



ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
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www.anc3e.org

Resolution regarding curb cuts and illegal parking in public space along Wisconsin Avenue NW in Tenleytown and Friendship Heights Corridor

Whereas, Mayor Bowser and the District Department of Transportation (DDOT) have committed to reducing pedestrian fatalities in the District to zero by the year 2024¹ under a plan commonly referred to as Vision Zero, and

Whereas, the District's Vision Zero plan executive summary² lists creating safe streets, protecting vulnerable users and preventing dangerous driving as three of the four pillars of its plan, and

Whereas, other cities and regions that have committed to the Vision Zero philosophy typically rely on a combination of infrastructure improvements, enforcement and education to achieve zero pedestrian fatalities, and

Whereas, along Wisconsin Avenue NW in Tenleytown and Friendship Heights (the Wisconsin Avenue Corridor) the high number of curb cuts (referred to as driveways in this resolution) inhibit the smooth flow of traffic and endanger pedestrians by generating multiple turns in and out of the flow of traffic and across sidewalks, and

Whereas, along the Wisconsin Avenue Corridor vehicles frequently are parked illegally in public space (also known as "Public Parking"³) which inhibits safe pedestrian passage, is visually unappealing and can damage sidewalks and landscaping, and

Whereas, DDOT has repeatedly indicated to ANC 3E commissioners that it generally does not enforce the law against non-conforming curb cuts and illegal parking spaces in public space and considers them to be grandfathered in, and

Whereas, such curb cuts, use of Public Parking and drive-throughs appear to violate standards set in the District Department of Transportation's (DDOT) [Public Realm Design Manual](#),⁴ including the following:

3.4.1 Width

¹ <http://www.dcvisionzero.com/action-plan.html>

² <http://www.dcvisionzero.com/assets/dc-vision-zero-executive-summary.pdf>

³ Note that "Public Parking" in this context is a term defined in legislation as public space required by law to be open, without encumbrance by vehicles or structures, not (as it may sound) space available for parking vehicles.

⁴

http://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/ddot_public_realm_design_manual_2011_0.pdf

Public Space

DDOT's Design and Engineering Manual specifies that all driveways shall be a minimum of 12 feet wide for one-way traffic and 24 feet wide for two-way traffic. Residential driveways should have a minimum 12-foot width within the public space area, and the driveway apron should be flared (Type D, DDOT Standards Drawing Number 504.04) or have a maximum radius of 6 feet. The driveway apron for commercial driveways should also have a maximum radius of 6 feet. (DEM 31.2.3.3)

The maximum width for all driveways is 24 feet. If any driveway is wider than 24 feet, then a pedestrian island that is 6 feet wide must be provided between driveways. This pedestrian island must be paved as sidewalk, match existing sidewalk material, and have a curb at the roadway that prevents vehicles from entering or exiting the driveway by crossing the pedestrian island. The curb must have a 3 foot radius at the street. The pedestrian island continues within the public space from the back edge of the sidewalk to the property line. No vehicles may cross this area and it may be landscaped (DEM 31.2.3.1 and 31.2.3.2)

3.4.2 LOCATION

Zoning regulations and the DEM specify different minimum distances that a driveway must maintain from an intersection. Zoning regulations require that a driveway serving any use other than a one-family dwelling or flat or serving more than one parking space be a minimum of 25 feet from a street intersection, as measured from the intersection of the curb line extended (ZO-2117.8).

The DEM states that no driveway entrance or exit shall be closer than 60 feet to a street intersection (DEM-31.4.3.1).

A driveway that provides access directly from a street to a row dwelling or a flat shall be a minimum of 28 feet from all adjacent driveways that provide access directly from a street, as measured from the nearest edge of each of the driveway openings (ZO-2117.8)

3.4.3 DESIGN

Driveway paving materials shall continue the paving color and texture of the adjoining sidewalk across the driveway as an indication to drivers that they are crossing a pedestrian pathway (DEM-31.2.3.1)

3.4.4 NUMBER OF DRIVEWAYS FOR BUSINESSES

Businesses abutting on one street shall be limited to two driveways, and businesses abutting on two or more streets shall be limited to three driveways (DCMR 24-607.1).

3.4.5 CIRCULAR DRIVEWAYS

Regulations permit two types of circular driveways: one parallel to the street and accessed through a driveway on a 60-degree angle to the street, and the second with a "U" shape driveway and accessed on a 90-degree angle to the street. The point where curb cuts for circular driveways intersect the curb must be located a minimum of 8 feet from the property line extended (DEM-31.4.3.1).

Circular curb driveways are required for gas stations (DCMR 24-607.4).
Parking is prohibited on circular driveways except in the case of detached single family dwellings (DCMR 18-2411.22).

3.4.6 GRADING

No step-down curbs or ADA ramps are allowed at driveways. All driveways must be flush with the grade of the sidewalk when crossing the pedestrian clear zone (DEM-31.4.3.1).

Whereas, according to the DC Municipal Regulations under DC's zoning code in rule 11-2116 regarding location of parking spaces:

2116.4 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.

Whereas, according to the DC Municipal Regulations under DC's zoning code in rule 11-2304 regarding drive-through uses:

2304.2 The queuing lane shall provide a minimum of five (5) queuing lane spaces before the first service location and one (1) queuing lane space after the last service location before entering public space.

2304.3 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.

2304.4 The queuing lane shall not be the only entry or exit lane on the premises.

2304.5 The queuing lane shall be paved and maintained with materials that form an all-weather impervious surface.

2304.6 No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.

Whereas, according to the DC Municipal Regulations under DC's zoning code in rule 11-2302 regarding gasoline service stations:

2302.1 A public storage garage, repair garage, mechanical parking garage, or gasoline service station established or enlarged in any district except in the C-M or M Districts shall be subject to the provisions in this section.

- 2302.2 No portion of the structure or premises to be used for any of the uses listed in § 2302.1 shall be located within twenty-five feet (25 ft.) of a Residence District unless separated from that Residence District by a street or alley.
- 2302.3 No use listed in § 2302.1 shall have a vehicular entrance or exit connected with a street at a point closer than twenty-five feet (25 ft.) to any Residence District existing at the time the use is established, unless separated from the Residence District by a street or alley.
- 2302.4 No driveway of any entrance or exit to any use listed in § 2302.1 shall be closer than forty feet (40 ft.) to a street intersection as measured from the intersection of the curb lines extended.

Whereas, DDOT has advised ANC 3E commissioners that curb cuts approved for specific purposes like a drive through lane should be replaced once that use at the site ceases.

Now therefore be it resolved, ANC 3E respectfully requests DDOT and the DC Office of Zoning and DCRA to investigate the following curb cuts and vehicular parking on public space, and determine whether they violate DC laws or regulations, report their findings to ANC3E, and take appropriate corrective action to cure any violations.

4200 Block of Wisconsin Avenue NW

4201 Wisconsin Avenue NW Tapei Economic Council

Problem – curb cut within 60 feet of a street intersection – if Van Ness curb cut is illegal then the Wisconsin/39th Curb cut is not usable

4228 Wisconsin Avenue Psychiatric Institute of Washington

Problem – cars (ambulances) regularly park for extended periods in public space on the sidewalk

4244 Wisconsin Avenue NW Exxon Gas Station

Problem – cars stored in public space and stored between building restriction line and street

4268 Wisconsin Avenue NW Verizon Switching Station

Problem – curb cut only connects to illegal parking spaces between building restriction line and street

4300 Block of Wisconsin Avenue NW

4326 Wisconsin Avenue NW Tenley Mini Mart

Problem – parked cars in public space on both front and back of property, including in striped parking spaces; driveways may be wider than 24 feet; small triangular lot is bounded by a public street on both sides so unclear if any surface parking is legal on this lot

4319 Wisconsin Avenue NW 7-11

Problem – 2 driveways within 60 feet of a street intersection; parking in public space

4309 Wisconsin Avenue NW Popeye's
Problem – driveway is within 28 feet of another driveway; parking in public space

4301A Wisconsin Avenue NW Visionworks
Problem – driveway is within 28 feet of another driveway; striped parking spaces in public space that partially block the sidewalk; parking in the public space

4301B Wisconsin Avenue NW Chipotle
Problem – driveway within 60 feet of a street intersection; striped parking spaces in public space; parking in public space

4400 Block of Wisconsin Avenue NW

4001 Yuma Street NW/4450 Wisconsin St Ann's/Tenleytown Library
Problem – 2 driveways within 28 feet of one another – St Ann's parking lot has access to Yuma Street via a public alley

4500 Block of Wisconsin Avenue NW

4555 Wisconsin Avenue NW CVS Square 1770 Lot 0023
Problem – driveways within 28 feet of one another

4539 Wisconsin Avenue NW Domino's Pizza Square 1770 Lot 0810
Problem – driveway is within 60 feet of a street intersection; sidewalk is also not signalized; parking in public space.

4519 Wisconsin Avenue NW American Valet (Whole Foods Alley) Square 1170 Lot 0021
Problem – driveway is to a private alley and creates continuous pedestrian conflicts.

4600 Block of Wisconsin Ave, NW

4611 41st Street NW/4027 Brandywine Street NW Public Tenley/Elements of Motion
Problem – disused curb cut on 41st Street, illegal parking in public space

4656 Wisconsin Avenue NW Papa John's
Problem – striped parking spaces in public space; cars parked in public space

4700 Block of Wisconsin Ave, NW

4700 Wisconsin Avenue NW Steak and Egg Kitchen Square 1733 Lot 0800
Problem – driveway is wider than 24 feet; striped parking spaces in public space and parking in public space along both sides and back of property

4713 Wisconsin Avenue NW/4750 41st Street Friendship Place/Tenley Hill
Problem – driveways within 28 feet of one another

4800 Block of Wisconsin Ave, NW

4835 Wisconsin Avenue NW Signature Cigars
Problem – motorcycles parked in public space

4900 Block of Wisconsin Ave, NW

4900 Wisconsin Avenue NW Shell Square 1671 Lot 0001
Problem – 4 total driveways, 2 on Wisconsin and 2 on Ellicott; 2 driveways within 60 feet of an intersection, one of which is no longer used; parking in public space on both the Wisconsin Avenue and Ellicott Street sides of the property.

4901 Wisconsin Avenue NW Preservation and Framing
Problem – curb cut for drive through that is no longer used, curb cut also within 60 feet of an intersection; striped parking spaces in public space on Ellicott Street along with an additional curb cut within 60 feet of an intersection; parking in public space.

5000 Block of Wisconsin Ave, NW

5001 Wisconsin Avenue NW Citibank
Problem – driveway is within 28 feet of another driveway

5020 Wisconsin Avenue NW Wash & Shine
Problem – driveways within 28 feet of one another

5100 Block of Wisconsin Ave, NW

5151 Wisconsin Avenue NW Fox 5 Square 1666 Lot 0805
Problem – driveway has been filled with planters and is no longer usable for through traffic; Wisconsin Avenue curb cut within 60 feet of intersection; parking in public space along both Wisconsin Avenue and Harrison Street

5200 Block of Wisconsin Ave, NW

5200 Wisconsin Avenue NW B B & T Bank
Problem – driveway within 60 feet of an intersection; striped parking spaces in public space; parking in public space

5230 Wisconsin Avenue NW WMATA's Western Bus Garage Square 1657 Lot 0024
Problem – driveway wider than 24 feet without pedestrian island; striped parking spaces in public space; chronic parking in public space

5236 44th Street NW/4400 Jenifer Street NW
Problem – driveways within 28 feet of one another

5255 Western Avenue NW Lord & Taylor
Problem – disused curb cut on the 5200 block of 44th Street NW; parking in public space

5225 Wisconsin Avenue NW/5247 Wisconsin Avenue NW

Problem – 3 combined driveways on Jenifer Street between Wisconsin Avenue and 43rd Street each within 28 feet of the next adjacent driveway.

5300 Block of Wisconsin Ave, NW

5301 Wisconsin Avenue NW Square 1661 Lot 0817
Problem – driveway that is more than 24 feet wide lacking raised pedestrian island; driveway lacking 28 foot distance to adjacent alley; driveway within 60 feet of an intersection

5300 Wisconsin Avenue NW Mazza Gallerie
Problem – driveway (formerly 44th Street) where it intersects with both Jenifer Street and Western Avenue is more than 24 feet wide but is lacking raised 6-foot wide pedestrian islands

5335 Wisconsin Avenue NW Chevy Chase Pavilion Square 1661 Lot 0813
Problem – Military Road curb cut is more than 24 feet wide and lacks a pedestrian island; driveway is also at a different grade than the sidewalk and paving materials are different from the material used on the adjacent sidewalk. Property owner laid new concrete without permits for this driveway in 2014 and should be exempt from any grandfathering.

Be it further resolved, ANC 3E urges the Department of Public Works to aggressively ticket vehicles parked in public space at the locations listed above where they are violating parking and zoning regulations.

Be it further resolved, ANC 3E does not believe that so called grandfathered curb cuts or illegal public space uses should be exempt from current regulations or only subject to scrutiny and review when a property owner has a pending public space or zoning application and ANC 3E considers this resolution a request to all applicable agencies to review the above listed properties and addresses for any violations of the existing laws and regulations.

Be it further resolved, ANC 3E recognizes that some small businesses may rely on parking in the public space and urges DDOT to create a mechanism by which business owners can seek relief from restrictions on parking in public space.

ANC 3E approved this resolution at its meeting on January 14, 2016, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 5-0-0. Commissioners Jonathan Bender, Amy Hall, Jonathan McHugh, Tom Quinn and Anne Wallace were present.

ANC 3E
By Jonathan Bender, Chairperson