

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 4, 2008, @ 6:30 PM**
 Office of Zoning Hearing Room
 441 4th Street, N.W., Suite 220
 Washington, D.C. 2001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06-3 (Comprehensive Zoning Regulations Rewrite: Loading)

THIS CASE IS OF INTEREST TO ALL ANCs

This Notice of Public Hearing announces the third of several proposed subject areas the Zoning Commission for the District of Columbia (the "Commission") will consider under this docket. All recommendations offered by the Office of Planning ("OP") under this docket have been reviewed by a working group and a subject matter task force as part of a process designed to ensure full public participation. Nevertheless, this process cannot replace or limit the public hearing process required in the Zoning Act or the Commission's responsibility to consider the merits of each proposal submitted.

This hearing will consider general recommendations for changes to the existing loading requirements. The proposal reflects changes to the required size of loading berths, the ability to share loading areas, and access to loading areas. The proposal also sets requirements for trash enclosure space within new developments.

This hearing, like all others to follow under this case number, is being scheduled without adherence to the set-down requirements stated at 11 DCMR § 3011 because the Commission waived the requirement at its public meeting held April 14, 2008. The Commission also waived the requirement that a pre-hearing statement be submitted before hearing notices can be published.

This proposal presents policy recommendations regarding the loading chapter of the zoning regulations and does not present proposed rulemaking language. It is therefore anticipated that the proposed action on this subject area will involve two decision meetings. At the first meeting the Commission will, based upon the record before it, accept, reject, modify, or add to the concepts and recommendations presented herein. At the second meeting, the Commission will review text prepared by OAG and OP that codifies the Commission's determination into a legally sufficient form. If approved, that text will be published as a Notice of Proposed Rulemaking and forwarded to the National Capital Planning Commission for the review period mandated by the District Charter.

Thereafter, the Commission may wait to take final action until after all hearings under this case number are concluded.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-3
EXHIBIT NO. 3
ZONING COMMISSION
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EXHIBIT NO. 3

Title 11 DCMR (Zoning) is proposed to be amended as follows:

1. SIZE OF LOADING BERTHS

Existing Practice

The schedule of loading requirements has separate requirements for 30' and 55' loading berths for different uses. There is distinction of loading requirements by zone district and size of use.

Issue

While the current regulations attempt to distinguish different intensities of use, they do not have the flexibility to distinguish areas of the city where 55' trucks are discouraged or new business models of existing uses that can operate using smaller delivery trucks. This can lead to many variance requests from the requirement to provide full 55' berths

Recommendation 1

The regulations should discourage large truck deliveries in our city and provide the flexibility to utilize smaller trucks without the requirement of variances. 55' berth requirements should be generally replaced with 30' berth requirements that would be met by providing either type of berth.

Analysis

Loading, like parking, is a requirement with the main purpose of limiting the on-street impacts of particular uses. The existing regulations do a reasonably good job of anticipating standard loading demands of the most common uses and requiring off-street space for them. However, the regulations are still based on a suburban model of mainly large truck deliveries.

While there are still a great many uses in the District that utilize, and will continue to utilize, semi-trucks for delivery, the city is working to restrict their use in certain areas and many businesses are responding to the urban environment by utilizing smaller trucks. This results in a need for regulations that provide the flexibility to adapt business or residential deliveries to an urban environment.

The recommendation would require the same number of spaces in general, but eliminate the separation of 30' and 55' spaces. Businesses would be able to build the type of spaces, either 30' or 55', that they need to operate without requirements that they use larger trucks.

2. SHARING LOADING FACILITIES

Existing Practice

Mixed use buildings (less than 90% is a single use) are currently required to meet the combination of loading requirements for all uses on the site.

Issue

The BZA hears a large number of cases for the combination of loading spaces. The requirement to apply for a variance for this is actually a disincentive to efficient use of loading areas.

Recommendation 2

Where two 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. The building or structure is only required to provide the highest requirement for berths and spaces for any of the individual uses and not the combination of requirements for all uses.

Analysis

Mixed use projects generally load all uses from one central location on the site. Often these facilities can be managed in such a way that delivery times can be assigned and multiple uses can share a set of loading berths. There currently is no matter-of-right way for a project to combine the requirements of multiple uses. The recommendation would allow the flexibility to efficiently manage loading areas to accommodate several uses while not prohibiting separate loading areas for those uses that need them.

3. RELIEF OF LOADING REQUIREMENT

Existing Practice

The requirements for loading spaces cannot currently be relieved except through the variance procedure.

Issue

Loading requirements can occasionally come into conflict with DDOT policy on curb cuts or access.

Recommendation 3

Loading berths and service/delivery loading spaces need not be provided if adopted public law, municipal regulation, or the D.C. Department of Transportation prohibits a curb cut on the street that the lot faces and there is no other alternative access to the lot through a street or alley.

Analysis

The existing regulations can create conflict between the requirements of zoning and DDOT. Where loading is required but DDOT policy would not otherwise allow a curb cut, the only solution is either for the applicant to request a variance or for DDOT to compromise their standards. This recommendation would remove the onus from DDOT to compromise their standards when there is a conflict with the loading requirements.

4. LOCATION OF LOADING AREAS

Existing Practice

Loading not within a building is currently allowed to be located in any rear or side yard with no requirement that it be visibly separated from streets.

Issue

Loading is traditionally a back-of-house function and, when not properly separated from the streetscape, can have negative affects on urban design and aesthetics of an area.

Recommendation 4

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; or**
- (b) to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way.**

Analysis

In the denser parts of the city, loading areas are generally enclosed within buildings. This recommendation is tailored toward those parts of the city where loading functions are more commonly located outside and adjacent to the buildings. This recommendation is intended to preclude loading in areas adjacent to and visible from the street. The recommendation would prioritize outdoor loading in the rear of the building and require screening from public right-of-way where that is not possible.

5. LOADING ACCESS

Existing Practice

Loading areas need only be directly accessible from any public right-of-way. No distinction is provided between streets or alleys.

Issue

The existing requirements do not prioritize access in such a way to encourage loading off of alleys or secondary streets.

Recommendation 5

Where an improved alley exists, all loading berths and service/delivery loading spaces shall be accessed from the rear of the building through an improved alley.

If the building does not have alley access then the loading berths and service/delivery loading space shall be accessed from a secondary street [the distinction between primary

and secondary streets would be done by DDOT and should be made available to the public].

If the building does not have alley or secondary street access then the loading berths and service/delivery loading spaces access may be from the front of the building provided that the D.C. Department of Transportation grants permission for a curb cut from the adjacent street.

Standards for the distance of these entrances from intersections should match current DDOT standards.

Analysis

Good urban design principles would generally have loading areas accessed from the rear of a structure. Especially along major corridors and downtown, the pedestrian environment is negatively impacted by loading bay entrances. This recommendation is intended to require access from alleys where they are available and sufficient. On corner or through lots without alley access, the loading access should be on the secondary street where one is available. This would serve to protect the pedestrian environment on primary streets. OP will work with DDOT to further define these terms.

Remaining Issues

- DDOT designation of streets
- Definition of “improved” alleys
- Minimum passageway for alleys to be usable by trucks

6. TRASH ENCLOSURES

Existing Practice

There are currently no requirements to identify trash enclosures on building plans.

Issue

Often new buildings fail to plan for enclosed trash storage or include trash storage in other required areas like loading platforms. There is a need for review of trash areas at the building permit stage.

Recommendation 6

All new development over 2000 sf of gross floor area other than one- or two-family structures must provide a space on the lot for trash receptacles. The area should be clearly marked on any building plans.

External placement of trash receptacles shall be screened and/or covered so as to protect adjacent or nearby properties and to promote the public health, safety, and welfare.

Analysis

This is an area that was identified by the Working Group and others as a gap in the current regulations. This has often been identified as an issue that should be more closely regulated in order to prevent storage of trash bins in public space.

PROCEDURES

The public hearing on this part of Case No. 08-06 will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, CURTIS L. ETHERLY, JR., PETER G. MAY, AND MICHAEL G. TURNBULL ——— ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.