



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING

CASE NO. 11-01 (Office of Planning – Text amendments related to the

location of parking spaces on a lot – 11 DCMR § 2116)

April 28, 2011

Good evening members of the Commission, I am Alma Gates representing the Committee of 100 on the Federal City (C100).

Case No. 11-01 is adjunct to the ZRR Parking Chapter and may result in unintended consequences regarding the location of parking spaces in residential zone districts.¹ When this case was setdown on January 24, 2011, OP only cited commercial zones in the proposed text amendment; and, the Notice of Public Hearing states, “The overall intent of the amendments is to disallow parking spaces accessory to commercial uses ...” However, 11 DCMR § 2116 provides for the location of parking spaces on a lot in all zone districts. So, this case is not just about parking spaces accessory to commercial uses at the front of a lot, it is also about the location of parking spaces on residential lots.

Current § 2116.2 text is specific about where parking spaces are to be located on a lot [rear or side]; purposely omits the “front” of a lot as a permitted location; and, does not distinguish whether or not the lot is commercial or residential. Given the proposed text amendment, would a homeowner now be required to seek a variance to have an off-street parking space in the side setback area because the location of the space happens to fall between a building restriction line and a lot line abutting a

¹ “Unintended Consequences” by Robert Norton, the Concise Encyclopedia of Economics. **The Law of unintended consequences, often cited but rarely defined, is that actions of people – and especially of government – always have effects that are unanticipated or unintended. Economists and other social scientists have heeded its power for centuries; for just as long, politicians and popular opinion have largely ignored it.**

street? Would this prohibition in residential zones be an unintended consequence of the proposed § 2116.2 text amendment?

At its Public Meeting on June 8, 2009, the Zoning Commission provided ZRR Guidance for Case No. 08-06-8 (Low & Moderate Density Residential). One of the considerations was Side Yards – Determination of Minimum Size, and the Commission chose Option 1: “For detached homes, apply a standard based on the ratio of building width to lot width. A minimum yard would be maintained on each side, but the two side yards could be of a different width as long as the aggregate ratio is met.” The resulting proposed text for ZRR Subtitle D provides a side setback that is equal to a percentage of the lot width; but, the percentage would be less than the current eight (8) foot requirement in some low to moderate density residential districts; and, would likely not accommodate a driveway. As the Zoning Commission reviews proposed text for Subtitle D and Case No. 11-01 simultaneously, unintended consequences become predictable for residential zones: a variance would be required to have a parking space if it falls between a building restriction line and a lot line abutting a street; tear downs would be encouraged as wider out of scale new houses begin to pop up; and, off-street parking would be eliminated in residential neighborhoods where on-street parking may be in short supply.

Further revisions are needed to the proposed text amendments if they are meant to address only commercial zones. To that end, the Committee of 100 suggests the following:

Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2116, LOCATION OF PARKING SPACES:

- 2116.2 **In a residence district**, parking spaces shall be located in one (1) of the following ways:
- (a) Within a permitted garage or carport, subject to the special provision of Chapter 23 or
 - (b) **On an open area of the lot as follows:**
 - (1) **Within a rear yard, or**
 - (2) **Within a side setback.**

2116.4 **In a commercial district, parking spaces shall not be located in the following areas:**

- (a) **Between a building restriction line and a lot line abutting a street; or**
- (b) **Except in an Industrial District or a building used solely as a parking attendant shelter, between a lot line abutting a street and the more restrictive of either a building façade or a line extending from and parallel to a building façade.**

As proposed, the text for new § 2116.12 would affect the location of detached garages or even the ability to have a garage for residential lots without alley access. This proposed text amendment **needs clarification that it applies only to commercial districts and C100 suggests:**

2116.12 **In a commercial district**, 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.

Again, even though the Hearing Notice for Case No. 11-01 states, “the overall intent of the amendments is to disallow parking spaces accessory to commercial uses,” the proposed changes to § 2116.2 and the addition of § 2116.12 would affect residential zones.

To avoid unintended consequences in this rule making case in residential zones, C100 asks the Zoning Commission:

- to recognize further clarification is needed regarding the intent of the proposed text amendments related to the location of parking spaces on a lot; and,
- to give its proposed revisions to the § 2116 text amendments serious consideration.