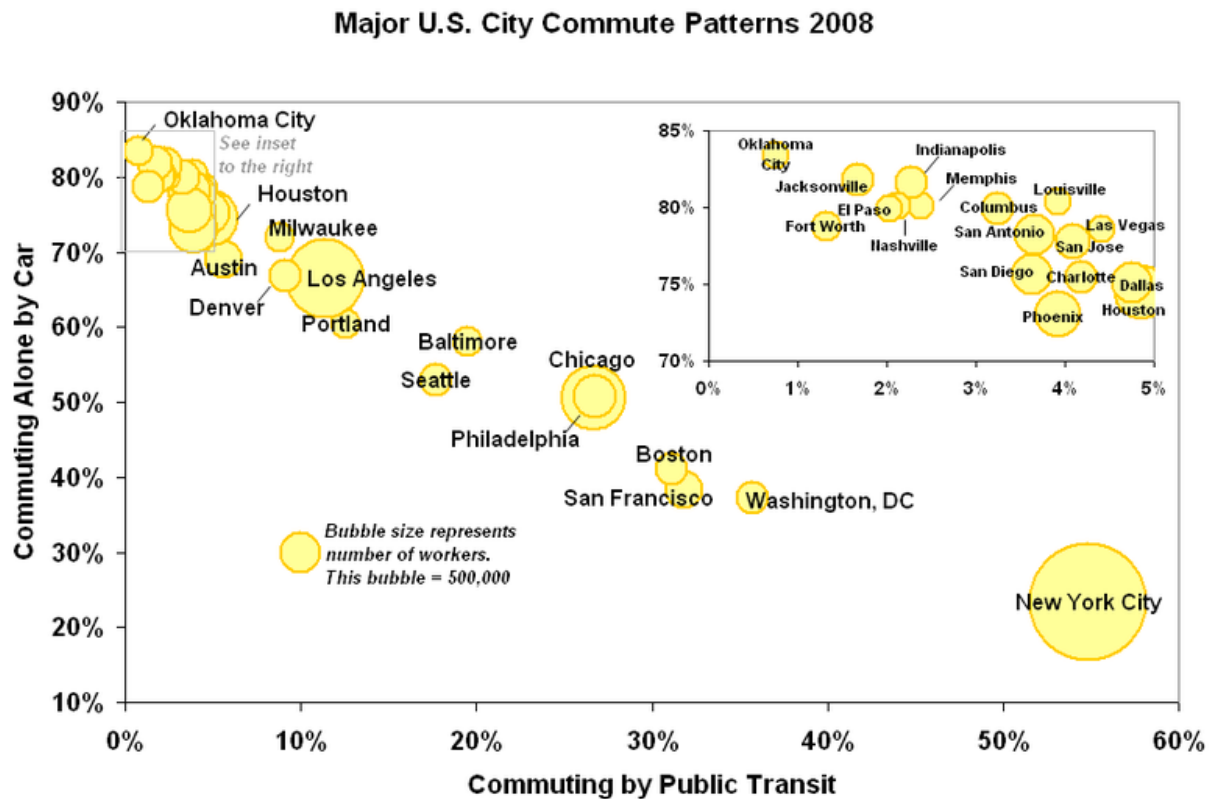


Image from Wikipedia (<https://en.wikipedia.org/wiki/File:USCommutePatterns2006.png>)

Similarly, DC's 38% rate of households without a car is significantly higher than comparison cities such as Chicago (26.4%), San Francisco (30%), Seattle (15.6%), and Portland (15%).

Therefore, one could argue that the District is, if anything, less dependent on the automobile for our travel needs, and while driving will always remain a part of the mix, more flexible rules around parking in new development which have succeeded in other cities are even more likely to succeed in the District of Columbia.

The current proposal is a compromise of a compromise of a compromise

OP's recommendation today represents a significant reduction from its original policy proposal. In 2008, after numerous stakeholder working group meetings on parking, OP's consultants, Nelson\Nygaard, issued a report saying that similar cities have eliminated many parking minimums and often turned minimums into maximums. The zoning update team at the time, with Travis Parker at the head, was open to this approach.

However, residents in some lower-density neighborhoods farther from transit opposed a wholesale change citywide, so Parker and his team decided to carve out those areas, according to their statements at the time. They decided to maintain a higher parking minimum requirement outside of areas very close to high-frequency transit.

The side effect was to create two zoning classifications, transit and non-transit. While originally this distinction was an attempt to keep higher minimums for non-transit areas, opponents seized on the concept of “transit zones” and made them into a sort of bogeyman.

(<http://greatergreaterwashington.org/14476>). Further, mapping such zones would have consumed even more years before changes would have gone into effect.

Thus, OP again revised their plan to compromise with opponents. Parker had moved to Colorado and the other planners had either moved to other jobs within the government or left entirely. The new planners on the zoning update decided to compromise yet again. They eliminated the transit zone concept, and also eliminated the idea of having no minimum at all on neighborhood commercial corridors. Instead, the minimum will remain but at a lower level.

That is not the only compromise. OP’s original proposal also created parking maximums, where developers seeking to build very large amounts of parking or very high-acreage parking lots would have to justify the need for so much parking through a zoning process. This Commission approved the concept, but OP made a unilateral choice to omit this from the current proposals.

While OP’s current proposal is not unreasonable, it is important to keep in mind that it is not really planners’ actual belief about what would be the best policy. Rather, it is their attempt to “split the baby” and find a middle ground between different views. Or, rather, one team tried to compromise between its ideas, supporters, and opponents; years passed, and a new team then felt pressure to compromise with opponents yet again, and so forth over five years.

The compromise has already gone further than it should. There is certainly no justification for additional retreat. This Commission already approved, in its previous order, more significant changes to parking policy. It could certainly ask OP to return to a proposal that actually implements those agreed-upon changes rather than one which compromises so far beyond the original.

“TDM threshold” for extra parking is a good policy

In the most recent set of revisions, OP increased its proposed parking minimums, but added a provision that buildings which get permission to go below, or significantly exceed, the parking minimum must also incorporate some basic, and low-impact, “transportation demand management” elements such as car share spaces, street trees, and potentially Capital Bikeshare stations. This is a very positive step.

Opponents have argued that a requirement that takes effect at 1.5 times the minimum parking means that it would apply to many buildings which are probably not “overparked.” This is true, but at the same time, the requirements are not very great. Indeed, just as one could argue that most buildings will end

up building enough parking to trigger these requirements, so is it the case that most buildings ought to have to include these features.

Having a building include more bicycle parking and car sharing spaces in a garage or lot is beneficial. Asking developers to plant some street trees seems like a very reasonable request. Anyone constructing a new garage with hundreds of spaces beyond minimums, whether “overparked” or far from it, should indeed also construct a bike sharing station.

OP could alternatively have imposed more stringent requirements that take effect only at higher levels of parking excess. If the purpose of this section were to craft a strong disincentive to build a lot of parking, OP would have done that, but that is not the effect of this proposal. This, instead, creates a very light responsibility that is not unreasonable to apply to any project with a significant amount of parking.

Thank you again for your attention to these complex and important issues.

A handwritten signature in black ink that reads "David Alpert". The script is fluid and cursive, with the first letters of "David" and "Alpert" being capitalized and prominent.

David Alpert
Founder and editor-in-chief
Greater Greater Washington