

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: Travis Parker, Zoning Review Manager *TP*
DATE: August 8, 2008
SUBJECT: ZC Case 08-06-3
Proposed Amendments to the Loading Regulations 11 DCMR

I. ZONING REVIEW PROCESS

The 2006 Comprehensive Plan for the District of Columbia states that "The Zoning Regulations...need substantial revision and reorganization, ranging from new definitions to updated development and design standards and even new Zones"¹. It goes on to note that "a major revision to the Zoning Regulations is planned for 2007-2009"². OP has designed a three year process to produce recommended changes to clarify, simplify and update the current Regulations.

Regulations are currently being reviewed by subject area, with up to twenty subject areas, designed for discussion with public working groups' around issues identified in the Comprehensive Plan and potential conflicts in the Zoning Regulations. Recommend changes are then forwarded to a Task Force of twenty four members for further review and input. Finally, recommendations for each subject area will be available for public review including a hearing before the Zoning Commission. After the conclusion of public review for all subject areas, OP will work with the Office of the Attorney General to draft zoning language to reflect the proposed policy changes.

Drafting the language as one single document rather than for each subject area allows for the overlap between the different subject areas and establishes a cohesive writing style and format. The recommendations for the first three subject areas (height, parking, and loading) were written as draft zoning language and have been advertised as such. It is anticipated that these three subject areas will be reviewed by the Commission as stand alone chapters and then included, with any necessary format changes, in the final document when it is produced. The remainder of the subject areas will be produced as one document based on approval of Commission at the subject area hearings.

ZONING COMMISSION
District of Columbia

CASE NO. 08-06-3

EXHIBIT NO. 4

¹ Comprehensive Plan for the National Capital: District Elements, IM-1.3 Zoning Regulations and Consistency

² Ibid.

II. LOADING SUBJECT AREA PROCESS

The Parking and Loading Working Group began meeting on February 20, 2008 and consisted of a broad range of citizens; planning, zoning, legal and smart growth professionals; ANC members; and representatives of government agencies, including DDOT. The group assisted OP in reviewing the current regulations, identifying and analyzing issues, and developing alternatives for resolution of the current issues. Four, 2-3 hour meetings were held relative to parking and loading issues and one dedicated exclusively to loading. The group supplied OP with comments, both directly and indirectly through the dedicated zoning review website. OP thanks the members of this working group for volunteering their time and effort to share their ideas and assistance.

The work group brought forth areas of concerns such as, truck traffic on residential streets, small and truck idling and unloading in front of building, trucks blocking sidewalks, truck entrances to loading berths, and conflicts with pedestrians. The group concluded that some of the issues could not be addressed by the Zoning Regulations because their resolution would be based more on enforcement. A presentation was given by a representative of the Downtown Business Development District who explained that in working with DDOT they have tried to address the on-street loading problem by providing metered, short term, off-street loading spaces in portions of the K Street, NW commercial area.

This consultation process led to OP's preliminary recommendations for this subject area which were sent to the Zoning Taskforce for a 30-day review and comment period culminating in discussions at the March 2008 Taskforce meetings. Recommendations were posted on the website at the end of this period.

III. LOADING SUBJECT AREA REPORT

This report is intended to provide the context for the proposed policy shifts relative to the loading regulations and standards prescribed primarily in Chapter 22, 11 DCMR. The proposed policy changes include:

- The flexibility to use smaller truck for deliveries;
- Sharing of loading facilities in mixed use buildings;
- Access and Location of Loading facilities; and
- Identification of trash receptacles on building plans.

The guidance of the District's residents reflected in the 2006 Comprehensive Plan provides the impetus for a review of the relationship between land use and transportation policies, and more specifically loading policies.

BACKGROUND

The District's loading standards as outlined in the Zoning Regulations were established in 1958. Upon examination of the existing regulations and others from around the country it was felt that the topics and standards were in line with others. However, the District of Columbia was

experiencing some issues that seemed particular to this area. Today, there is a general shift towards shared loading in mixed use buildings. The existing loading standards fail to recognize the variety of uses within a building and therefore loading for each individual uses within a building is required with no provision for the sharing of spaces. Sharing of the loading facilities is possible because each use may have critical delivery times which do not coincide and therefore the space can be shared.

The transportation of goods has changed significantly over the years based on the origins of the goods and the use of transfer hubs where goods are transferred from larger trucks into smaller trucks for distribution. The growth of the parcel delivery industry has also contributed to many vehicles being unloaded from the street. The size of housing units within the City has changed and therefore the type and size of trucks used in the transportation of furniture has changed. Additionally, the functions of some uses have changed over the years. For example, supermarkets traditionally focused on food sales, today they provide additional services such as a flower shop and a pharmacy which can significantly change the delivery needs.

As with parking, the entrances into loading areas when placed along the front of a building require curb cuts. The negative effects of loading from the front of a building are readily seen where curb cuts and loading area entries hinder pedestrian activity and degrade the quality of building façade along commercial corridors.

The Comprehensive Plan

The 2006 Comprehensive Plan attempts to redirect the loading accommodating policies and states:

“Policy CW-1.1.19: Goods Movement and Service Delivery within Central Washington
Strongly discourage the obstruction of public rights-of-way by goods and service delivery activities. Provide for the efficient and convenient movement of goods and delivery of services within Central Washington by:

- a. Maintaining and improving interior alleys where needed to provide for off street loading facilities and minimize curb cuts on streets;***
- b. Encouraging the consolidation of loading areas within new development and limiting on-street service deliveries;***
- c. Requiring adequate off-street or below grade loading and service parking areas;***
- d. Converting on-street loading facilities to off-street facilities whenever possible; and***
- e. Managing goods and service delivery times.”***

In summary, policies and actions relating to loading issues, particularly in the Central Washington Area, are outlined in the 2006 Comprehensive Plan that addresses the need for revision of the loading regulations with emphasis placed on:

1. Establish loading management program to mitigate the impact on neighboring residential development. (LU-2.3.2, LU-2.4.8, T-3.2.C, T-3.3)
2. Parking spaces for loading and unloading of small trucks such as courier vans and pickup trucks. (T-3.3, T-3.4, FSS-2.5.3)
3. Encouraging active ground floor uses by limiting loading entrances along the street front. (CW-1.1.13, CW-1.1.19)

4. Off street loading facilities and minimize curb cuts on streets. (CW-1.1.19)
5. Consolidate loading areas within new development and limiting on-street service deliveries. (CW-1.1.19)
6. Convert on-street loading facilities to off-street facilities whenever possible. (CW-1.1.19)
7. Managing goods and service delivery times. (CW-1.1.19)
8. Preserve alleys that provide for off-street loading, deliveries, and garage access. (CW-1.2.2)
9. Coordinate early morning peak pickups and staging occurs on adjoining street. (T-3.3.B)
10. Sharing of loading space in mixed use buildings. (CW-1.1.19)

LOADING POLICY RECOMMENDATIONS

In addition to the overall Zoning Review objectives of clarity, relevance, and ease of use, the Working Group review was guided by policies in the Comprehensive Plan, which acknowledge the importance of maintaining Washington's unique neighborhoods while accommodating continued development, and growth.

The draft language circulated in the Hearing Notice for September 4, 2008 is not intended to represent the exact language that will be adopted for the Zoning Regulations. The concepts will be refined and re-advertized for other public hearing as may be necessary due to additional input from the Commission and the public. The drafting of zoning language will commence after the public review of the concepts is completed and the Zoning Commission has given its initial comments. OP will work with OAG to draft language that encapsulates concepts approved by the Zoning Commission.

It is important to note that proposed policy changes would apply only to new construction or changes of use after the final versions of these proposals are adopted. Each policy recommendation is structured as follows:

- Existing Practice
- Issues
- Recommendation
- Analysis
- Public Comments and OP Response
- Related Issues

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

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 feet and 55feet spaces. Businesses would be able to build the type of spaces, either 30 feet or 55 feet that they need to operate without requirements that they use larger trucks.

Comments & OP Response

None

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

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.

Comments & OP Response

None

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

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.

Comments & OP Response

None

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

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.

Comments & OP Response

None

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

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.

Comments & OP Response

None

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

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.

Comments & OP Response

None

7. LOADING STANDARDS

Existing Practice

Loading requirements are currently provided for a wide range of uses. Most requirements are based on square footage, however some are based on other factors.

Issue

Recommendations from the Parking hearing include basing requirements solely on square footage and simplifying requirements by grouping by use category rather than by individual uses.

Recommendation

Provide loading requirements by use category (e.g. residential, institutional, retail, etc.) rather than by individual uses.

Ensure that loading requirements are based on building square footage rather than other standards.

Analysis

The goal of these recommendations is to simplify the review and provision of loading berths. At the hearing on parking requirements the general discussion included simplifying the list of uses for delineating requirements and the consolidation of different standards for determining requirements into one. Both of these changes are logical and, if adopted for parking standards, should also be adopted for loading standards. As a part of the zoning text provided for proposed action, OP & OAG would provide a new simplified table.

Comments & OP Response

None