

District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



January 13, 2012

Ms. Catrina Felder  
Secretary, Public Space Committee  
District Department of Transportation  
1100 Fourth Street, SW, Second Floor  
Washington, DC 20024

APPROVED  
NO DEVIATION ALLOWED WITHOUT  
PRIOR APPROVAL FROM  
PERMIT OFFICE  
*Catrina Harrison* 1-13-12  
SIGNATURE DATE

RE: DDOT Public Space Tracking #67549 (1400 Maryland Avenue, NE)

Dear Ms. Felder,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on January 12, 2011, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to oppose the applicant's request for a public space permit (DDOT PS Tracking Number #67549). The reasons for the Commission's opposition are enumerated below:

1. The submitted plans do not reflect existing conditions at 1400 Maryland Avenue site. The plans reflect the site conditions of the original public space application (PS Tracking #40122), which was submitted approximately three years ago. However, during intervening period:
  - a) The location of the Maryland Avenue bus stop was moved from the far side of 14<sup>th</sup> Street intersection (in front of the vacant church) to the near side (in front of the proposed gas station). (Figure 1 of Attachment A)
  - b) Legal on-street parking spaces were installed on the south side of 1400 block of Maryland Avenue (adjacent to Checkers). These spaces must be eliminated in order to accommodate the turning radius of fuel tanker turning eastbound on Maryland Avenue from 14<sup>th</sup> Street. (Figures 2 and 3 of Attachment A)
  - c) Maryland Avenue and its immediate side-streets are currently undergoing a comprehensive traffic and parking planning study that may recommend establishing on-street parking spaces for 700 block of 14<sup>th</sup> Street. If on-street parking spaces are established on 14<sup>th</sup> Street, they will need to be eliminated in order to accommodate the turning radius of a fuel tanker exiting the site onto 14<sup>th</sup> Street.

We request that the PSC deny the current application on the grounds that the site plan does not reflect existing and planned conditions on adjacent roadways and require the applicant to resubmit plans that reflect the current location of the bus stop on 14<sup>th</sup> Street as well as the current and planned on-street parking spaces on Maryland Avenue and 14<sup>th</sup> Street, NE. In addition, the applicant should demonstrate how proposed fuel deliveries will impact the current and planned conditions on these adjacent roadways.

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) and the [ANC-6A@yahoogroups.com](mailto:ANC-6A@yahoogroups.com) listservs and through print advertisements in the *Hill Rag*.

2. No circulation plans were included with the public space application. The lack of circulation plans makes it impossible to fully understand how vehicles will use the site and interact with the 14<sup>th</sup> Street bus stop. For example, the Commission is concerned that although vehicles entering the site from 14<sup>th</sup> Street are directed to the southern side of the pumping stations, cars with gas tanks on their right hand side will use the north side of the pumping stations because of the proximity of their gas tanks to the dispenser.

In addition, the applicant has failed to consider the effect their patrons and the increased traffic across the sidewalk will affect the safety of transit patrons waiting at the stop. We are concerned the bus patrons will be put at risk and transit operators may have difficulty serving the bus stop.

Without circulation plans, it is impossible to understand how on-site traffic circulation problems and interference with the 14<sup>th</sup> Street bus stop will be avoided. In addition, the Public Space Committee rejected the applicant's 2008 public space application in part to the lack of circulation plans (points 4 and 5 of Attachment B).

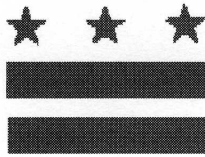
We request that the PSC deny the current application and require that the applicant submit circulation plans as part of a new public space application which detail all likely impacts to off-site pedestrian and bus patron safety, on-street public parking, customer queuing on public space and on-site circulation patterns within the property.

3. The applicant does not show an "unbroken, raised median in the center Maryland Avenue for the length of the property's Maryland Avenue frontage" as required in the BZA Order 17825 (Attachment C). DDOT's letter requesting the unbroken, raised median on Maryland Avenue due to traffic safety concerns is included as Attachment D. The applicant has instead only lengthened the median strip by 5 feet which, according to DDOT, will make left hand turns onto Maryland Avenue even more dangerous.

Our Commission requests that that PSC deny this application because it does not comply with Condition #11 of BZA Order 17825.

4. The proposed site plan will cause vehicles to queue on the 14<sup>th</sup> Street driveway, sidewalk and roadway, thereby creating dangerous conditions for pedestrians and other vehicles. At the December 21<sup>st</sup> meeting of ANC 6A's Economic Development and Zoning Committee, the applicant stated that only one car could queue on private land when entering the site from the 14<sup>th</sup> Street entrance. The second car would need to queue on the driveway, the third car on the sidewalk and the fourth car on 14<sup>th</sup> Street roadway, which is a heavily used single lane street.

Title 18 of the DCMR prohibits the queuing on driveways, sidewalks and roadways. Paragraph 2405.1(f) requires that "No person shall stop, stand, or park a motor vehicle or trailer in any of the following places...: In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrians or other lawful traffic upon any sidewalk." In addition, §§2405.3 requires that "No person shall park a motor vehicle or trailer, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight in any of the following places: On the public parking between the sidewalk space and the building line."



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**Advisory Neighborhood Commission 6A**  
**Box 75115**  
**Washington, DC 20013**



Having space for queuing a single vehicle on private land is not sufficient to avoid queuing on public space. The Zoning Commission addressed vehicular queuing as part of the Zoning Regulations Rewrite Process, and approved Chapter B-15 (General Parking Regulations) on April 11, 2011 (p. 23-24 of Attachment E). Subsection 1511 addresses vehicular queuing in facilities that support drive-through operations (e.g. fast food drive-throughs, bank teller drive-throughs and gas stations) with the intent to “prevent negative visual impacts or encroachments on the use of public space” (§§1511.1). Subsubsection 1511.4 requires that “No queuing space may be located within twenty feet (20 ft.) of any street lot line.” and §§1511.3 requires that “The queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.”

Although there may be five queuing spaces on private land adjacent to the Maryland Avenue entrance in the proposed site plan (a detailed circulation would settle this issue), no legal queuing spaces adjacent to the 14<sup>th</sup> Street entrance exist because the one queuing space on private land is less than twenty feet from the lot line.

Because the applicant does not meet the standards contained in §1511 for queuing vehicles on private land and because queuing more than a single car from the 14th Street entrance will create dangerous conditions for pedestrians on the 14th Street sidewalk, we ask the Public Space Committee to deny the current application and require the applicant to submit revised plans where the 14th Street driveway is exit-only. This requirement should be enforced with prominent “Do Not Enter” signs and one-way traffic spikes.

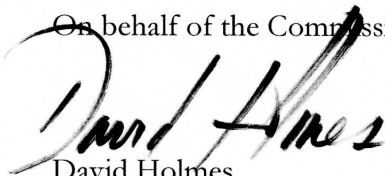
5. The applicant has been an extremely poor steward of public space at this site. For example,
  - a) The property has been classified by DCRA as blighted and is subject to the Class IV 10% property tax rate. The owners have done nothing to correct the conditions that have led to the current blighted conditions.
  - b) The property has been subject to two proceeding at the Board of Condemnation and Insanitary Buildings within the last 5 years.
  - c) The applicant still has not paid a \$825 “Clean City” fee that was leveled against the property on 11/09/2009. These fees are levied against properties to reimburse the District of Columbia for expenses incurred in cleaning the site.
  - d) Despite repeated assurance by Capitol Petroleum’s representative at the December 18<sup>th</sup> ANC 6A Economic Development and Zoning Committee meeting that the public space of 1400 Maryland Avenue is regularly cleaned, residents testified that the site was a homeless encampment with accumulated trash and other debris. One resident took the photo shown of the conditions at the property on the night that Capitol Petroleum’s representative insisted that it was clean. This photo is included as Attachment F.

We request that the PSC deny the current application based on Capitol Petroleum’s poor stewardship of public space until the applicant removes the blighted conditions at the site and pays the outstanding fee for the publicly funded remediation of the site.

In summary, Capitol Petroleum's application to use public space is inaccurate because it does not reflect existing conditions at the 1400 Maryland Avenue site, and incomplete because it does not include detailed internal site circulation plans and site access plans. In addition, the current application fails to comply with the BZA's order #17825 to close the median strip on Maryland Avenue which will result in dangerous conditions for pedestrians and other vehicles. Additionally, the small queuing space provided on the 14<sup>th</sup> Street entrance and inadequate on-site circulation is likely to create dangerous conditions for pedestrians and bus patrons due to queuing on public space. Finally, Capitol Petroleum has been a poor steward of public space and has been a significant contributor to blight in the community.

Please be advised that Commissioners David Holmes, Drew Ronneberg and Andrew Hysell, as well as ANC 6A's Transportation and Public Space Chair Omar Mahmud and former Commissioner Bill Schultheiss and are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Ronneberg can be reached by phone at 202-431-4305 or by email at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "David Holmes", written over a horizontal line.

David Holmes  
Chair



District Department of Transportation

Public Space Management Branch  
1100 4th Street SW / 2nd Floor  
Washington, DC 20024

Tel. (202)442-4670 Fax (202)442-4867 Inspections: (202)671-7050

d.

November 30, 2011

ANC-6A06  
ANC

DDOT Tracking Number 67549

Dear ANC6:

This is to notify you of an application to occupy public space for the purpose of Paving: Curb & Gutter(s), Paving: Driveway(s) New- Commercial, Paving: Leadwalk (porous/pervious), Paving: Sidewalk(s), Fixture: Fence to 42" (Open Design), Landscaping: Tree Pruning, Landscaping: Tree Planting at the premises at 1400 MARYLAND AVENUE NE, WASHINGTON, DC 20002.

Enclosed are plans showing the proposed work. Please review the application and plan and return this letter to the Public Space Management Branch (PSMB) advising it whether or not ANC6 has any objections to the application. The response must be received at the PSMB no later than thirty (30) days from the postmarked date of this letter, excluding Saturdays, Sundays, and legal holidays. If a response is not received within that period it is assumed that ANC6 has no objections to the application. If ANC6 has objections, they must be provided to the PSMB in writing and with supporting details. Please provide ANC6's response in the space below and return this letter with any correspondence pertaining to this application to:

District Department of Transportation  
Public Space Management Branch  
1100 4<sup>th</sup> Street S.W. / 2<sup>nd</sup> Floor,  
Washington DC 20024,

Please Note: For 6's response to carry "Great Weight," this request must be voted on by the commission as a whole at a properly noticed meeting that is open to the public.

Please call (202) 442-4670 with questions. (FAX: 202-535-2221)

Attachment(s)

PLEASE COMPLETE THIS & RETURN TO THE PUBLIC SPACE MANAGEMENT BRANCH

Date of ANC Vote: 1-12-12 (please attach any resolution, if available)

☐ ANC6 has no objection to this application.

☒ ANC6 has the following objections to this application:

See attached letter and files

(Please attach additional pages if necessary)

Name: DAVID HOLMES Title: CHAIR

Signature: David Holmes Date: 1-12-12

# **Attachment A**



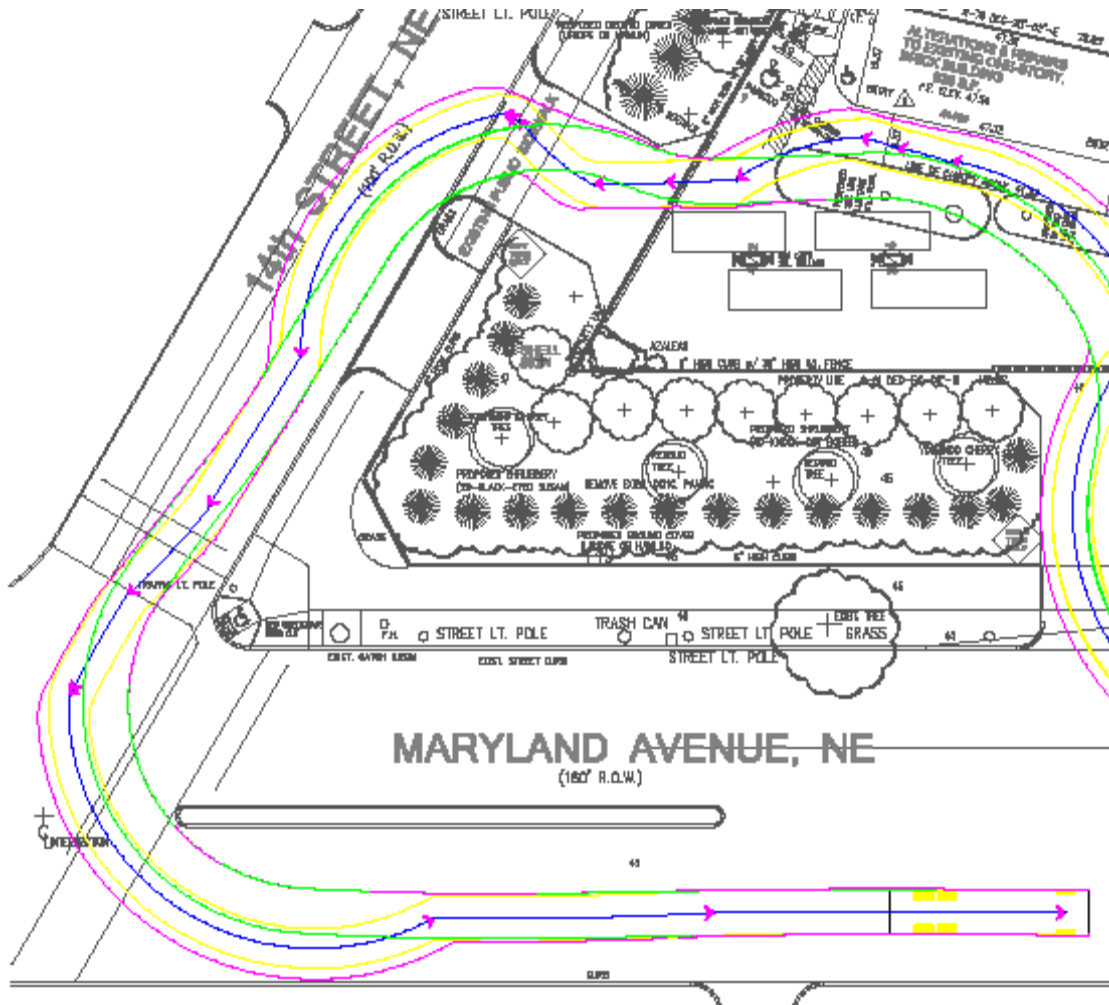


Figure 1: View of 14<sup>th</sup> and Maryland Avenue looking west



Figure 2: View of Maryland Avenue looking east from 14<sup>th</sup> St





# **Attachment B**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF TRANSPORTATION**



Transportation Policy and Planning Administration

Public Space Permitting Branch

January 26, 2009

1400 Maryland Ave LTD.  
1705 Desales St NW  
Washington DC 20036

Dear Applicant:

On Thursday December 18, 2008 the Public Space Committee of the District of Columbia (PSC) considered your application for the installation of a sign, reconstruction of driveways, new sidewalks, and repaving of the public parking area adjacent to 1400 Maryland Ave NE. After careful consideration of the application and supporting materials, the comments from reviewers, and the presentation made by the applicant to the PSC and comments provided from others present at the meeting, the PSC voted unanimously to deny the application.

The denial was based on several issues. They are:

1. Some vehicles would be in public space while fueling. This is not an acceptable use of public space and is not authorized by regulation or statute. The proposal must be redesigned so that all vehicles that would use the fuel pumps are not occupying public space while refueling.
2. The height and size of the sign does not comply with District of Columbia Building Code standards (see District of Columbia Municipal Regulations Title 12A Chapter 31) and does not comply with provisions of the Comprehensive Plan of the District of Columbia regarding uses of the public parking area (see District Code 1-306.06, Comprehensive Plan CH 1.1.3, CH 1.1.4, CH 1.2.3, CH 1.2.8, CH 1.2.1., CH 1.2.3 and CH 2.1.3).
3. The amount of paving of the public parking area is excessive in relation to the requested need for access to the private property and does not comply with provisions of the Comprehensive Plan of the District of Columbia regarding uses of the public parking area (see LU 1.1.1, CH 1.1.6, CH 1.2.3, and CH 1.2.8).
4. Insufficient detail in the circulation plan for vehicles using the pumps. The plan must provide for two-way circulation throughout the proposed use of public space (see Comprehensive Plan LU 1.1.1, CH 1.1.4).
5. Insufficient detail in the circulation plan for vehicles refilling the fuel storage tanks below grade. Any plan for trucks to enter and refill the fuel storage tanks must also comply with District of Columbia Municipal Regulations (DCMR) regarding commercial vehicles use of roadways. See Title 18 DCMR Chapter 25 for more information.

941 North Capitol St NE, 2<sup>nd</sup> floor  
Washington DC 20002

District Department of Transportation  
Public Space Permitting Branch

6. The proposed driveway on 14<sup>th</sup> St exceeds the standard width for commercial driveways. The physical design for alley access, including the redesign of the curb return at the alley entrance, is not in keeping with DDOT standards. Please see the standards posted on the District Department of Transportation website: [www.ddot.dc.gov](http://www.ddot.dc.gov).
7. Pedestrian access to the site must be in a safe and appropriate manner (see LU 1.1.1).
8. The plan fails to maintain open spaces and public parking system in an appropriate manner (see CH 1.2.8, CH 2.1.3).

The above citations to District Code, Regulations, and the Comprehensive Plan are not exhaustive. They are intended to provide guidance to the general requirements of an application for the uses planned at this location. Any redesign must be in compliance with all District Code, Regulations, the Comprehensive Plan, and standards and policies adopted thereto.

In order for a new application to be submitted for consideration by the PSC it must address the issues outlined above. Please see the enclosed material outlining the standards applied when an application is submitted for reconsideration.

Sincerely,



Matthew Marcou, Interim Chair  
Public Space Committee

Cc: Councilmember Thomas Wells, Ward 6  
Councilmember Kwame Brown, At Large  
Councilmember Mary Cheh, Ward 3  
ANC 2A  
H Street Main Street  
Stanton Park Neighborhood Association  
Capitol Hill Restoration Society

# **Attachment C**



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF TRANSPORTATION



Transportation Policy and Planning Administration

**MEMORANDUM**

**TO:** Richard Nero, Acting Director  
DC Office of Zoning

**FROM:** Karina Ricks *Christine Jett FOR*  
Associate Director, Transportation Planning and Policy Administration

**DATE:** August 20, 2009

**SUBJECT:** BZA Application #17825 – Supplemental Report  
Application by 1400 Maryland Avenue Ltd. Empire Leasing Inc.  
1400 Maryland Avenue, N.E.

RECEIVED  
DC OFFICE OF ZONING  
2009 AUG 21 AM 8:30

**Introduction**

On July 21, 2009, the District of Columbia Board of Zoning Adjustment conducted a hearing for BZA Application #17285 for 1400 Maryland Avenue NE. At the conclusion of the hearing, the Board asked that the District Department of Transportation (DDOT) provide additional information with respect to a handful of unresolved topics.

**Application**

The Applicant is seeking special exception relief to establish a gasoline service station under sections 706, 743, 2302, and 3104 in the C-3-A District at premises 1400 Maryland Avenue, N.E. (Square 1049, Lots 803 & 21).

**Supplemental Information**

*Impact to On-Street Parking*

In DDOT's estimation, the latest iteration of the Applicant's proposed site design does not impinge on any *existing* legal parking spaces. Based upon the turning diagrams provided by the Applicant team, it appears that the service station's fuel truck clears delineated street parking when entering the site from westbound Maryland Avenue; when exiting the site onto 14th Street; and when turning from southbound 14th Street to eastbound Maryland Avenue.

BOARD OF ZONING ADJUSTMENT  
District of Columbia

1 | Page

CASE NO. 17825

EXHIBIT NO. 64

However, it is important to note that approximately two potential parking spaces do exist on the east side of 14th Street between the site driveway and Maryland Avenue. This curbside space, which is currently regulated "No Parking," would be needed to accommodate the turning sweep of a fuel truck exiting onto 14<sup>th</sup> Street southbound.

It is also worth noting that vehicles sometimes park in illegal spaces on the south side of Maryland Avenue just east of 14<sup>th</sup> Street. This curbside space may also be needed to accommodate large vehicles turning from 14th Street to Maryland Avenue; however due to its proximity to the intersection, this space should remain clear according to DDOT safety standards.

#### *Maryland Avenue Access and Median Design*

In line with previous reports, DDOT believes a "right-in, right-out only" turn restriction is appropriate at the proposed driveway off Maryland Avenue. Permitting left turns into or out of the service station would create negative ramifications for traffic progression on Maryland Avenue during peak travel periods and increase the safety risks for conflicting vehicles. Therefore, DDOT will require the Applicant to install an unbroken, raised median along the length of the site. Final design details and approvals will be handled through the public space permitting process.

The 1400 Maryland Avenue driveway is offset about 50 feet from the driveway of the Checkers restaurant across the street. Closely offset driveways cause vehicle conflicts that should be avoided. The most appropriate way to address the conflicts is to remove the ability for them to occur by closing the median break. While installing regulatory signage restricting left turns into or out of the service station may impede some drivers, it is not likely to prevent unsafe turns on a consistent basis.

DDOT acknowledges that the DC Public Space Committee requested the Applicant to extend the median five feet west of its current terminus near the eastern edge of the site property, presumably to preserve access to Checkers and limit left turns out of the service station. Unfortunately, this extension is not likely to discourage vehicles from making left turns. In fact, a partial extension of the median could make the intersection more dangerous as vehicles attempt to illegally turn left out of the site without ample space and are forced to make awkward maneuvers around the median. Therefore, DDOT has determined that a complete median represents the most safe and prudent alternative.

As a result, patrons of Checkers traveling in the westbound direction on Maryland Avenue will have to take a slightly more circuitous route to access the restaurant. Vehicles will need to make a left onto 14th Street southbound and then a left onto G St. eastbound to enter Checkers. As part of the process of closing the median, DDOT will communicate with the ANC and the Checkers restaurant to ensure that stakeholders are aware of proposed street modifications.

The question of regulating the Maryland Avenue driveway access (via median closure or regulatory signage) does not have any impact on existing, public street parking on Maryland Avenue.



Finally, the DC Board of Zoning Adjustment inquired about the location of the median head on the east side of the intersection of Maryland Avenue and 14<sup>th</sup> Street. To DDOT's knowledge, the configuration of the median at the intersection of 14<sup>th</sup> Street and Maryland Avenue has not caused hardship on vehicles turning from 14<sup>th</sup> Street to Maryland Avenue NE. It is the DDOT's responsibility to provide adequate access for legally-sized vehicles moving through this intersection; and DDOT does not believe it is incumbent on the Applicant to address this issue.

#### *Fuel Truck Delivery Hours*

DDOT recommends that fuel delivery be prohibited during peak travel periods 7-9:30 AM and 4-7:30 PM. Apart from this recommendation, DDOT feels the ANC is in the best position to determine what delivery hours are most appropriate for minimizing impacts to the surrounding neighborhood.

#### **Summary of DDOT Recommendation**

DDOT no longer has objections to the Applicant's request for special exception relief. The internal site design allows for adequate vehicle movement. Impacts to public space and traffic congestion are both minimal. The ANC has expressed concern that the station's fuel truck will affect public on-street parking. While it appears no existing, legal spaces will need to be removed, the space required for a turning fuel truck is likely to preclude the addition of approximately two parking spaces on the east side of 14<sup>th</sup> Street NE.

# **Attachment D**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17825 of 1400 Maryland Avenue, Ltd. Empire Leasing,** pursuant to 11 DCMR § 3104.1, for a special exception to establish a gasoline service station with convenience store under §§ 743, 706, and 2302, in the C-3-A District, at premises 1400 Maryland Avenue, N.E. (Square 1049, Lots 803 and 21).

**HEARING DATES:** October 14, 2008, January 13, 2009, June 16, 2009, and July 21, 2009

**DECISION DATE:** September 15, 2009

**DECISION AND ORDER**

This application was submitted on May 7, 2008, and amended and re-submitted on September 30, 2008, by 1400 Maryland Avenue Limited Empire Leasing, Inc. (“Applicant”), the owner of the property that is the subject of the application (“subject property”). The application requests a special exception to establish a gasoline service station and convenience store at the corner of Maryland Avenue, N.E. and 14<sup>th</sup> Street, N.E. Since a convenience store is a matter of right use in the C-3 District, the subject of this application and the sole focus of the Board’s decision is the gasoline service station use.

The Board of Zoning Adjustment (“BZA” or “Board”) scheduled a public hearing on the application for October 14, 2008. Due to issues involving the use of public space which could have had, and did eventually have, an effect on the plans for the service station and on the Applicant’s ability to meet the special exception tests, the hearing was continued to January 13, 2009, and then to June 16, 2009 and July 21, 2009, when it was completed. The decision was scheduled for, and took place on, September 15, 2009, when the Board voted 3-0-2 to approve the application, with conditions.

Notice of Application and Notice of Hearing. By memoranda dated May 13, 2008, the Office of Zoning (“OZ”) gave notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission 6A (“ANC”), the ANC within which the subject property is located, Single Member District 6A06, and the Councilmember for Ward 6. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing in the *D.C. Register*, and on July 9, 2008, sent such notice to the Applicant, ANC 6A, and all owners of property within 200 feet of the subject property.



**BZA APPLICATION NO. 17825**  
**PAGE NO. 2**

Request for Party Status. ANC 6A was automatically a party to the application, and appeared in opposition. There were no requests for party status.

Applicant's Case. The Applicant's representative testified briefly as to the operation of the service station, but the bulk of the Applicant's case was encompassed in the testimony of its traffic expert.

Government Reports. *The Office of Planning.* OP filed several reports concerning this application with the Board. In its first report, dated October 7, 2008, OP did not make a recommendation for or against the application, citing a lack of information necessary to determine whether the proposed use, as designed, would create dangerous or other objectionable traffic and circulation conditions. At that time, public space issues remained to be resolved, the proposed landscaping was not yet determined, DDOT had not provided any critique of the Applicant's traffic and circulation plans, and those plans themselves did not address certain key information, such as drive aisle space and turning radii for vehicles. Exhibit No. 33.

OP's second report, dated January 6, 2009, recommended denial of the application, based to some extent on the December 18, 2008 action of the Public Space Committee, which denied the Applicant's public space permit for use of the public space surrounding the subject property. OP's second report states that the denial of the public space permit reflects a determination that the use, as then proposed to be designed, would inappropriately impact the adjacent public space. The second OP report also states that the traffic and circulation plans submitted by the Applicant, because they depended on the denied use of the public space, were no longer accurate, preventing OP from performing an effective evaluation of the impacts of traffic and vehicle circulation in and around the subject property. Exhibit No. 39.

OP's third report, dated June 9, 2009, stated that OP could not make a recommendation because it lacked a DDOT evaluation of on- and off-site circulation impacts, thereby preventing OP from determining whether the special exception criteria were met. In this third submission, OP opined that the Applicant might need relief for the height of the gasoline pump island canopy. OP also provided a list of nine proposed conditions which it recommended be included if the Board decided to approve the application. Exhibit No. 48.

OP submitted a fourth report, dated July 14, 2009, noting that the Applicant had significantly improved the proposal, including eliminating almost all use of the adjacent public space, and that the Public Space Committee had granted conditional approval of the proposal on June 25, 2009. OP expressed general support for the design of the proposed buildings and landscaping, and recommended nine conditions to be included in an approval by the Board. OP, however, again declined to make an official recommendation with regard to the application because it had not yet received an analysis of on- and off-site circulation impacts from DDOT, without which it could not make a recommendation with regard to whether the special exception criteria were met. Exhibit No. 54.

**BZA APPLICATION NO. 17825**  
**PAGE NO. 3**

At the public hearing on July 21, 2009, the OP representative stated that “the chief outstanding issues concerning circulation have been resolved to DDOT’s satisfaction,” and that, therefore, the Office of Planning was now recommending approval of the special exception relief. Transcript of July 21, 2009 hearing (“Trans.”), at 354-355.

*The Department of Transportation.* DDOT filed four reports with the Board. The first, dated October 10, 2008, was filed with the Board before the Public Space Committee had held a hearing on the proposed use of public space by the Applicant. This first report stated that DDOT could not determine with certainty that the proposed service station would not create objectionable impacts. Exhibit No. 38. At that time, there were still many unanswered questions as to the use of public space, and the safety of both internal circulation and access points.

DDOT’s second report, dated June 11, 2009, was generally positive about the application and the many modifications made to it since its filing a year earlier, but still could not recommend approval. At that time DDOT stated that “remaining circulation problems on the site as well as spillover effects onto public space ha[d] the potential to create unsafe traffic conditions.” Exhibit No. 50. DDOT then listed three further pieces of information it would need for a final evaluation of the project – fuel truck turning templates, vehicle movement diagrams, and an expanded scale site plan.

The third DDOT report, dated July 21, 2009, indicated that DDOT personnel had met with the Applicant’s representatives, who supplied the information listed above. Earlier concerns about the safe and fluid movement of vehicles on the site had been mitigated by changes in the proposed design, permitting DDOT to “no longer oppose[] this project.” Exhibit No. 63. The report, however, requested that the Applicant include signs directing vehicles entering the site to use fueling positions to the right and noted that DDOT was still in the process of evaluating the need for a change in the median design along Maryland Avenue adjacent to the site.

DDOT’s fourth report, dated August 20, 2009, goes into significant detail concerning several aspects of the application which had been troublesome earlier, including the impact on on-street parking, fuel truck delivery hours, and the Maryland Avenue median. As to the project’s impact on on-street parking, the report concludes that no existing legal spaces will be affected, and that truck-turning requirements will likely preclude adding any new legal on-street spaces. Concerning hours of fuel delivery, DDOT recommended that it be prohibited during the peak travel periods of 7:00 to 9:30 a.m. and 4:00 to 7:30 p.m. With regard to the Maryland Avenue median, DDOT is requiring the Applicant to install an unbroken, raised median in the middle of Maryland Avenue, along the length of the property. Finally, the fourth report reiterated that DDOT “no longer has objections” to the application. Exhibit No. 64.

ANC Reports. ANC 6A filed seven letters/reports/memos/motions with the Board regarding this application. The ANC’s first filing, dated July 28, 2008, requested postponement of the hearing scheduled for October 14, 2008, citing “extensive concerns” with the application. Exhibit No. 27. The hearing was continued, but on October 13, 2008, the ANC submitted a second filing,

**BZA APPLICATION NO. 17825**  
**PAGE NO. 4**

stating its opposition to the application. Exhibit No. 31. At that time, the ANC had problems with the Applicant's proposed use of public space and its use of a "suburban" design model. The ANC next filed a motion, on October 7, 2008, to dismiss or defer the hearing on the application until the Applicant obtained any necessary public space permits. Exhibit No. 32. On January 6, 2009, the ANC submitted a fourth filing reiterating its opposition and including a memorandum of law explaining why the ANC believed that the application did not satisfy the special exception standards and would be inconsistent with the Comprehensive Plan. Exhibit No. 40.

On June 10, 2009, ANC 6A filed a short letter with the Board, requesting another continuance of the hearing until after a decision from the Public Space Committee, which was going to hear, on June 25, 2009, the Applicant's second request to use public space. Exhibit No. 49. The ANC's letter briefly cited as problems the possible elimination of on-street parking, and possible hazardous on-site and off-site conditions due to the then-proposed plan for on-site circulation.

On June 15, 2009, the ANC filed a document explaining the concerns it still had with the Applicant's proposal. The document sums up the ANC's concerns thus: "the existing application is deficient, overly relies upon the use of public space ... and fails to demonstrate compliance with S[ubs]ection 706.4 of the zoning regulations." Exhibit No. 51.

Between the ANC's June 15, 2009 filing and its last filing, dated July 20, 2009, the Applicant made significant changes to the application, improving the design, including the safety of on-site circulation, and reducing the use of public space to only what was necessary – the need to drive over public space to enter the property. Due to these important changes, the Applicant secured conditional approval for a public space permit, but the ANC continued to oppose the application in its entirety. Realizing, however, that the Board could approve the application notwithstanding its opposition, the ANC recommended six conditions should the application be approved. Exhibit No. 56.

**FINDINGS OF FACT**

The property and the surrounding area

1. The subject property is zoned C-3-A and is located at address 1400 Maryland Avenue, N.E., at the corner of Maryland Avenue, N.E. and 14<sup>th</sup> Street, N.E., on Square 1049, Lots 803 and 21.
2. The property measures approximately 119 feet parallel to Maryland Avenue to its south, and 83 feet parallel to 14<sup>th</sup> Street to its west, with an area of approximately 7,262 square feet.
3. Between the property's southern property line and Maryland Avenue, is an approximately 50-foot wide swath of public space.

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4. Between the property's western property line and 14<sup>th</sup> Street, is an approximately 35-foot wide swath of public space.
5. The total area of public space bordering the property is approximately 7,240 square feet, not including the sidewalks, which are also in public space.
6. To the south of Maryland Avenue, i.e., across the street from the property is a fast food restaurant, row dwellings, and some small-scale commercial uses. Across 14<sup>th</sup> Street are two automobile repair/sales businesses and a church.
7. To the immediate north of the property are the backs of low-rise commercial buildings, which front on H Street, N.E. and are within the H Street Northeast Neighborhood Commercial Overlay District ("HS").
8. To the immediate east of the property are residential uses that appear to be vacant.
9. On the property is a vacant 1,321 square-foot one-story building that abuts a 10-foot wide dead-end public alley, running along the rear of the property.
10. There are currently no curb cuts allowing access to the property from Maryland Avenue, though photographic evidence shows that there were two such curb cuts in the past. *See*, Exhibits Nos. 3 & 48.
11. There are currently two active curb cuts along 14<sup>th</sup> Street, one of which allows direct access (over public space) to the property, and one of which allows access into the public alley abutting the rear of the property.
12. The entire property, and most of the adjoining public space, is paved over, with no significant area of greenery.
13. Although vacant now, the property has, in the past, been used for various gasoline and automotive uses, such as a gasoline service station, auto repair, and used auto sales, as evidenced by past Certificates of Occupancy. Exhibit No. 10.
14. There are no other gasoline service stations within the boundaries of ANC 6A.

The Applicant's proposal

15. The application proposes to establish a gasoline service station and associated convenience store, with a sandwich preparation area, on the subject property.
16. There will be two pump islands and four fueling pumps.
17. There will be no entrance to the property from the alley at its rear.

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18. The service station will be open 24 hours a day, seven days a week, with at least one employee present at all times.
19. The proposal meets all the necessary dimensional zoning requirements, such as lot occupancy and floor area ratio.

The zoning relief

20. Subsection 743.1 of the Zoning Regulations authorizes the establishment of a gasoline service station in any C-3 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 706 and Chapter 23 of Title 11 of the DCMR.
21. Subsection 706.3 requires that the station shall not be located within twenty-five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley. Subsection 2302.1 contains the same requirement, while § 2302.3 prohibits a vehicular entrance or exit connected with a street at a point closer than twenty-five feet (25 ft.) from any Residence District.
22. The property and proposed facility meet these requirements. The property is surrounded on three sides, for a distance much greater than 25 feet, with C-3-A zoning. On its fourth side, to the north, is an HS/C-3-A zone district.
23. Both vehicular access points to the property are more than 100 feet from a street intersection as required by § 2302.4 and the proposed service station will not have the grease pits or hoists disallowed by § 2302.5.
24. Although § 706.6 does not require that required parking spaces be arranged so that all spaces are accessible at all times, it does require that all parking spaces must “be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.” The station will provide four zoning-compliant parking spaces, one of which will be located to the west of the building on the property, and the other three spaces will be located to the east of the building.
25. The siting and arrangement of these parking spaces permits the facility to exceed the above standard because each space will be fully accessible at all times. In addition, the spaces will be useable without causing the movement of other vehicles onto public space. (See, “Proposed Site Plan” attached as Exhibit B to Exhibit No. 55.)
26. In general, the operation of the proposed use will not create dangerous or other objectionable traffic conditions as disallowed by § 706.4 because:
27. It will be accessed by one curb cut and driveway on each adjacent street, i.e., one on Maryland Avenue and one on 14th Street;



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28. The proposed site design allows for fuel truck access and turning without impinging on any legal street parking spaces on 14th Street or Maryland Avenue. (See, DDOT Report, Exhibit No. 64 and internal/external circulation plans, attached as Exhibit A to Exhibit No. 55.);
29. No truck with a length greater than 35 feet will be permitted to deliver fuel to the facility;
30. The Applicant will imprint directional arrows on the pavement and post signage directing vehicles entering the site to utilize fuel pumps to the right, which will facilitate safe internal site circulation;
31. Only right turns will be permitted from the property onto Maryland Avenue. To ensure this, the Applicant will install, in accordance with DDOT's request and pursuant to its standards, an unbroken, raised median in the center of Maryland Avenue for the length of the property's Maryland Avenue frontage; and
32. Each of the drive aisles on the property, leading from the vehicular access points, will be two-way and 25 feet in width.
33. All of the above findings in this section also demonstrate compliance with the general standard for granting a special exception as stated in § 3104.1, as do the following additional findings.
34. The only use of public space by the proposed service station and convenience store arises, as with most commercial uses, from the fact that vehicles must drive over an area of public space between the adjoining street and the property.
35. The existing concrete paving between the property line and the sidewalk, along both Maryland Avenue and 14th Street, will be removed and replaced with soil, ground-covering plants, and low, ornamental shrubs.
36. The installation of the unbroken median referred to in Finding of Fact 31 will have no effect on on-street parking on Maryland Avenue.
37. Running along the northern and eastern property lines – the two property lines not abutting a street -- a 6-inch-high concrete curb and a 3-foot-high iron fence will be installed.
38. To facilitate pedestrian access to the convenience store, concrete walkways will be installed alongside the drive aisle leading to Maryland Avenue and alongside the public alley, linking 14th Street and the western side of the building.
39. The fuel cost sign will be positioned on the subject property, set back from the corner. It will be illuminated and have overhead lights that shine downward, but not outward.

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40. The sign will be six feet high, side mounted on an eight-foot pole, and will be subject to the applicable provisions of the Construction Codes, 12A DCMR § 3107, SIGNS.

**CONCLUSIONS OF LAW**

Special Exception Relief

Pursuant to § 3104 of the Zoning Regulations, the Board is authorized to grant special exceptions where, in its judgment, the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them. In this case, along with the general requirements of § 3104, the Applicant also had to meet the requirements of § 706 and § 2302, pursuant to the mandate of § 743.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, “[t]he Board’s discretion ... is limited to determining whether the proposed exception satisfies the ... requirements” of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Some of the requirements of §§ 706 and 2302, and, to a certain extent, § 3104, overlap. Sections 706.1 and 2302.1 both require that no portion of the service station be located within 25 feet of a residential zone district. In addition, § 2302.2 requires that no street ingress or egress to the station be within 25 feet of a residential district. The application satisfies these requirements. Findings of Fact No. 22 and 23. Furthermore, the application satisfies the requirement of § 2302.4 that no entrance or exit to the station may be closer than 40 feet from a street intersection as measured from the intersection of the curb lines extended. Finding of Fact No. 23. Finally, pursuant to § 2302.5, gasoline service stations located outside of the C-M or M District must locate all grease pits or hoists within the building. The gasoline service station that is the subject of this application does not proposed any such facilities.

Subsection 706.4 states that “[t]he operation of the use shall not create dangerous or other objectionable traffic conditions,” and § 3104 requires that the use “not tend to affect adversely the use of neighboring property.” Sections 706.4 and 3104 highlight the most contentious issues in this application. The extensive use of the surrounding public space initially proposed by the Applicant raised concerns over possible dangerous or objectionable on-site circulation and off-site traffic conditions. In response to these concerns, the design of the service station was revised several times, with input from the ANC, OP and DDOT, to improve both the on-site circulation and off-site traffic impacts.

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A number of modifications were made to improve on-site circulation, including: reducing the number of fuel pump islands and fuel pumps, reducing the maximum length of trucks allowed to deliver fuel to the facility from 57 to 35 feet, and reducing the size of the building by 385 square feet. In addition, the on-site parking spaces were re-located, signs and directional arrows were added, as well as a perimeter fence to keep vehicles off the adjoining public space. These changes, along with two 25-foot wide ingress/egress drives and a reasonable amount of maneuvering space left on the site, make on-site circulation sufficiently safe, meriting DDOT's conclusion, in its August 20, 2009 report, that "internal site design allows for adequate vehicle movement." Exhibit No. 64.

Pursuant to § 706.5, the Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements it deems necessary to protect adjacent or nearby property. In this regard, the Board notes that the Applicant has committed to landscaping and beautifying the adjacent public space. Lighting on the site will be appropriate and focused on the property to minimize spillover into the surrounding neighborhood.

According to § 706.6, all required parking spaces need not be located in a manner in which they are accessible at all times. However, § 706.6 further states that "all parking spaces provided shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of vehicles without moving any other vehicle onto public space." The gasoline service station will meet the parking requirement for the use of four spaces entirely on the subject property. These spaces are located on either side of the convenience store building, allowing for safe pedestrian access to the store without the necessity of having to walk near the gas pump islands. The spaces have been so located to enable their access without the need to move a vehicle onto public space, and maneuvers necessary to enter or exit the spaces can all take place on the property.

The station is providing the required number of on-site parking spaces and neither its design, nor maneuvers of fuel trucks, will cause impingement on any existing legal parking spaces on the adjacent streets. The subject property is located at the intersection of two large streets, which will be able to safely support any increase in traffic brought about by the service station use. In addition, based on the evidence in the record and the testimony provided during the hearing, the design of the gasoline service station will be able to accommodate the necessary fuel delivery truck maneuvers entirely onsite, and without impinging upon on any existing legal parking spaces on the adjacent streets. Furthermore, the subject property is located at the intersection of two large streets, which will be able to safely support any increase in traffic brought about by the proposed use.

To facilitate traffic movement on the adjacent streets, the Applicant will install an unbroken, raised median on Maryland Avenue along the length of the subject property, which will restrict turns into, and out of, the property, onto Maryland Avenue, to right turns only. Preventing left turns into, or out of, the property will prevent traffic congestion and queuing in the eastbound

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lanes of Maryland Avenue. As DDOT stated in its August 20, 2009 report, “[i]mpacts to public space and traffic congestion are both minimal.”

Concerning harmony with the zone plan, as a special exception use, a gasoline service station at this site is pre-deemed compatible with the surrounding C-3-A zone district. The subject property has historically been used for similar automotive uses, and the applicant has reduced the size of the building and the fuel cost sign to improve the look and operation of the station. The Board concludes that the use is compatible with the neighborhood and in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. § 3104.1.

As noted at the outset of this Order, the proposed convenience store is a matter of right use in the C-3 zone district. Therefore, the Board did not make any particularized findings with respect to its impact, since the use would be permitted on the site and does not lose that status because it will be established in conjunction with a use approved by special exception.

Great weight

The Board is required to give “great weight” to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning filed four reports with the Board, three of which did not make any recommendation, and one of which, the second of the four, recommended denial. This recommendation was based almost completely on the Public Space Committee’s denial of a request by the applicant to use a large amount of public space. By the time of the hearing, however, more than seven months after OP’s second report, the use of public space was no longer an issue and DDOT was no longer opposed to the application. Therefore, OP’s earlier recommendation of denial has been replaced by its subsequent recommendation of approval, which the Board accepts.

The ANC filed several reports with the Board, all in opposition to the application. Initially, the ANC most strenuously opposed the proposed use of a significant amount of public space by the service station, and the “suburban” design model it claimed the station was based on. Both of these issues were addressed by the Applicant throughout these proceedings, resulting in a reduction of public space usage to the smallest possible, and changes in the design of the station, such as the installation of a smaller fuel cost sign.

The ANC also objected to several other aspects of the application, stating that the service station use at the proposed corner location would lead to an over-concentration of gas stations and convenience stores in the vicinity. The ANC claimed the use would have a negative effect on pedestrian and vehicular traffic along the adjacent sidewalks and streets, resulting in adverse impacts on local businesses and pedestrian flow. The ANC’s filings elaborated that the claimed

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inadequacy of the proposed on-site circulation would lead to objectionable impacts both on- and off-site. The ANC further alleged that the movements of trucks delivering fuel would eliminate parking spaces along public streets, and that left turns into the property from Maryland Avenue would “further degrade the traffic environment.” Exhibit No. 56.

The ANC’s concerns as to traffic and pedestrian safety, as well as to the possible loss of on-street parking, were considered by the Board. There was conflicting evidence presented with respect to whether there were other service stations in the immediate area, but the Board notes that there is no “distance apart” requirement in any of the sections of the Zoning Regulations relevant to this application. Furthermore, the ANC representative himself stated that there are no other service stations within the boundaries of ANC 6A. Hearing Transcript (“Trans.”) at 416, lines 5-8.

The proceedings in this application, from filing date to decision date, transpired over a period of 16 months, and the application underwent many significant changes along the way. The changes improved the design and on-site circulation, and reduced the off-site impacts of the proposed use. No legal on-street parking spaces will be lost as a result of this application, and once the Applicant constructs the raised median, left turns into or out of the property along Maryland Avenue will not be permitted. The ANC representative stated that the ANC would withdraw its statements that left turns from Maryland Avenue would be objectionable if the median were closed. Trans. at 413, lines 14-17. All of these changes have reduced the potential for traffic congestion and pedestrian conflicts to a minimum, and along with the conditions imposed by this Order, will enable the service station to operate safely. The Board, therefore, disagrees with the ANC’s recommendation of denial.

For all the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to a special exception pursuant to §§ 743, 706, and 3104, to establish a gasoline service station and convenience store at the subject property. Accordingly, this application, pursuant to Exhibit No. 60, Revised Site Plan, and Exhibit No. 66A, Floor Plan with Elevation & Reduced Sign Size, is hereby **GRANTED, SUBJECT to the following CONDITIONS:**

1. No external sound amplification system shall be used.
2. Deliveries of gasoline shall not be made to the subject property between the hours of 7:00 a.m. and 9:30 a.m. and between 4:00 p.m. and 7:30 p.m.
3. Deliveries of gasoline shall be made by trucks no longer than 35 feet in length, bumper to bumper.
4. Pump island canopy lighting shall be recessed into the canopy, shall not protrude below the canopy, and shall face downward.
5. Flood lights, if used, shall be angled downwards and shielded in order to avoid light spillage on neighboring properties.



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6. Trash enclosure(s) shall be of board-on-board construction consisting of pressure-treated lumber. Trash enclosure(s) are to remain closed and locked except for when throwing out and picking up garbage.
7. The façade material of the convenience store building shall be brick.
8. The height of the pump island canopy shall be no taller than 15 feet, in conformance with 11 DCMR § 2500.4.
9. The height of the fuel cost sign shall be no taller than eight feet.
10. The Applicant shall imprint directional arrows on the pavement and post signage directing vehicles entering the site to utilize fuel pumps to the right, which will facilitate safe internal site circulation.
11. The Applicant shall install, upon DDOT's request and pursuant to its standards, an unbroken, raised median in the center of Maryland Avenue for the length of the property's Maryland Avenue frontage.
12. The landscaping/plantings shall be maintained in a neat and healthy manner.

**VOTE:**           **3-0-2**           (Marc D. Loud, Shane L. Dettman, and Michael G. Turnbull,  
to Approve; two Board members (vacant seats) not participating)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of Board members has approved the issuance of this order.

ATTESTED BY:   
**JAMISON L. WEINBAUM**  
Director, Office of Zoning

**FINAL DATE OF ORDER:** JAN 26 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE

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WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

LM

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



**BZA APPLICATION NO. 17825**

As Director of the Office of Zoning, I hereby certify and attest that on JAN 26 2010, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

Richard L. Aguglia, Esq.  
Hunton & Williams  
1900 K Street, N.W.  
Washington, D.C. 20006-1109

Chairperson  
Advisory Neighborhood Commission 6A  
P.O. Box 75115  
Washington, D.C. 20013

Single Member District Commissioner 6A06  
Advisory Neighborhood Commission 6A  
P.O. Box 75115  
Washington, D.C. 20013

Tommy Wells, Councilmember  
Ward Six  
1350 Pennsylvania Avenue, N.W., Suite 408  
Washington, D.C. 20004

Melinda Bolling, Esquire  
Acting General Counsel  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, N.E., Suite 9400  
Washington, D.C. 20002

ATTESTED BY:

A handwritten signature in dark ink, appearing to read "Jamison L. Weinbaum", is written over a horizontal line.

**JAMISON L. WEINBAUM**  
**Director, Office of Zoning**

# **Attachment E**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**ZONING COMMISSION ORDER NO. 08-06-C**

**Z.C. Case No 08-06**

**(Comprehensive Zoning Regulations Rewrite: Chapters B-15, General Parking Regulations; B-16, Bicycle Parking Regulations; and B-17, Loading Regulations)**

**April 25, 2011**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice that it took final rulemaking action to adopt amendments to title 11 of the District of Columbia Municipal Regulations (“title 11”). Once effective, the amendments will change the Zoning Regulations in relation to the regulation of motor vehicle parking, bicycle parking, and loading. The proposed parking chapter provides general rules for the provision of parking spaces. Since the number of minimum parking spaces required will vary by zone, the actual number of required spaces will be determined in future proceedings under this docket. The adoption of these regulations will not add, change, reduce, or eliminate existing parking minimums. The loading and bicycle parking chapters contain both general requirements and a table of the number of spaces required since those requirements will not vary by zone.

More detailed information, discussion, and analysis for the proposed text can be found in the following documents, which may be accessed at [www.dczoningupdate.org/documentcenter.asp](http://www.dczoningupdate.org/documentcenter.asp):

**Setdown Report - Parking and Loading (w-attachments)** – Office of Planning (“OP”) Report outlining proposed updates to parking and loading regulations and why those changes are being proposed; and

**Hearing Report - Parking, Bike Parking, and Loading** – OP’s hearing report on the proposed parking, bike parking, and loading chapters.

These new chapters would be part of a revised title 11. The Commission has already approved a codification format that would divide the revised title 11 into ten (10) subtitles. A description of this codification can be found at [www.dczoningupdate.org/codereorganization.asp](http://www.dczoningupdate.org/codereorganization.asp). The proposed chapters that are the subject of this notice would be included within a new subtitle B entitled “General Regulations.”

As will be clarified as part of the revised title 11, the text approved in this notice will only apply to buildings constructed pursuant to building permits issued after the effective date of the revised title.

Italicized terms will be defined. The bracketed citations are to provisions contained in the current title 11. The provision will be re-codified and, in all likelihood rephrased in the revised title 11. The version of this chapter that will appear in a notice of final rulemaking will contain the correct citations.

The Commission will not issue a notice of final rulemaking at this time, but wait until it has reviewed all portions of the ten (10) subtitles and issued final orders for all approved text. At that point OP, the Office of the Attorney General (“OAG”), and the Office of Zoning will make any editorial changes needed to achieve consistency within the approved text and then present a final consolidated version to the Commission. The Commission will then decide whether to authorize the publication of a notice of final rulemaking that will make the revised Zoning Regulations and Map effective, subject to whatever transitional measures the Commission may adopt.

### **Zoning Review Process to Date**

The Zoning Review process began in 2007 with a pair of public roundtables before the Commission and the formation of a citywide Taskforce. Since then, OP has organized 19 public working groups by subject area and held over 180 public meetings. Each subject area has been reviewed in consultation with a public working group that discusses issues identified in the Comprehensive Plan as well as issues arising from the existing Zoning Regulations. Recommended changes have been forwarded to the 24-member appointed Taskforce for further review and input. Finally, recommendations for most subject areas have been made available for public review including a public hearing before the Commission. After the conclusion of public review for each subject areas, OP has been working with OAG to draft zoning language to reflect the proposed policy changes.

### **Proceedings Leading to the Adoption of this Amendment**

These three subject matters were originally presented to the Commission in two separate proceedings. Recommendations for motor vehicle and bicycle parking were the subject of Z.C. Case No. 08-06-2 (Comprehensive Zoning Regulations Rewrite: Parking). Loading recommendations were included in Z.C. Case No. 08-06-3 (Comprehensive Zoning Regulations Rewrite: Loading). The notice of public hearing included conceptual text that outlined the provision of minimum and maximum parking space requirements for new developments. In addition, the proposal set forth size requirements for spaces and aisles, as well as the maintenance, location, and access regulations for all parking areas. The proposal included requirements for bicycle parking and showering/changing facilities. In contrast, the public hearing notice for loading set forth a series of general recommendations for changes to the existing loading requirements.

The public hearing on the parking recommendations was held July 31, 2008 and the Commission provided general guidance at its public meeting held October 16<sup>th</sup>. The hearing for the loading

recommendations was held September 4, 2008 and the Commission provided guidance on November 10<sup>th</sup>.

Although the specific and general requirements for parking had been consolidated in order to receive combined guidance from the Commission, the two subject areas were separated for the purpose of formulating text. The specific text for parking requirements would be contained within each land use title, while the general requirements for parking was to be codified as part of a new subtitle B entitled "General Regulations." The subtitle would also include general and specific requirements for bicycle parking and loading. Given the interrelationship between parking and loading, OP decided to present the three chapters together, which was accomplished through its setdown report dated September 3, 2010.

The Commission, at its regularly scheduled meeting of September 16, 2010, voted to set down the three chapters for hearings. The Commission authorized the advertisement of alternative maximum parking limits and alternative special exception provisions that either authorized the grant of full and partial relief from applicable minimum parking space requirements or limited the relief to 50% of the spaces required.

A public hearing on the advertised text was held on November 15, 2010.

In response to the testimony received during the hearing, OP, through a Supplemental Report dated December 21, 2010, provided the Commission with a spreadsheet reflecting all public comment and questions concerning the proposed text, OP's response to those comments and questions, and any proposed text changes OP felt was warranted.

At its regularly scheduled meeting of January 10, 2011, the Commission considered OP's recommendations and adopted several while also making clarifying changes of its own. The Commission also addressed the two concepts that were advertised in the alternative. As to the maximum parking requirements that are the subject of § 1503, the Commission agreed with OP that the specific number of maximum parking spaces should be determined at a future proceeding. The Commission also agreed that the parking maximums should be stated separately for transit oriented zones and for the rest of the District. This was accomplished by creating §§ 1503.1 and 1503.2.

As to the issue of parking relief, the Commission decided to permit the BZA to grant full or partial relief from applicable minimum parking requirements. This authority and the criteria that must be satisfied are stated in § 1513.3. However, the Commission requested text establishing proportionality between the relief granted and the basis for the reduction, when the reduction was based upon either the physical inability to provide the spaces or because the use or structure would generate less parking demand than the minimum number of spaces required. This proportionality rule is stated at § 1513.4. A similar proportionality requirement is mandated at § 1608.5 for granting full or partial reductions to the number of required long-term or short-term bicycle parking spaces.



At the conclusion of its discussion, the Commission voted to refer the revised text to the National Capital Planning Commission (“NCPC”) for review pursuant to § 492 of the District Charter and to authorize the publication of a notice of proposed rulemaking in the *D.C. Register* (“DCR”).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 11, 2011, at 58 DCR 1291. Comments were received from the Friendship Neighborhood Association and from Ms. Jane Waldmann. (Exhibits 133, 134). Both comments objected to the elimination of minimum parking requirements.

NCPC, through action taken at its meeting of February 3, 2011, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit 121.)

At a properly noticed public meeting held on March 28, 2011, the Commission considered whether to take final action on the proposed text. The Commission first considered the two comments received in response to the Notice of Proposed Rulemaking and, after hearing from OP, concluded that the concerns expressed over the elimination of existing minimum parking requirements were not germane to the proposed text, which only establishes general rules to be followed when parking minimums exists, but does not itself establish what those minimums are. Any change to existing minimum parking space requirements will be considered as part of the Commission’s review of each land use subtitle. In this regard, the Commission requested that should OP propose to eliminate minimum parking in the residential areas of concern to the Friendship Neighborhood Association, OP should explain how doing so is consistent with the applicable Comprehensive Plan policies identified in the Association’s comments.

The Chair also expressed his continuing concern over the queuing of trucks servicing solid waste transfer facilities. OAG indicated these concerns are currently addressed in the special exception criteria for this use. Specifically, § 802.4 (f) prohibits:

truck access, parking, standing, or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes.

This identical provision appears in proposed § 504.5 (g), which, if adopted, would apply to “waste-related services” as part of the proposed subtitle J, Production, Distribution, and Repair Zones being considered by the Commission as part of this same docket. The Commission has already taken proposed action on this provision.

The Commission then focused its attention on proposed § 1507.6, which specifies minimum distances between a driveway and street intersections, alley openings, and other driveways. These restrictions are intended to mirror the curb cut placement standards of the District Department of Transportation (“DDOT”). The Commission expressed its discomfort at adding a

layer of regulations to another agency's standards, particularly where the other agency procedures for granting waivers are far less formal than the special exception process that would be required for obtaining relief from an identical zoning requirement. As a practical matter, no property owner will install a driveway where DDOT forbids a curb cut and there is no independent land use purpose that is achieved through the imposition of identical minimum distance standards. Final action was therefore continued to allow OP to explore less onerous alternatives including doing away with the proposed restrictions.

By Supplemental Report dated April 18, 2011, OP recommended to the Commission that § 1507.6 be deleted in its entirety, based on an analysis of DDOT's standards and administrative review for curb cuts. OP also proposed alterations to § 1705.2, which had established the same standards for driveways serving loading facilities by referring to § 1507.6. OP also proposed revised text to address a concern regarding the protection of residential property from loading facilities. Finally, in consultation with OAG, OP recommended several minor text changes to correct technical issues and the renumbering of some subsections.

At a properly noticed public meeting held on April 25, 2011, the Commission expressed its agreement with OP's recommendation and text revisions. The Commission then voted to adopt the text amendments as revised, but to delay publication of a notice of final rulemaking until the text has been finalized and conformed to all other text that will comprise the revised Zoning Regulations adopted under this docket.

Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) ("ANC Act") requires District agencies when taking certain actions to give great weight to the issues and concerns raised in the written report of the affected Commission. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

By letter dated December 16, 2010, the Chairman of ANC 6D indicated that having met all of the requirements under the ANC Act to take official action, it had voted to support the proposed new chapters. (Exhibit 91.) ANC 6C submitted its report through a letter dated December 7, 2010. (Exhibit 86.) The letter stated that the ANC, having met all procedural requirements, also voted to support adoption of the new chapters, but suggested that bicycle sharing be offered as an alternative to satisfying the requirement to provide car sharing spaces. OP responded to this suggestion in the spreadsheet attached to its Supplemental Report of December 21, 2010, by stating that more analysis is required before it would be in position to support offering such an option. The Commission agrees.

No report was received from any other ANC, except that through a letter dated December 15, 2010, as corrected by letter dated December 16, 2010, ANC 4A indicated that it voted to support the testimony of ANC Commissioner Gail Black (ANC 4A08) given at the Commission's public hearing held thirty days earlier on November 15, 2010. Section 13 (d)(4)(C) of the ANC Act

provides that “oral testimony shall be followed as if provided in advance in writing ... when accompanied within 7 days by written documentation approved by the respective Commission, which supports the testimony.” D.C. Official Code § 1-309.10 (d)(4)(C). Unfortunately, the ANC’s letter was not received within this timeframe. Nevertheless, the Commission notes that each of Commissioner Black’s concerns was addressed by OP in its spreadsheet. The Commission has reviewed these responses and concurs with OP’s analysis.

Therefore, for the reasons stated above, and having complied with all procedural and substantive requirements mandated by District law, and having concluded that the proposed text amendment are not inconsistent with the Comprehensive Plan, the Zoning Commission for the District of Columbia takes the following actions:

The following new chapter 15, **GENERAL PARKING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 15 GENERAL PARKING REGULATIONS**

<b>1500</b>	<b>Introduction to General Parking Chapter</b>
<b>1501</b>	<b>Relationship to Land Use Subtitles</b>
<b>1502</b>	<b>Minimum Parking Requirements</b>
<b>1503</b>	<b>Maximum Parking Requirements</b>
<b>1504</b>	<b>Car-share Parking Space Requirements</b>
<b>1505</b>	<b>Rules of Calculation</b>
<b>1506</b>	<b>Location Restrictions</b>
<b>1507</b>	<b>Access Requirements</b>
<b>1508</b>	<b>Size and Layout Requirements</b>
<b>1509</b>	<b>Maintenance Requirements</b>
<b>1510</b>	<b>Landscaping, Screening, and Lighting Requirements for Parking</b>
<b>1511</b>	<b>Drive-through Queuing Lanes</b>
<b>1512</b>	<b>Exceptions from Parking Requirements</b>
<b>1513</b>	<b>Special Exceptions from Parking Requirements</b>

### **1500 INTRODUCTION TO GENERAL PARKING CHAPTER**

1500.1 This chapter provides general parking regulations for motor vehicles that apply regardless of zone.

1500.2 The purpose of this chapter is to:

- (a) Ensure an adequate supply of off-street parking;
- (b) Prevent an over-supply of off-street parking that would contribute to traffic congestion and the inefficient use of land;

- (c) Ensure that parking areas are located, accessed, and designed to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces;
- (d) Ensure that parking areas are safe and accessible; and
- (e) Ensure that parking areas are planted and landscaped to be compatible with their surroundings, and to reduce environmental impacts.

1500.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed parking plan demonstrating full compliance with this title.

1500.4 The Zoning Administrator may, at his or her discretion, request that the District Department of Transportation (“DDOT”) review and make a recommendation regarding any item on the parking plan prior to approving the building permit application.

1500.5 No certificate of occupancy shall be issued unless the parking spaces have been constructed in accordance with the approved parking plans.

## **1501 RELATIONSHIP TO LAND USE SUBTITLES**

1501.1 The parking regulations of this chapter apply to all zones in all land use subtitles. Each land use subtitle also includes a Parking Regulations chapter, containing parking regulations specific to that subtitle.

1501.2 Parking Regulations chapters in land use subtitles may include:

- (a) Parking standards tables, with minimum and maximum parking requirements for each use category in each land use subtitle regardless of permission; and
- (b) Regulations for parking specific to that land use subtitle, including location and access requirements and permission to provide car-share spaces.

1501.3 Additional use-related conditions that impose additional parking requirements may be located in the use permissions chapters of the land use subtitles.

1501.4 Commercial Parking, as defined in B § 206.9, is regulated as a use in each land use subtitle and also subject to the regulations of this chapter and the parking chapter in each land use subtitle.

**1502 MINIMUM PARKING REQUIREMENTS**

- 1502.1 The minimum parking requirements set forth in the land use subtitles of this title shall be met when a new building is constructed.
- 1502.2 An addition to an existing building, or the expansion of a use within a building, triggers additional parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [effective date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1502.3.
- 1502.3 Additions to *historic resources* shall be required to provide additional parking spaces only for the addition's gross floor area and only where:
- (a) The addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [effective date of amendment]; and
  - (b) The resulting requirement is at least four (4) parking spaces.
- 1502.4 Special exception relief from additional parking requirements for *historic resources* is provided for in § 1513.5.
- 1502.5 Any expansion, regardless of size, of a use that operates outside of a building shall conform to the applicable parking standards.
- 1502.6 When a property changes or adds a use category, the following shall apply:
- (a) Additional parking spaces shall be required only when the minimum number of parking spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same gross floor area;
  - (b) When determining the required number of additional required parking spaces, it shall be assumed that the previous use provided the minimum number of spaces required; and
  - (c) Historic resources shall not be required to provide additional *parking spaces* for a change in use without expansion.
- 1502.7 If the minimum parking requirement for a use exceeds the maximum parking limits of § 1503, the maximum parking limits shall be used.

- 1502.8 Uses governed by a campus plan are subject to the minimum parking requirement approved by the Zoning Commission and are not subject to the parking requirements otherwise applicable.
- 1502.9 When there is more than one (1) use on a lot, the number of *parking spaces* provided must equal the total required for all *uses*. If a single *use* falls into more than one (1) *use category* for which different parking minimums apply, the standard that requires the greater number of *parking spaces* shall apply.
- 1502.10 When two (2) or more *uses* are located on a single lot or in a single building and the applicable parking standard for such *uses* exempts an initial floor area (for example, the first three thousand square feet (3,000 sq. ft.) of gross floor area), only one (1) exempt floor area may be deducted from the total combined parking requirements for the *uses* and the exempt floor area shall be pro-rated among uses.
- 1502.11 *Required parking spaces* may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. *Required parking spaces* that are shared among more than one (1) use shall be subject to the conditions of § 1502.13 (b) through (d).
- 1502.12 *Required parking spaces* shall be located either:
- (a) On the same lot as the use or structure they are meant to serve; or
  - (b) On another lot, if any portion of that lot is within four hundred feet (400 ft.) of the use or structure that the parking spaces serve, as measured from the nearest lot line.
- 1502.13 *Required parking spaces* provided in accordance with § 1502.11(b) shall be subject to the following conditions:
- (a) The spaces shall not serve as required parking for any other use during the days and times each use they serve is in operation;
  - (b) Unless under common ownership, a written agreement shall remain in effect between the owner of the parking area and the owner of the use for which the parking spaces are required (the “use”), and shall include the obligation set forth in § 1502.13(a);
  - (c) The original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use and any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and



- (d) The Zoning Administrator should maintain a file of all written agreements and amendments for the lot where the use is located and the lot providing the required parking spaces.

1502.14 *Required parking spaces* may be used as Commercial Parking when it is permitted as a use category.

1502.15 The number of *required parking spaces* shall not be reduced below the minimum required as long as the use that generated that requirement remains in existence.

1502.16 *Car-share parking spaces* may be counted toward fulfillment of a minimum parking requirement.

### **1503 MAXIMUM PARKING REQUIREMENTS**

1503.1 The following maximums apply to all newly constructed or expanded parking areas, or parking areas expanded in number of parking spaces or land area by twenty-five percent (25%) or more, in zones within subtitles D, E, G, and J; in addition to any parking maximums specified in the land use subtitles:

- (a) No above-grade parking area shall be built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area;
- (b) No parking area shall be built or expanded to have more than [Reserved for parking numbers] parking spaces; and
- (c) No parking area associated with a use or uses shall be built or expanded to have [Reserved for parking numbers].

1503.2 The following maximums apply to all newly constructed or expanded parking areas, or parking areas expanded in number of parking spaces or land area by twenty-five percent (25%) or more, in zones within subtitles F, H, and I; in addition to any parking maximums specified in the land use subtitles:

- (a) No above-grade parking area shall be built or expanded to exceed one hundred thousand square feet (100,000 sq. ft.) in land area;
- (b) No parking area shall be built or expanded to have more than [Reserved for parking numbers] parking spaces; and
- (c) No parking area associated with a use or uses shall be built or expanded to have [Reserved for parking numbers].

1503.3 Special exception relief from the parking maximum standards is provided for in § 1513.6.

**1504 CAR-SHARE PARKING SPACE REQUIREMENTS**

- 1504.1 The intent of this section is to support *car-sharing* as an alternative to individual automobile ownership, thereby reducing traffic congestion and the inefficient use of land for excessive parking, and to create a publicly accessible record of car-share locations. Any new *parking area* with fifty (50) or more parking spaces, whether required or not, shall include *car-share spaces* as follows:

Number of parking spaces to be built	Number of car-share spaces required
50 to 149	No less than 1
150 to 249	No less than 2
250 or more	No less than 3, plus 1 space for each additional 100 spaces.

- 1504.2 The required *car-share spaces* shall be made available to any *car-share organization* with a valid business license, for purposes of providing *car-share services* for its subscribers.
- 1504.3 The spaces shall be offered at no cost to any licensed *car-share organization*, unless there is more than one (1) request received for the space, in which case the owner may provide the space to the car share organization that offers the most advantageous terms.
- 1504.4 Required car-share spaces shall be accessible at all times to subscribers who may or may not be residents or employees of uses on the lot, except as provided in § 1504.5. Reasonable security measures, such as keyless entry devices, may be used.
- 1504.5 The owner of a building with tenants that are offices of the federal government or contractors with the federal government, and therefore have unusually high security needs, may be exempted from the requirements of § 1504.4 at the discretion of the Zoning Administrator. An owner requesting exemption from § 1504.4 shall provide the Zoning Administrator with an alternative accessibility plan that provides the maximum access to required car-share spaces consistent with the building's security needs.
- 1504.6 The following information shall be provided to the Zoning Administrator and all *car-sharing organizations* with a valid business license by any property owner of a proposed parking area required to provide *car-share spaces* no later than ten (10) days after the issuance of a building permit:
- (a) Written notice of the number and location of car-share spaces that will be available;

- (b) A floor plan or site plan of the parking area clearly identifying the required car-share spaces;
- (c) The square and lot number, address, property owner contact information; and
- (d) Any other pertinent information as determined by the Zoning Administrator.

1504.7 The property owner may use required *car-share spaces* to provide general *parking spaces*, provided that no licensed *car-sharing organization* provides the property owner with written notice of intent to use the *car-share spaces*.

1504.8 No later than ninety (90) days after receipt of written notice from a licensed *car-sharing organization*, the property owner shall terminate any non car-sharing leases for such spaces and shall make those spaces available to the *car-share organization*.

1504.9 If a required *car-share space* claimed by a *car-share organization* is not used for *car-sharing services* for a period of more than thirty (30) days, the *car-share organization's* claims to that space shall be void, and may not be reclaimed by the same organization for at least one (1) year. Any such *parking space* may be claimed by a different *car-share organization* or used by the owner as general parking pursuant to § 1504.8.

1504.10 The Zoning Administrator should maintain an online and publicly accessible file of all projects approved with required *car-share parking spaces* containing the information required by § 1504.

## **1505 RULES OF CALCULATION**

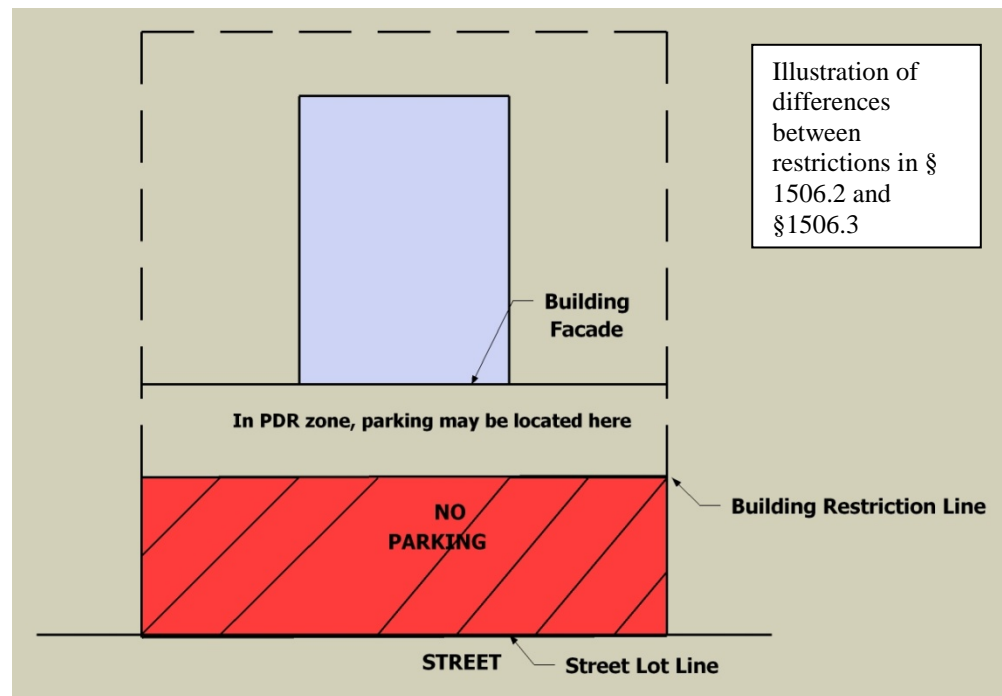
1505.1 All parking standards shall be calculated on the basis of *gross floor area*, except for Residential uses, for which minimum parking standards shall be calculated based on the number of *dwelling units*.

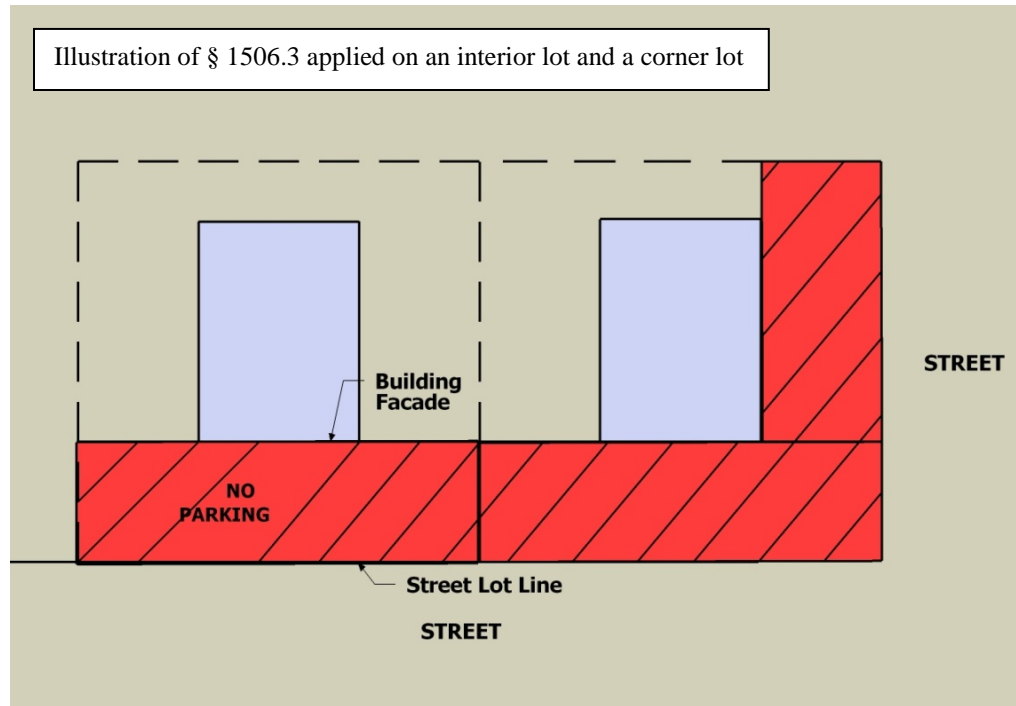
1505.2 For purposes of calculating off-street parking requirements, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

1505.3 Calculations of *parking spaces* that result in a fractional number of one-half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous consecutive whole number.

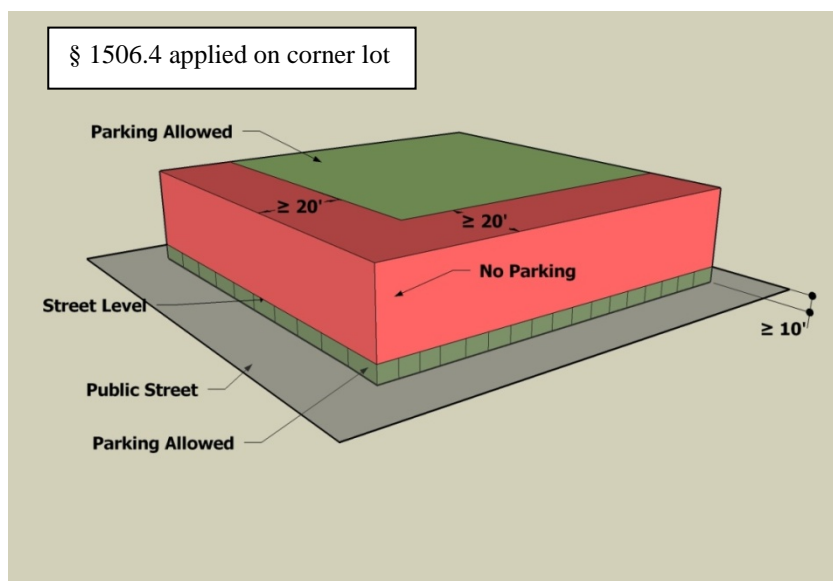
## 1506 LOCATION RESTRICTIONS

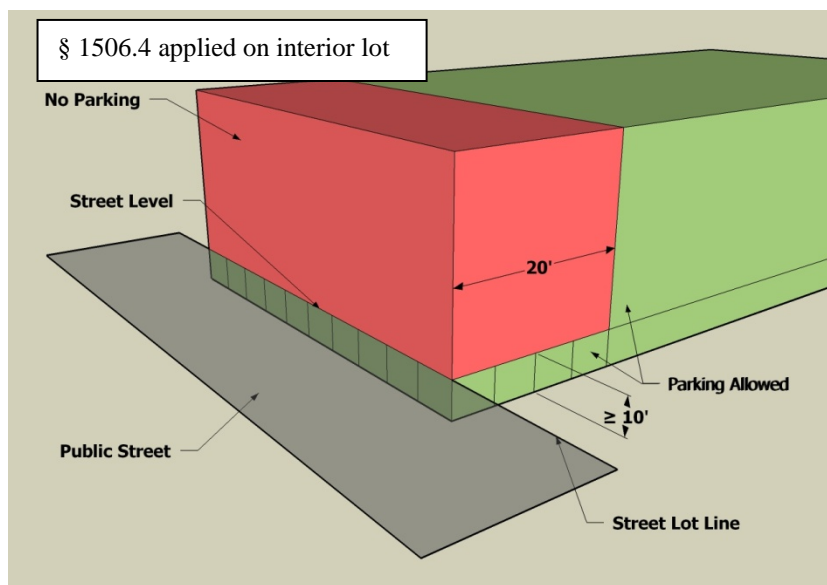
- 1506.1 The intent of this section is to prevent negative impacts on neighboring property from excessive parking, prevent conflicts between vehicles and pedestrians, respect the pedestrian environment, foster good urban design, and provide space for active uses to line parking structures.
- 1506.2 *Parking spaces shall not be located between a front setback line or building restriction line and a street lot line.*
- 1506.3 *Parking spaces shall not be located between a street lot line and the more restrictive of either a building façade or a line extending from and parallel to a building façade, except in a PDR zone. A building used solely as a parking attendant shelter shall not trigger this restriction.*





- 1506.4 *Parking spaces provided within a structure shall be located at least twenty feet (20 ft.) from all lot lines that abut public streets, unless the surface of the parking spaces is at least ten feet (10 ft.) below-grade, at all points along the building frontage.*





## 1507 ACCESS REQUIREMENTS

- 1507.1 The intent of this section is to ensure that driveways and entrances to parking areas provide safe access and do not degrade the pedestrian environment. This section is not intended to regulate curb cuts in public space, which are separately regulated by DDOT and are subject to separate public space considerations.
- 1507.2 Approval of a driveway under this title shall not be interpreted to imply permission for a curb cut in public space. An applicant for a driveway with a curb cut in public space shall have the responsibility to obtain all other necessary approvals and permissions.
- 1507.3 All *parking spaces*, *driveways*, and entrances that provide access to parking areas, shall conform to the requirements of this section.
- 1507.4 All *parking spaces*, other than those discussed in § 1507.5, shall be accessible at all times from a *driveway* accessing either:
- (a) An improved street; or
  - (b) An improved alley or alley system with a minimum width of ten feet (10 ft.).
- 1507.5 *Parking spaces* provided within a *mechanized parking system* need not meet the accessibility requirement of § 1507.4 as long as the *mechanized parking system* does.

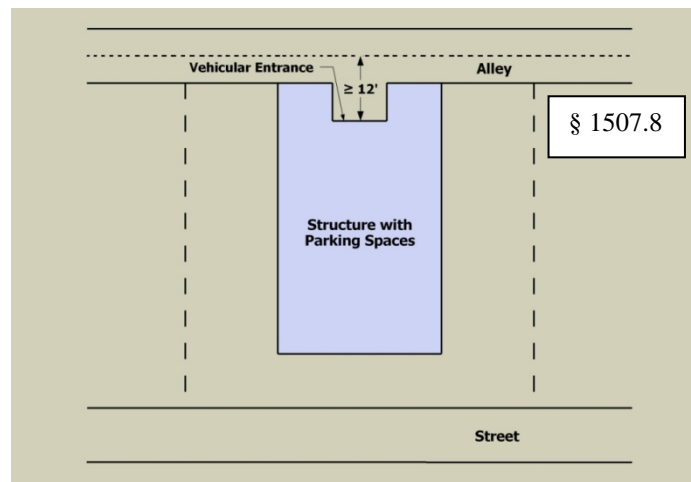


1507.6 A *driveway* providing access to *parking spaces* serving a *dwelling* with three (3) or fewer residential units, or that serves only one (1) parking space for any use, shall be at least eight feet (8 ft.) wide; and not more than ten feet (10 ft.) wide. These width requirements apply within twenty feet (20 ft.) of all *street lot lines*.

1507.7 Within twenty feet (20 ft.) of all *street lot lines*, a *driveway* other than as described in § 1507.6 shall be:

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

1507.8 When *parking spaces* are provided within a building or structure, all vehicular entrances or exits shall be set back at least twelve feet (12 ft.) from the center line of any adjacent alley.



1507.9 Adjacent lots may provide access to *parking spaces* on each lot from a single *driveway*. The width of the *driveway* shall not exceed seven feet (7 ft.) on each lot.

1507.10 A *driveway* that provides access to *parking spaces* shall:

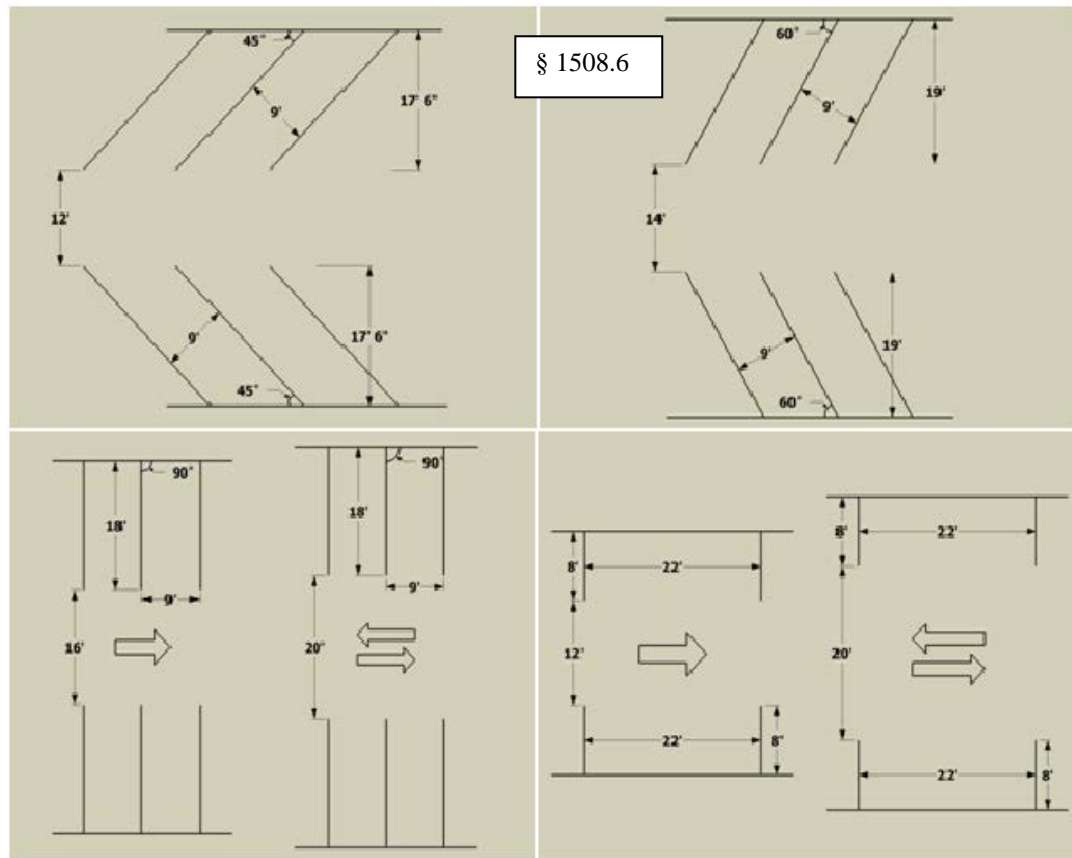
- (a) Have a maximum grade of twelve percent (12%) with a vertical transition at the property line; and
- (b) Be constructed with an all-weather surface that may be permeable.

**1508 SIZE AND LAYOUT REQUIREMENTS**

- 1508.1 The intent of this section is to ensure that *parking spaces* are adequately sized to allow safe and convenient access, to allow mechanized parking, and to allow flexibility to meet parking needs for smaller motor vehicles.
- 1508.2 Except as provided in § 1508.3 and § 1512, all *parking spaces* and *parking aisles* shall conform to the dimension requirements of this section.
- 1508.3 Mechanized *parking systems* are exempted from the requirements of this section.
- 1508.4 At least fifty percent (50%) of the *parking spaces* in any *parking area* must meet the minimum *full-sized parking space* standards, except as provided in § 1508.5. All other spaces must meet the minimum *compact parking space* standards in § 1508.7.
- 1508.5 *Parking spaces* provided on the same lot as a *historic resource* shall meet the minimum dimensional requirements of § 1508.7.
- 1508.6 The minimum dimensions for *full-sized parking spaces* and *aisles* are:

**Table I: FULL SIZED PARKING SPACES**

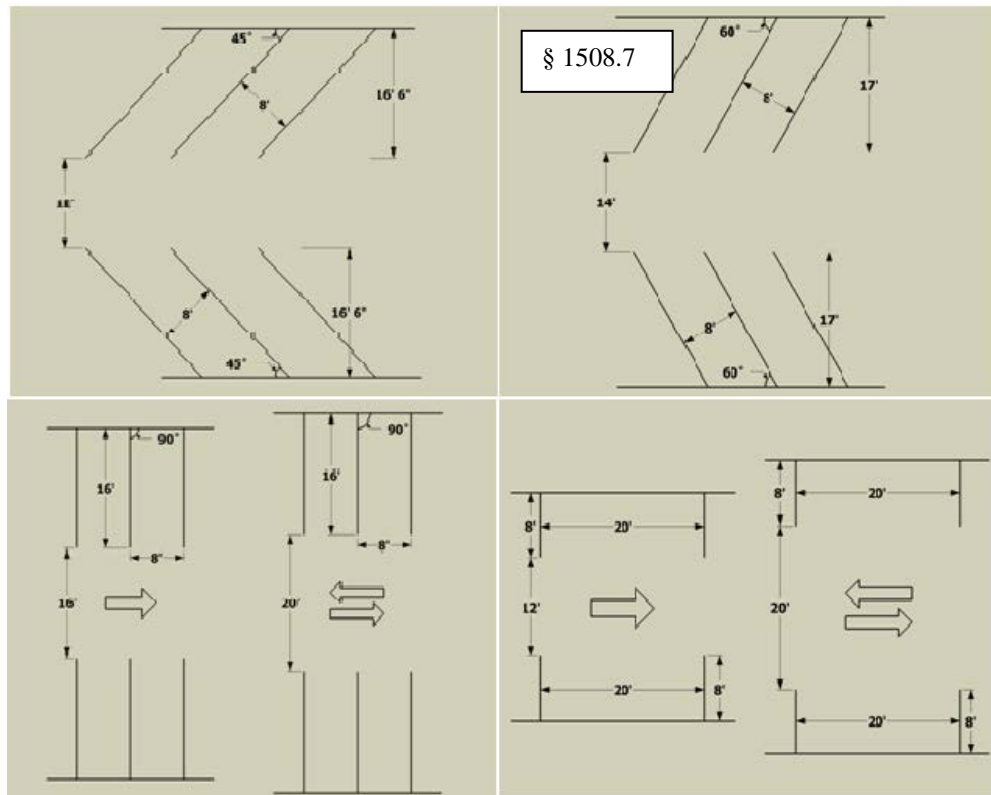
Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Drive Aisle Width (Feet)	Two-Way Drive Aisle Width (Feet)
45°	9	17.5	12.0	N/A
60°	9	19.0	14.0	N/A
90°	9	18.0	16.0	20.0
Parallel	22.0	8.0	12.0	20.0



1508.7 The minimum dimensions for *compact parking spaces* and *aisles* are:

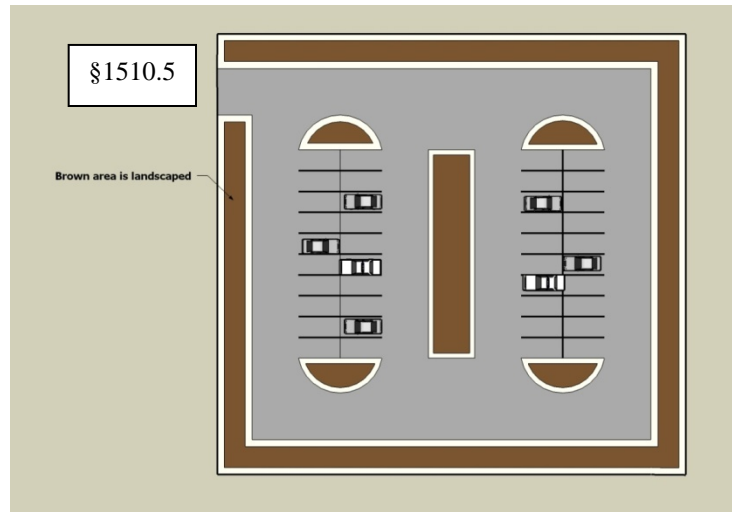
Table II: COMPACT PARKING SPACES

Parking Angle	Stall Width (Feet)	Depth of Stalls Perpendicular To Aisle (Feet)	One-Way Aisle Width (Feet)	Two-Way Aisle Width (Feet)
45°	8	16.5	12.0	N/A
60°	8	17.0	14.0	N/A
90°	8	16.0	16.0	20.0
Parallel	20.0	8.0	12.0	20.0



- 1508.8 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.).
- 1508.9 Above grade parking areas shall be designed so that no vehicle shall project over any lot line, front setback line, or *building restriction line*.
- 1508.10 Except on a lot that only has one (1) or two (2) dwelling units, wheel bumper guards, curbs, guard rails, or screening shall be installed between the property line and the perimeter of the parking area.
- 1508.11 Except on a lot that only has one (1) or two (2) dwelling units, 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.
- 1509 MAINTENANCE REQUIREMENTS**
- 1509.1 The intent of this section is to ensure that *parking spaces* are constructed durably, that they are maintained over time, and that they do not create health or safety problems.

- 1509.2 All *parking areas*, including access aisles, driveways, and ramp areas, shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all-weather surfaces include porous (or pervious) concrete, porous asphalt, and mechanically-reinforced grass. Gravel and grass that is not mechanically reinforced are not allowed as surface materials required under this subsection. Areas for landscaping and tree planting are exempt from this requirement.
- 1509.3 All *parking spaces* shall be clearly striped according to the dimensions specified in § 1508. Durable all-weather materials shall be used for striping. Striping shall be maintained for as long as the parking spaces are in use.
- 1509.4 A *parking area* serving a use in the Retail or Food and Alcohol Services *use category* shall provide at least one (1) litter receptacle within the parking area.
- 1510 LANDSCAPING, SCREENING, AND LIGHTING REQUIREMENTS FOR PARKING**
- 1510.1 The intent of this section is to ensure that parking areas are compatible with their surroundings and to reduce environmental impacts.
- 1510.2 *Surface parking areas* with ten (10) or more *parking spaces* shall conform to the landscaping, tree canopy cover, screening, and lighting requirements of this section.
- 1510.3 Landscaped areas planted with trees and shrubs shall cover a minimum of ten percent (10%) of the total area devoted to parking, including *aisles* and *driveways*.
- 1510.4 The landscaping shall be maintained in a healthy, growing condition. Dead or dying landscaping shall be replaced.
- 1510.5 All end islands of parking rows and all areas otherwise not used for ingress and egress, *aisles*, and *parking spaces* shall be landscaped.



1510.6 Landscaping around the perimeter of the parking area may count toward the area requirement of § 1510.3 up to a distance of six feet (6 ft.) from the pavement.

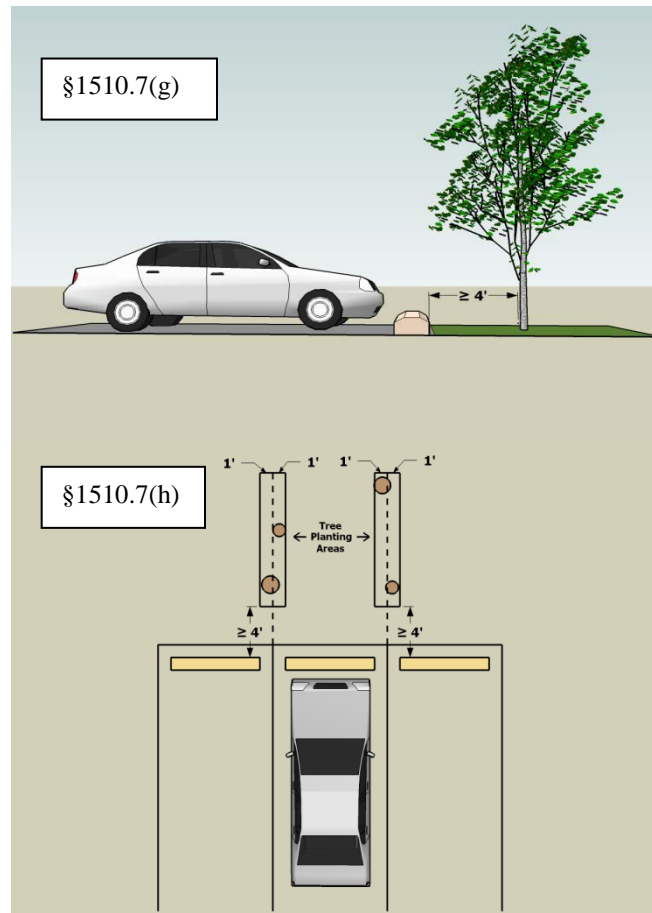
1510.7 The parking area shall be provided with the equivalent of one (1) *canopy tree* per five (5) *parking spaces* subject to the following requirements:

- (a) Trees of the species listed in Appendix X – “Suggested List of Tree Species for Parking Lot Canopy Requirements” shall be planted with the following conditions:
  - (1) For every tree planted from a list of small species in [Appendix X], a tree from a list of large species in [Appendix X], or a substitute approved by the Urban Forestry Administration (UFA), shall be planted;
  - (2) Species not on the list in Appendix X may be planted if determined by the UFA to be equivalent to species from the list; and
  - (3) The Zoning Administrator may accept any written communication from the UFA as approval of a tree species;
- (b) Trees may be planted in areas that are included in the landscaped areas required by § 1510.3;
- (c) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.);
- (d) New trees or existing trees that are retained shall count toward the tree requirement based on the following table:

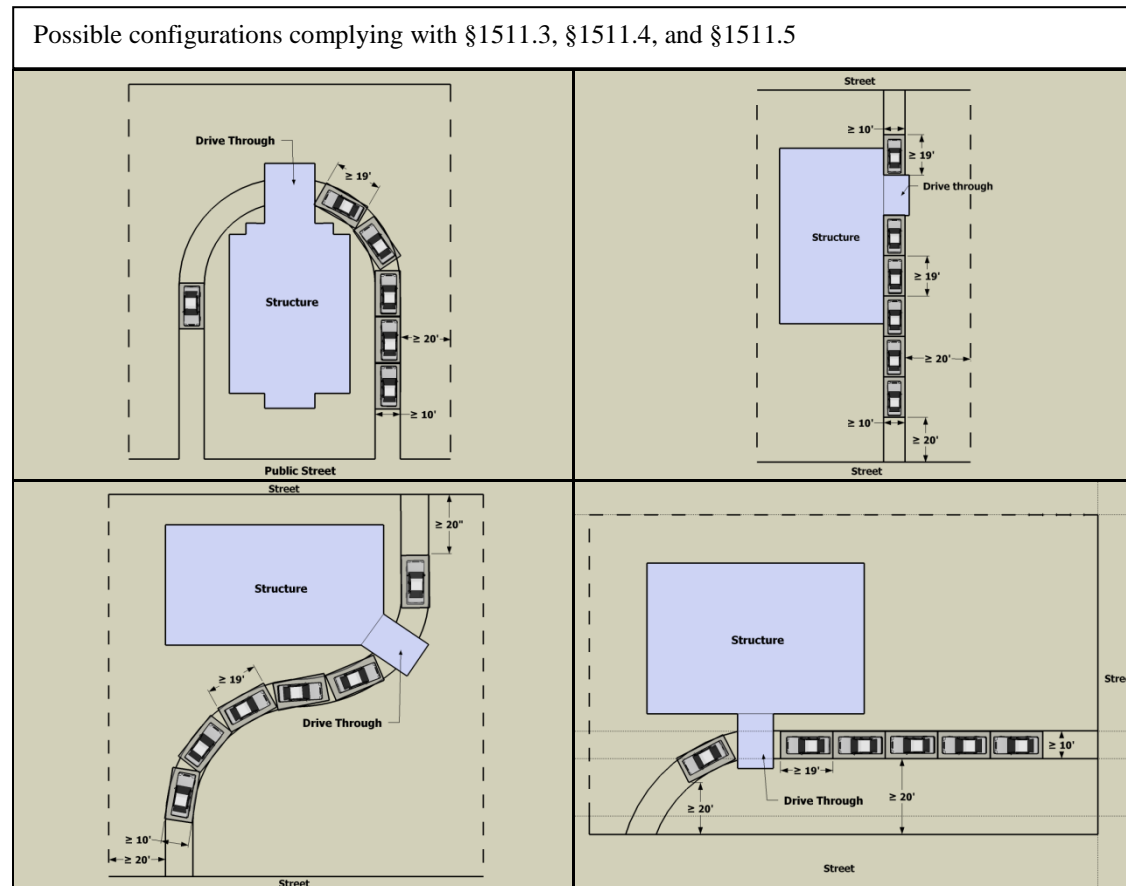


	Within perimeter of paved parking area	Outside perimeter of paved parking area and within 10 ft. of pavement edge
2.5 - 6 in. diameter	1.0	0.5
6.1-10 in. diameter	2.0	1.5
More than 10 in. diameter	3.0	3.0

- (e) All trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree;
- (f) Dead or dying trees shall be replaced;
- (g) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops; and
- (h) When tree planting areas are located adjacent to vehicle overhangs, trees shall be planted within one (1) foot of lines extending from the stripes between parking spaces.



- 1510.8 A surface parking area shall have screening around its entire perimeter, subject to the standards of § 1510.9 and § 1510.10, when the parking area is either:
- (a) Within a zone other than a PDR zone; or
  - (b) In a PDR zone and abutting property in a zone in subtitle D (Residential House).
- 1510.9 The screening required by § 1510.8 shall be either:
- (a) A solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high; or
  - (b) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two inches (42 in.) in height when planted.
- 1510.10 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street. No individual gap may exceed twenty-four feet (24 ft.) in width.
- 1510.11 Any lighting used to illuminate a parking area or its accessory buildings shall be arranged so that all direct light rays are confined to the surface of the parking area.
- 1511 DRIVE-THROUGH QUEUING LANES**
- 1511.1 The intent of this section is to prevent negative visual impacts or encroachments on the use of public space.
- 1511.2 A *driveway* serving as a motor vehicle queuing lane shall conform to the standards in this section.
- 1511.3 The queuing lane shall provide a minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.
- 1511.4 No queuing space may be located within twenty feet (20 ft.) of any street lot line.
- 1511.5 Each queuing space shall be a minimum of ten feet (10 ft.) in width by nineteen feet (19 ft.) in length and shall constitute an exclusive queuing lane.



- 1511.6 The queuing lane shall not be the only entry or exit lane on the premises.
- 1511.7 Any lighting used to illuminate the queuing lane shall be so arranged that all direct light rays are confined to the surface of the queuing lane.
- 1512 EXCEPTIONS FROM PARKING REQUIREMENTS**
- 1512.1 The intent of this section is to allow exceptions from parking requirements under certain conditions, such as when attendant parking is provided.
- 1512.2 In a Mixed-Use or Downtown zone, the Zoning Administrator shall waive the parking space dimensional, size, design, and striping requirements stated in §§ 1508.4, 1508.5, 1508.6, 1508.7, and 1509 for a *parking area* located within a building if:
- (a) The area devoted to parking is at least twenty-thousand square feet (20,000 sq. ft.);

- (b) A minimum of two hundred eighty-five square feet (285 ft.) of parking area will be provided for each parking space;
- (c) Residential uses will occupy no more than twenty percent (20%) of the gross floor area of the building or structure;
- (d) The *parking area* will be managed from 7:00 a.m. to 7:00 p.m. by employed attendants who park the vehicles using the *parking area*; and
- (e) No individual area where the lesser dimension is less than seven feet (7 ft.) or where the greater dimension is less than fourteen feet (14 ft.), exclusive of column obstructions, shall be used to park motor vehicles.

1512.3 The request for a waiver under § 1512.2 must be accompanied by:

- (a) A parking plan on a medium acceptable to the Zoning Administrator that demonstrates how parking shall be provided if attendant parking is discontinued; and
- (b) A certification by the building owner that the parking area will be operated in conformance with § 1512.4.

1512.4 A *parking area* granted a waiver pursuant to § 1512.2 shall be operated in conformance with the following conditions:

- (a) A permanent sign shall be posted at each entrance in full view of the public that states: “Attendant assisted parking is required by the District of Columbia Zoning Regulations,” and that states the hours during which attendant parking is provided;
- (b) The sign shall have a white background, with black lettering that is at least two inches (2 in.) in height;
- (c) All parking areas and spaces provided under this subsection 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;
- (d) Where aisles are provided, they shall meet the design requirements stipulated in § 1508.6 and 1508.7; and
- (e) If attendant parking discontinued, the parking spaces shall thereafter conform to §§ 1508.4, 1508.5, 1508.6, 1508.7, and 1509 and the parking area shall be operated in conformance with the parking plan required by § 1512.3(a). The purpose of the parking plan is to demonstrate that all

unattended parking spaces will meet the size and layout requirements of these subsections, and that any minimum parking requirement will be met.

**1513 SPECIAL EXCEPTIONS FROM PARKING REQUIREMENTS**

- 1513.1 This section provides flexibility from parking requirements when providing the number of parking spaces required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for parking, lack of space, or proximity to transit.
- 1513.2 The Office of Zoning shall refer any application filed for a special exception established by this section to the Office of Planning (OP) and DDOT for review and report.
- 1513.3 The Board may grant a full or partial reduction in the minimum parking required for a use, subject to the general special exception requirements of [§ 3104], the limitations of § 1513.4, and the applicant's demonstration of any of the following:
- (a) It is physically unable to provide the required parking spaces on the lot or within four hundred feet (400 ft.) or a combination of the two;
  - (b) The use or structure is within one-quarter (1/4) mile of a Metrorail station entrance, a streetcar line currently in operation, or a high-frequency bus corridor; or
  - (c) The use or structure will generate demand for less parking than the minimum parking standards require, as a result of either:
    - (1) The nature of the use or structure; or
    - (2) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval.
- 1513.4 A reduction in parking granted under § 1513.3(a) shall only be for the amount that the applicant is physically unable to provide, and a reduction in parking granted under § 1513.3(c) shall be proportionate to the reduction in parking demand demonstrated by the applicant.
- 1513.5 The Board may grant, by special exception, a full or partial reduction of the minimum parking required for a use or structure if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) The only means by which a motor vehicle could access the lot is from an improved public street; and
- (b) A curb cut permit for the property has been denied by DDOT; or
- (c) Any driveway that could access an improved public street from the property would violate any regulation in this chapter, in the parking provisions of any other subtitle in the Zoning Regulations, or in chapters 6 or 11 of title 24 DCMR.

1513.6 The Board may grant, by special exception, a full or partial reduction of the minimum parking required for an addition to a *historic resource* if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:

- (a) As a result of the nature or location of the *historic resource*, providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource; and
- (b) At least one (1) of the following applies:
  - (1) The use or structure is within one-quarter (1/4) mile of a Metrorail station entrance, a streetcar line currently in operation, or a high-frequency bus corridor; or
  - (2) The applicant agrees to implement a *transportation demand management program* approved by DDOT.

1513.7 The Board may grant, by *special exception*, an increase in the maximum number of parking spaces or maximum size of parking area allowed under § 1503.3 or the maximum parking standards of a land use subtitle if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that a *transportation demand management plan* approved by DDOT will be implemented. The Board may impose as a condition of its approval of the special exception established by § 1513.6, requirements as to screening, landscaping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property.

1513.8 The Board may grant, by *special exception*, a modification or waiver of the screening requirements of § 1510.8 and 1510.9. In granting a modification or waiver, the Board shall find that the parking area meets the general requirements of [§ 3104], and shall consider:

- (a) The adequacy of protective and screening walls located on adjacent property;
- (b) Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas; and
- (c) Topographic and traffic conditions.

The Board may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.

The following new chapter 16, **BICYCLE PARKING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 16 GENERAL BICYCLE PARKING REGULATIONS**

<b>1600</b>	<b>Introduction to General Bicycle Parking Chapter</b>
<b>1601</b>	<b>Relationship to Land Use Subtitles</b>
<b>1602</b>	<b>General Requirements</b>
<b>1603</b>	<b>Minimum Bicycle Parking Spaces</b>
<b>1604</b>	<b>Rules of Calculation</b>
<b>1605</b>	<b>Short-term Bicycle Parking Space Requirements</b>
<b>1606</b>	<b>Long-term Bicycle Parking Space Requirements</b>
<b>1607</b>	<b>Requirements for Changing Facilities</b>
<b>1608</b>	<b>Special Exceptions from Bicycle Parking Requirements</b>

### **1600 INTRODUCTION TO GENERAL BICYCLE PARKING CHAPTER**

1600.1 This chapter provides general parking regulations for bicycles that apply regardless of zone.

1600.2 The purpose of this chapter is to:

- (a) Ensure an adequate supply of bicycle parking;
- (b) Ensure that bicycle parking facilities are located and designed to maximize convenience and to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces; and
- (c) Ensure that bicycle parking areas are safe and accessible.

- 1600.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a bicycle parking plan, which shall be depicted on detailed site plans and building plans and demonstrate full compliance with this chapter.
- 1600.4 The Zoning Administrator may at his discretion, request that the District Department of Transportation (DDOT) review and make a recommendation regarding any item on the bicycle parking plan prior to approving the building permit application.
- 1600.5 No certificate of occupancy shall be issued unless the bicycle parking spaces have been constructed in accordance with the approved bicycle parking plan.

**1601 RELATIONSHIP TO LAND USE SUBTITLES**

- 1601.1 The general bicycle parking regulations of this chapter apply to all land use subtitles.
- 1601.2 Additional use-related conditions that impose additional bicycle parking requirements may be located in the use permissions chapters of the land use subtitles.

**1602 GENERAL REQUIREMENTS**

- 1602.1 The intent of this section is to ensure that bicycle parking spaces are usable and accessible.
- 1602.2 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.
- 1602.3 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.
- 1602.4 Where required bicycle parking is provided as racks, the racks must meet the following standards:
- (a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock if neither wheel is removed from the bicycle;



- (b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;
- (c) Racks shall be placed apart from one another, and any other obstructions, a minimum of thirty inches (30 in.), and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and
- (d) The rack shall be securely anchored.

1602.5 Each required bicycle parking space shall be accessible without moving another bicycle.

### **1603 MINIMUM BICYCLE PARKING SPACES**

1603.1 All residential uses with ten (10) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces according the rules of this chapter and the following table:

<b>Use</b>	<b>Long-Term Spaces</b>	<b>Short-Term Spaces</b>
Accommodation	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Agriculture	None	2 spaces
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Commercial Parking	None	None
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Education	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft. but no less than 2 spaces.	1 space for each 3,500 sq. ft.
Food and Alcohol Services	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Health Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Local Government	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.

Use	Long-Term Spaces	Short-Term Spaces
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential	1 space for each dwelling unit	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

- 1603.2 Notwithstanding § 1603.1, no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces.
- 1603.3 The bicycle parking standards of this chapter apply to all newly constructed *buildings*.
- 1603.4 When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, *historic resources* shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.
- 1603.5 An addition to an existing building, or the expansion of a use within a building, triggers additional *bicycle parking requirements* only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1603.5.
- 1603.6 Additions to *historic resources* shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

- 1603.7 Special exception relief from additional parking requirements for *historic resources* is provided for in § 1608.4 and 1608.6.
- 1603.8 Any expansion, regardless of size, of a use that operates outside of a building shall conform to applicable bicycle parking standards.
- 1603.9 Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.
- 1603.10 When there is more than one (1) use on a lot, the number of bicycle parking spaces provided must equal the total required for all *uses*. If a single *use* falls into more than one (1) *use category* for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

#### **1604 RULES OF CALCULATION**

- 1604.1 All bicycle parking standards shall be calculated on the basis of *gross floor area*, except for Residential uses, which base bicycle parking standards on the number of *dwelling units*.
- 1604.2 For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.
- 1604.3 Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one half (0.5) shall be rounded down to the previous consecutive whole number.

#### **1605 SHORT-TERM BICYCLE PARKING SPACE REQUIREMENTS**

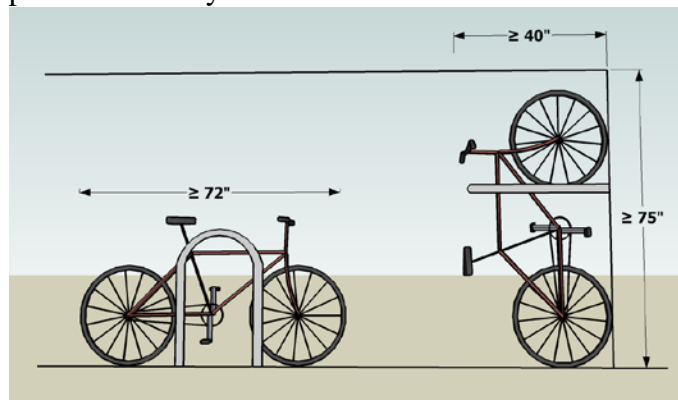
- 1605.1 The intent of this section is to ensure that required *short-term bicycle parking spaces* will be conveniently located and safely accessed.
- 1605.2 Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must receive approval of a public space application under title 24 DCMR.
- 1605.3 Required short-term bicycle parking spaces shall be located within fifty feet (50 ft.) of a *primary entrance* to the building they serve.

- 1605.4 Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface conforming to the requirements of § 1509.2 in the General Parking Chapter.
- 1605.5 Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 1602.4.
- 1605.6 An aisle at least five feet (5 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the *right-of-way*.
- 1605.7 Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

**1606 LONG-TERM BICYCLE PARKING SPACE REQUIREMENTS**

- 1606.1 The intent of this section is to ensure that required *long-term bicycle parking spaces* are provided for the use of building residents, tenants, and employees.
- 1606.2 All required *long-term bicycle parking spaces* shall be located within the building of the use requiring them.
- 1606.3 Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants.
- 1606.4 Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room.
- 1606.5 Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier.
- 1606.6 Where required *long-term bicycle parking* is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors.

- 1606.7 For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room.
- 1606.8 Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:
- (a) Twenty-four inches (24 in.) in width at the door end;
  - (b) Eight inches (8 in.) in width at the opposite end;
  - (c) Seventy-two inches (72 in.) in length; and
  - (d) Forty-eight inches (48 in.) in height.
- 1606.9 Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of forty-eight inches (48 in.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times.
- 1606.10 A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle space racks shall support the bicycle without the bicycle being suspended.
- 1606.11 Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:
- (a) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or
  - (b) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



**1607 REQUIREMENTS FOR CHANGING FACILITIES**

- 1607.1 The intent of this section is to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses.
- 1607.2 The requirements of this section shall apply to:
- (a) Newly constructed buildings; and
  - (b) Buildings that expand in gross floor area by more than twenty-five percent (25%).
- 1607.3 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers.
- 1607.4 A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high.
- 1607.5 Showers and lockers required by this section shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

**1608 SPECIAL EXCEPTIONS FROM BICYCLE PARKING REQUIREMENTS**

- 1608.1 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 or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking.
- 1608.2 The Office of Zoning shall refer any application under this section to the Office of Planning (OP) and DDOT for review and report.
- 1608.3 The Board may grant, by special exception, a full or partial reduction in the minimum number of long-term bicycle parking spaces required for a use or structure, subject to the general requirements of [§ 3104], the limitations of § 1608.5, and the applicant's demonstration of either of the following:

- (a) All of the required bicycle parking spaces cannot physically be provided on the lot; or
- (b) The use or structure will generate demand for less long-term bicycle parking than the minimum bicycle parking standards require, as a result of either:
  - (1) The nature of the use or structure; or
  - (2) A *transportation demand management plan* approved by DDOT, the implementation of which shall be a condition of the Board's approval.

1608.4 The Board may grant, by special exception, a full or partial reduction in the minimum number of short-term bicycle parking spaces required for a use or structure if, in addition to meeting the general requirements of [§ 3104], and the limitations of § 1608.5, the applicant demonstrates that:

- (a) All of the required bicycle parking spaces cannot physically be provided on the lot, and that it will be impossible to provide any required bicycle parking spaces on abutting public space;
- (b) The neighborhood or area in which the use or structure is located will generate demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
- (c) A *transportation demand management plan* approved by DDOT, the implementation of which shall be a condition of the Board's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require.

1608.5 A reduction in parking granted under § 1608.3(a) or 1608.4(a) shall only be for the amount that the applicant is physically unable to provide, and a reduction in bicycle parking granted under § 1608.3(b), 1608.4(b), or 1608.4(c) shall be proportionate to the reduction in bicycle parking demand demonstrated by the applicant.

1608.6 The Board may grant, by special exception, a full or partial reduction in the number of minimum bicycle parking spaces required for an addition to a *historic resource* if in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that as a result of the nature or location of the *historic resource*, providing the required bicycle parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the *historic resource*.

- 1608.7      The Board may grant, by special exception, modifications or waivers to the requirements for showers and changing facilities in § 1607.3, 1607.4, and 1607.5 if in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
- (a)      The intent of § 1607 is met; and
  - (b)      Either:
    - (1)      The use will not generate the demand for the full number of showers and changing facilities required; or
    - (2)      The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

The following new chapter 17, **LOADING REGULATIONS**, is proposed to be included within a proposed subtitle B, **GENERAL REGULATIONS**, of a revised title 11 DCMR.

## **CHAPTER 17 GENERAL LOADING REGULATIONS**

<b>1700</b>	<b>Introduction to General Loading Chapter</b>
<b>1701</b>	<b>Relationship to Land Use Subtitles</b>
<b>1702</b>	<b>Loading Requirements</b>
<b>1703</b>	<b>Rules of Measurement and Interpretation</b>
<b>1704</b>	<b>Location Restrictions</b>
<b>1705</b>	<b>Access Requirements</b>
<b>1706</b>	<b>Size and Layout Requirements</b>
<b>1707</b>	<b>Maintenance Requirements</b>
<b>1708</b>	<b>Trash Receptacles</b>
<b>1709</b>	<b>Screening and Lighting Requirements</b>
<b>1710</b>	<b>Special Exceptions from Loading Requirements</b>

### **1700      INTRODUCTION TO GENERAL LOADING CHAPTER**

- 1700.1      This chapter provides general regulations for loading berths, loading platforms, and service and delivery loading spaces that apply regardless of zone.
- 1700.2      The purpose of this chapter is to:
- (a)      Ensure an adequate supply of off-street loading facilities;
  - (b)      Prevent on-street loading that would contribute to traffic congestion;



- (c) Ensure that loading facilities are located, accessed, and designed to minimize negative impacts on adjacent properties, urban design, the pedestrian environment, and public spaces;
- (d) Ensure the loading facilities are safe and accessible; and
- (e) Ensure that loading facilities are screened and kept free of any obstructions.

1700.3 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this title.

1700.4 The Zoning Administrator may at his or her discretion, request that the District Department of Transportation (DDOT) review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.

1700.5 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.

## **1701 RELATIONSHIP TO LAND USE SUBTITLES**

1701.1 The loading regulations of this chapter apply to all land use subtitles.

1701.2 Additional *use*-related conditions may be located in the *use* permissions chapters of the land use subtitles.

## **1702 LOADING REQUIREMENTS**

1702.1 All buildings or structures shall be provided with loading berths and service/delivery spaces according to the regulations of this chapter and the following table:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Agriculture</b>		
	None	None
<b>Animal Sales, Care and Boarding</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Antennas</b>		
	None	None

<b>Use</b>	<b>Minimum Number of Loading Berths Required</b>	<b>Minimum Number of Service/Delivery Spaces Required</b>
<b>Arts Design and Creation</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Basic Utilities</b>		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
<b>Chancery</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Commercial Parking</b>		
	None	None
<b>Community-Based Institutional Facility</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Daytime Care</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Education</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Emergency Shelter</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
<b>Entertainment, Assembly, and Performing Arts</b>		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
<b>Firearm Sales</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Food and Alcohol Services</b>		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
<b>Government, Large-Scale</b>		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1

<b>Use</b>	<b>Minimum Number of Loading Berths Required</b>	<b>Minimum Number of Service/Delivery Spaces Required</b>
<b>Government, Local</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Health Care</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Institutional</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Lodging</b>		
10,000 to 50,000 sq. ft gross floor area	1	None
More than 50,000 to 100,000 sq. ft gross floor area	2	None
More than 100,000 to 500,000 sq. ft gross floor area	3	None
More than 500,000 sq. ft gross floor area	4	None
<b>Marine</b>		
30,000 to 100,000 sq. ft gross floor area	1	1
More than 100,000 sq. ft gross floor area	2	1
<b>Motor Vehicle-related</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Office</b>		
20,000 to 50,000 sq. ft gross floor area	1	1
More than 50,000 to 200,000 sq. ft gross floor area	2	1
More than 200,000 sq. ft gross floor area	3	1
<b>Parks and Recreation</b>		
More than 30,000 sq. ft gross floor area	None	1
<b>Production, Distribution, and Repair</b>		
5,000 to 25,000 sq. ft gross floor area	1	None
More than 25,000 sq. ft gross floor area	2	None
For each 100,000 sq. ft gross floor area more than 50,000 sq. ft	1	None
<b>Residential</b>		
More than 50 dwelling units	1	1
<b>Retail</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
<b>Service</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Sexually-oriented Business Est.</b>		
5,000 to 20,000 sq. ft gross floor area	1	None
More than 20,000 to 100,000 sq. ft gross floor area	2	1
More than 100,000 sq. ft gross floor area	3	1
<b>Transportation Infrastructure</b>		
	None	None
<b>Waste-related Services</b>		
5,000 to 25,000 sq. ft gross floor area	1	None
More than 25,000 sq. ft gross floor area	2	None
For each 100,000 sq. ft gross floor area more than 50,000 sq. ft	1	None

- 1702.2 The loading requirements must be met when a new building or structure is constructed.
- 1702.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum sizes specified in the schedule in § 1702.1.
- 1702.4 When a property changes *use* categories or adds a *use* category, the following shall apply:
- (a) Additional loading berths and service spaces shall be required only when the minimum number of *loading spaces* required for the new *use category* exceeds the number of spaces required for the prior *use* category that occupied the same floor area;
  - (b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and
  - (c) *Historic resources* shall not be required to provide additional loading for a change in use without expansion.
- 1702.5 An addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking

requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added. A different rule applies to *historic resources* and is stated in § 1702.6.

1702.6 Additions to *historic resources* shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].

1702.7 Each loading berth, whether required or not, shall be accompanied by one (1) adjacent loading platform that meets the requirements of § 1706.4.

1702.8 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.

### **1703 RULES OF MEASUREMENT AND INTERPRETATION**

1703.1 The intent of this section is to provide rules of measurement and interpretation that will be used to meet loading requirements, standards, and conditions.

1703.2 When two (2) or more non-residential uses in the same *use* category share a building or structure, all of the uses in the same *use* category shall be added together to derive the total gross floor area, or other unit of measurement in the table in § 1702.1, to determine the required number of berths and spaces for that use category.

1703.3 When two (2) or more uses in different *use* categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the *use* category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area.

1703.4 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

1703.5 For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

**1704 LOCATION RESTRICTIONS**

- 1704.1 The intent of this section is to ensure that loading facilities:
- (a) Are located conveniently to the uses they serve;
  - (b) Do not interfere with the functioning of other uses;
  - (c) Are compatible with their surroundings;
  - (d) Generally result in loading at rear entrances to buildings, rather than front entrances; and
  - (e) Do not create conflicts with the pedestrian environment or vehicular and bicycle traffic.
- 1704.2 Except as provided in this section, all loading berths and service/delivery loading spaces shall be located as follows:
- (a) Within the building or structure the berths or spaces are designed to serve;
  - (b) Within the rear yard of the building they are intended to serve; or
  - (c) Within a side yard of the building they are intended to serve, provided that on a lot that is within or adjacent to a [subtitle D, E, or F zone], the loading berths and service/delivery loading spaces shall be at least six feet (6 ft.) from any side lot line.
- 1704.3 Loading facilities in PDR zones are not subject to the requirements of § 1704.2; however, loading facilities located in a side yard on a lot that is within or adjacent to a [subtitle D, E, or F zone] shall be at least six feet (6 ft.) from any side lot line.
- 1704.4 All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure.
- 1704.5 All uses in the building shall have direct access to required loading platforms or access through a common interior space or corridor.
- 1704.6 All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line.
- 1704.7 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

- (a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in § 1702.1; and
- (b) A binding covenant that is acceptable to the Zoning Administrator, ensuring the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by § 1702.1.

## **1705 ACCESS REQUIREMENTS**

- 1705.1 The intent of this section is to ensure that loading facilities are safe and accessible, and that driveways do not conflict with the pedestrian environment or with vehicular and bicycle traffic.
- 1705.2 All loading berths and service/delivery loading spaces shall be accessible at all times from a driveway meeting the requirements of § B 1507.4 and § 1507.7.
- 1705.3 A driveway or access aisle leading to a loading berth or service/delivery loading space shall have a minimum width of twelve feet (12 ft.), a maximum width of twenty-four feet (24 ft.), and a maximum slope of twelve percent (12%).
- 1705.4 No driveway providing access to a loading berth or service/delivery loading space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection.
- 1705.5 A loading berth or service/delivery loading space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

## **1706 SIZE AND LAYOUT REQUIREMENTS**

- 1706.1 The intent of this section is to ensure that loading facilities are adequately sized and capable of performing their intended functions.
- 1706.2 All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty feet (30 ft.) and have a minimum vertical clearance of fourteen feet (14 ft.).

- 1706.3 All service/delivery loading spaces shall be a minimum of twenty feet (20 ft.) deep and ten feet (10 ft.) wide and have a minimum vertical clearance of ten feet (10 ft.).
- 1706.4 All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:
- (a) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;
  - (b) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;
  - (c) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and
  - (d) A loading platform floor shall consist of one (1) horizontal level.
- 1706.5 The dimensions specified in this section for service/delivery spaces and loading berths are exclusive of access aisles, maneuvering space, and loading platforms.

**1707 MAINTENANCE REQUIREMENTS**

- 1707.1 The intent of this section is to ensure that facilities are maintained over time and are safe and clean.
- 1707.2 All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface.
- 1707.3 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.
- 1707.4 Each service/delivery space shall be clearly marked "For Service and Delivery Vehicles Only" and used exclusively for such vehicles.
- 1707.5 All parts of the loading berth or service/delivery space including access aisles, driveways, and maneuvering areas shall be kept free of refuse, debris, and other obstructions of any kind.



**1708 TRASH RECEPTACLES**

- 1708.1 The intent of this section is to ensure that facilities for trash collection are provided and clearly shown on building plans.
- 1708.2 Buildings requiring loading must have at least one (1) trash room within the building and within or immediately adjacent to the loading area, or within an accessory building immediately adjacent to the loading area.
- 1708.3 All new development over two thousand square feet (2,000 sq. ft.) of gross floor area other than one- or two-family structures must clearly show the area for the building's trash receptacles on the building plans.
- 1708.4 Trash receptacles external to a building shall be screened and/or covered.

**1709 SCREENING AND LIGHTING REQUIREMENTS**

- 1709.1 The intent of this section is to ensure that facilities are compatible with their surroundings.
- 1709.2 When loading berths or service/delivery spaces are not enclosed within a building, the loading area shall have screening around its entire perimeter, subject to the standards of § 1709.4 and 1709.5, when the loading area is either:
- (a) Within a zone other than a PDR zone; or
  - (b) In a PDR zone and abutting property in a zone in subtitle D (Residential).
- 1709.3 Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).
- 1709.4 The screening required by § 1709.2 shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 in.) high. The wall shall harmonize with the main structure in architectural character, material, and color.
- 1709.5 Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street. No individual gap may exceed twenty feet (20 ft.) in width.
- 1709.6 Any lighting used to illuminate a loading berth, loading platform, or service/delivery loading space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.

**1710 SPECIAL EXCEPTIONS FROM LOADING REQUIREMENTS**

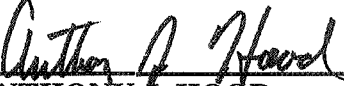
- 1710.1 This section provides flexibility from the loading requirements when providing the number of spaces required is impractical or contrary to other District regulations.
- 1710.2 The Office of Zoning shall refer any application under this section to the Office of Planning (OP) and DDOT for review and report.
- 1710.3 The Board may grant, by special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by § 1702.1 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
- (a) 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) The loading berths or service/delivery spaces are required for an addition to a historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.
- 1710.4 The Board may grant, by special exception, a waiver of the access requirements of § 1705.2 and 1705.3 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
- (a) The lot has unusual topography, grades, shape, size, or dimensions; or
  - (b) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.
- 1710.5 The Board may grant, by special exception, modifications, or waivers of the screening requirements of §1709 if, in addition to meeting the general requirements of [§ 3104], the applicant demonstrates that:
- (a) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or
  - (b) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board to be worthy of protection or to provide equal screening benefits.

1710.6 When granting a special exception under this section, the Board may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management, or transportation demand management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

On January 10, 2011, upon the motion of Chairman Hood, as seconded by Vice Chairman Schlater, the Zoning Commission **APPROVED** this Petition at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve).

On April 25, 2011, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull; the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Konrad W. Schlater, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on July 8, 2011.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
JAMISON L. WEINBAUM  
DIRECTOR  
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 08-06

As Secretary to the Commission, I hereby certify that on **JUL 6 2011** copies of these Z.C. Order Nos. 08-06C (Parking) and 08-06-D (PDR) were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |  |   |
|--|---|
| 1. D.C. Register   | 6. Melinda Bolling, Acting General Counsel<br>DCRA<br>1100 4 <sup>th</sup> Street, S.W.<br>Washington, DC 20024 |
| 2. All ANC Chairs  |   |
| 3. Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004 | 7. Office of the Attorney General (Alan<br>Bergstein)   |
| 4. All Councilmembers  | 8. Zoning Administrator (Matthew<br>LeGrant)  |
| 5. DDOT (Martin Parker)  |   |

ATTESTED BY:

Sharon S. Schellin  
Secretary to the Zoning Commission  
Office of Zoning

# **Attachment F**



Picture taken of 1400 Maryland Avenue site on the evening of December 21, 2011 by Matt Ashburn and posted on his twitter feed @mattashburn