

BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY
SITTING AS THE DISTRICT COUNCIL

Written Testimony on ZTA 23-10: Parking, Queuing, and Loading-
Calculation of Required Parking

By: Lloyd Guerci

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Thank you for the opportunity to comment on ZTA 23-10, Parking, Queuing, and Loading – Calculation of Required Parking.

I have lived in the DMV for over 50 years and in Montgomery County, between Bethesda and Friendship Heights, for over 28 years and am retired. Over 80 percent of my career was in a regulatory capacity with the Federal government, primarily environmental and auto safety matters. I am familiar with economic aspects of regulation.

In general, I agree that a substantial part of future development should include transit orientation. An important part of transit-oriented development involves promoting and maintaining numerous socially important constructs, and avoiding negative or otherwise unintended consequences. Unfortunately, highly problematic aspects of the proposed ZTA do not receive adequate attention and need to be addressed.

All uses in the Zoning Code now require some level of off-street parking. The proposed ZTA would change that as follows: “Residential uses are exempt from the baseline parking minimums in the parking table under Section 6.2.4.B. if located the following distance from transit: a. within ½ mile of a Metro station. . . .” As background, the parking table under Section 6.2.4.B provides in part:

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	Commercial/Residential and Employment Zones		
			Within a Parking Lot District or Reduced Parking Area		Outside a Parking Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
RESIDENTIAL					
Household Living					
Single-Unit Living Two-Unit Living Townhouse Living	Dwelling Unit	2.00	1.00	2.00	2.00
Multi-Unit Living	Efficiency Dwelling Unit	1.00	1.00	1.00	1.00
	1 Bedroom Dwelling Unit	1.25	1.00	1.25	1.25
	2 Bedroom Dwelling Unit	1.50	1.00	1.50	1.50
	3+ Bedroom Dwelling Unit	2.00	1.00	2.00	2.00
Group Living					
Dormitory Independent Living Facility for Seniors or Persons with Disabilities Personal Living Quarters Residential Care Facility	Bed	0.25	0.25	0.25	0.25
	OR: Dwelling Unit or PLQ	1.00	0.50	1.00	1.00
	plus, Employee	0.50	0.50	0.50	0.50

Accessory Residential Uses					
Attached Accessory Apartment Detached Accessory Apartment	Accessory Dwelling Unit (in addition to residential spaces)	1.00	--	--	--
Dwellings for Caretakers/Watchkeepers	Accessory Dwelling Unit	1.00	1.00	1.00	1.00
Farm Labor Housing Unit	Dwelling Unit	1.00	--	--	--
Home Occupation (Low Impact) Home Occupation (Major Impact)	Non-Resident Employee plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00 1.00	1.00 1.00	1.00 1.00	1.00 1.00
Home Health Practitioner (Low Impact) Home Health Practitioner (Major Impact)	Home Health Practitioner Non-Resident Employee plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00
Live/Work Units	Accessory Dwelling Unit	--	1.00	1.00	1.0

See [Section 6.2.4. Parking Requirements \(amlegal.com\)](#)

The ZTA would apply to residential detached (e.g., R-60) zones, residential townhouse zones, residential multi-unit zones, commercial-residential zones, floating residential zones and floating commercial-residential zones. Visually, this includes some high rises, medium rises, 5 over 1 buildings, 4 and 6 plexes, single family homes and townhouses. Buildings that are only residences would no longer be required to have parking, and buildings with residential components would no longer be required to have parking calculated based on the numbers of residential units.

The Planning Board says it believes the market will determine the appropriate levels of parking for residential uses. In my experience, the market gets it wrong or partially wrong too often to count (regardless of any malintent) and when that happens people suffer. The market economy is driven by self-interest, with the profit motive being a driving force. Real estate businesses do not balance the range of interests that elected officials must consider. Moreover, market failures have been sufficiently prevalent that the Office of Management and Budget examiner who reviewed rules written by my colleagues often asked, what is the market failure. And students of history know that in an economic system that left it to the market to set the terms for goods and services, people such as the robber barons of America’s past (e.g., John D. Rockefeller, Andrew Carnegie, John Pierpont Morgan, Cornelius Vanderbilt, Jay Gould.) took advantage of regular people. Less egregious but highly problematic practices continue to this day.

I will now address some concerns regarding ZTA 23-10.

Safety: Pedestrian, Bicyclist and Motor Vehicle Safety

If the building has inadequate parking, a queue may develop to get in, as other cars leave. This presents two safety problems: safety on the road and safety for pedestrians on the sidewalk. See photo of a queue below.



(Photo of a parking queue, regardless of cause. Photo taken in front of 5530 Wisconsin Avenue, Chevy Chase, MD, currently zoned CR-3.0, C-2.0, R-2.75; building predates this zoning).

Handicapped Parking

Under the proposed ZTA, in fact and as a practical matter, there could be an insufficient handicapped parking spaces. This ZTA may result in violations of ADA requirements (a civil rights matter). Even if there are handicapped spaces, if the numbers of unrestricted spaces are insufficient, and parking spaces are not available at any given time, then some non-handicapped drivers will park in spots designated for the handicapped, leaving the handicapped out in the cold so far as parking goes. A call to the police non-emergency number is unlikely to solve the problem faced by the handicapped person.

Parking for Elderly

Many elderly have very limited mobility. In meeting their needs, which include shopping for food, medical appointments and some social activities, they often drive short distances. How are they going to be assured of a place to park when they get home? That may not be a dollars-based, market place interest to the real estate developer, but it is an important social interest.

In Thrive 2050, the Pedestrian Master Plan and the Planning Board's letter on ZTA 23-10, the amount of concern paid by the planners to the needs of the elderly has been inadequate.

Vehicle for Work and Economic Development

Many people, including people in the trades such as construction workers, painters, plumbers and landscapers, need trucks to get to job sites. The lack of adequate, assured parking would preclude them from living in numerous buildings as a practical matter. As the numbers of buildings with limited-to-no parking grew, so too would the problems that working people who must drive to work face.

It goes beyond the trades. Take, for example, MCPS schools. Many if not most are not near mass transit. Teachers and other school staff drive to work. As a practical matter, they too could be precluded from living in numerous buildings near a Metro or Purple Line station.

More broadly, parking is related to economic development. Consider a building (e.g., C-R zoned) with a parking area that serves both residents and the customers of lower floor businesses. If residential parking by those who can pay drives out parking for customers or increases its price, that will adversely affect the businesses including small businesses.

Electric Vehicles and Transition to Electric Vehicles

The transportation sector is one of the three major sources of greenhouse gases. Nationally and in Maryland, the transition to electric vehicles (EV) is facing significant expansion challenges. Apart from the cost of an EV, the major problem is charging (more so than battery life). Many people do not want to transition to an EV unless they can be assured of convenient charging. Charging is most convenient at single family homes and townhouses where people are assured of parking next to a charging electrical cord. It also is convenient in multi-unit building with dedicated parking spots. Charging is a huge problem for people who park on the street.

People who do not have assured parking spots in or near buildings will not have assured parking spots with chargers. They are still going to have motor vehicles and will make do parking them. They are going to stick with gasoline powered vehicles to avoid the very time-consuming headaches of charging EVs. The lack of (a) assured parking spaces (b) with chargers is an unintended consequence of this ZTA.

Redistribution of Parked Vehicles and Consequences

If a building does not have sufficient parking spaces to satisfy the need, a naive assumption may be that those who do not have a parking space there will not have a motor vehicle. But some will.

What will happen is that, in the market place when there is a shortage, people with money will pay to get available spaces. Others, of lesser means, will not get spaces in the building. And, market based – supply and demand-based pricing – will increase the price for all.

If there are inadequate numbers of parking spaces or no spaces in a building or on a lot, numerous people will park elsewhere, often on the street. Particularly in older urban areas, can the parking infrastructure handle it? This may stress an already over utilized local parking space situation where demand is high and spaces are scarce, particularly as to on-street parking. The aggregate stress will multiply when, with time, multiple buildings and/or lots do not have sufficient parking to meet demand.

People will park in driveway entrances, etc. There will be competition for and blocking of parking spots. The situation may turn ugly and vile, which will create civic strife.

The developer saves money on parking spaces and people in the neighborhood suffer the consequences.

If Adopted in Some Form, The No-Residential Parking Requirements Zone Should Extend to One-Half Mile, Not Beyond.

As noted above, under the proposed ZTA, residential uses are exempt from the baseline parking minimums in the specified parking table if located within ½ mile of a Metro station or Purple Line station.

The Planning Board's letter states that the effective radius around all types of transit stations should be consistent and be expanded to a one-mile radius instead of the ½ mile radiuses in the ZTA. The Board further states that many residents currently travel up to a mile to reach transit. Letter December 27, 2023.

I oppose the Planning Board recommendations to expand the exemption-from-parking - requirement-zone for several reasons. The statement that many residents currently travel up to a mile to reach transit is an incomplete assessment of transportation activities and far from dispositive. I travelled - took a bus or walked - to a Metro rail station on my way to and from work, which fortunately was close to a Metrorail station. But those were a fraction of my transit trips. I still needed a car. While a student in MCPS, our son, like many other children, played in MSI soccer, played on a Montgomery County Recreation league basketball team and swam on a

team based at the Bethesda county pool. It was not possible to go to the games or meets without a car. In addition, my wife and I have driven to county regional parks and Seneca Creek State Park. We frequently drive to buy food and other items and to meet friends to socialize, to name a few purposes of trips.

The Planning Board says the effective radius of the ZTA's exemption from parking requirements should be consistent. I disagree. The nature and extent of development and uses near the variety of Metro and Purple Line stations differs. Existing structures and conditions in a locale need to be considered – a practice which is underscored in the master/sector plan process. The Board's recommendation is contrary to this. I strongly oppose the Board's proposed, procrustean approach and support a tailored balance of planning goals and the needs of the people of Montgomery County.

A one-mile radius incorporates an area that is four times as large as a half-mile radius. Not only that, for a number of Metrorail stops and Purple Line stations, it is far more encompassing of residential neighborhoods. No need has been shown to disrupt those neighborhoods based on parking preferences. Assuming that some form of parking reform other than a laissez faire, market-based system that leaves parking – numbers of spaces and parking fees - to the real estate industry is appropriate, it bears noting that any measures adopted at this time would not be cast in concrete and thus would not be limiting in the long run. As our County grows, there could be informed revisions in the future.

Measurement of Proximity to Transit Stations.

As stated in the Planning Board's letter, the Board is interested in pursuing a future ZTA that would clarify in the Zoning Code how proximity to transit stations is measured. The Planning Department staff report notes that one possible "approach would be to base distance not on straight-line measurement, but instead based on the actual pedestrian path, determined by an existing sidewalk and shared use path connections." Report p. 6, packet p. 13.

If some form of this ZTA is adopted, I propose adopting a measured distance on pedestrian infrastructure approach. This is a term used in a National Capital Planning Commission document. [Comprehensive Plan for the National Capital: Federal Elements – Amendments to the Transportation Element and Submission Guidelines Update \(nccpc.gov\)](#) p. 9. It makes sense. An underlying premise of the ZTA is that people could walk to transit stations. The distance they would walk is the distance on pedestrian infrastructure, not some abstract radius from a Metrorail or Purple Line station. The area included in the measured distance on pedestrian infrastructure can readily be determined. The Planning Department has expended a lot of effort and money on digital mapping (which I support) and developed both a Pedestrian Master Plan that evaluated individual streets etc. where people walk and a Bicycle Master Plan, which includes pathways. The planners could readily measure distances on pedestrian infrastructure from the modest number of Metrorail and Purple Line stations. This would be useful, too, as it would provide certainty on applicable parking requirements to people developing particular properties and for DPS review of permit applications.

No Assurance that Cost Savings Will Benefit Renters

As noted in the Planning Department staff report, the Council press release for ZTA 23-10 pointed out how expensive providing parking can be, at a cost of between \$70,000 and \$100,000 per space when constructing underground parking. These costs, it said, are passed onto the future residents in the form of higher rent. While the cost I have heard was a lower range, I do not question that underground parking is expensive to build. However, the foregoing dollar figure does not address above ground parking costs for a variety of building types.

I have several concerns. First, the ZTA is sweeping. It applies not solely to large buildings with underground parking, but also to other forms of buildings. The cost savings for parking spots for them are not stated.

Second, the rent charged is likely to be the market rate rent in the area. The cost of the building is not mathematically determinative. I have seen prevailing market pricing in searches for an apartment for a family member in our County and DC. This applies, too, to the other side of building rents – rents in old buildings. For old buildings, the cost of construction was a small fraction of what it cost to build a new building, but the real estate interests charge market rate rents.

Third, the ZTA assumes that the cost savings will be passed on to the renter. Particularly given the prevalence of market-based rents, this reminds me of trickle-down economics. There is no assurance that cost savings will benefit renters, and if they do, by how much.

Fourth, it is disappointing that the Planning Department report does not quantify in dollars the projected rent reductions and purchase price savings from this ZTA for various residential use building types in a range of locales in our County, or information on this ZTA's impact on housing affordability. Two possible consequences that have not been addressed are whether and the extent to which this ZTA would increase affordable housing and whether this ZTA would bring properties within reach of first-time homeowners.

Thank you for considering these comments.

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