

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 498
Case No. 86-2
(Stacked Parking in Gasoline Service Stations)
September 8, 1986

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on May 12, 1986. At that hearing session, the Zoning Commission considered proposed amendments to the Zoning Regulations of the District of Columbia regarding stacked parking in gasoline service stations, pursuant to Section 9101 of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of Chapter 5 of the Rules of Practice and Procedure before the Zoning Commission.

On April 28, 1986, the Zoning Commission adopted Z.C. Order No. 488 in Zoning Commission Case No. 85-17. Z.C. Order No. 488 amended those provisions of the Zoning Regulations to exclude floor area ratio (FAR) computations for pump island canopies in gasoline service stations.

As a result of the proceedings in Case No. 85-17, the Zoning Commission became aware of another concern that affected gasoline service station operators. That concern related to on-site parking requirements for automobiles.

The law firm of Wilkes, Artis, Medrick and Lane, by letter dated January 30, 1986, indicated that a:

"Problem exists in that all required parking spaces on the lot must be open and accessible at all times directly to a street, alley or private driveway. The typical practice of many gasoline service stations in the District of Columbia is to stack all cars awaiting service in an area of the lot, and move the cars around the lot during the day to accommodate servicing of these vehicles. The gasoline service station attendants normally have access to all the keys, and can move any particular car when necessary.

Gasoline service stations in the District of Columbia are generally older and smaller than stations in the suburbs. As such, there is generally not sufficient

room on the site to accommodate the typical sevenfold increase or more in required parking, and at the same time to ensure that all required parking spaces are open and accessible at all times. For these reasons, we suggest that gasoline service stations be permitted to stack their required parking,"

The Zoning Commission subsequently initiated action to consider amending the Zoning Regulations. The proposal, as advertised in the notice of public hearing, intends to permit the following:

1. Stacked parking as a matter of right where a gasoline station is permitted as a matter-of-right (C-3-C, as an accessory use to a mechanical parking garage, C-4, C-M and M) ; and
2. Stacked parking in gasoline stations where permitted as a special exception, subject to approval by the Board of Zoning Adjustment.

The District of Columbia Office of Planning (OP) , by memorandum dated May 6 and 19, 1986 and by testimony presented at the public hearing, recommended approval of the advertised proposal .

The Exxon Company and the Amoco Oil Company, by testimony presented at the public hearing, stated the following:

"The rationale for approval of the regulations stems from two basic points, First of all, the new parking regulations, effective March 1985, changed the requirement to one parking space for each 300 square feet of gross floor area. The former regulations classified gasoline service stations as retail or service uses, and provided an exemption for the first 2,000 square feet of gross floor area. Therefore, under the old regulations, a typical three bay, 2,100 square foot gasoline station was required to provide one parking space . Under the new regulations, that requirement becomes seven parking spaces. The size of gasoline service station sites in D.C. has not changed, The gasoline service station construction activity in D.C. is primarily reconstruction or renovation of existing sites. Therefore, while the parking requirement has increase, the area in which these spaces is to be provided has not changed.

A second important factor is that cars parked at service stations are left there for the purpose of being serviced by the gasoline station, The cars are left under the control of the station, and keys are left with the attendants so that the cars can be driven

in and out of the service bays, As such, there is no need for all spaces to be "accessible at all times", as required now under Section 7206.4,

As the two typical examples shown during the public hearing clearly illustrate, the allowance of stacked parking results in a better site plan with less potential for vehicular conflicts, more efficient use of the site, and better traffic circulation, than does a parking layout under the present regulations. The proposed regulations will not eliminate the BZA's jurisdiction to review a stacked parking layout, but rather will allow this parking plan to be reviewed under the same special exception standards as is the remainder of the physical improvements on the gasoline station site,"

Advisory Neighborhood Commission - 7B, by Letter dated May 2, 1986, opposed the proposal because the proposal does not encourage the use of public services,

A notice of proposed rulemaking was published in the D.C. Register on July 4, 1986. No comments were received as a result of the publication of that notice,

The Zoning Commission concurs with the recommendation of the Office of Planning.

The Zoning Commission is not persuaded by the position of ANC-7B, because whether the use of public services is encouraged is not germane to the consideration or disposition of this case.

The Zoning Commission is persuaded by the rationale of Wilkes, Artis, Hedrick and Lane, and the Exxon and Amoco Oil Companies, and believes that their rationale has merit,

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan of the District of Columbia,

The proposed action of the Zoning Commission to amend the Zoning Regulations was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated July 31, 1986, found that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL to amend the Zoning Regulations as follows:

(The amendments set forth below reference the format and numbering system of the June, 1986, edition of the District of Columbia Municipal Regulations (DCMR) Title 11 Zoning. The numbers contained in the brackets reference the numbering system of the Provisional Edition of the DCMR Title 11, dated August, 1983.)

1. Amend existing Subsection 2117.4 [7206.4] by adding a new phrase that precedes Subsection 2117.4 [7206.4], as follows:

2117.4 Except as provided in Subsection 2117.15
[7206.4] [7206.11], each required parking space shall be accessible at all times directly from improved streets or alleys or shall be accessible from improved streets or alleys via graded and unobstructed private driveways which form an all--weather impervious surface. Improved streets or alleys providing access to required parking spaces shall have a minimum width of ten feet (10') and be paved in compliance with the standards of the District of Columbia Department of Public Works.

2. Add a new Subsection 2117.15 [7206.11], as follows:

2117.15 Required parking spaces for a gasoline
[7206.11] service station permitted as a matter-of-right may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this section 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.

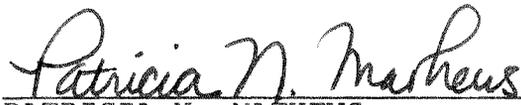
3. Add a new Subsection 706.6 [5101.414], as follows:

706.6 Required parking spaces may be arranged so
[5101.414] that all spaces are not accessible at all times. All parking spaces provided under this section shall 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,

Vote of the Zoning Commission taken at the public meeting on June 9, 1986: 4-0 (John G. Parsons, George M. White, and Patricia N. Mathews, to approve and Lindsley Williams, to approve by absentee vote - Maybelle T. Bennett, not present not voting) .

This order was adopted by the Zoning Commission at the public meeting on September 8, 1986 by a vote of 5-0 (John G. Parsons, Maybelle T. Bennett, George M. White, Lindsley Williams, and Patricia N. Mathews, to adopt.)

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 26 SEP 1986.



PATRICIA N. MATHEWS
Chairperson
Zoning Commission



EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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