Parking – Proposed Revisions to the Zoning Regulations
ZC 08-06-2 – August 28, 2008

The Committee of 100 on the Federal City

Imposed limits of review. It was clear at the public hearing that the Zoning Commission was facing some of the same frustrations that the working group and task force wrestled with during discussions.

As a group devoted to zoning review, we were to deal with lot-and-square properties; we were told we could not propose curbside changes that could relieve parking and traffic congestion. Similarly, public space changes were beyond our reach. (The fact that the consultant, Nelson/Nygaard, regularly strayed beyond lots and squares only added to the frustration.)

Revisions to the Residential Parking Program would reasonably be considered as part of the solution to the problem, but they are not within the purview of this process. We do not believe this rulemaking can go forward with so many vaguely outlined responsibilities. The Commission can and should require clarification from the relevant agencies beyond OP as to how these elements can and will interrelate.

Enforcement. Like all the work of the task force, recommendations about parking are overwhelmingly dependent on enforcement; it was established as a ground rule that we were to assume any zoning regulations could and would be enforced. It would be easy to cheap-shot this presumption, but the work of zoning review could not be undertaken otherwise.

We suggest that the Commission call for a roundtable at which a joint proposal from OP, DDOT, DPW, and the Zoning Administrator could be discussed, with an opportunity for comment by the affected public. After such consideration, the Commission would be in a far better position to act with confidence about policy direction, and then regulations, for the District.

At a minimum, the Committee asks the Commission to make no decisions about Case 08-06-02, but rather schedule an additional public hearing to sort out the many unanswered questions before setting policy direction for revision of this highly impactful Chapter. To do otherwise could produce a premature lock-in or lock-out of options.

1. Departure from Comprehensive Plan parking policy. LU.2.1.11 addresses residential parking requirements, directing that "parking requirements for residential buildings are *responsive* to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). … Reductions in parking may be considered *where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated."* [emphasis added] The OP proposals represent a whole new approach to parking policy.

2. Departure from Comprehensive Plan TOD policy. Any TOD formula must reflect the clear priorities established in the Land Use element: "The 'reach' of transit-oriented development around any given station or along a high-volume transit corridor should vary depending on neighborhood context. … applying a uniform radius is not appropriate in the District. The established character and scale of the neighborhood surrounding the station should be considered, as should factors such topography, demographics, and the station's capacity to support new transit riders. Many stations abut historic or stable low-density neighborhoods. Similarly, many of the city's priority transit corridors transition to single-family homes or row houses just one half block or less off the street itself (306.8)."

3. Parking minimums. The evidence does not demonstrate that there has been any successful elimination of parking minimums across a municipal jurisdiction. The closest examples have been limitations of minimums in discrete areas in a few jurisdictions. The exhaustive analysis done by Marilyn Simon cannot be ignored, nor can the conclusions it suggests.

4. Impact of spillover. The graphic submitted as part of Marilyn Simon's prior testimony suggests how far-reaching the spillover problem can be if elimination of most minimum parking requirements added to competition for curbside parking in low- and moderate-density residential neighborhoods.

5. Inadequate public transportation. It is not just that areas of the city are bereft of transportation services, powerfully important though that is, but that even in areas considered well served, Metro does not run frequently (especially on weekends or late at night). Household and family needs preclude using Metrorail or Metrobus to accomplish many basic tasks.

6. Regarding earlier testimony. Any number of well-intentioned persons presented sincere opinions, but in a number of cases, the speakers gave unrealistic testimony about the impact of minimum parking requirements. Perhaps the most appealing of these was a young couple and their infant; the parents testified that the parking requirement held up the building of their new house by nine months. As this Commission fully understands, the application to build on a +/- 500 sq. ft. lot requires relief from more than parking requirements. In this case the application was for a variance on lot occupancy and FAR as well as parking; it was processed as expeditiously as is possible without jeopardizing the opportunity for public comment (in fact, the only delay was to accommodate Mr. Speck's request for a continuance to allow him to complete a business trip). There was a bench decision and a prompt publication of the order. Parking was not the problem.

7. Existing relief mechanisms. Better than the proposed formulaic solutions for parking adjustment may well be the existing provisions of §2107.2, providing through the BZA an ability to adjust parking requirements to reflect individual sites' circumstances. This seems far preferable to a programmatic policy (one which might well produce more variance or special exception cases than the current system). We see an urgent need to change the standard imposed last year in §2120.3, which under the guise of clarification doubled the trigger for provision of additional parking when sizable additions are made to *historic properties*. For other properties, the standard is 25% (§2100.7). Whether additional parking would be consistent with preservation standards is a matter for the HPRB, not the zoning regulations.

8. Irrational inconsistency. It makes no sense to argue that the market can be trusted to sort out minimal parking requirements, but needs to be regulated with regard to maximums. This inconsistency is especially hard to understand when there is no indication of how severe the maximums will be, but it can be presumed that it will be lower than the currently permitted upper numbers. No analysis at all has been offered to the Zoning Commission or the public about why this is justified and how it will benefit the public. It also appears inconsistent with the Comprehensive Plan, as noted above.

9. Buy-out provisions. The same can be said about the new initiative involving buy-out options for developers; the policies of the program seem to conflict with the goals OP says it espouses. At the hearing it appeared that the Commission was also concerned about the way the proposed buy-out program would operate, as well as the basis on which it would be structured.

10. Specific provisions. The submission by Steve Sher contains an excellent critique of many provisions and suggestions for their amendment or deletion. With the exception of Item VI (C) (3), we can generally agree with his assessment. We especially agree with his conclusions.