MEMORANDUM

TO:

District of Columbia Zoning Commission

FROM:

Travis Parker, Zoning Review Project Manager

DATE:

April 18, 2011

SUBJECT:

Supplemental Information for portions of ZC #08-06 - Zoning Regulations Review

General Parking, Bicycle Parking, and Loading Chapters

On November 15, 2010, the Zoning Commission held a public meeting to discuss Final Action on proposed language for the general zoning chapters on Parking, Bicycle Parking, and Loading as a part of the zoning review. At the meeting, commissioners raised concerns about three issues. This memo summarizes the concerned raised by commissioners, and describes changes proposed by the Office of Planning (OP) to address those concerns. The attached regulatory text shows changes to the versions of these three chapters included in the Notice of Proposed Rulemaking, using underlines to denote new text and strikethroughs to denote deletions.

Driveway Entrance Location Restrictions

Commissioner Schlater reiterated an earlier concern related to the proposed restrictions on driveway entrance location. Commissioner Schlater noted that curb cuts are regulated by the District Department of Transportation (DDOT) and the Public Space Committee, and that the zoning regulations may therefore be redundant. Commissioner Schlater also expressed a concern that the proposed standards might not be appropriate in every instance, and that the standards could result in many nonconforming situations, especially in the case of singlefamily dwellings, resulting in relief requests to the Board of Zoning Adjustment. Finally, it was noted that DDOT and the Public Space Committee have the administrative flexibility to waive or modify the curb cut standards, based on individual context. Therefore, it may be more appropriate that control over this subject matter should reside with the agencies with the necessary technical expertise and available flexibility.

OP has reviewed DDOT's Design and Engineering Manual (DEM), which sets standards for curb cuts. In OP's opinion, the curb cut policy in the DEM, combined with the administrative flexibility held by DDOT and the Public Space committee, represents an approach to curb cut regulation that sets appropriate standards while retaining the ability to adjust to specific contexts. OP remains concerned that zoning approvals may be issued without adequate coordination between the review of zoning requirements and public space requirements. In the case of matter-of-right projects, the clarity provided in § 1500.5 that the Zoning Administrator may request DDOT review and recommendation of parking plans should encourage greater coordination, at the ZA's discretion. In the case of planned unit developments and other cases requiring zoning relief, greater coordination between OP and DDOT will be necessary to avoid conflicts.

In light of the above, OP recommends striking § 1507.6 from the proposed zoning regulations, in its entirety.

Buffering Requirements for Loading Facilities

At the meeting, Chairman Hood asked whether an earlier concern that he had raised regarding the buffering of residential property from loading facilities had been adequately addressed. Upon further review OP agrees that as written, § 1704 may not provide adequate protection for residential property. Subsection 1704 3 exempts loading facilities in PDR zones from all of the restrictions in § 1704.2 (requirements to place loading within a building, within a rear yard, or within a side yard if a six-foot buffer is provided from side lot lines when the

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facility is adjacent to a residential zone). While OP continues to believe that it is appropriate to allow loading facilities in PDR zones more flexibility in location that in other zones, OP also believes that the six-foot buffer from side lot lines is appropriate in all zones, when the facility is adjacent to a residential zones. Accordingly, OP recommends amending § 1704.3 as follows:

1704.3 Loading facilities in PDR zones are not subject to the requirements of § 1704.2; however, loading facilities located in a side yard on a lot that is within or adjacent to a [Subtitle D. E. or F zone] shall be at least six feet (6 ft.) from any side lot line.

OP believes that the recommended amendment more closely reflects the concerns raised by Chairman Hood.

Technical Corrections: Special Exception Relief for Bicycle Parking and Loading Requirements
Commissioners and the Office of the Attorney General noted that language in the sections governing special
exception relief for bicycle parking and loading requirements was inconsistent with similar language in the
parking chapter. OP recommends technical corrections for consistency. In addition, OP has identified a number
of errors in the text of the bicycle parking and loading chapters that should be corrected. These errors have
resulted from failing to account for the earlier deletion and renumbering of other subsections. For the same
reason, OP also recommends striking § 1710.5 in its entirety, since it refers to a subsection that no longer exists.

- 1608.3 The Board may grant, by special exception, a <u>full or partial</u> reduction in the minimum number of longterm bicycle parking spaces required for a use or structure, subject to the general requirements of [§ 3104], the limitations of § 1608.6 1608.5, and the applicant's demonstration of either of the following:
- 1608.4 The Board may grant, by special exception, a <u>full or partial</u> reduction in the minimum number of short-term bicycle parking spaces required for a use or structure if, in addition to meeting the general requirements of [§ 3104] and the limitations of § 1608.5, the owner demonstrates that:
- 1608.6 The Board may grant, by special exception, a <u>full or partial</u> reduction in the number of minimum bicycle parking spaces required for an addition to a historic resource if in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that as a result of the nature or location of the historic resource, providing the required bicycle parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource.
- 1705.2 All loading berths and service/delivery loading spaces shall be accessible at all times from a driveway meeting the requirements of B § 4507.3 1507.4 and §§ 1507.5 through 1507.7 § 1507.7.
- 1710.3 The Board may grant, by special exception, a <u>full or partial</u> reduction or elimination of the number of loading berths or service/delivery spaces required by § 1702.1 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
- 1710.4 The Board may grant, by special exception, a waiver of the driveway location access requirements of § 1705.4 §§ 1705.2 and 1705.3 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
 - (a) The lot has unusual topography, grades, shape, size, or dimensions; or
 - (b) An alternate driveway location Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

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1710.5 The Board may grant, by special exception, modifications to the access requirements of § 1705.8 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that the resulting loading berths and approaches to the berths are usable by the type of vehicles they are designed to serve.

TP/dje

GOVERNME I OF THE DISTRICT O COLUMBIA OFFICE OF PLANNING



	F.A	CSIMILE TRANSMIT	TAL SHEET	
TO: Sharon Schellin		FROM: Travis Parker, AICP		
COMPANY: DCOZ		APRIL 18, 2011		
fax number: 727-6072		total no. of pages including cover: 4		
PHONE NUMBER		SENDER'S REFERENCE NUMBER:		
RE:				
□ urgent	☐ FOR REVIEW	☐ PLEASE COMMENT	□ please reply	□ Please recycle
Attached plea you have any 8815.	ase find a copy of the questions or require	application for the above additional information, pl	referenced project per ease do not hesitate to	your request. Should call me at (202) 442-

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