

Comments on Draft Vehicle Parking Chapter

From: Marilyn J. Simon

Date: April 15, 2008

The draft Vehicle Parking Chapter includes some radical recommendations to be implemented across the District. The underlying reports characterize these recommendations as “best practices,” and yet provide no examples where these recommendations have been implemented, much less evaluated, on the scale proposed. As noted below, the cities that have eliminated or reduced minimum parking requirements have done so only on a very limited basis. For example, Arlington, Virginia has retained a minimum parking requirement of at least one space per dwelling unit for all the zones near the Metro entrances, but has reduced the minimum parking requirements for a limited set of uses. As noted in another Nelson/Nygaard report, imposition of maximums in the absence of hard data is not described as a sensible approach, although they note that Portland and Cambridge based maximums on significant research.

The sections of the report which provide the justification for the major recommended policies, eliminating or drastically reducing minimum parking requirements and imposing maximum parking limits, are based on assumptions about the District that simply are counterfactual. The most obvious of these is the 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, who might find it desirable to live near a Metro station, commercial district or transportation corridor.

The proposals in this draft chapter would set into motion a sweeping experiment, which could potentially have irreversible, adverse impacts on many neighborhoods across the District. I have described below some of the issues that have not been resolved, and have compared the proposed regulations with the zoning code for several other cities cited in the Nelson/Nygaard reports.

General Concerns

1. Goal of Zoning Update: The March 28 Nelson/Nygaard report describes the goal of the current project as “identifying zoning changes that would result in reduced accommodation of parking at new development in the District.” This goal is overly narrow, assumes the result and ignores the overarching need to evaluate parking needs and the impact of changing the current regulations on the District’s neighborhoods. Rather than assuming a result, the purpose of this project is to consider updates of the zoning regulations that are consistent with the new Comprehensive Plan.

2. The description of “best practices” lacks a basis: Nelson/Nygaard has defined certain policies as “best practices,” but has provided no examples of other jurisdictions that have adopted these policies on the scale that is recommended in their report and included in OP’s draft language. For those examples where a municipality has implemented some portion of their recommendations, the policies were implemented in very limited geographic areas. These are described in more detail, below. Many of these jurisdictions have minimum parking requirements that are higher than DC’s current standards, let along the proposed reductions. In addition, Nelson/Nygaard did not provide studies or data that could be used to evaluate the impact of these policies, either on residents’ use of private vehicles and public transportation, or on spillover parking in the adjoining residential neighborhoods, if there even are any adjoining low and moderate density residential neighborhoods in those jurisdictions. Thus, it is impossible to determine whether the policies, even in those limited areas, had the desired effect. It is also

impossible to determine whether implementation of those policies, if they were actually implemented near areas comparable to the affected DC neighborhoods, had an adverse impact on neighborhoods in those cities.

An unsupported assertion that these practices are “best practices” does not justify the recommendation for such far reaching changes. Nelson/Nygaard and OP have provided no examples of jurisdictions that have implemented these recommendations on the scale recommended. There are no examples where any of these policies, even on a smaller scale, have been in place for a sufficiently long period of time to allow a careful evaluation of whether the policies achieved the intended goals or had any negative consequences.

3. There is no basis for the claimed benefits associated with eliminating or reducing minimum parking requirements or establishing maximums: The Nelson/Nygaard report includes many assertions about the benefits of eliminating minimum parking requirements and establishing maximums. However, the reports have not provided a solid analysis which supports those conclusions or any credible research that supports their claims. And there certainly was nothing presented to support the broad application of a policy that eliminates many minimum parking requirements and imposes maximums on the scale that they contemplate.

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 DC.

5. Discussion of Resident Parking Permit Program does not address the issues faced by many District neighborhoods: The Nelson/Nygaard discussion of the resident parking permit program demonstrates that they have not examined the conditions in D.C. They do not understand the issues faced by many of the neighborhoods across the District or how the concerns vary from one neighborhood to the next. The proposal is inappropriate for most neighborhoods, would do little to solve to spillover issues, and will exacerbate some of the problems those neighborhoods face.

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 DC’s current minimum parking requirements. As noted below, many of the jurisdictions cited in the Nelson/Nygaard report have parking minimums that are significantly higher than the District’s current parking minimums. To the extent that there might have been any reductions for projects near Metro, some of the reduced minimums are multiples of DC’s current parking minimums. For example, in Arlington, the minimum parking requirement for multi-dwelling unit projects within 1,000 feet of a Metro entrance, at least one space per dwelling unit, is three times the minimum that OP is proposing for MDUs that are within 400 feet of a low or moderate density neighborhood – six times the minimum if you take into account the 50% reduction that is available upon payment to DDOT.

7. The Zoning Regulations should not be used to require developers, building owners and condo owners to subsidize a private car-sharing company. It is inappropriate to use the zoning regulations to require developers, and later building owners and condominium owners, to subsidize a car-sharing company, i.e., Zipcar. The Nelson/Nygaard report includes a recommendation that would require newly constructed buildings to offer Zipcar, or another car-sharing company, parking spaces with 24-7 access at no cost.¹ At the Working Group meeting,

¹ The table in the Nelson/Nygaard Report calls for approximately twice the number of spaces that is required in San Francisco.

OP stated that this provision would be added to the draft Vehicle Parking Chapter. This involves a direct cost to the developer, and on-going costs to the building owner or condominium owners, as there is no revenue from these spaces to cover maintenance costs. It also means that either the car-sharing spaces must either be located outside the secure area, or the car-sharing members must be granted access to the secure areas of the building, either of which might be a hardship.

There has been no research to demonstrate any benefit from requiring developers and building owners to provide this subsidy. In fact, in some other cities, the car-sharing company operates by paying market rates for off-street parking or by negotiating below-market rates or a free space with some building owners who have determined that an on-premises car-sharing vehicle would be an attractive building amenity and/or useful for obtaining LEED credit.

While it has been claimed by some that parking minimums should be eliminated or reduced because they raise housing costs, certainly requiring the developer and the building owner or condo owners to provide a free parking spaces to a private company will also increase housing costs. This subsidy has not been justified. If the proponents of this change can provide such a justification, it should be pursued through other channels, not through adding language in a zoning update process.

Specific Issues and Examples

A. P 2.1: Elimination of minimum parking requirements for office uses, even within 400 feet of a low or moderate density neighborhood:

P 2.1: The table includes no minimum parking requirement for office space, even office space that is within 400 feet of a low or moderate density residential area. Even with a minimum parking requirement, many of these neighborhoods face significant parking spillover from nearby commercial district, and many clients visiting office space in the commercial area intend on staying less than two hours, so RPP restrictions do not apply and the neighborhood streets become a free parking lot for the offices in higher density zones.

B. P 2.1: Reducing or eliminating minimum parking requirements:

P 2.1: It would be irresponsible to eliminate or reduce the minimum parking requirements as proposed in this section. As noted below, Nelson/Nygaard has not provided any examples of jurisdictions that have eliminated or reduced parking requirements on the scale that is being recommended here. To the extent that examples are provided, these policies were only implemented in a few, carefully targeted parts of the city. To put this experiment into motion on a city-wide basis is irresponsible and might result in irreversible harm to many DC neighborhoods, some of which are already bear significant costs related to spillover parking from nearby commercial and higher density residential zones.

The table in P 2.1 has eliminated or reduced the minimum parking requirements for a large number of categories city-wide. The reports provided by Nelson/Nygaard have provided no examples where any municipality has made such a drastic change in the minimum parking requirements. In fact, the examples provided in the Nelson/Nygaard report only cite the elimination of minimum parking requirements in downtown districts, and then only for some uses. As noted below, Arlington, Virginia, with the same transportation system as DC, maintains minimum parking requirements for multi-family dwelling buildings, even near Metro stations,

that are significantly higher than DC's current parking minimums for multi-family dwelling buildings.

The Nelson/Nygaard "Best Practices Review," in Section II: "Zoning Reform Best Practices," cites Milwaukee, Seattle and Pasadena as examples of cities that have implemented "reducing/'tailoring' minimum requirements." [See Best Practices Review at pp. 5-6.] The examples of cities that have eliminated minimum requirements include Milwaukee, Seattle, Portland, and San Francisco." [See Best Practices Review at p. 7.] Arlington, Virginia is cited as an example of a jurisdiction that has reduced parking minimums near Metro Rail stations. [See Best Practices Review at p. 13.] The extent to which these jurisdictions have actually implemented these policies is described below.

- Milwaukee: In the first example, Nelson/Nygaard writes: "Milwaukee, WI has no minimum parking requirements for any downtown land use except high-density housing, where the ratio is only two spaces per three units." Note that, only for downtown land do they mention the elimination of minimum parking requirements, and there is a minimum for high-density housing downtown, a requirement is twice the requirement that OP is proposing for MDUs within 400 feet of a low or moderate density neighborhood, and actually is four times the minimum when the 50% reduction that OP is proposing is factored in.
- Seattle: In describing the implementation of this policy in Seattle, Nelson/Nygaard only asserts that Seattle allows reductions in minimum parking requirements based on several, very limited factors, has eliminated minimum parking requirements only in the downtown area, and has some reductions in the minimums in mixed-use, dense neighborhoods.
- Pasadena: For Pasadena, the third example in the Best Practices Review, Nelson/Nygaard cites reduced minimums, not an elimination of minimums. The reduction in minimum parking requirements is restricted to the central district and certain transit oriented developments.
- Portland has minimums for most of the city that exceed those in DC's current regulations, much less the reduced minimums that OP is proposing for the areas and uses where parking minimums are retained: Portland, Oregon, cited in the Nelson/Nygaard report as eliminating minimums for both commercial and residential uses in the central business district, has maintained minimums for most of the city, and those minimums exceed current DC regulations and are far higher than OP's proposed zoning minimums in section P 2.1. For example, for residential zones outside of the "central residential zone" and the "high density residential zone," there is a minimum parking requirement of one space for each dwelling unit, except for SROs. In the "high density residential zone," which is limited to areas that are well-served by transit facilities, the minimum parking requirement for buildings with four or more units is one space for every two units. This is one and a half times the parking requirement that is being proposed for multi-family dwelling housing that is within 400 feet of a low- or moderate-density neighborhood, and three times the parking requirement for those areas if the 50% reduction is factored in. Table 266-2 of Chapter 33.266 of the Portland zoning code includes a list of the minimum parking requirements for a wide variety of uses.
- San Francisco has parking minimums, in effect in a large portion of the city, which generally are higher than DC's current minimum parking requirements and cover a wide variety of uses: In San Francisco, Nelson/Nygaard note only that they have removed minimum parking requirements for multi-family dwelling buildings and only in the downtown or central business district areas. In fact, Section 151 of the San Francisco zoning

regulations includes a “schedule of required off-street parking spaces. That table requires one space per dwelling, except in specific zones and certain uses. The exceptions to the one space per dwelling are quite limited, with a requirement of one space for every four dwelling units in RC-4 and RSD districts, no minimum in DTR and C-3 districts and a reduction (to one-fifth of the normal minimum requirement) for buildings specifically designed for senior citizens or physically handicapped persons. The regulations also define minimums for group housing and SROs, as well as a long list of other uses, including hotels, hospitals, schools, churches and institutions, and various commercial uses.

- Arlington, Virginia has minimum parking requirements, even near Metro, for most uses, and many of those minimum parking requirements exceed DC’s current standards: In Arlington, minimum parking requirements for most zones are listed in Section 33. This section includes the required parking as well as the limited reductions that are allowed when a major portion of the use is within 1,000 feet of a Metrorail Station entrance. I have listed below some of the minimum parking requirements and all the reductions that apply to uses near Metro. Also listed are some differences in these requirements for various zones that are near Metro. As you can see from this table, the minimum parking requirements in Arlington are all significantly higher than the current minimum parking requirements in DC and the reductions in those requirements for proximity to a Metro entrance are quite limited. For some zones near the Ballston and Virginia Square Metro station, the minimum parking requirement for apartments and mixed use buildings is at least one space per unit, and in some instances, additional visitor parking is required.

The general requirements of Section 33 for Arlington include:

One- and two-family dwelling, other than those fronting on a cul-de-sac	One (1) space per dwelling unit [DU]
One- and two-family dwelling fronting on a cul-de-sac	Two (2) spaces per DU
Town houses and stacked one-family dwellings	Two (2) spaces for each DU and one-fifth (1/5) additional parking spaces per DU for visitors
Dwellings other than one- and two-family	1 and one-eighth (1 1/8) spaces for each of the first 200 DU in any structure and one (1) space for each additional DU
Retail	One (1) space for each 250 SF of GFA on the first floor plus one (1) space for each 300 SF located elsewhere, followed by a list of exceptions for particular types of business, such as furniture and appliance stores
Office	For physicians, surgeons and dentists, there is a table based on the square footage of the building, with 1 space for each 150 SF for the first 5,000 SF, 1 space for each 200 SF for the next 10,000 SF, and 1 space for each 250 SF for the area in excess of 15,000 SF For other office buildings, the requirement is based on the square footage of each floor, ranging from one space per 250 SF for the first floor to one space per 400 SF for space located above the fifth floor.
Restaurants	One space for every 6 seats.
Other categories	The regulations list requirements for a total of 33 categories of uses, along with a provision that for uses not listed, spaces should be provided on the same bases as required for the most similar listed use.

The provision in Section 33 for parking in Metro Station areas, defined as areas where the major portion of the use is within 1,000 feet of the entrance, offers very limited reductions in these requirements. Section 33 also specifies that if the floor area is converted to another use, the required parking must be provided.

Restaurants operating only between 6:00 am and 6:00 pm	Exempt
Restaurants that operate between 6:00 pm and 6:00 am	Restaurants with 200 or fewer seats are exempt from the minimum parking requirements. Restaurants over 200 seats are exempt for the first 200 seats, but shall provide parking spaces in accordance with the regulations for the number of seats that exceeds 200 seats. This means that the restaurants near Metro with more than 200 seats have a reduced minimum parking requirement. The reduction is approximately 33 spaces. These restaurants can provide 33 fewer spaces than a restaurant of the same size which is not near Metro The required spaces can be provided off-site through a legally binding agreement, but must be located in a commercial or industrial district.
Retail and service-commercial uses	Exempt for the first 5,000 SF per main building, except for certain uses, i.e., a reduction of up to 20-33 spaces, depending on use.
Grocery stores, which are not the principal use on a site	Exempt for the first 15,000 SF, i.e., a reduction of approximately 60 spaces if the grocery is on the first floor, 50 spaces if located elsewhere.

Note that there is no reduction for residential uses even if they are located within 1,000 feet of a Metro entrance, and that the requirement for multi-dwelling unit residential development is higher than the current requirement in DC for all zoning categories.

- In Arlington, there are also some modifications of the requirements in Section 33 for particular zones, some of which are near Metro, but for each of these, we see that there are minimum requirements, and that they are significantly higher than the current DC requirements and significantly higher than the proposed DC requirements.
 - For the Rosslyn Commercial Office, Retail, Hotel and Multi-family Dwelling District, parking minimums are specified, although there is a provision for changes by Site Plan Approval. ACZO Secion 25B(F) specifies a requirement of one parking space for each dwelling unit. For commercial uses, TDM plans are required and the minimum parking is one off-street space for every 1,000 GSF of office, retail or service gross floor area and a maximum of one off-street space for every 530 GSF. Short term convenient parking for customers is also required. Hotels have a minimum of 0.7 off-street spaces per guest room and dwelling unit, and no maximum.
 - For R-C, Apartment Dwelling and Commercial District, “designed for use in the vicinity of the Metro-rail stations and, to be eligible for the classification, a site or the major portion of a site, shall (1) be within a one-quarter (1/4) mile radius of a Metro-rail station entrance and (2) be located within an area designated ‘high-medium residential’ or other compatible designations on the general land use plan,” the Arlington regulations include the following requirement: “Parking spaces shall be provided as required in Section 33, provided, however, that as part of the site plan approval, the County Board may reduce this requirement to no less than one (1) space for each unit.” The apartment projects have a maximum FAR of 3.24.
 - For some portions of Virginia Square, the MU-VS district, development is subject to the parking requirements of Chapter 33, except that no parking is required for the first 5,000 SF of some uses, and restaurants that expand might provide the required additional parking off-site at a

close location with a legally binding parking agreement. For MU-VS in Virginia Square, there is a requirement of one off-street space per dwelling unit, 0.7 off-street spaces per guest room for hotels, and one off-street space per 580 SF of office space, with conditions for shared parking. The County Board may have a different requirement for a particular proposal.

- For C-O-A, Commercial, Office and Apartment Districts, classification “to encourage a coordinated mixed-use development of office, apartment and hotel use in the vicinity of metro-rail stations,” the requirement is one space per dwelling unit, one space per 530 SF of commercial or office space, except in projects with associated residential uses, where it is one space per 580 SF, one space per hotel unit, and all the other regulations of Chapter 33 apply.
- For RA-H3.2 Multiple-family Dwelling and Hotel Districts, a classification is to provide for multiple-family dwelling development at moderate densities and, under appropriate conditions, high-rise hotel and/or multiple-family dwelling redevelopment within "Metro Transit Corridors," the minimum parking requirements are higher than those listed above, with one space per dwelling unit, one space per hotel guest room or dwelling unit, and one space for every 300 SF of commercial space, and includes all the other regulations of Chapter 33.

C. P.2.2: Imposition of Maximum Parking Limits

P.2.2: The Nelson/Nygaard “Best Practices Review,” in Section II: “Zoning Reform Best Practices,” cites Portland, Oregon, as well as San Francisco and Cambridge, as examples of cities that established maximum thresholds. [See Best Practices Review at p. 8.]

San Francisco: The maximum parking limits were put into effect in May 2006, and apply only in the DTR (downtown residential) and C-3 (downtown commercial) districts. [Section 151.1] As noted above, for most of the districts, minimum parking requirements are in effect, and for many zones, they are significantly higher than the DC minimum parking requirements.

Portland: Table 266-2 lists the minimum requirements and maximum limits. For the residential categories, there is no maximum requirement in any zone, except for EX (the central employment district), where the maximum parking limit is the same as the minimum parking limit described on page 4, above. The minimum parking requirement for residential uses in most of Portland, which is also the maximum parking limit for residential uses in the central employment area, is significantly higher than the DC’s minimum parking requirement and significantly higher than the proposed minimum parking requirement.

Cambridge, Mass.: Section 6.36 has a table of minimum parking requirements and maximum parking limits. Section 6.36.1 gives the requirements/limits for residential uses. There are no parking maximums for any of the residential uses in any of the zones. For most of the uses including multi-family dwellings, the minimum is one space per dwelling unit in any zone. The requirement is lower, one space for every two units for elderly oriented housing. There are also minimums, but no maximums for hotels and motels. Many of the institutional uses and industrial uses have a minimum, but no maximum.

As noted in a Nelson/Nygaard paper, published by the American Planning Association, Cambridge and Portland based their maximums on significant research. The same paper warns against the imposition of parking maximums in the absence of hard data.

D. P.2.1: Oversimplification of Parking Requirements:

P.2.1: Oversimplification of the parking requirements. Each of the parking minimums has been replaced with very crude measures for the minimum parking requirements. Examples of other

zoning codes with these simplified parking requirements were not provided, and, in fact, it appears as though most of the other zoning codes that have been cited in the Nelson/Nygaard report have parking minimums that are much more granular, based on the use. I think that it is necessary to maintain granularity in the table of the minimum parking requirements.

San Francisco: See, for example, the San Francisco Zoning Code, Table 151, with over 30 categories, some subdivided by district, and with the parking minimums based on natural measures, logically related to the parking demand likely to be associated with that use, such as classrooms, guest bedrooms in hotels, inns and hostels, or seats in theaters, churches or stadiums. In addition, there are refinements, such as having a higher parking minimum for medical offices than for other offices, but lower for studios. For each of these, the requirement kicks in only if the occupied floor area exceeds 5,000 SF. For medical or dental offices, they require one space for every 300 SF of occupied office space. For offices or studios for architects, engineers, etc., they require one space for each 1,000 SF of occupied office space, and for other business office, the requirement is one space for every 500 SF.

Portland: See, also, Portland, Chapter 33.266, Parking and Loading, Table 266-1, which provides the minimum required and maximum allowed parking spaces. The table has minimums for all residential zones except “central residential” and for most of the commercial zones, although there are no minimums for the central zones, in CN1, small commercial sites in or near dense residential neighborhoods, in CO1, small scale office, in CM and in CS. In the residential category, for “household living,” the minimum is one space per unit, except SROs which have one space for every 4 units and high density residential zones, which have a minimum of one space for every two units. While the minimums are somewhat less granular than the minimums on the San Francisco regulations, the minimums are based on logical units, which would have a natural relationship to demand for parking.

E, P.3.2: Flexibility to reduce parking requirements by 50% subject to payment to DDOT and DDOT review.

The proposal to allow a 50% reduction in the parking requirement, subject to DDOT review and a contribution to DDOT, allows for too much flexibility without sufficient review. This is critical since OP has not examined whether the proposed minimum parking requirements are sufficient to mitigate the harm to neighborhoods from parking spillover and the proposed parking requirements are significantly lower than many of the minimum parking requirements in similar jurisdictions with similar transit systems. The provision by which the reduction in the parking requirement is contingent on a contribution to DDOT, where DDOT is the only agency responsible for reviewing the request for the reduction, creates a perverse incentive. P3.2 does not offer District residents an opportunity to present their concerns to, for example, the BZA about a request for a reduction of up to 50% in the number of parking spaces required and does not provide residents with assurance that DDOT will be carefully evaluating the impact of the requested flexibility on the District’s neighborhoods.