

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
Elisa Vitale, Development Review Specialist
DATE: June 14, 2021
SUBJECT: ZC Case 21-++ – Setdown and Pre-Hearing Report for a Proposed Zoning Text Amendment to Subtitle C, Chapter 7 Vehicle Parking, Chapter 8 Bicycle Parking, and Chapter 9 Loading.

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing amendments to the zoning regulations to Subtitle C, Chapter 7 Vehicle Parking, Chapter 8, Bicycle Parking, and Chapter 9 Loading to clarify the special exception provisions, to include a parking requirement for Rooming House uses, and to refine the text for consistency and clarity.

This report also serves as the prehearing report required by Subtitle Z § 501.

II. BACKGROUND

OP continues to work with the Office of the Attorney General (OAG), Office of the Zoning Administrator (OZA), and the District Department of Transportation (DDOT) to refine the zoning regulations as they relate to vehicle parking, bicycle parking, and loading. Recent Board of Zoning Adjustment (BZA) cases have highlighted the need to provide additional clarity in the special exception provisions found in Subtitle C, Chapters 7, 8, and 9. These changes are proposed in addition to the recent modifications contemplated by the Zoning Commission in Case No. 21-04.

Through these ongoing discussions, additional text amendments have been identified that relate to the Transportation Demand Management (TDM) Plan requirement, minimum parking requirements for certain uses, consistency with current DDOT design and engineering practices, as well as refinements to the text are proposed to ensure clarity and consistency in the vehicle and bicycle parking and loading regulations.

III. PROPOSED TEXT AMENDMENT

OP requests the Zoning Commission set down for public hearing text amendments to the following sections of the Zoning Regulations (text to be deleted is marked with ~~striketrough~~ and new text is shown in **bold and underlined**). OP requests flexibility to continue to work with the Office of the Attorney General (OAG) to refine the language, as necessary.

- a. Amend Subtitle C § 701 as follows:

The minimum parking requirement for Rooming Houses was not carried forward from the 1958 Zoning Regulations. OZA has requested that it be reintroduced.

Subsections 701.5 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

...

701.5 Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows (all references to “sq. ft.” refers to square feet of gross floor area as calculated in Subtitle § 709):

TABLE C § 701.5: PARKING REQUIREMENTS

| Use Category | Minimum number of vehicle parking spaces |
|-------------------------------------|--|
| Residential, multiple dwelling unit | 1 per 3 dwelling units in excess of 4 units, except: 1 per 2 dwelling units for any R or RF zone; 1 per 6 units of publicly assisted housing, reserved for the elderly and/or handicapped. |
| Residential, rooming house | 1 plus 1 for each 5 rooming units |
| Retail | 1.33 per 1,000 sq. ft. in excess of 3,000 sq. ft. |

b. Amend Subtitle C § 703 as follows:

OAG has proposed amendment to the Vehicle Parking Special Exception provisions to clarify the special exception criteria and applicability.

DDOT has proposed refinements to address the fact that applicants generally seek BZA relief prior to completing the Public Space Committee (PSC) review process therefore DDOT not supporting a curb cut may be a more appropriate threshold than PSC denial of a curb cut request.

OAG and DDOT have both identified the Transportation Demand Management (TDM) Plan requirement as an administrative burden for small projects and recommend proposing a minimum threshold for the requirement.

Subsections 703.1, 703.3, and 703.4 of § 703, SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, are proposed to be amended, to read as follows:

703.1 This section provides flexibility from the minimum required number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia regulations; or impractical **due to site constraints** or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit.

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in **the** number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:

- (a) Due to the physical constraints of the property ...
- ...
- (h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:
 - (1) A curb cut permit for the property has been denied by the **Public Space Committee or the** District Department of Transportation **does not support the access;** or
- ...
- (j) The nature or location of an **Historic Resource** ~~historic resource~~ precludes the provision **of the number** of parking spaces **required by this chapter;** or providing the required **number of** parking **spaces** would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

703.3 Any reduction in the required number of parking spaces **granted under Subtitle C § 703.2 shall be only for the amount that the applicant is physically unable to provide, and** shall be:

- (a) **Proportionate proportionate** to the reduction in parking demand demonstrated by the applicant;
- (b) **Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and**
- (c) **Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.**

703.4 Any request for a reduction **of more than four (4) spaces** in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

c. Amend Subtitle C § 707 as follows:

The standard Capital Bikeshare station dock is now 19 stall rather than the 12 stalls originally referenced in the 2016 Zoning Regulations.

Section 707, MITIGATION FOR PARKING SIGNIFICANTLY IN EXCESS OF THE MINIMUM REQUIREMENT, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended by revising § 707.3 to read as follows:

707.3 The provision of excess parking spaces shall require the following transportation demand management features:

...

- (b) In addition, the provision of more than one hundred (100) excess parking spaces shall require the provision of one (1) Capital Bikeshare station with a minimum of ~~twelve (12)~~ **nineteen (19)** bike stalls, and the provision of more than two hundred (200) excess parking spaces shall require the provision of two (2) Capital Bikeshare stations with a minimum of ~~twelve (12)~~ **nineteen (19)** bike stalls each, or the provision of one (1) Capital Bikeshare station with a minimum of twenty-four (24) bike stalls. These shall be located on site or at an off-site location within the Ward at a location to be determined by the District Department of Transportation;

...

d. Amend Subtitle C § 711 as follows:

OAG has proposed revisions for clarity and consistency and has provided review criteria for special exception relief when the alley centerline setback requirement may not be met.

DDOT has requested that the driveway width be reduced to reflect its current Design and Engineering Manual.

Section 711, ACCESS REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended by revising §§ 711.5-711.7 and adding a new § 711.11, to read as follows:

711.5 **Except as provided in Subtitle C § 711.11, within** ~~Within~~ twenty feet (20 ft.) of all street lot lines, a driveway shall be at least eight feet (8 ft.) wide and not more than ten feet (10 ft.) wide if it:

- (a) Provides access to parking spaces serving a single dwelling unit or flat;
- (b) Provides access to no more than two (2) parking spaces for any use; or
- (c) Provides shared access across public or private property to no more than three (3) single dwelling units or flats.

711.6 **Except as provided in Subtitle C § 711.11, within** ~~Within~~ twenty feet (20 ft.) of all street lot lines, a driveway other than as described in Subtitle C § 711.5 shall be:

- (a) At least twelve feet (12 ft.) wide for one-way traffic or ~~twenty feet (20 ft.)~~ **eighteen feet (18 ft.)** wide for two-way traffic; and
- (b) Not more than twenty-four feet (24 ft.) wide.

711.7 Except for Alley Lots **or as provided in Subtitle C § 711.11**, when parking spaces are provided within a building or structure, all vehicular entrances or exits shall be setback at least twelve feet (12 ft.) from the center line of any adjacent alley for a minimum height of ten feet (10 ft.).

...

711.11 The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle C §§ 711.5 through 711.7 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, which shall include an evaluation of the applicant’s satisfaction of the requirements of paragraph (b) of this subsection; and**
- (b) **The applicant shall demonstrate to the Board’s satisfaction:**
 - (1) **A reasonable difficulty in providing the full-sized driveway width or alley centerline setback; and**
 - (2) **Vehicle movement and turning diagrams demonstrating that the proposed relief would allow safe:**
 - (i) **Access for vehicles of average dimensions to and from the parking spaces for which the driveway or alley centerline setback provides access; and**
 - (ii) **Use of the street or alley by pedestrians and vehicles.**

e. Amend Subtitle C § 807 as follows:

Refine the special exception provisions for bicycle parking to mirror the revised vehicle parking text and to allow for special exception relief from the minimum dimensions.

Section 807, SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS, of Chapter 8, BICYCLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

807 SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS

807.1 This section provides flexibility from the requirements of this chapter when providing the number of bicycle parking spaces or showers and changing facilities required is impractical **due to site constraints, or** contrary to other District regulations, or ~~when~~ **it** is unnecessary due to a lack of demand for bicycle parking.

807.2 The Board of Zoning Adjustment may grant, ~~as a special exception, a~~ full or partial ~~reduction in~~ **relief from** the minimum number **or dimensions** of long-term or short-term bicycle parking spaces required for a use or structure **by this section, subject to the general requirements of as a special exception under** Subtitle X, **Chapter 9, and subject to** the limitations of Subtitle C § 807.3, and the applicant’s demonstration **to the Board’s satisfaction** of any of the following:

- (a) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided **in compliance with the requirements of this section** on the lot or, in the case of short-term bicycle parking spaces, on abutting public space;
- (b) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:
 - (1) The nature of the use or structure;
 - (2) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces; or
 - (3) A transportation demand management plan approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment’s approval, that will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
- (c) The nature or location of the historic resource precludes the provision of bicycle parking spaces **in compliance with the requirements of this section**; or providing the required bicycle parking **in compliance with the requirements of this section** would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

807.3 ~~A reduction in parking Relief granted under Subtitle C § 807.2 from the number and dimensional bicycle parking requirements of this section shall only be for the amount of relief that the applicant demonstrates cannot be physically provided, and shall be:~~

- ~~(a) **Proportionate proportionate** to the reduction in bicycle parking demand demonstrated by the applicant; **and**~~
- ~~(b) **Limited to the amount of relief from the requirements that the applicant demonstrates is necessary and cannot reasonably be provided on the site as proposed to be developed in the application.**~~

f. Amend Subtitle C § 909 as follows:

Refine the special exception provisions for loading to mirror the revised vehicle parking text and to allow for dimensional and/or access and screening relief from the loading requirements.

Section 909, SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, is proposed to be amended to read as follows:

909 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS

909.1 This section provides flexibility from the loading requirements when providing the number **or dimensions** of **loading** spaces **or the access and screening** required **by this section is are** impractical **due to site constraints** or contrary to other District regulations, **or is unnecessary due to a lack of demand for loading.**

909.2 The Board of Zoning Adjustment may grant, ~~as a special exception, a~~ full or partial ~~reduction of relief from~~ the number of loading berths or service/delivery spaces required by Subtitle C § 901.1, **or from the size and layout requirements of Subtitle C § 905, if, in addition to meeting the general requirements of as a special exception under** Subtitle X, Chapter 9, **and subject to** the applicant's **demonstration to the Board's satisfaction demonstrates** that:

(a) The use or structure will generate a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require, as a result of:

(1) The nature of the use or structure;

(2) Land use or topographical characteristics of the neighborhood that minimize the need for required loading; or

(3) A loading demand management plan approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, that will result in a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require; or

~~(a)~~ **(b)** The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR; or

~~(b)~~ **(c)** The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities **in compliance with the requirements of Subtitle C §§ 901 and 905** would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

IV. COMPREHENSIVE PLAN

The proposed text amendment would help to fulfill the following policies contained in the Land Use, Transportation, Housing and Implementation Citywide Elements of the Comprehensive Plan.

Land Use Element

Policy LU-2.1.11: Residential Parking Requirements, Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. 309.16

Transportation Element

Paragraph 415.9

Guiding principles for parking policy in the District should include...Prioritizing parking in residential areas for residents.

Housing Element

Policy H-1.5.1: Land and Building Regulations, Ensure that the District's land regulations, including its housing and building codes, its zoning regulations, its construction standards, and its permitting fees, enable the production of housing for all income groups. Avoid regulations which make it prohibitively expensive or difficult to construct housing. 507.2

Implementation Element

Policy IM-1.1.1: Mitigation of Development Impacts, To the greatest extent feasible, use the development review process to ensure that impacts on neighborhood stability, traffic, parking and environmental quality are assessed and adequately mitigated. 2502.5

Policy IM-1.3.1: Updating Land Use Controls, Regularly review and update the District's land use controls and building codes to eliminate obsolete regulations and develop new regulations that address emerging issues, land uses, building types, and technologies. 2504.3

JS/emv