

July 28, 2008

Anthony Hood, Chairman  
Zoning Commission  
District of Columbia Office of Zoning  
Suite 210-S  
441 4th Street, N.W.  
Washington, D.C. 20001

Re: Zoning Commission Case 08-06-2  
Proposed Amendments to the Parking Regulations 11 DCMR  
Marilyn J. Simon: Response to CSG Response to C100 Comments

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This letter responds to the Coalition for Smarter Growth's July 10 response to the April 15 comments from the Committee of 100. CSG included some general comments on minimum parking requirements and a response to specific points raised in the April 15 memo. This letter has a brief discussion of each of CSG's responses. As noted below and for the reasons given below, the information provided by CSG does not alter the conclusion that OP's proposal includes radical recommendations to be implemented across the District, recommendations purportedly based on "best practices," but for which OP could cite no examples of cities that implemented these recommendations, except in very small, targeted geographic areas, nor could they cite any instances in which the impact of implementing these recommendations had been evaluated.

OP's proposal would set into motion a sweeping experiment, which could potentially have irreversible, adverse impacts on many neighborhoods across the District.

CSG's General Discussion: CSG begins the discussion of parking minimums by stating that many cities have set incorrect minimum parking requirements, either based on flawed methodology or by simply copying the minimums from other jurisdictions.

CSG's criticism of regulations in other cities is inapplicable to the District. CSG has not reviewed DC's minimum parking requirements to determine whether they were excessive.

Further, even if some cities have copied the minimums for other cities, it certainly wouldn't imply that one should eliminate all minimum parking requirements for residential uses and many other minimum parking requirements. Even if some of DC's minimum parking requirements proved to be more than necessary to prevent spillover parking, it wouldn't imply that one should eliminate minimum parking requirements for residential uses and many other minimum parking requirements.

The minimums in the DC regulations are far lower than many other cities, even the cities cited in the Nelson Nygaard reports. There clearly is evidence of spillover parking problems in many parts of the District, even with the existing minimum parking requirements. While some of the spillover is attributable to older buildings, there is spillover parking in new residential buildings, where residents and their guests of multi-unit buildings use a high proportion of the on-street parking spaces in nearby lower density neighborhoods.

CSG's discussion of impact of minimum parking requirements: CSG claims several consequences of requiring unnecessary parking, including raising housing costs and requiring residents who do not own a vehicle to subsidize residents who own vehicles.

First, CSG has not demonstrated that DC's current minimum parking requirements require developers to provide "unnecessary" parking. In addition, CSG's argument seems to suggest that rather than have the vehicle owners in new housing bear the cost associated with their vehicles, the cost should instead be shifted to the others. If new buildings do not provide adequate office street parking, District residents who do not live in the new buildings, but who live nearby, will bear the cost associated with inadequate parking in construction. When new buildings do not provide sufficient parking to meet the needs of residents and their guests, the parking costs aren't saved, but instead are shift to the residents of nearby neighborhoods, the residents of the streets on which the excess vehicles residents and guests of the new building will be parked.

The existing residents of those neighborhoods bear the cost in many ways:

- (1) there is a reduction in the parking available near their homes, for themselves and for their guests,
- (2) there is an increase in traffic and pollution as the current residents and new residents circle the blocks seeking on-street parking;
- (3) there is a safety issue when residents come home late at night and have to park further from their homes, when emergency vehicles are slowed down, or when distracted drivers searching for on-street parking circle their blocks; and
- (4) there is additional environmental issue as more residents of the low- or moderate density neighborhood will find it necessary to pave over a larger portion of their back yard, if feasible and permitted, to have additional off-street parking.

The claim that minimum parking requirements will increase vehicle ownership is specious, since the current minimums are so far below the current car ownership rates in the District that it seems unlikely to be a major factor in the decision to own a vehicle. Eliminating minimums, however, will increase pollution and traffic in the neighborhood, and might increase impervious surface coverage, since instead of having the residents of multi-dwelling unit buildings park in underground parking, with no little or no additional impervious surface, homeowners in low- and moderate density neighborhoods will need to add off-street parking in their back yards, possibly adding impervious surface.

CSG statement that "Developers will still have every incentive to build the amount of parking that supports the marketability of their projects."

This statement is false, inasmuch as OP is recommending having maximums as part of the new regulations. Although we do not know what maximums will be proposed, we cannot conclude that developers will never be constrained by those limits, and thus one cannot conclude true that "developers will still have every incentive to build the amount of parking supports the marketability of their projects."

#### CSG's Comments on Specific Claims

"1. The goal of the zoning update is not to reduce parking but to implement the comprehensive plan"

CSG cites several goals of the Comprehensive Plan, which they claim are advanced through elimination of most minimum parking requirements. However, CSG does not consider the fact that most of these goals are better addressed through other means, and that it is doubtful that eliminating minimum parking requirements would advance those goals. For some of the policies listed by CSG,

such as reducing air pollution, OP's proposal to eliminate most minimum parking requirements will have the opposite effect.

Further, the C100 comment was that OP's consultant, Nelson/Nygaard described their assignment as developing regulations that would reduce parking. If, in fact, OP asked Nelson/Nygaard to design regulations that would reduce parking, it would not have reflected the purpose of the zoning rewrite. Reducing parking is not a goal of the Comprehensive Plan, and the Comprehensive Plan includes a number of policies that relate to having parking regulations that protect our residential neighborhoods.

"2. The description of "best practices" lacks a basis," and "3. There is no basis for the claimed benefits associated with eliminating minimum parking requirements or establishing maximums."

CSG claims that "Nelson/Nygaard provided several examples of cities in the US that have either reduced or eliminated minimum parking requirements and/or established maximums." In fact, Nelson/Nygaard did not provide examples of cities in the US that eliminated minimum parking requirements except for in very targeted geographic areas and sometimes only for certain uses.

CSG agrees that, for the US examples, the policies were only applied in limited geographic areas, such as downtown, but says that we should look instead to the United Kingdom. However, Nelson/Nygaard did not provide any information about the regulations in the UK, other than to simply state that they shifted from minimum parking requirements to maximums. The link provided in the N/N report for the information on maximum parking requirements was a link to a web-site, similar to WMATA's that provides information on using the Tube and buses, but the site map shows no links to information on parking regulations.

In claiming that the changes proposed would not be radical, CSG provided a map showing areas where non-residential uses would be subject to minimum parking requirements. This map, however, is deceiving. The map shows the residentially zoned areas where non-residential uses will be subject to minimum parking requirements. It doesn't clearly demonstrate how radical this proposal is. Unlike other jurisdictions, such as Arlington, that retained a minimum parking requirement of at least one space per unit for residential uses, OP's proposal eliminates the minimum parking requirement for all residential uses, so elimination of minimum parking requirements for residential uses covers every zone in which residential uses are allowed. Also, minimum parking requirements are eliminated for many non-residential uses in many commercial zones and in higher density residential neighborhoods.

CSG also states that there are alternative methods to address spillover parking, and that we don't need to implement them, or even know what they are before adopting a policy that ignores the impact of spillover parking. We can't first eliminate the minimum parking requirements meant to deal with spillover, and later try to adopt alternative methods to address the spillover. Once the buildings are constructed with inadequate parking, it can't easily be added later, and the suggestions for addressing spillover that Nelson/Nygaard hinted at didn't seem to address spillover, and some were based on the premise that the on-street parking in neighborhoods should be managed to have high rates of turnover to serve nearby businesses that don't have adequate parking. That is contrary to the Comprehensive Plan and to the first fundamental goal of the Mayor's Parking Task Force: "The priority user for parking in residential areas in the District is neighborhood residents."

There needs to be a credible and politically sustainable system to address spillover in effect first before considering this radical policy change.

“4. The theories on which the claimed benefits are based assume a transportation system that is far more robust than the transportation system available in D.C.”

In the introduction to the April 15 Memo, it is pointed out that OP’s recommendations to eliminate most minimum parking requirements and impose maximum parking limits are based on an “assumption that the District’s transportation system is sufficiently robust to efficiently satisfy most of the transportation needs of a high proportion of the many types of households that find it desirable to live near a Metro station, commercial district or transportation corridor.”

CSG’s response highlight the fact that CSG and other advocates for this policy change don’t understand the basic assumptions that have been made in justifying the elimination of minimum parking requirements and imposition of maximums. CSG recognizes that Metro is a commuter transportation system, and much of our public transportation is based on satisfying commuter needs. That means that it might not be sufficient to allow District residents to reduce their vehicle ownership levels much below the already relatively low levels, although significantly higher than our minimum parking requirements. It is not likely that many people would find it desirable to walk a quarter-mile to a bus, and perhaps change buses, to do regular grocery shopping and then have to carry the groceries home. Similarly, it would not be desirable to walk that distance to a bus in order to take one’s children to various activities. Individuals who work at suburban locations or who work late or irregular hours might not be able to rely on public transportation for commuting, and, of course, visiting friends and relatives using public transportation might be difficult if it might include several trains and/or buses and perhaps additional walking away, especially on weekends with limited service.

In determining the impact of the proposed parking policy, it is necessary to carefully take into account the limitations of our public transportation system. With our limited system, elimination of minimum parking requirements, especially for residential uses is most likely to result in spillover into low and moderate density neighborhoods, and more congestion and more pollution.

“5. Discussion of Resident Parking Program does not address the issues faced by many District neighborhoods.”

CSG simply states that the residential parking permit program can be revised to address the issue of spillover parking. There are a large number of neighborhoods that currently are part of the RPP program, and still have significant spillover problems. These spillover problems would be made worse with this proposal. Certainly, when no workable solution has yet to be suggested, we can’t go down this road based on the assumption that it will appear when it is needed.

“6. The regulations cited in the Nelson\Nygaard reports frequently actually have minimum parking requirements even in areas served by mass transit, that far exceed D.C.’s current minimum parking requirements.”

In response to concrete information about the regulations cited by Nelson/Nygaard, CSG simply claims that other jurisdictions have requirements based on weak evidence. Yet, these were the regulations that Nelson/Nygaard cited as examples to DC should follow, and many of those cities had minimum parking requirements far higher than our current requirements. Arlington, Virginia, one of the cities cited in the “best practices” report, has the same Metro system as DC and even along the Orange line corridor, there is a minimum parking requirement of at least one parking space per unit, even near Metro, which is far higher than DC’s current minimum requirements.

CSG also provided some data from the American Community Survey (2006) on car ownership and commuting decisions. While according to the American Community Survey (2006), 36% of DC

households do not have a private vehicle, the number of private vehicles per households in 2006 was 0.91. For households in owner-occupied dwellings, the number of private vehicles per household in 2006 was 1.27, while for households in rental units, the number of private vehicles per household in 2006 was 0.6. Only 16.8% of the households in owner-occupied dwelling had no vehicle, while 52.3% of households that rent had no private vehicle. Households with no working adults were more likely not to have a private vehicle than households with one or more working adults. 54.5% of households with no working adults did not have a private vehicle.

“7. The zoning regulations should not be used to require developers, building owners and condo owners to subsidize a private car sharing company.”

OP responds by listing several claims about the affect of having car-sharing companies on car ownership rates and vehicle miles. However, in cities that do not subsidize parking for car-sharing companies or require developers, building owners and condominium owners to subsidize the car-sharing companies, the car-sharing companies are able to operate by negotiating arrangements with building owners who want to have a car on-site or by paying market rates for parking. CSG has not provided a basis for requirement the developers, building owners and condo owners to subsidize a private company. If it is desirable to require this subsidy, one that does increase the cost of housing, the regulation might give preference to a non-profit car-sharing company, and have the spaces made available to a for-profit car-sharing company only if there is no non-profit car sharing company that requests the space(s).

“C. Imposition of Maximum Parking Limits” [is untested]

CSG claims that “the provision of too much parking would have serious consequences for neighborhoods and business districts.” They want to limit the amount of parking that developers can provide. However, at least one Nelson/Nygaard report quotes Donald Shoup as recommending that cities exercise caution in imposing maximum parking limits, and that “in the absence of hard data,” maximum parking limits should not be used.

E. Flexibility to reduce parking requirements by 50% subject to payment to DDOT and DDOT review.

CSG finds the provision whereby developers can get a 50% reduction in the parking requirement if they make a payment to DDOT preferable to review, since with a system of variances, the developers would not provide compensation for a reduction in parking. They say that the cost is sufficiently high that few developers would exercise that option. However, in allowing this flexibility the proposed regulations have not provision for determining the impact of the reduction in off-street parking. DDOT is not required to determine whether the reduction in the parking requirement would have a negative impact on the neighborhood. The flexibility is granted based simply on whether the developer is willing to pay a fee and whether DDOT is willing to accept that payment.