

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING
Z.C. Case No. 21-04
Office of Planning
(Text Amendment to Subtitle C to Provide Special Exception Relief
from Size and Layout Requirements for Vehicle Parking)
February 25, 2021

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment on an emergency basis, as well as its intent to amend on a permanent basis, the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) (specific text at end of this notice): Subtitle C, General Rules - § 712.

Setdown

The Office of Planning (OP) filed a February 16, 2021, petition (Petition) requesting that the Commission adopt the proposed changes on an emergency basis to authorize special exception relief from the minimum size and layout requirements for vehicle parking under certain circumstances to parallel the current availability of special exception relief from the requirements for the location, number, and screening of required vehicle parking spaces. These proposed changes would allow an applicant who can partly comply with the vehicle parking requirements with some dimensional changes to seek that partial relief instead of seeking special exception relief from the number of vehicle parking spaces that would result in providing less parking.

Emergency & Proposed Action

At its February 25, 2021, public meeting, the Commission heard testimony from OP in favor of the amendment. At the close of the meeting, the Commission voted to grant OP's requests to:

- Take emergency action to adopt the text amendment with flexibility to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary;
- Set the petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the text amendment; and
- Authorize a thirty (30)-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the forty (40)-day requirement of Subtitle Z § 502.1 for good cause as detailed below.

The Commission concluded that taking emergency action to adopt the proposed text amendment is necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)(2016 Repl.)), because it encourages applicants to seek partial relief from the vehicle parking requirements by altering the dimensional requirements, if possible, instead of the current limit of special exception relief only to the number of parking spaces.

VOTE (February 25, 2021): **5-0-0** Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter G. May, and Peter A. Shapiro to **APPROVE**)

Emergency Action

The emergency rule is effective as of the Commission’s February 25, 2021, vote and will expire on June 25, 2021, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

Proposed Action

The Commission hereby also gives notice of its intent to adopt on a permanent basis the following text amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning’ Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

EMERGENCY AND PROPOSED TEXT AMENDMENT

The emergency and proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

Emergency and Proposed Amendments to Subtitle C, GENERAL RULES

Section 712, SIZE AND LAYOUT REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

712 SIZE AND LAYOUT REQUIREMENTS

712.1 All required parking spaces and parking aisles shall conform to the dimension requirements of this section, except as provided in Subtitle C § 717.

712.2 An automated parking garage is exempt from the requirements of this section.

~~712.3 At least fifty percent (50%) of the required parking spaces must meet the minimum full-sized parking space standards of Subtitle C § 712.5. All other spaces must meet the minimum compact parking space standards in Subtitle C § 712.6.~~

712.3 The minimum parking space dimensions shall be provided as follows:

(a) When four (4) or more spaces are required, at least fifty percent (50%) of the spaces shall meet or exceed the full-sized dimensions specified in Subtitle C § 712.5;

(b) When three (3) spaces are required, at least one (1) of the spaces shall meet or exceed the full-sized dimensions specified in Subtitle C § 712.5 and the others shall meet or exceed the compact-sized dimensions specified in Subtitle C § 712.6; and

(c) When two (2) or fewer spaces are required, they may meet or exceed the compact-sized dimensions specified in Subtitle C § 712.6.

712.4 Parking spaces provided on the same lot as a historic resource shall meet the minimum dimensional requirements of Subtitle C § 712.6.

712.5 The minimum dimensions for full-sized parking spaces and aisles are as follows:

TABLE C § 712.5: MINIMUM DIMENSIONS FOR FULL-SIZED PARKING SPACES AND AISLES

| Parking Angle | Stall Width | Depth of Stalls Perpendicular to Aisle | One-Way Drive Aisle Width | Two-Way Drive Aisle Width |
|---------------|-------------|--|---------------------------|---------------------------|
| 45° | 9 ft. | 17.5 ft. | 17 ft. | N/A |
| 60° | 9 ft. | 19 ft. | 17 ft. | N/A |
| 90° | 9 ft. | 18 ft. | 20 ft. | 20 ft. |
| Parallel | 22 ft. | 8 ft. | 12 ft. | 20 ft. |

712.6 The minimum dimensions for spaces and aisles exclusively for compact parking spaces are as follows:

TABLE C § 712.6: MINIMUM DIMENSIONS FOR COMPACT PARKING SPACES AND AISLES

| Parking Angle | Stall Width | Depth of Stalls Perpendicular to Aisle | One-Way Drive Aisle Width | Two-Way Drive Aisle Width |
|---------------|-------------|--|---------------------------|---------------------------|
| 45° | 8 ft. | 16.5 ft. | 16 ft. | N/A |
| 60° | 8 ft. | 17 ft. | 16 ft. | N/A |
| 90° | 8 ft. | 16 ft. | 20 ft. | 20 ft. |
| Parallel | 20 ft. | 8 ft. | 12 ft. | 20 ft. |

712.7 All parking spaces and access ways to and from spaces shall have a minimum vertical clearance of six feet, six inches (6 ft., 6 in.).

712.8 Above grade parking areas shall be designed so that no vehicle shall project over any lot line, front setback line, or building restriction line.

712.9 Except on a lot that only has one (1) or two (2) dwelling units:

(a) **All required parking spaces that abut public space, such as sidewalks, streets, or alleys, shall have physical structures, such as wheel bumper guards, curbs, and/or guard rails, or screening shall be installed between the property line and the perimeter of the parking area to separate and protect the abutting public space from vehicular encroachment, except if the abutting public space is the access point or driveway to the parking space;** and

(b) All parking areas and spaces shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

712.10 All individual compact parking spaces shall be clearly labelled as such.

712.11 The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle C §§ 712.3, 712.5, and 712.6 as a special exception under Subtitle X, Chapter 9, and subject to the following:

(a) **The Office of Zoning shall refer any request under this subsection to the Office of Planning and the District Department of Transportation for review and comment;**

(b) **For a request for relief from the ratio requirement of Subtitle C § 712.3 the applicant shall demonstrate to the Board's satisfaction a reasonable difficulty in providing the number of full-sized parking spaces;**

(c) **A request for relief from the dimensional requirements for drive aisles of Subtitle C §§ 712.5 and 712.6 shall be accompanied by vehicle movement and turning diagrams demonstrating to the Board's satisfaction that vehicles of average dimensions would be able to safely and efficiently access the parking spaces affected by such relief; and**

(d) **No required parking space shall have dimensions less than the compact-sized dimensions specified in Subtitle C § 712.6.**