

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: District of Columbia Zoning Commission

FROM: *MSF*
Harriet Tregoning, Director
Office of Planning

DATE: March 12, 2007

SUBJECT: Second Supplemental Report – Zoning Commission Case 06-33 Proposed Text Amendment to Clarify Parking Requirements for Historic Landmarks and Contributing Buildings

As stated in the March 2, 2007 OP supplemental report, OP has continued to work with the interested parties to reach consensus on the proposed language. OP and the workgroup have agreed on the language with three exceptions, discussed below. In addition to the changes involved with this application for historic resources, OP has agreed to take a broader look at parking in a future text amendment application, specifically in three areas: allowing automated spaces to count toward the parking requirement, allowing vault spaces to count in certain instances toward a parking requirement, allowing access to required parking spaces over other lots via private easements.

OP PROPOSAL

With the exception of proposed Sections 2120.3 and 2120.4, parties have reached consensus on the following amendments to the Zoning Regulations of the District of Columbia.

Add New Section 2120

CASE NO. 06-33
EXHIBIT NO. 16

2120 PARKING FOR HISTORIC BUILDINGS

- 2120.1 This section acknowledges the importance of maintaining the city's historic resources, while at the same time allowing for their appropriate redevelopment, and to that end this section modifies parking requirements for historic resources as set out below.
- 2120.2 For the purposes of this section, a historic resource is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.
- 2120.3 This section shall only apply to historic resources and additions thereto and shall not apply to new unattached structures constructed on the same lot as a historic resource.

- 2120.4 A historic resource and any additions thereto are exempt, regardless of use, change of use, or change in intensity of use, from any requirement to provide parking in excess of that which existed as of the date the historic resource was listed in the District of Columbia Inventory of Historic Sites or the historic district was created, except that parking shall be required for any addition where
- A. The gross floor area of the historic resource is being increased by 50% or more, and
 - B The parking requirement attributable to the increase in gross floor area is at least four (4) spaces.
- 2120.5 Any parking provided for a historic resource in excess of that which existed at the time the historic resource was listed in the District of Columbia Inventory of Historic Sites or the historic district was created shall be exempt from Section 2115, and Subsections 2117 5 and 2117 6
- 2120 6 Parking spaces provided for a historic resource shall be a minimum of eight feet (8 ft) in width and sixteen feet (16 ft) in length exclusive of access drives, aisles, ramps, columns, and office and work areas. All required parking spaces shall be clearly striped and lined. Durable materials that are all-weather impervious shall be used. Striping shall be maintained for as long as the parking spaces requiring the striping are in existence.
- 2120.7 The Board of Zoning Adjustment is hereby authorized to grant relief for historic resources from the parking requirements of this chapter in accordance with the requirements of Section 3104 and the following criteria
- (a) The nature and location of the structure, including architectural and/or structural difficulty to the owner in providing parking while maintaining the historic integrity and appearance of the historic resource,
 - (b) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;
 - (c) Amount of traffic congestion existing or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood,
 - (d) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and
 - (e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation

Prior to taking final action on an application, the Board shall refer the application to the D C Department of Transportation for review and report.

Delete Section 2100.5

Amend Section 2100.4 as follows:

2100 4 Except for historic resources as defined in 2120.2 as provided in §2100.5, when the use of a building or structure is changed to another use that requires more parking spaces than required for the use existing immediately prior to the change or, if the building or structure is vacant, the use that existed immediately prior to the vacancy, parking spaces shall be provided for the additional requirement in the amount necessary to conform to § 2101

Amend Section 2100.6 as follows:

2100 6 Except as provided in § 2120.4, When the intensity of use of a building or structure existing before May 12, 1958, is increased by an addition of employees, dwelling units, gross floor area, seating capacity, or other unit of measurement specified in § 2101, parking spaces shall be provided for the addition, subject to §§ 2100 7 through 2100 9

ALTERNATE PROPOSAL #1

It is the preference of the workgroup that the following language be used in place of OP's Section 2120.4 This language would provide a more flexible determination for the applicability of the waiver as well as the provision of parking for buildings that are not determined to be exempt. Both the exemption and the amount of parking to be provided for non-exempt buildings would be determined at the discretion of the Zoning Administrator with input from OP and HP. While having the advantage of flexibility, this option does not offer the developer or the surrounding neighbors any certainty on when parking will be required nor does it allow for public input in controversial cases Moreover, it grants a large amount of discretion to the Zoning Administrator that may not be consistent over time or even for different projects. Under this proposal two subsections would replace 2120.4 and the other subsections would be renumbered accordingly. OP does not recommend this alternative.

- 2120.4 A historic resource and the entire lot(s) on which it is located are exempt, regardless of use, change of use, or change in intensity of use, from any requirement to provide additional parking on its lot(s) in excess of that which existed as of the date the historic resource was listed in the District of Columbia Inventory of Historic Sites, provided
- (a) work affecting the historic resource is not subject to the Historic Landmark and Historic District Protection Act of 1978, as amended;
 - (b) the redevelopment of the historic resource involves only an addition above the footprint of the historic resource;
 - (c) there is insufficient vacant land on the lot of the historic resource such that parking cannot be provided without adversely affecting the historic integrity or appearance of the historic resource, or
 - (d) access to such parking cannot be provided without adversely affecting the historic integrity or appearance of the historic resource or the streetscape of the block in which the historic resource is located, and
 - (e) the redevelopment is approved pursuant to the Historic Landmark and Historic District Protection Act of 1978, as amended

2120 5 If the redevelopment of the lot(s) of the historic resource is not exempt pursuant to 2120 4 above, the following procedure shall apply for determining the extent to which parking shall be provided, up to that which is otherwise required by the Zoning Regulations

(a) at such time as redevelopment plans are being reviewed pursuant to the Historic Landmark and Historic District Protection Act of 1978, as amended, and at the request of the Applicant for such review, the Historic Preservation Office of the District of Columbia Office of Planning shall refer the redevelopment plans, which need not be sufficient to file an application for a building permit but must include information on the extent to which parking can be provided without adversely affecting the historic integrity or appearance of the historic resource, to the District of Columbia Office of Planning;

(b) the District of Columbia Office of Planning shall review such drawings and report, within fifteen (15) days of such referral, unless the Applicant has agreed to a different time period, on the appropriateness of the extent to which parking is provided in the redevelopment, given the context of the historic resource, and

(c) such report shall be forwarded to the District of Columbia Zoning Administrator, with a copy to the Historic Preservation Office of the District of Columbia Office of Planning; and

(d) the District of Columbia Zoning Administrator shall within fifteen (15) days of receipt of the report of the District of Columbia Office of Planning, issue a determination on the appropriateness of the extent to which parking is a proposed, and

(e) the District of Columbia Zoning Administrator shall give great weight to the report of the District of Columbia Office of Planning in making its determination on the appropriateness of the parking as proposed, approval of which shall not unreasonably be withheld; and

(f) if the reports specified in Section 2100A.4(b) and (d) above are not issued within fifteen(15) days the parking as proposed in drawings submitted pursuant to Section 2100A.4(a) shall be deemed approved.

ALTERNATE PROPOSAL #2

The first choice of the workgroup is the system of approval proposed in alternate proposal number one. However, should the Commission agree with OP's method of determining the exemption, the group would recommend two wording changes to OP's version of 2120 4 First, the exemption would be specifically tied to the entire lot It is the group's opinion that this is the source of the current confusion and would provide extra protection for historic resources The group would delete section 2120 3 so that the exemption from parking would apply to anything built on the same lot as a historic resource OP believes that the original exemption was meant to apply only to historic resources and not to new, unattached structures built on the same lot

The second change would be that the historic resource would need to be expanded not only by 50% in gross floor area, but also by 50% in footprint. This would extend the exemption to buildings being expanded vertically where new parking may not be possible. The workgroup's version would result in all vertical expansions of any size being exempt from parking requirements. OP's version would exempt most vertical expansions, but require special exception relief for the very largest. With the exemption extending to projects with less than four new spaces required, the OP language would allow exemptions for additions of six to twelve residential units, depending on the zone, or 900 to 4500 square feet of commercial addition, also depending on the zone. It is OP's opinion that projects larger than this without parking should be available for public review through the special exception process even if it is difficult or physically impossible to put parking on the site. This alternative would replace Sections 2120.3 and 2120.4 with the following language. OP does not recommend this alternative.

2120.3 A historic resource and ~~any additions thereto~~ the entire lot(s) on which it is located are exempt, regardless of use, change of use, or change in intensity of use, from any requirement to provide parking in excess of that which existed as of the date the historic resource was listed in the District of Columbia Inventory of Historic Sites, except that parking shall be required for any addition where:

- C. The gross floor area and the footprint of the historic resource is being increased by 50% or more, and
- D. The parking requirement attributable to the increase in gross floor area is at least four (4) spaces