



Government of the District of Columbia  
**Advisory Neighborhood  
Commission 6C**

October 18, 2021

Anthony J. Hood  
Chair  
Zoning Commission  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: ZC 21-10 (Text Amendment, Parking and Loading)

Dear Chairman Hood:

We write to offer ANC 6C's comments<sup>1</sup> on the proposed amendments addressing parking and loading requirements (and relief therefrom). We agree with the overall tenor of the proposed amendments, but oppose specific suggested revisions that would unjustifiably expand the bases for relief from parking and loading minimums.

**Grounds for relief from parking minimums (11-C 703.2)**

OP's suggested language would enlarge the bases for parking relief special exceptions to include any case where DDOT "does not support the access." As explained below, this additional prong should not be inserted.

The current text of section 11-C 703.2 provides for relief where the applicant can demonstrate any of the following **eleven** different conditions:

- 1) the physical constraints of the property;
- 2) the use/structure is well served by mass transit or other transportation facilities;
- 3) land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

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<sup>1</sup> On October 13, 2021, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present via videoconference, this matter came before ANC 6C. The commissioners voted 6-0 to adopt the position set out in this letter and to authorize Vice-Chair Mark Eckenwiler (6C04) to present testimony.

- 4) the parking for the building or structure would reasonably be expected to create congestion;
- 5) the nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;
- 6) all or a significant proportion of dwelling units are dedicated as affordable housing units;
- 7) existing public, commercial, or private parking, other than on-street parking can reasonably be expected to be available when the building or structure is in use;
- 8) the property does not have access to an open public alley, the only means by which a motor vehicle could access the lot is from an improved public street, and
  - a. a curb-cut application has been denied; or
  - b. any driveway that could access an improved public street from the property would violate **any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;**
- 9) healthy and mature canopy trees on or directly adjacent to the property; or
- 10) the nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

(Emphasis added.)

This list of factors, any one of which by itself can support parking relief, covers an extraordinarily wide range of considerations. OP's proposal would insert a new alternative sub-prong into item number 8, allowing relief where DDOT does not support access that would require a curb cut.

We oppose this amendment for two related reasons. First, there is only one scenario in which DDOT's opposition to a curb cut would matter: where **none** of the existing eleven factors exist. Put differently, this would allow relief even where there is no nearby mass transit, no unusual physical constraint at the property, and where adding a curb cut would not violate any of the hundreds of regulations enumerated at section 11-C 703.2(h)(2).

Second, we oppose this amendment because DDOT is fallible. The collective experience of ANC 6C, which spans several decades of District history, is that DDOT's approved parking and loading plans may be well intentioned, but they often fail in practice. We have learned this hard lesson through daily experience and frequent complaints from residents about congested streets and obstructed sidewalks and bicycle facilities.

We have no quibble with the idea that the BZA should carefully consider DDOT's input in any application for parking relief. But given that the Board is required by law to grant a special-exception application where the applicant satisfies the listed criteria, it would be absurd for those criteria to include "DDOT says no."

Accordingly, the Commission should reject OP's proposed insertion of this element. Subsection (h)(1) should simply be revised to read as follows:

A curb cut permit for the property has been denied by the **Public Space Committee** ~~District Department of Transportation~~;

### **Grounds for relief from loading requirements (11-C 909.2)**

We raise similar objections to OP's proposed insertions into the section addressing special-exception relief from loading requirements.

Current section C-909.2 provides two bases for such relief: the required curb cut would violate any of numerous regulations (same as for C-703.2) or providing the required loading facilities would have a substantial adverse impact on a historic resource.

OP proposes three new grounds for relief where the use or structure will generate a lower loading demand as a result of

- the nature of the use or structure;
- land use or topographical characteristics of the neighborhood minimize the need for required loading; or
- a "loading demand management plan" (LDMP) approved by DDOT.

We do not see any justification for the second and third proposed additions. Loading demands for a given use are, in our experience, extremely inelastic. An apartment building requires loading and service facilities for tenant move-in and move-out; for trash and recycling collection; for deliveries (repair materials, furniture, etc.); and for service personnel installing or repairing plumbing, electrical, HVAC, or other building systems. It is hard to see how the topography and characteristics of the surrounding area have any impact on these largely invariant demands.

We are also skeptical that an LDMP is likely to have any material effect on actual loading needs or practices. As with parking (discussed above), we have repeatedly seen DDOT approve loading plans that prove to be wholly insufficient. And as a practical matter, we question what recourse residents or the ANC have if a property fails to comply with a DDOT-approved plan. Past requests by members of ANC 6C to the Zoning Administrator to address noncompliance

with BZA orders have uniformly met with inaction.<sup>2</sup> We therefore oppose the suggestion to add subparagraphs (a)(2) and (a)(3) to section 11-C 909.2 and urge the Commission to reject them.

\* \* \*

Thank you for giving great weight to the views of ANC 6C.

Sincerely,



Karen Wirt  
Chair, ANC 6C

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<sup>2</sup> It is unclear whether such a refusal to act is appealable, as the regulations adopted by the Commission suffer from conflicting provisions. *Compare* § X-1100.2 (“The Board of Zoning Adjustment shall hear and decide zoning appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or **refusal** made by the Zoning Administrator ... in the administration or enforcement of the Zoning Regulations”) (emphasis added) *with* §11-Y 302.1 (“[A] discretionary decision not to bring an enforcement action for a violation of the Zoning Regulations shall not be deemed a ‘refusal’”).