GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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**MEMORANDUM**

**TO:** Zoning Commission for the District of Columbia

**FROM:** Ellen McCarthy
Director

**DATE** February 28, 2005

**SUBJECT:** **ZC 04-28 - Final Report for Text Amendments to permit DMV Driver's License Road Test Facilities by right within SP, CR and any C-2 and above, C-M or W-1 District; initiated by the Department of Motor Vehicles.**

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**RECOMMENDATION**
The Office of Planning recommends approval of the proposed text amendments to provide for driver's license road test facilities within the Zoning Regulations

This report serves as the final report subsequent to the Notice of Public Hearing (NOPH) posted in the DC Register (52 DCR 712)

**BACKGROUND**
As outlined in OP's setdown report dated October 15, 2004, the proposed text amendment was submitted on behalf of the District's Department of Motor Vehicles (DMV) to allow the establishment of driver's license road test facilities throughout the City As part of DMV's reform efforts, the department is seeking to improve and expand its services throughout the city, including the addition of new driver's license road test facilities in other locations in the District

These test facilities have been permitted as government uses on City property and were previously not subject to zoning. However, in 1990 the Council of the District of Columbia passed legislation making new or expanded District governmental land use subject to zoning This requirement is reflected in Chapter 1 of 11 DCMR

> *106.5 Properties of the District of Columbia government shall be subject to zoning; Provided that:*
> *(a) Any governmental land or building uses that were either in existence or were substantially planned, documented and invested in prior to May 23, 1990, shall not be subject to zoning;*

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*(b) With regard to the properties referenced in (a) above, any change or expansion in the use of land or buildings, or any new construction or additions to buildings shall be subject to zoning; and*

*(c) District of Columbia public buildings in the Central Area shall be exempt from zoning but shall continue to require approval of the National Capital Planning Commission, pursuant to §5(c) of the Planning Act (40 U.S.C. 71d(c).*

Since the Zoning Regulations do not currently address these test facilities, they are non-conforming uses outside of the Central Area and those areas of the District zoned General District ("M"), either by right or by special exception Therefore, a use variance would be required for establishment of new centers The proposed text amendment will permit this use as a matter of right in select zoning districts, and establish minimum parking requirements.

These facilities, financed and supported by public money, are provided for the benefit and safety of the District's citizens

Currently, the District has two driver's road test facilities located at

- 1205 Brentwood Road, N E zoned C-M-1, providing non-commercial driver's testing, and
- 2390 South Capitol Street, S.E (unzoned and existing before 1990) providing testing services for commercial drivers' licenses

**PROPOSED TEXT**

The text amendment as proposed by the applicant would require changes to the Zoning Regulations as follows

Amend §199, Chapter 1, Definitions, 11DCMR, Subsection 199 1 to include the following language

**Driver's License Road Test Facility** - a building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements

The DMV road test facilities are proposed in the zones districts as shown in the table below

| Zoning District | Drivers' License Road Test Facility |
|---|---|
| Residential | Not permitted |
| Special Purpose | Matter of Right |
| Mixed Use | Matter of Right |
| Commercial (C-1) | Not Permitted |
| Commercial (C-2 up to C-5) | Matter of Right |
| Industrial (C-M and M) | Matter of Right |
| Waterfront (except in W-0) | Matter of Right |

In C-2 zones and above, the DMV already has the ability to do other types of testing as a matter of right

The DMV reports that at existing facilities, passenger vehicle road tests are done at a rate of four per hour per employee with four employees total This requires at most two customer parking spaces per employee – one space for the customer being tested and one for the next customer waiting to be tested. A space is also required for each employee The DMV also indicated that rental car space might be offered at the rate of at least one per employee for four a total of spaces Therefore, the minimum parking should be approximately four spaces per employee

Similarly, for commercial driver's testing, two employees each give up to seven tests per day, each test being about 2 hours long The tests are staggered so that one employee gives a test at a different time than another, allowing them to share one semi parking space. The space for a semi is equivalent to four regular parking spaces In addition, one parking space per employee is needed. There is one supervisor and no administrative staff Therefore, in this instance the requirement could be approximately three spaces per employee

Since the testing center does not differentiate between commercial and non-commercial driver testing, four spaces per employee seems adequate to satisfy the parking requirements in any zone district Therefore, proposed facilities would also require parking accommodation for employees and clients, and so should be included in Section 2101 of the regulations as follows

Amend §2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES as follows.

| USES | NUMBER OF PARKING SPACES REQUIRED |
|---|---|
| **INSTITUTIONAL** | |
| **Driver's License Road Test Facility** | |
| **C-2-A, C-3-A** | **4 spaces for each employee.** |
| **C-2-B, C-2-C, C-3-B, C-3-C, C-4, C-5, SP, CR, W-1, W-2, W-3** | **4 spaces for each employee.** |
| **C-M, M** | **4 spaces for each employee.** |

## ZONING ANALYSIS

The Department of Motor Vehicles (DMV) requested OP to recommend a text amendment of the Zoning Regulations to permit the use of their facilities in the District. Counsel for DMV submitted a proposed definition to incorporate the functions of a facility It is recommended that a new definition be included within the Zoning Regulation table of definitions under **"Driver's License Road Test Facility."**

The Office of Planning does not recommend that these facilities be permitted within the residential and the neighborhood shopping (C-1) zone districts The centers may include driver's tests on commercial vehicles on neighborhood streets, which would not be compatible within a residential neighborhood. These facilities are not intended to serve only the immediate neighborhood, but would attract residents District-wide, which would have a negative impact on residential neighborhoods due to increased traffic and noise For similar reasons, it should not be permitted in the C-1 District since the C-1 zone is primarily designed to provide convenient retail and personal service establishments for the day-to day needs of a small area, with minimum impact on surrounding residential development *(§700.1)*

In addition, testing centers is not recommended within the Waterfront W-0 Zone District, as this use is not consistent with the primarily open-space/recreational use envisioned along the city's waterfront areas Currently, the only testing facility located near a waterfront district is the Testing Facility at 2390 South Capitol Street, S E This site is currently unzoned Federal/District property OP believes that the recommended districts include a broad range of permitted uses, among which the road testing facilities would be compatible

**Purposes of the Proposed Zone Districts**

**§§500.1, 500.2 - Special Purpose District (SP)**
The Special Purpose (SP) District is a transitional district between commercial and residential areas that is intended to stabilize areas adjacent to the C-3-C and C-4 districts. It is designed to preserve and protect areas adjacent to commercial and residential areas, to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district. As such, the SP district provides increased opportunities for available locations that are near but not inside residential neighborhoods, and would not be in conflict with the purposes of this mixed-use district

**§600.1 – Mixed Use (Commercial Residential (CR))**

The CR mixed-use zoning district is intended *"to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial and other miscellaneous uses."* A test center would be compatible with the mixed-use district as a matter of right because its functions comprises a mix of office and light industrial uses as specified in §600 1

**§720 – Community Business Center Districts (C-2)**

The C-2 District is divided into the C-2-A, C-2-B and C-2-C Districts It is designed to provide facilities for shopping and business needs for large segments of the District outside the central core, with increasing density of residential and mixed uses up to C-2-C They are compact and may be located on arterial streets in uptown centers and at rapid transit stops These are ideal locations for the licensing of road test drivers, since these zones frequently have easy transportation access for customers In C-2 zones and above, DMV already has the ability to do other non-road testing as a matter of right

**§§800, 820 – Commercial Light Manufacturing (C-M) and General Industry (M)**

Both of these districts provide sites for heavy commercial and light manufacturing activities employing large numbers of people and are under controls that minimize any adverse effect on other nearby more restrictive districts They do not permit new residences other than live-in artist studios Sites in these zones typically have more land area available than the more intensely developed commercial and mixed-use zone district Therefore, a road test facility is a compatible use that could be accommodated without adverse impacts to residential neighborhoods

**§900 – Waterfront District**

**§ 900.5** defines the W-1, W-2, and W-3 Zone Districts as intended to be relatively self-contained by supplying a variety of housing, service, employment, and recreational opportunities in one location Based on information provided by DMV regarding the daily service capacity of these facilities, location within the waterfront districts (except the W-0 Zone) would be compatible with the stated purposes of the W-1 through W-3 zones and would provide alternative locations to the more restrictive zone districts

In response to changing conditions along the waterfront areas of the District, the Office of Planning recommended the creation of a new W-0 (Waterfront Open Space Recreation) Zone District intended to provide valuable zoning flexibility along the waterfront

**§900.6**[1] states

- The W-0 District is intended to provide waterfront recreation areas with related waterfront-oriented or waterfront-enhancing uses, to serve local and regional open space recreation needs

OP does not conclude that drivers' testing facilities are a compatible use with the intent of the W-0 Zone District because the testing facilities are not water-oriented or enhancing uses

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[1] Z.C. NOTICE OF FINAL RULEMAKING AND Z.C. ORDER NO. 02-42, Page 11. *April 2, 2004*

Based on the zone requirements as reviewed, the Office of Planning recommends that the DMV's Driver's License Road Test Facilities be located according to the following

| Zoning District | Driver's License Road Test Facility |
|---|---|
| Residential | Not permitted |
| Special Purpose | Matter of Right |
| Mixed Use | Matter of Right |
| Commercial (C-1) | Not permitted |
| Commercial (C-2 up to C-5) | Matter of Right |
| Industrial (C-M and M) | Matter of Right |
| Waterfront (except W-0) | Matter of Right |

In conversation with DMV, it was determined that parking be permitted for these centers and OP was advised by the Office of the Attorney General that parking for the road test facilities should be included in the category "Institutional "

DMV reported to OP that minimum parking accommodations of four parking spaces per employee would be required at the test centers, based on the number and rate of tests performed at the facilities, the need for employee parking, DMV's plan to offer rental cars at the facilities, and need for parking for larger vehicles at the commercial testing facilities

DMV also requires the facilities to have an on-site curb used for the parallel parking portion of the test, and paved space sufficient to support a 30 by 75-foot coned course for motorcycle testing. The majority of the road test, according to D C Regulations (D C Official Code § 50-1401 01, 18 DCMR §104 2), must be conducted on congested public streets

The Office of Planning acknowledges that there may be difficulty in providing adequate parking as described at existing facilities that may be expanded or renovated. Therefore, the new parking standards should be applied only to new locations to mitigate adverse impacts to neighborhoods proposed for new facilities and because the opportunity would exist through design to provide sufficient parking at a new location

## COMPREHENSIVE PLAN

The Public Facilities Element of the Comprehensive Plan supports the test amendment as stated by its goal and the preferred location of a municipal facility as follows

### 601 PUBLIC FACILITIES GOAL

601 It is the goal of the District to provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services, and to support economic development and neighborhood improvement objectives

## 606 LOCATION OF PUBLIC FACILITIES

**606.1** The location of public facilities objective is to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

The location of these facilities within the proposed zones would support the public facilities goal and the objective of providing optimum service in support of social development and neighborhood improvement. The Department of Motor Vehicles intends to develop their services to offer the ability for citizens to complete all vehicle and driver related activities at one location Therefore, it is perceived that a driver's test center may be able to provide additional services in a one-stop format that may be more efficient for the District's citizens Permitting all DMV driver-testing services in these zones is supportive of the land use in those zones, which are commercial or light industrial, as well as a mix of commercial and residential uses Location of municipal services improves the service capacity of the District in relation to other metro area jurisdictions and enhances its attractiveness to current and future residents

## CONCLUSION

The Office of Planning in consultation with DMV reviewed the current zoning designations to determine the most suitable criteria, which would permit siting of the DMV facilities with consideration given to its functions and its impact on neighborhoods where proposed. OP determined that road test facilities are not appropriate for residential neighborhoods, and as such proposed selected zones as most compatible based on the service functions of the facilities and on the stated purposes of the selected zones

The proposed text amendments are consistent with the goal of the Public Facilities Element of the Comprehensive Plan, as well as the public facility goal in support of the improvement of municipal services OP believes that the ability of these services to locate in various zones would enhance the livability of the District's neighborhoods In addition, these DMV services are also supported by the District Council's statute, Title 18 §104 2, which states that road tests must be given to obtain commercial and non-commercial driver's licenses

Based on these consistencies, the Office of Planning **recommends adoption** of the following proposed amendments to 11 DCMR (ZONING) as posted in the NOPH, 52 DCR 712 as follows

A Section 199, DEFINITIONS, subsection 199 1, is amended to add the following new definition

**Driver's License Road Test Facility** - a building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements

B Section 501 USES AS A MATTER OF RIGHT (SP), subsection 501.1, is amended by adding a new subparagraph__[2] to read as follows.

(__) Driver's License Road Test Facility

C Section 601 USES AS A MATTER OF RIGHT (CR), subsection 601 1, is amended by adding a new subparagraph__ to read as follows

(__) Driver's License Road Test Facility

D Section 721 USES AS A MATTER OF RIGHT (C-2), subsection 721.2, is amended by adding a new subparagraph__ to read as follows

(__) Driver's License Road Test Facility

E Section 801, USES AS A MATTER OF RIGHT (C-M), subsection 801 7, is amended by adding a new subparagraph__ to read as follows

(__) Driver's License Road Test Facility.

F Section 901, USES AS A MATTER OF RIGHT (W), subsection 901.1, is amended by adding a new subparagraph__ to read as follows

(__) Driver's License Road Test Facility

G Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting the following use in the table included in § 2101 1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES under "INSTITUTIONAL USES".

| USES | NUMBER OF PARKING SPACES REQUIRED |
|---|---|
| **Driver's License Road Test Facility** | |
| **C-2-A, C-3-A** | **4 spaces for each employee.** |
| **C-2-B, C-2-C, C-3-B, C-3-C, C-4 C-5, SP, CR, W1, W-2,W-3** | **4 spaces for each employee.** |
| **C-M, M** | **4 spaces for each employee.** |

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[2] The Office of Planning is also requesting the Commission adopt a proposed text amendment to authorize Driver's License Road Test Facilities in several zone districts, including CR, CM, and W In order to avoid the use of the same subparagraph letter for these different uses, no letter will be designated at this time with respect to these zone districts.