

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
 :  
COMPREHENSIVE ZONING :  
REGULATIONS REWRITE: LOADING : Case No.  
 : 08-06-3  
 :  
----- :

Thursday,  
September 4, 2008

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No.  
08-06-3 by the District of Columbia Zoning  
Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4<sup>th</sup>  
Street, N.W., Washington, D.C., 20001,  
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- CURTIS L. ETHERLY, JR., Commissioner
- MICHAEL G. TURNBULL, Commissioner (AOC)
- PETER MAY, Commissioner
- RUTHANNE MILLER, Chair, BZA

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist  
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
TRAVIS PARKER  
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on September 4, 2008.

C O N T E N T S

<u>WELCOME:</u>	<u>PAGE</u>
Anthony Hood . . . . .	4
 <u>CASE NO. 08-06-3 (Comprehensive Zoning Regulations Rewrite: Loading)</u>	
 <u>OFFICE OF PLANNING:</u>	
Trevor Parker . . . . .	7
<u>Q&amp;A SESSION</u> . . . . .	12
 <u>PERSONS IN SUPPORT</u>	
Steven E. Sher . . . . . Holland & Knight LLP	40
<u>Q&amp;A SESSION</u> . . . . .	47
 <u>PERSONS IN OPPOSITION</u>	
Barbara Zartman . . . . .	67
Ann Hargwood . . . . .	79
<u>Q&amp;A SESSION</u> . . . . .	86
Adjournment	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

P-R-O-C-E-E-D-I-N-G-S

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, September 4th, 2008.

My name is Anthony Hood. Joining me are Commissioners Etherly, Turnbull and May. Also we're joined by the Chairwoman of the Board of Zoning Adjustment, Ruthanne Miller. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, Donna Hanousek and Esther Bushman. The Office of Planning staff, under the leadership of Mrs. Steingasser.

This proceeding is being recorded by a court reporter. It is also Webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of tonight's hearing is Zoning Commission Case No. 080-06-3. This

1 is a request by the Office of Planning for the  
2 Commission to review and comment on proposed  
3 concepts for text amendments to the zoning  
4 regulations.

5 This is one in a series of  
6 hearings on various subjects currently under  
7 review as part of the broader review and  
8 rewrite of the zoning regulations. Tonight's  
9 hearing will be considered general rules  
10 applicable to loading requirements.

11 Notice of the hearing was  
12 published in the D.C. register on July the  
13 18th, 2008, and copies of the announcement are  
14 available to my left on the wall near the  
15 door. The hearing will be conducted in  
16 accordance with provisions of 11 DCMR 1301 as  
17 follows: preliminary matters, presentations by  
18 the Office of Planning, reports of other  
19 government agencies, if any, reports of the  
20 ANC, organizations and persons in support,  
21 organizations and persons in opposition.

22 The following time constraints

1 will be maintained in these hearings.

2 ANCs, government agencies and  
3 organizations, five minutes. Individuals,  
4 three minutes. The Commission intends to  
5 adhere to the time limits as strictly as  
6 possible in order to hear the case in a  
7 reasonable period of time.

8 The Commission reserves the right  
9 to change the time limits for presentations,  
10 if necessary, and no time shall be exceeded.  
11 All persons appearing before the Commission  
12 are to fill out two witness cards. These  
13 cards are located to my left on the table near  
14 the door.

15 The decision of the Commission in  
16 this case must be based exclusively on the  
17 public record. The staff will be available  
18 throughout the hearing to discuss procedural  
19 questions. Please turn off all beepers and  
20 cell phones at this time so as not to disrupt  
21 these proceedings.

22 At this time we will consider any

1 preliminary matters. Does the staff have any  
2 preliminary matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: Thank you, Ms.  
5 Schellin. I believe we'll start, I guess Ms.  
6 Steingasser, Ms. Brown-Roberts and Mr. Parker.  
7 Okay. All right. Thank you.

8 MR. PARKER: Good evening, Mr.  
9 Chairman. I'm Travis Parker with the Office  
10 of Planning. I can keep it fairly brief  
11 tonight. We have seven recommendations in  
12 loading for you, and the report details the  
13 public process up to this point.

14 Recommendation one has to do with  
15 the size of loading berths. One thing that  
16 we've notice din our work is that the loading  
17 requirements for uses tend to require a number  
18 of 30 foot spaces and a number of 55 foot  
19 spaces, and this is a hard-and-fast  
20 requirement, regardless of the business model  
21 that's being used, and often especially in  
22 areas that are nearer the downtown, 55 foot

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1 trucks aren't allowed on the streets, or, you  
2 know, certainly can't get to these businesses,  
3 and it does not seem appropriate to require 55  
4 foot spaces for all of these uses, but,  
5 rather, to just allow that type of space and  
6 require a space at thirty or more.

7 So the recommendation is that we  
8 maintain the number of spaces required but  
9 change the requirements from some at 30 and  
10 some at 55 to open the size requirements to  
11 the needs of the business.

12 Recommendation two would allow for  
13 sharing of loading facilities. We see often  
14 mixed use buildings that have both residential  
15 and retail, or office and retail, and under  
16 the current arrangements, unless one of these  
17 uses less than 10 percent of the building, the  
18 loading requirements of both uses have to be  
19 met separately.

20 This second recommendation would  
21 allow for the combination of those  
22 requirements as long as both uses had access

1 to the loading docks, so that loading  
2 facilities could be shared between multiple  
3 uses.

4 Number three is a carry-over from  
5 the parking recommendations that you reviewed  
6 in July, that would basically relieve the  
7 requirement for loading where there is no curb  
8 cut, or where DDOT policy would not allow a  
9 curb cut. This just basically avoids  
10 conflicting regulations that require a  
11 variance where a developer can't get a curb  
12 cut.

13 Number four. The location of  
14 loading areas. This would require that  
15 loading spaces either be inside a structure or  
16 be to the rear of a building and screened so  
17 as not to be visible.

18 One comment that we've seen from  
19 Bill Crews is that we should retain the  
20 requirement that loading be screened from  
21 residential zones and that was certainly our  
22 intent. We had no intention to drop that

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1 requirement. So that should be read in as  
2 well.

3 Number five. Access to loading.  
4 This is also the same requirement that you saw  
5 in the parking recommendations. In July,  
6 loading would be required to be off an alley,  
7 if an accessible alley exists. If no alley  
8 exists, a secondary road. If that exists, and  
9 only on a primary road, meaning a road of 90  
10 feet or more in width, if there's no other  
11 access available.

12 Recommendation six has to do with  
13 trash enclosures and requiring that building  
14 plan show where interior trash enclosures  
15 would be on the lot, and again the comment  
16 that we received tonight from Mr. Crews was  
17 that this should--and we've received the  
18 comment from Ms. McWood as well--that this  
19 should be inside the building and should be  
20 completely enclosed and screened, and that is  
21 certainly our intent, to make that as well.

22 Although there are uses that will

1 have external trash receptacles, and we did  
2 cover that, that those would need to be  
3 screened completely.

4 And the final one is also  
5 something that came out of our parking hearing  
6 as well. In parking, we had discussed  
7 changing the requirements to ensure that they  
8 all follow the same standard and that they  
9 were all based on a square footage measure  
10 that was easier for the Zoning Administrator  
11 to determine than number of employees or  
12 number of units, or something like that, and  
13 we felt it appropriate to carry that over to  
14 loading as well, so that there is consistency  
15 between the two.

16 That is it. The seventh one is  
17 new from what we had originally sent to the  
18 task force. The others are largely unchanged,  
19 and we do understand that we had not sent this  
20 memo directly to the task force but rather  
21 just committed it to the public record. So if  
22 there is a desire for the record to remain

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1 open, we have no objections to the record  
2 remaining open.

3 Thank you.

4 CHAIRPERSON HOOD: Okay. Thank  
5 you very much, Mr. Parker.

6 Chairman Miller, do you have any  
7 questions?

8 COMMISSIONER MILLER: No; not at  
9 this time. I think I'd like to hear the  
10 testimony first.

11 CHAIRPERSON HOOD: Okay.

12 COMMISSIONER MILLER: Thanks.

13 CHAIRPERSON HOOD: Any questions,  
14 Commissioner May?

15 COMMISSIONER MAY: There's a  
16 reference in the report to something that has  
17 changed in terms of the size of housing units  
18 or dwelling units, that would affect the size  
19 of trucks.

20 MR. PARKER: Can you point me to  
21 that in the--

22 COMMISSIONER MAY: I'll try.

1 Yeah.

2 MR. PARKER: If you can't, what's  
3 the question?

4 COMMISSIONER MAY: Okay. It's  
5 page three of ten, second paragraph, middle  
6 sentence.

7 "The size of housing units within  
8 the city has changed and therefore the type  
9 and size of trucks used in transportation of  
10 furniture has changed."

11 MR. PARKER: Okay. I think what  
12 we're seeing throughout the different types of  
13 uses is more flexibility with the type of  
14 delivery that's used, both residential and--  
15 well, residential is one use where there are  
16 still companies that rely solely on large 55  
17 foot trucks, but they aren't the only option,  
18 and certainly with business models, we're  
19 seeing different models that allow for two  
20 stage delivery. So delivery to a facility out  
21 of town where things are put into smaller  
22 trucks to be brought into the city.

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1 I mean, we certainly want to leave  
2 that option open. If we require businesses or  
3 residential buildings to build a space for a  
4 semitrailer, then they have that available and  
5 they certainly have no reason to discourage  
6 semitrailers from coming to their business.

7 So we're looking for any  
8 opportunity to allow businesses and developers  
9 to discourage larger trucks from coming into  
10 the city.

11 COMMISSIONER MAY: Okay. My  
12 question was more specific to the issue of the  
13 size of housing units changing. It just  
14 seemed like this blanket statement, that  
15 somehow housing units are getting smaller or--  
16 cause I thought they were, as a rule, getting  
17 larger.

18 MR. PARKER: Well, we certainly  
19 see a lot of smaller units in the last 10  
20 years than we've certainly seen in the past.  
21 There's a lot more studios, a lot more  
22 efficiencies.

1                   COMMISSIONER MAY: All right. And  
2 then in your--I'm not sure that there's a lot  
3 of--I put a lot of weight in that particular  
4 argument.

5                   MR. PARKER: Okay.

6                   COMMISSIONER MAY: That reason  
7 doesn't seem like it's very well-supported  
8 yet. I am interested in this issue of the  
9 size of trucks, and what's appropriate, and  
10 you know, what can be done or encouraged in  
11 the regulations. But I'm a little bit worried  
12 about what that means in certain  
13 circumstances, because even though I think,  
14 generally speaking, it's correct that smaller  
15 trucks are--the use of smaller trucks is  
16 probably on the rise, there are still the big  
17 old CVS truck that pulls up out in front, an  
18 articulated truck with a 40 foot trailer, and  
19 they unload everything on to the curb.

20                   And I mean doesn't happen  
21 everywhere but it happens in a bunch of those  
22 locations. So I don't think every business is

1 going with that new or smaller truck model.  
2 So I'm wondering if there is more specific  
3 research that supports this?

4 MR. PARKER: Well, there certainly  
5 always will be businesses--well, i don't know  
6 if there always will be--but there certainly  
7 are businesses, like you say, like CVS, that  
8 rely solely on the larger trucks and have not  
9 yet changed business models.

10 But other similar businesses don't  
11 operate in that same manner, and we can't zone  
12 strictly for CVS, and doing something like  
13 that, requiring businesses of that model to  
14 have 55 foot spaces would encourage the  
15 businesses that don't use smaller trucks to  
16 do, so we'd actually be--by providing more and  
17 more spaces, similar with parking, we'd be  
18 encouraging more and more larger trucks.  
19 We're not disallowing them.

20 If CVS wants to build a space,  
21 they can build a 55 or 70 foot space. We  
22 don't get them to do it now, so I don't know

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1       how to improve on that.

2                   COMMISSIONER MAY:  I guess I would  
3       feel more comfortable in pushing the smaller  
4       truck model, if I knew that, in fact, there  
5       was a reasonable expectation that that truly  
6       is the trend, and that the trend is not, you  
7       know, toward the CVS model.

8                   And again, it goes to, you know,  
9       what you found either in your research or in  
10      research others may have done.

11                  MR. PARKER:  Well, we'll certainly  
12      provide some DDOT--I know DDOT has done truck  
13      studies, especially in the downtown area, and  
14      have consistently pushed for stricter truck  
15      regulations in downtown.  We'll certainly work  
16      with them to provide any more data we can.

17                  COMMISSIONER MAY:  Okay.  Along  
18      the same lines, if there are methods to, you  
19      know, encouraging the use of smaller trucks,  
20      not that these would necessarily be part of  
21      the zoning regulations, but knowing what they  
22      are--I mean, right now, the feeling I'm

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1 getting is that all of this is still very soft  
2 and that there's a desire to have smaller  
3 trucks and more manageable traffic, and yet,  
4 you know, what is the incentive going to be  
5 for businesses?

6 Is the only incentive going to be  
7 the fact that we're going to make it possible  
8 to build buildings with smaller loading docks?

9 I'm not sure that that's  
10 necessarily going to encourage the result that  
11 you want. Is there some other, you know,  
12 incentive for businesses to go to smaller  
13 trucks? Or is there something else punitive  
14 that you could do? Or something else  
15 regulatory, in terms of the delivery times,  
16 and things like that, to handle that side of  
17 the issue?

18 And so I'm looking for a more full  
19 picture to support, you know, pushing the  
20 smaller bays.

21 MR. PARKER: We can certainly do  
22 that. I mean, just like with parking, the

1       only answer is enforcement, is on-street  
2       enforcement. We can force businesses to build  
3       eight 55 foot docks, and the truck driver, if  
4       given an option, will stop out front and  
5       unload from the street.

6                   And often they do. So the  
7       businesses have to require the truck drivers  
8       to come in and the city has to be better about  
9       enforcing the laws in terms of no loading off  
10      the street and no double parking, and securing  
11      loading areas for these businesses where there  
12      is no off-street loading availability.

13                   But we'll work with DDOT and try  
14      to get a memo from them to let you know what  
15      their enforcement policy is and what changes  
16      they have in store for that.

17                   COMMISSIONER MAY: Okay. I'll  
18      move on to another topic.

19                   You mentioned the fact that 55  
20      foot trucks are not allowed in certain areas  
21      of the city?

22                   MR.       PARKER: It's my

1 understanding.

2 COMMISSIONER MAY: Okay. If  
3 that's a case, I'd just like to get a sense of  
4 where that is.

5 MR. PARKER: Okay.

6 COMMISSIONER MAY: And if it's not  
7 the case, that's fine too.

8 I also want to know for sure what  
9 the length of trucks is. I mean, we talk  
10 about 55 foot bays and we talk about 30 foot  
11 bays, but, you know, the length of a straight  
12 truck, I don't know is necessarily limited to  
13 30 feet, and certainly a 55 foot truck, if  
14 it's got a 44 foot trailer on it, which I  
15 think is the limit, could well be quite a bit  
16 more than that, and so the truck's popping out  
17 beyond its bay. So I'd like to get a sense of  
18 what the actual trucks lengths are, not just  
19 the 1958 zoning version of it; whatever.

20 And one last point to clarify, and  
21 then there are a couple other points that'll  
22 probably come up in testimony, I think.

1                   Would your recommendation under  
2                   number five allow the construction of the  
3                   Harris Teeter Capitol hill that Bill Crews  
4                   refers to? I mean, is that the way that  
5                   something like that becomes possible?

6                   MR. PARKER: Yes. We talked about  
7                   that the other day. There are two primary  
8                   streets on that, so there'd be no distinction  
9                   on where they could build their loading.  
10                  We're just saying where you have, say, a  
11                  corner lot or a through lot, where one side  
12                  of your building's facing a state street and  
13                  the other's facing a smaller neighborhood  
14                  street, the loading needs to come off the  
15                  street with less pedestrian access, or less  
16                  pedestrian activity.

17                  COMMISSIONER MAY: The loading  
18                  does.

19                  MR. PARKER: Loading.

20                  COMMISSIONER MAY: And the parking  
21                  is going to wind up on the other one, cause  
22                  you have parking on one side and loading on

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1 the other.

2 MR. PARKER: Well, no, we're  
3 generally encouraging parking in the less-  
4 active space as well.

5 COMMISSIONER MAY: Right. But I  
6 don't think that's what happened at the Harris  
7 Teeter. I think they wound up--

8 MR. PARKER: Loading on one side  
9 and parking--

10 COMMISSIONER MAY: Loading on one  
11 side and parking on the other.

12 MR. PARKER: Again, they have two  
13 primary streets there.

14 COMMISSIONER MAY: Right.

15 MR. PARKER: So there's no  
16 distinction between those two streets.

17 COMMISSIONER MAY: Yes. Okay. I  
18 wonder if there's something else that can be  
19 done in circumstances like that, where there  
20 is something else that can be put in the  
21 regulations to encourage--something to  
22 mitigate the impact of the trucks, in

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1 particular, going in and out.

2 And what I'm thinking about is the  
3 fact that trucks have to be backed into these  
4 spaces, and, you know, is there some way that  
5 we can encourage, you know, drive-through  
6 loading docks, if you will, the interior  
7 equivalent of an alley, or below-grade loading  
8 docks that we've gotten a couple a times on  
9 PUDs?

10 I'm just thinking if there's a way  
11 to mitigate that impact, it might be--

12 MR. PARKER: It's difficult just  
13 because loading takes so much space, and  
14 turning and maneuvering takes so much--I mean,  
15 you can only do underground where you have an  
16 entire city block, basically--

17 COMMISSIONER MAY: Right; yes.

18 MR. PARKER: --and you can only do  
19 drive-through where you have an alley access  
20 or a through lot of some kind, where you have  
21 two different streets which you can come in  
22 and out on. We'll look into, see if there are

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1 other--we haven't found any of the other  
2 cities that do anything more innovative yet,  
3 but we'll look into it some more.

4 COMMISSIONER MAY: Yes. I guess  
5 I'm just thinking that, you know, if there's  
6 a way in how it's structured, or whatever  
7 relief would be required to encourage those  
8 sort of innovative solutions, it's an easier  
9 way through the zoning process. But maybe  
10 there isn't another way to solve it.

11 That's it for me. Thanks.

12 CHAIRPERSON HOOD: Thank you.

13 Chairperson Miller.

14 COMMISSIONER MILLER: I actually do  
15 have one question I wanted to ask.

16 You mentioned that the  
17 requirements for loading were going to be tied  
18 to area, or square footage as opposed to other  
19 factors such as number of employees, etcetera,  
20 like the parking requirements.

21 Can you explain to me the  
22 rationale for that and how that will serve to

1 protect from adverse impacts.

2 How does that--isn't that the  
3 point of some of the requirements for the  
4 loading?

5 MR. PARKER: It is but you lose a  
6 lot of that advantage when it's hard to  
7 determine or hard to enforce. Number of  
8 employees can change over the years, and go up  
9 or down. I mean, you may have one number of  
10 employees when you get your building permit  
11 and build your loading docks and you may have  
12 50 more in another five years. But GFA is  
13 always tied to a new building permit.

14 So it's something that the Zoning  
15 Administrator can easily determine, can easily  
16 keep track of and can easily enforce. That's  
17 sort of the thought behind it.

18 COMMISSIONER MILLER: Okay. And,  
19 you know, I've been on recess this month. I  
20 don't remember. I mean, I know like with  
21 parking, it's very much tied with schools and  
22 institution like that, to employees, etcetera,

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1 but as far as like loading goes for businesses  
2 or whatever, what was it tied to before?

3 MR. PARKER: Well, to be honest,  
4 loading is 90 percent, or more, tied to GFA  
5 already. There's only a couple instances  
6 where it wasn't. This is much less of a  
7 change for loading than it is for parking.

8 COMMISSIONER MILLER: Okay. Thank  
9 you.

10 CHAIRPERSON HOOD: Commissioner  
11 Turnbull, you have a question?

12 COMMISSIONER TURNBULL: I just  
13 have one. On number two, you talk about on  
14 page five, the recommendation requires the  
15 same number of spaces in general, but  
16 eliminate the separation of 30 feet and 55  
17 feet, businesses would be able to build the  
18 type of spaces, either 30 or 55, that they  
19 need to operate without requirements that they  
20 use larger trucks.

21 Are we suggesting--and I'm  
22 thinking of like a PUD, when we get--we've

1 often had sort of a, call it a business plan,  
2 but they'll come in and argue.

3 I mean, we're still going to  
4 require a model that explains why their  
5 businesses don't need that kind of a dock. I  
6 mean, it's not just this is what we think we  
7 need and that's it. Or what?

8 MR. PARKER: In terms of matter-  
9 of-right projects, the business would be able  
10 to determine, if they're going to have 55 foot  
11 spaces, they can build a 55 foot dock. But if  
12 they're only going to have 30 foot trucks,  
13 they only need to build a 30 foot dock.

14 I mean, you'd still have your  
15 discretionary projects, and projects that are  
16 coming in for variances for other things, that  
17 would be reviewed. But matter-of-right  
18 projects, this would be a matter-of-right  
19 decision.

20 COMMISSIONER TURNBULL: So it's a  
21 matter-of-right decision that they simply say  
22 this is our business model and this is what we

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1 feel we need?

2 MR. PARKER: They have to provide  
3 a certain number of loading docks, and it's up  
4 to them to decide what types of trucks they're  
5 going to have, or going to be using.

6 COMMISSIONER TURNBULL: And the  
7 number of loading docks is determined then  
8 by...?

9 MR. PARKER: Existing formulas.

10 COMMISSIONER TURNBULL: Okay. All  
11 right. I just wanted to be clear. Thank you.

12 CHAIRPERSON HOOD: Commissioner  
13 Etherly.

14 COMMISSIONER ETHERLY: Thank you  
15 very much, Mr. Chair.

16 Very quickly, Mr. Parker, and  
17 thank you for your overview. On  
18 recommendation number three, as relates to the  
19 DDOT determination of the applicability of a  
20 curb cut, have you encountered examples in  
21 other jurisdictions where similar practices  
22 have been adopted?

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1           As you may be aware, in the  
2           submittal that we received from Holland &  
3           Knight, and quite possibly Mr. Sher my testify  
4           to it later, there was some concern expressed  
5           about the issue of standards with respect to  
6           how DDOT would go about arriving at such a  
7           decision.

8           Is there a model for that type of  
9           process that you looked to in making that  
10          determination to look towards DDOT for that  
11          kind of decision?

12          MR. PARKER: You mean is there a  
13          model of how that decision is made?

14          COMMISSIONER ETHERLY: That's a  
15          better way of framing it. Yes.

16          MR. PARKER: That's not something  
17          we got into at all. We're not able, or we  
18          don't want to go down the road of telling DDOT  
19          what their policy is, and then DDOT certainly  
20          doesn't want us to go down that road either.  
21          DDOT has policies now for how they determine  
22          whether a curb cut will be granted, and those

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1 policies may very well continue to evolve over  
2 time. We're saying that whatever those  
3 policies are, and we don't have any say over  
4 them, this shouldn't be in conflict with them.

5 So if it's in DDOT's interest to  
6 not allow a curb cut, we don't feel that an  
7 applicant should have to come in and get a  
8 variance when those two conflicts.

9 COMMISSIONER ETHERLY: Okay. With  
10 respect to recommendation number five and the  
11 issue of access to loading berths--and  
12 actually, let me back up a little bit, just to  
13 highlight again something that came up in your  
14 discussion with my colleague, Mr. May.

15 Definitely, it would be very  
16 helpful to have copies of DDOT's recent truck  
17 studies, truck management studies, and I think  
18 you indicated to Mr. May that you'd be more  
19 than happy to provide that.

20 With respect to the issue of  
21 access to loading berths, and this goes to  
22 that matter of what DDOT has already studied,

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1 if you will, is there a sense of, as you run  
2 through that recommendation, there appears  
3 essentially to be a certain set of steps that  
4 you go through to get, to arrive at where the  
5 appropriate access would occur, whether it's  
6 an improved alley or a secondary street, and  
7 if you don't have one or the other, then you  
8 can move to the front of the building provided  
9 you get the curb cut.

10 And then of course if you don't  
11 get the curb cut, you can kind a come back to  
12 one of the earlier recommendations for relief.

13 There was some concern expressed  
14 in the ANC 6B submittal, and to an extent  
15 maybe this might sort of be the Harris Teeter  
16 question, I'm not sure--but is there a sense  
17 of how many situations like this would occur,  
18 where you would get to essentially that third  
19 level of review, the concern being that even  
20 if an alley is improved, it may not still be  
21 of sufficient size to accommodate a delivery  
22 vehicle, whether it's a smaller type or a

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1 larger type?

2 MR. PARKER: Well, in writing this  
3 chapter, if this recommendation is, you know,  
4 accepted by the Commission in writing this,  
5 we'll have to work with DDOT to determine what  
6 those parameters are, what sort of turning  
7 radiuses are needed, and what sort of alley  
8 widths are needed in order to make that a  
9 viable option.

10 And so when we talk about an  
11 accessible alley, we'd have to define what  
12 that means and what those are, and that'd be  
13 part of the language that would be written and  
14 returned to you.

15 COMMISSIONER ETHERLY: Okay. And  
16 then finally, with respect to the issue of  
17 trash enclosures, I understand, because I see  
18 it quite a bit of course, that especially  
19 perhaps in the downtown commercial corridor,  
20 trash operations being included in the loading  
21 space.

22 It just struck me as king of weird

1 to plop it here. And I think you articulated  
2 it a little bit, but could you perhaps just  
3 revocalize it for me, because I'm just trying  
4 to figure out why is it here, and is it  
5 somewhere else that it needs to go?

6 MR. PARKER: You mean another--

7 COMMISSIONER ETHERLY: Outside of  
8 the zoning milieu, if you will.

9 MR. PARKER: Oh, you mean another,  
10 like building code or something?

11 COMMISSIONER ETHERLY: Exactly.

12 MR. PARKER: It's an interesting  
13 question. These types of--this is a complaint  
14 that is often directed to the Zoning  
15 Administrator. This is something that the  
16 past two Zoning Administrators have brought to  
17 me as an issue, that they have to deal with,  
18 that there is no requirement to show trash  
19 enclosures, and applicants often don't plan  
20 for them. So it is something that I've been  
21 told needs to be reviewed at the building  
22 permit stage. It reasonably could be in

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1 building code review, I suppose, but the  
2 Zoning Administrator has shown a willingness  
3 and a desire to include that in their purview.  
4 And it certainly is done in other  
5 jurisdictions that way.

6 COMMISSIONER ETHERLY: Okay.

7 MR. PARKER: So it seemed like a  
8 natural fit for us.

9 COMMISSIONER ETHERLY: Okay.

10 Thank you. Thank you, Mr. Chair.

11 COMMISSIONER MAY: Mr. Chair,  
12 could I follow up on that point.

13 CHAIRPERSON HOOD: That exact  
14 point?

15 COMMISSIONER MAY: That exact  
16 point.

17 CHAIRPERSON HOOD: Okay. Go right  
18 ahead.

19 COMMISSIONER MAY: I would think  
20 that one of the reasons why it's tied to  
21 loading has to do with the fact that there are  
22 big trucks that come and get the trash; right?

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1 Cause, you know, you wind up seeing them, you  
2 know, outside of the buildings because they're  
3 not readily accessible, and they wind up, you  
4 know, outside beautiful, lovely new buildings,  
5 you know, kind a in the driveway or in the  
6 public space.

7 MR. PARKER: Basically, this is a  
8 requirement to force applicants to think about  
9 how they're going to handle their trash.  
10 Right now, it's not something that's in any of  
11 the zoning or building codes, so it's not  
12 something that's--it's something that some  
13 people forget to think about when they're  
14 planning a building.

15 CHAIRPERSON HOOD: Okay. Mr.  
16 Parker, I just have a few questions. Actually  
17 two, I believe. More of a process question.  
18 I saw a e-mail which stated that something was  
19 not listed up on the Web, I guess for people  
20 to participate, and I guess for the record,  
21 can you assure us, or me, specifically, that  
22 the task force who is working, I guess hand in

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1 hand with Office of Planning, was not put at  
2 a disadvantage to be able to comment, because  
3 I guess they already had--did they have your  
4 report?

5 Assure me that they were not put  
6 at a disadvantage.

7 MR. PARKER: Recommendation seven  
8 was an add-on based on the parking discussion,  
9 to be consistent with parking recommendations.  
10 That is not something that was independently  
11 sent to the task force, or reviewed by the  
12 task force, although it was part of the  
13 parking discussions and was hopefully assumed.  
14 But regardless, number seven is new. The  
15 other six are the recommendations that were  
16 reviewed by the task force and have been on  
17 the Web as recommendations, albeit maybe in  
18 different form. But these are the six  
19 recommended changes that had been discussed  
20 earlier.

21 And as I said, we're happy to  
22 leave the--I mean, we will need to leave our

1 record open to answer a lot of the questions  
2 that have been raised tonight, so four weeks,  
3 or some reasonable term of the record being  
4 left open for additional comments is more than  
5 reasonable.

6 CHAIRPERSON HOOD: And once we get  
7 to the end and we start looking at texts,  
8 there's some comments here that I want to make  
9 sure do not get left off. Again, I'm thinking  
10 process more oriented than anything. And I  
11 guess we'll find out with the one that we have  
12 coming on Monday.

13 I just want to make sure that  
14 recommendations from task force, ANCs and the  
15 public is not lost through this whole process,  
16 because, you know, you may make a  
17 recommendation in text and we may not adopt it  
18 fully and want to include something that  
19 someone may have had an idea, and I'm just  
20 concerned. I'm speaking for myself now.

21 You know, we had some testimony  
22 and unfortunately some of it was given to us,

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1 and I have not had a chance to look at it.  
2 And some of them, probably some great ideas,  
3 all of them are great ideas. Some of us may  
4 want to adopt them, include it in what we  
5 have, and I want to know if the Office of  
6 Planning will assist us in making sure some of  
7 these things will not be lost.

8 MR. PARKER: We will do our best.  
9 You can keep in mind, there are basically  
10 going to be four times to comment on these,  
11 three of which we can help you with. There's  
12 a working group process, and during that  
13 process we collect comments, and we work with  
14 the working group on a lot of issues, and  
15 those become part of our recommendations or  
16 become issues that we'll talk about in our  
17 report.

18 We work with the task force on our  
19 recommendations and we collect comments from  
20 those. And the same thing. We will often  
21 make change to our recommendations, or we  
22 will, you know, keep track of issues that

1 we'll discuss in our report.

2 Thirdly, then, there's the public  
3 online review, and we collect those comments,  
4 and we will put those in our report as issues  
5 that have been raised and we'll address those.

6 The fourth, though, are issues  
7 that come in directly to you, either during  
8 that public comment time or after we issue our  
9 report.

10 I've got several comments from  
11 outside, that today is the first time I've  
12 seen them, and those obviously aren't in our  
13 report, and those we can't at this stage help  
14 you collate but we'll certainly take those  
15 into account between now and our next  
16 deadline.

17 CHAIRPERSON HOOD: Thank you, and  
18 I will say, I'm really glad to see this new  
19 business model. I think in some areas we're  
20 definitely aware--I know of one, in particular  
21 to encourage smaller delivery trucks. So just  
22 hopefully keep moving that forward.

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1                   Okay. Any other questions?

2                   [No response]

3                   CHAIRPERSON HOOD: All right. Do  
4 we have a sign-in sheet? Actually, I think I  
5 know everybody in the crowd. We'll just call  
6 everybody up. Mr. Sher is in support. Ms.  
7 Zartman. And Ms. Hargwood.

8                   There's so many people out there,  
9 I'm getting mixed up. There's too many  
10 numbers. So all of you all can come forward,  
11 please. And I think normally we do ladies  
12 first, but Mr. Sher is in support, so we're  
13 going to start with you, Mr. Sher. Then Mr.  
14 Zartman and then Ms. Hargwood.

15                  MR. SHER: Mr. Chairman, members  
16 of the Commission, Ms. Miller, my name is  
17 Steven E. Sher. I'm the director of zoning  
18 and land use services with the law firm of  
19 Holland & Knight. I have given you an outline  
20 with some comments, some of which gnaw at some  
21 of the details and suggest some areas for  
22 clarification as you go along, recognizing

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1 that we're not looking at text but at concept.

2 There are still some things, in  
3 the way they're framed, I think you need to  
4 think about how those apply. Let me try and  
5 sort of deal with the high points of what I've  
6 written here, and what I heard some of your  
7 discussion was before.

8 We're in support of the idea that  
9 55 foot loading berths be reduced to 30 foot  
10 berths, and I would say that especially for  
11 apartment houses, for residential buildings.  
12 This Commission has seen in PUD cases, and the  
13 BZA has seen in a number of variance cases,  
14 that 55 foot berths are probably not required  
15 for the normal apartment house size, and the  
16 square footage of the units, and therefore  
17 those can be accommodated with smaller berths,  
18 and the size that a 55 foot berth takes up on  
19 a floor plate, depending on the size of the  
20 building and all that, can be a problem in a  
21 lot of cases.

22 The idea of shared loading is a

1 concept that we support. We raised the  
2 question in the parking hearing, and I'll  
3 raise it again tonight. The idea that DDOT is  
4 going to be able to preclude somebody from  
5 having either parking or, in this case  
6 loading, because they say we have a policy  
7 that says you can't have a curb cut on that  
8 street.

9 That policy is so hard to fathom,  
10 and written anywhere, that I can find, that  
11 says where we can have a curb cut and where we  
12 can't. Generally--and I hate to say this for  
13 the record, I'm not a lawyer--but my general  
14 understanding is if you front on a street you  
15 have some rights of access to that street. If  
16 you don't front on an alley, if you don't  
17 front on any other street, I think  
18 constitutionally, and I'm going to put that in  
19 quotes because, again, I'm not the expert on  
20 the Constitution, I think you're entitled to  
21 access, and I think it would be difficult, if  
22 not legally impossible, for DDOT to say no,

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1 you can't have access anywhere. And so that's  
2 problematic for me, and I think it's something  
3 that needs to be coordinated between what you  
4 guys decide and what DDOT's real authority is  
5 there.

6 The question of this hierarchy of  
7 access, if you have an alley you've got to  
8 come in off the alley. If you don't have an  
9 alley, you've got to come in off the side  
10 street, and if you don't have a side street,  
11 come off the main street.

12 To me, I thought that's too rigid  
13 a hierarchy. I mean, as Mr. Parker indicated,  
14 you've got to decide what actually is an  
15 accessible alley. How wide does it have to  
16 be? Can you make turns for a 30 foot truck,  
17 a 55 foot truck, whatever it is? If you can't  
18 get in there, it's in effect not having it,  
19 but if somebody says you have to go in that  
20 way, you know, what does that mean?

21 Alleys may sometimes direct  
22 traffic to the rear of a property, which seems

1       like a good idea, but what about when the rear  
2       of the property on the other side of the alley  
3       are houses? Do you really want the trucks  
4       going through the alley? Or would you rather  
5       have the trucks coming in off the street, and  
6       not impacting the properties that are across  
7       the street?

8                   But it just seems to me to be too  
9       rigid a hierarchy and not have enough  
10      flexibility in it.

11                  I did ponder the same thing, I  
12      think, that Mr. Etherly did, about whether the  
13      idea of trash receptacles is something that  
14      appropriately belongs in the zoning  
15      regulations, and if it does, is it part of the  
16      loading requirements?

17                  I understand that we need trucks,  
18      but--and I certainly wouldn't have a problem  
19      if the regulation said your trash receptacles  
20      can't occupy the spaces that are required for  
21      loading. Right now, they can't be in a  
22      loading berth anyhow. But if they're being

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1 put in a loading platform and that's a  
2 problem, I don't have any problem if you say  
3 don't put them there. You've got to have your  
4 own dedicated space for your trash  
5 receptacles.

6 The question of the making loading  
7 based on square footage rather than some other  
8 unit of measurement. In fact, the only other  
9 unit of measurement used is for apartment  
10 units and hotel rooms. There's nothing based  
11 on employees for loading. There's nothing  
12 based on any other unit of measurement other  
13 than square footage, except apartment houses,  
14 50 units or more, and hotels based on number  
15 of sleeping rooms.

16 To me, it just--I would say that  
17 the number of units, or the number of rooms is  
18 more likely to be an accurate measure of  
19 activity that might result in loading and  
20 square footage for those particular uses, but  
21 I don't feel strongly about that, one way or  
22 the other. I honestly don't know whether

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1 there are studies that would show whether the  
2 correlation is better off square footage or  
3 off units.

4 I guess I'm done.

5 CHAIRPERSON HOOD: I tell you  
6 what, Mr. Sher. Since we only have--I'll give  
7 you a minute to finish up. I know it's a lot  
8 of time--

9 MR. SHER: I have some general  
10 conclusions at the end but I won't state  
11 those. But there was one other point that--I  
12 did want to make this point, and I know that  
13 it's been made by some of my other colleagues  
14 on the task force, in at least the parking  
15 discussions.

16 The task force has never, and  
17 doesn't take positions on these things. We  
18 don't vote, we don't come to any collective  
19 understanding of the view of the twenty or so  
20 of us who sit around the table on any given  
21 evening.

22 We talk about these things and we

1 don't always agree on them. Sometimes we do;  
2 sometimes we don't. That becomes input to OP,  
3 and what you are getting is OP's  
4 recommendations, not the task force.

5 So we're a part of the discussion  
6 process but the task force is not and is never  
7 going to make a recommendation to you about  
8 whether something should be done this way or  
9 that way.

10 So I just wanted to make that  
11 clear for the record, and I think that's been  
12 stated before, but I don't think I've ever  
13 stated it before.

14 I think that's it.

15 CHAIRPERSON HOOD: Okay. Let's  
16 have questions with Mr. Sher, and Mr. Sher,  
17 let me just say that I understand that my only  
18 issue was--most of this stuff I had here  
19 earlier. I know members of the task force.  
20 But at least my comments to Mr. Parker  
21 earlier, I just didn't want what we've got  
22 here individually to get lost in the shuffle

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1 of things, and I understood that the--if that  
2 was in response to my question to Mr. Parker.  
3 If it wasn't--

4 MR. SHER: It was just a general  
5 observation.

6 CHAIRPERSON HOOD: Okay. Okay.  
7 All right.

8 MR. SHER: It was just a general  
9 observation about what the task force is  
10 doing. I think it was more in response to Mr.  
11 Parker's comments than it was to yours.

12 CHAIRPERSON HOOD: Okay. Okay.  
13 All right. That's good. It was very helpful.  
14 Commissioner Etherly.

15 COMMISSIONER ETHERLY: Thank you  
16 very much. Very quickly, Mr. Sher, and  
17 recognizing this may be well beyond your scope  
18 of expertise. The trend towards smaller  
19 delivery vehicles. Without characterizing  
20 your client base too much, you tend more  
21 frequently to deal with developers and  
22 property owners.

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1                   Do you have a sense or a feeling  
2                   for where that trend is heading, and whether  
3                   the spirit of some of these changes kind of  
4                   are moving in the right direction consistent  
5                   with that trend?

6                   MR. SHER: Certainly in terms of  
7                   apartment houses. Our experience with our  
8                   clients who are developers, for the most part,  
9                   on those buildings, they're not finding the  
10                  need for 55 foot trucks and believe that a 30  
11                  foot size loading berth would be adequate to  
12                  accommodate the move-in, move-out needs of  
13                  most residential buildings.

14                  On the other hand, we have dealt  
15                  with a number of grocery stores lately, and  
16                  the grocery store operators are very emphatic.  
17                  They want 55 foot berths. And I think as Mr.  
18                  Parker was saying, there's no reason they  
19                  can't provide a 55 foot berth if the  
20                  requirement is a minimum of thirty. Fifty-  
21                  five is more than thirty.

22                  But we're working on a project

1 known as Constitution Square up in Northeast,  
2 on 1st, between M and N Streets, and there's  
3 going to be a full-size Harris Teeter grocery  
4 store on the first floor of the first  
5 apartment building there, and it's one of  
6 those sites that's big enough to have one  
7 common loading area serving the whole thing,  
8 and there are like 12 or 13 loading berths in  
9 that thing serving a couple million square  
10 feet by the time it's all done. And there are  
11 55's and 30's and 20's, and it all depended on  
12 who needed what.

13           And I've been involved in a couple  
14 of other places where grocery stores were  
15 either--had signed on or were being wooed to  
16 come into a development, and the designs of  
17 those developments very much had to take into  
18 account giving them size berths that they  
19 want. They think they're in demand, and they  
20 probably are, and they think they have the  
21 upper hand, and maybe they do, and they say  
22 you don't give us a 55 foot berth, we're going

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1       somewhere else.

2                   So for that type use, that's, I  
3       think, going to still be required. Office  
4       buildings, we don't require 55 foot berths for  
5       the most part, and, you know, the big move-in,  
6       move-out of a major tenant in an office  
7       building is likely to have a whole bunch of 55  
8       foot trucks doing that.

9                   But once it's in, the service  
10      needs on a daily basis are generally 30 foot.  
11      So since the move-ins tend to occur at off-  
12      peak hours, on the weekends and what have you,  
13      that happens and it doesn't to be a huge  
14      problem for anybody. You know, the  
15      deliveries, the FedEx pickups and the  
16      shredding guy, and all the rest of those, they  
17      don't come in 55 foot trucks.

18                   COMMISSIONER ETHERLY: Okay. My  
19      last question, with respect to both  
20      recommendations three and four, one, the  
21      relief of the loading requirement and four,  
22      the location of loading areas.

1           Taking to heart some of your  
2 concern about the DDOT role and the issue of  
3 the curb cut policy, or lack thereof, or the  
4 fact that it's not written, do you see any  
5 application in either one of those  
6 recommendations for either a special exception  
7 relief valve, or some other valve, not  
8 suggesting that I'm in the mood to see it  
9 introduced.

10           But are those tools that could be  
11 helpful in addressing the concern that you  
12 raised with respect to the DDOT curb cut  
13 policy in number three, and then, to an  
14 extent, part of what I was getting at, I  
15 believe, in recommendation number--well,  
16 actually, it was recommendation number five,  
17 the issue of that hierarchy.

18           I'm just trying to find a way that  
19 if, to use your express, it gets too rigid and  
20 too hierarchical, is there some room for  
21 application of a relief valve so you're not  
22 stuck with it?

1                   MR. SHER: I think the biggest  
2 problem is one that Mr. Parker pointed out,  
3 which is the coordination, because if the  
4 zoning requires something and the BZA can give  
5 relief, but DDOT says we're not going to give  
6 you curb cut anyhow, then it almost doesn't  
7 matter because the board can't force the  
8 issuance of a curb cut.

9                   And I don't think either Office of  
10 Planning and I don't think I, even though we  
11 make our living out of that, would necessarily  
12 want to send people to the BZA, much as we  
13 love seeing you every Tuesday.

14                   If we can write a regulation that  
15 makes some sense, I think we ought to do that.  
16 But before you can write something that makes  
17 sense, I think you, as a Zoning Commission and  
18 a zoning authority, need to have an  
19 understanding of what DDOT's policies really  
20 are, because Mr. Parker at one point said  
21 something I hadn't heard before tonight, which  
22 was that a street that was 90 feet wide was a

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1 primary street.

2 I didn't think every 90 foot wide  
3 street was a primary street under DDOT's  
4 highway classifications. You know, they've  
5 got the map that shows arterials, collectors,  
6 and whatever, and I could think of many  
7 streets that are downtown, that are 90 feet  
8 wide, that I wouldn't necessarily think are  
9 primary streets but maybe they are.

10 And even streets in residential  
11 neighborhoods are frequently that wide, and I  
12 don't think they're primary streets, but  
13 again, that would be a discussion that we need  
14 to understand from DDOT, how do they classify  
15 these things and how do those decisions get  
16 made, and I think you need to understand that  
17 if you're going to rely on those requirements  
18 to govern what are in your regulations.

19 COMMISSIONER ETHERLY: I would  
20 agree with--no, I would most certainly agree  
21 with you, again, clearly with the  
22 understanding that we're not looking at hard

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1 and fast language now, just to an extent more  
2 or less conceptual.

3 I would suspect that some of the  
4 concerns that we may very well of course hear  
5 from other witnesses, and some of the concerns  
6 that I have, because I see it in my own  
7 vicinity of Capitol Hill, is that issue of how  
8 do you ensure that the rewrite doesn't have  
9 the unintended consequence of pushing more of  
10 this traffic into our residential streets.  
11 Okay. Thank you. Thank you.

12 MR. SHER: I hate to say that some  
13 10,000 years ago, when I wrote my master's  
14 thesis, it was on the secondary effects of  
15 zoning on the environment.

16 COMMISSIONER ETHERLY: Can we get  
17 copies of that?

18 MR. SHER: Unpublished. Thank  
19 God.

20 COMMISSIONER ETHERLY: Unofficial  
21 request. Thank you, Mr. Chair.

22 CHAIRPERSON HOOD: Mr. May.

1                   COMMISSIONER MAY: I guess I'm  
2 still "hung up" with the DDOT issue, and, you  
3 know, I really do appreciate your analysis and  
4 the comments that you had, and I hope that the  
5 Office of Planning will pay attention to some  
6 of those things, cause I made some similar  
7 notes. I won't go into those in great detail,  
8 about the issues, but I think that Office of  
9 Planning will pay attention to what you've  
10 written.

11                   On the DDOT question, I guess,  
12 generally speaking, is it a matter of just  
13 making an application for a curb cut and then,  
14 you know, getting a verdict, and sometimes it  
15 makes sense and sometimes it doesn't? Or is  
16 it a normal, rational process, and there's an  
17 avenue of appeal, and, you know, the way good  
18 government should work? Or I mean, how does  
19 it work?

20                   MR. SHER: The real world is more  
21 like the former than the latter. You file an  
22 application for a curb cut. You see where it

1 goes, who gets it, what they say about it, and  
2 you try and work it out. That's what we do  
3 for our clients, and as I said, if there are  
4 written policies that talk about how they're  
5 going to make--I mean, there are obviously  
6 certain policies about how far they have to be  
7 away from curb intersections, and how, if you  
8 have a certain width of driveways entering on  
9 to a street, there has to be a safety island  
10 when it gets to be bigger, so that there's a  
11 pedestrian refuge in the middle, and think  
12 it's more than 25 feet, or something like  
13 that.

14 But whatever. There are certain  
15 requirements like that. But whether you can  
16 actually have a curb cut at a particular  
17 point--I'll say it for the record--it often  
18 seems to be whimsical, and to know whether  
19 there's a basis for that is sometimes hard to  
20 figure out. You know, we've got engineers and  
21 we have traffic consultants, and we have  
22 planning experts, and we have developers who

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1 think they know everything. And sometimes  
2 they know more than we do.

3           And then there's always a  
4 legitimate public purpose to be served by  
5 governmental review. That's clear. But in  
6 the absence--one of the things I've always  
7 liked about zoning is I can look at the book  
8 and I can see what it says. You know, if it  
9 says I need to have a side yard of eight feet  
10 wide, then I know I need to have a side yard  
11 eight feet wide. Now what happens when the  
12 lot's on a skew and the building's straight,  
13 or the building's on a skew and the lot's  
14 straight?

15           There are always things that you  
16 have to know. But when you get in this area  
17 of rules that are out there, that aren't  
18 available to somebody to understand and look  
19 at, I get--personally, that's bothersome to  
20 me. And if you've got--if the Commission is  
21 going to incorporate into its regulations  
22 discretionary standards by somebody else, I

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1 think you need to have a pretty good  
2 understanding of how those standards are going  
3 to be developed and applied.

4 I'm very sympathetic to that  
5 puzzle and I think that what's being proposed  
6 is a bit problematic, because what we're  
7 saying is that the current policy for how you  
8 get a curb cut is, you know, it's like a  
9 puzzle piece, and it's got a certain shape to  
10 it. And what we're saying now is that rather  
11 than the zoning regulations being cut to fit  
12 that puzzle piece, we're just going to draw a  
13 square around it and stay out of that square.  
14 And I don't know that we really want to just  
15 stay out of the square.

16 I'm not sure that we can truly  
17 figure out what the puzzle piece is shaped  
18 like, but I think that we ought to make every  
19 effort to find that out, and that we should  
20 tailor the regulations to fit that, so that it  
21 is reasonable.

22 Because I think that there are

1 things that we can do to, you know, without  
2 stepping on DDOT's toes, to conform zoning  
3 regulations so that they make sense, and give  
4 guidance to the BZA when they have to consider  
5 cases where it doesn't work.

6 I also think that it's not, you  
7 know, it's not unreasonable to require certain  
8 output, if you will, from DDOT, in  
9 circumstances where a variance or an exception  
10 might be necessary, a determination of some  
11 sort that's signed off by the director of  
12 DDOT, or what have you.

13 I mean, it's common to do things  
14 like that in other areas of the government,  
15 this government, the Federal Government, I  
16 mean, to get a fairly definitive word from  
17 somebody high enough up, that opens the door  
18 to getting this other relief.

19 So those are just things I think  
20 that we ought to think about. Thanks.

21 CHAIRPERSON HOOD: Chairperson  
22 Miller.

1                   COMMISSIONER MILLER: I just want  
2 to comment from what I've observed in the BZA  
3 hearings, and it's similar to what Mr. Sher is  
4 saying. It sounds like DDOT has specific  
5 policies for certain things such as distances  
6 from an entrance or something like that, and  
7 that is something that I think they could put  
8 in writing, if it isn't in writing, and it's  
9 understandable.

10                   Then I've seen that there's  
11 discretion in other cases, where we've had a  
12 witness from DDOT saying, you know, they may  
13 or may not recommend a curb cut, and that if  
14 the BZA thought there should be one, they'd  
15 probably go along with the BZA.

16                   So I don't think it's necessarily  
17 that clear, that in discretionary instances,  
18 zoning should necessarily defer to DDOT. I'm  
19 not sure. I just think that that's something  
20 that you might consider.

21                   CHAIRPERSON HOOD: Commissioner  
22 Turnbull.

1                   COMMISSIONER TURNBULL: Thank you,  
2 Mr. Chair. I have a question for Mr. Sher,  
3 just comments that--and you've sort of  
4 reminded me of, and I think we are expecting  
5 something from DDOT on alleys, on whether an  
6 alley can be used or it can't be used, and how  
7 accessible it really is.

8                   I think we had a project, I think  
9 it was a Holland & Knight project, where we  
10 had an alley, and I think you had two schemes.  
11 It was on M--was it on M Street?

12                  MR. SHER: Yeah. New Jersey and  
13 M, Southeast.

14                  COMMISSIONER TURNBULL: Right.  
15 And you begged of us, don't approve one or the  
16 other, cause we don't know if could get the M  
17 Street--I think you had to come in from the  
18 north end on the alley, you had a loading dock  
19 or whatever, and it was a very convoluted  
20 scheme. But again, as a Zoning Commission,  
21 it's a conundrum for us. We see the merits of  
22 what you're trying to do, in the planning it

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1 makes sense, but there's no way that we could  
2 approve the one on M Street knowing that DDOT  
3 had already said we're not going to grant you  
4 that, although it made, in that case, perfect  
5 sense.

6 And I think in that case, and  
7 there was another one after that where I think  
8 DDOT had promised to come up with something on  
9 alleys, in either grading them or scaling  
10 them, or telling something, what could be  
11 used. I don't think we've ever received  
12 anything.

13 But even then, if it becomes a  
14 discretionary thing on their part, how does an  
15 applicant go ahead and make a rational  
16 decision on how it's going to lay out his  
17 project? Again, that's one of the things that  
18 we're sort of at the tail end, and they're  
19 jumping through hoops.

20 I don't know how we--I guess this  
21 is a question to Office of Planning. Again,  
22 it's getting back to the information coming

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1 back from DDOT that would further explain, or  
2 give us some guidance as to here's their  
3 grading, here's what's going to be in  
4 accessible, here's what--how do you say how  
5 much an alley can take as far as traffic? And  
6 I don't know how you base it--I mean, it's a  
7 conundrum.

8 CHAIRPERSON HOOD: You know what,  
9 Mr. Turnbull. I'm glad you brought that up.  
10 First of all, everything's starting to run  
11 together for me. So I'm not sure. Did we  
12 deal with that case yet? We did? And I think  
13 we gave it flexibility. So we did give it  
14 flex--and I think Commissioner May--and I'm  
15 going off my memory, which is a terrible thing  
16 to do--I think Commissioner May was the one  
17 who requested that of DDOT, and that's been a  
18 while back.

19 So even though it's not pertaining  
20 to that case, I will ask Office of Planning if  
21 you can go and get that for us. I'm not  
22 exactly sure. If you could work with Ms.

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1 Schellen and see exactly, whatever that was we  
2 asked for.

3 I know at the time, it sounded  
4 like a good tool for us to use and look at.  
5 So it's not relevant to--well, it has some  
6 relevance. So I thank you for bringing that  
7 up. But Office of Planning, if you want to  
8 respond to Mr. Turnbull, or if you want, to  
9 make sure we get that piece from DDOT.

10 MR. PARKER: Yes. That will  
11 certainly be part of the discussions that we  
12 have with DDOT over the next few weeks, and  
13 what we bring back to you is both their  
14 thoughts on alleys and any work they've done  
15 on what makes an alley accessible. And also  
16 we'll try and get them to put into some  
17 writing, or give us their thought process on  
18 curb cuts as well.

19 COMMISSIONER TURNBULL: Thank you.  
20 I wasn't really expecting an answer right  
21 away. I mean, I guess it was more of a--we've  
22 had a couple of things tonight that says we've

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1 got--there's another player in this, that we  
2 really, we can't--we need to work with them  
3 somehow, but it would be good to come to a  
4 consensus as to what we're all looking at, so  
5 that we're on the same page as them, and they  
6 understand what we're trying to accomplish.

7 CHAIRPERSON HOOD: Okay. Any  
8 other questions?

9 [No response]

10 CHAIRPERSON HOOD: Okay. Let's  
11 move to opposition. We'll start with Ms.  
12 Zartman and then we'll go to Ms. Hargwood.

13 MR. SHER: Mr. Chairman, may I  
14 ask, may I be excused?

15 CHAIRPERSON HOOD: Sure. You have  
16 somebody--you want to go see somebody, huh?

17 MR. SHER: No. I don't.  
18 Actually, I have a date with the spouse.

19 CHAIRPERSON HOOD: Oh. Well, go  
20 right ahead. I was just going to tell you  
21 that, seven nothing, so don't rush.

22 MR. SHER: If the Nats are losing

1 that bad already--

2 [Laughter]

3 CHAIRPERSON HOOD: No. I mean the  
4 Redskins. But that's fine.

5 MR. SHER: Thank you.

6 CHAIRPERSON HOOD: Thank you.

7 Ms. Zartman.

8 MS. ZARTMAN: Actually, I should  
9 say this is one of those cases where I wish  
10 there was an intermediate step between  
11 proponents and opponent. As we said in our  
12 comments on parking, we can endorse almost  
13 everything that Steve submitted as a  
14 proponent, and we were opponents. So it's a  
15 lot--is subjective. However, there are things  
16 that we are troubled by in the proposals that  
17 you have before you tonight.

18 You've seen the testimony that the  
19 Committee of 100 submitted, so I won't bore  
20 you by reading it. I will make a few comments  
21 about both process and--

22 CHAIRPERSON HOOD: Ms. Zartman,

1 can you hold one second. Can we stop the  
2 clock.

3 MS. SCHELLIN: We have checked the  
4 record. We don't have any comments from you.

5 MS. ZARTMAN: I both had them  
6 couriered over and I e-mailed them to you.

7 MS. SCHELLIN: Well, e-mail I'm  
8 not going to do anything with, cause we can't  
9 accept it by e-mail, but--

10 MS. ZARTMAN: No, but I mean it  
11 was in both formats in case it was easier for  
12 you to handle as an electronic letter.

13 MS. SCHELLIN: Donna has checked  
14 the record, and for some reason, either--maybe  
15 it got misfiled. Do you have your copy in  
16 front of you with the case number on it?

17 MS. ZARTMAN: I don't have my--I  
18 never thought it wasn't with you since it was  
19 couriered over at noontime, and I think Travis  
20 was even copied in on the e-mail.

21 MS. SCHELLIN: When did you send  
22 it?

1 MR. PARKER: I haven't received  
2 it.

3 MS. ZARTMAN: It was on the  
4 morning of Friday, the closing date for  
5 filing.

6 MS. SCHELLIN: We checked today  
7 only because Mr. Crews I believe made  
8 reference to your report, and we figured,  
9 well, she must be bringing it tonight, he must  
10 have it. So no, we don't have it.

11 MS. ZARTMAN: You're going to get  
12 it.

13 MS. SCHELLIN: But I will go check  
14 my e-mail, see if I saved it.

15 CHAIRPERSON HOOD: Hopefully, that  
16 means that we're going to get the copy; not  
17 "get it."

18 I think--Mr. Parker, have you seen  
19 it?

20 MR. PARKER: No.

21 MS. ZARTMAN: I truly don't know  
22 how to explain it.

1 CHAIRPERSON HOOD: What we can do,  
2 we'll hear your testimony and we'll follow  
3 you. I know we like to make marks on the  
4 paper, at least I do, but we'll follow you in  
5 your testimony.

6 MS. ZARTMAN: I fully understand.  
7 That I'm a note-taker myself.

8 CHAIRPERSON HOOD: Okay.

9 MS. ZARTMAN: i don't know what  
10 went wrong. That's never happened before.

11 At any rate, what you would have  
12 read, if you had gotten it, would be a  
13 reminder that the task force was working from  
14 a limited review.

15 We were to deal only with lot and  
16 square, private property, many of the things  
17 that are being discussed tonight were outside  
18 the purview of the task force as those of you  
19 who've been at the meetings know.

20 It was for that reason that we  
21 recommended that the Commission hold a  
22 roundtable on parking with those other

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1 elements of government that deal with public  
2 space, could be present and provide you with  
3 the policy framework on which you could base  
4 your decisions about the direction in which  
5 parking regulations, and I would say loading  
6 regulations should go.

7 I would hope that that is  
8 something that can at least be considered,  
9 because tonight has proven to me that there is  
10 still a great deal that is not on the table,  
11 and that will shape the impact of the  
12 regulations.

13 As was mentioned earlier, I'm  
14 sorry to say that our comments do not include  
15 the latest report from OP. I did not see that  
16 until last night, and I was Old Georgetown  
17 board hearings all day today.

18 As to the specific recommendations  
19 that we did know about, I don't understand the  
20 issue of smaller loading berths, or the  
21 suggestion that you can ban certain size  
22 trucks in certain parts of the city. There

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1 are already existing large loading bays for 55  
2 footers, for 18 wheelers, and they are going  
3 to continue to be served by large vehicles.

4 It would be unreasonable to  
5 suggest that business is using those perfectly  
6 legal loading bays, would tolerate being told  
7 that they can only use smaller vehicles.

8 As a matter of fact, at one of the  
9 working group meetings, Ellen Jones,  
10 representing the downtown BID, said that it  
11 was their conclusion that what was needed  
12 downtown were 100 foot curbside loading zones,  
13 so that trucks would pull in, unload, and pull  
14 out without having to park.

15 That was kind of a shocker but it  
16 certainly would go against the suggestion that  
17 smaller and smaller trucks are being adopted  
18 for use.

19 If you allow the developer to have  
20 total discretion, he or she may actually  
21 compound the problem by building only a 30  
22 foot dock when, in fact, larger capacity is

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1 needed, knowing full well that access to the  
2 public space will ultimately be there,  
3 compounding the problem.

4 Second, regarding shared loading  
5 facilities, I think it's a wonderful idea, but  
6 they should be protected with a covenant  
7 that's acceptable to the Zoning Administrator,  
8 not a simple agreement.

9 We all know the world of business  
10 too well to pretend that there aren't  
11 circumstances in which once cooperative  
12 business partners no longer share the same  
13 goal, and somebody wants to get somebody else  
14 off a lease, and scheduling your loading can  
15 be a very complex matter under the best of  
16 circumstances.

17 The third recommendation, about  
18 DDOT relieving the requirement for loading,  
19 despite my great appreciation, sincerely, and  
20 admiration for the work that you all do, I  
21 don't believe the Committee of 100 could  
22 accept an approach that sacrifices DDOT or

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1 zoning standards in order to avoid zoning  
2 hearings.

3 A standard that presumes all  
4 applicants will be approved, one way or  
5 another, or one that sets transitory goals  
6 above the stability of residential  
7 neighborhoods.

8 This presumption that all  
9 applications will be accepted, one way or  
10 another, there are certain programs that  
11 simply should not be allowed to operate in  
12 certain places, and there is language that  
13 seems to suggest there will be a way to  
14 accommodate the use, one way or another.

15 I'm delighted to hear Travis say  
16 that there will be screening for residential  
17 areas. There may also need to be distance  
18 standards set, especially near food stores,  
19 restaurants, other places that are, I'm sorry  
20 to say, in just about every part of the city,  
21 home to vermin that are unwelcome visitors to  
22 anyone's home and property.

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1                   And I know, because Georgetown has  
2                   lots of them.

3                   The fact that there are no  
4                   definitions for recommendation five makes it  
5                   very difficult to assess impact. It was  
6                   expressed during the task force discussion.  
7                   There was concern that adequate protections  
8                   for residents along the streets leading to  
9                   commercial areas be put in place. They  
10                  shouldn't be burdened with heavy commercial  
11                  traffic in order to support the goal of more  
12                  pedestrian-friendly environments. Street  
13                  widths and turning ratios alone are inadequate  
14                  standards.

15                  The square foot basis still gives  
16                  me pause. Obviously, I didn't see this  
17                  recommendation until hearing about it tonight.  
18                  Do I have to say the term, Papa John's?  
19                  Square footage, minimal impact. 18 wheelers  
20                  delivering frozen pizza from North Carolina.  
21                  There's no correlation between the impact of  
22                  that commercial operation and the square

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1 footage of the operation.

2 It may be the GSF is the way to  
3 go, in general, but there is an alternative  
4 additional standard that can be incorporated  
5 to deal with particularly heavy impact,  
6 especially near residential neighborhoods.

7 These proposals also don't deal  
8 with historic properties, and I think it's  
9 critical that we know how it's intended that  
10 they be handled, either individuals or  
11 historic districts.

12 CHAIRPERSON HOOD: Ms. Zartman,  
13 we're going to give you a minute, the same  
14 thing we gave--

15 MS. ZARTMAN: One more minute?

16 CHAIRPERSON HOOD: To finish up.

17 MS. ZARTMAN: I'll be done by  
18 then. In particular, the question of  
19 expansion of a historic property. If a  
20 significant expansion of any other building is  
21 a 25 percent increase in its capacity, that  
22 should be the standard for triggering a review

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1 in a historic property. You're going to add  
2 25 percent to the bulk of the property.

3 Design considerations are handled  
4 by other bodies, and I think the issue for you  
5 is simply whether something constitutes a  
6 significant change that could merit  
7 reconsideration of loading as with parking  
8 requirements.

9 Also, I didn't see anything that  
10 was a follow-on to something mentioned in  
11 earlier documents about lighting these  
12 facilities. It can be extremely intrusive and  
13 it certainly ought to be part of what's  
14 presented to the public.

15 Well, that was more formal than I  
16 intended to night, but the Committee's  
17 statement will be in your hands, shortly.

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLEN: Just to clarify,  
20 Ms. Zartman, what we got was the parking.

21 MS. ZARTMAN: They were in the  
22 same envelope.

1 MS. SCHELLIN: Well, we just made  
2 a copy of it, and it all says parking.  
3 There's four pages.

4 MS. ZARTMAN: Both pieces were I  
5 believe three pages with a cover letter. They  
6 were in the same envelope. You will have it  
7 again tomorrow.

8 CHAIRPERSON HOOD: Okay.

9 MS. ZARTMAN: My colleague has  
10 lost her glasses.

11 CHAIRPERSON HOOD: Okay. We'll  
12 work with that.

13 MS. ZARTMAN: We tend to see  
14 things the same way.

15 CHAIRPERSON HOOD: Before we ask  
16 questions, Ms. Zartman, if you can cut your  
17 mike off. We're going to go to Ms. Hargwood.

18 Is there anyone else here--I see  
19 one young lady--that wants to testify or say  
20 anything? Okay. So we'll hear from Mr.  
21 Hargwood and then we will ask our questions.

22 Ms. Hargwood.

1 MS. HARGWOOD: I appreciate the  
2 discussion tonight, that would try to relate  
3 the zoning regulations to realty out in the  
4 real world. I think that's very important in  
5 trying to make these decisions and I'm very  
6 concerned that we have not quite done an  
7 adequate job of it. And I also appreciate the  
8 conversation about interagency arrangements  
9 that should be made on these matters, and have  
10 suggested that we act a little bit like other  
11 cities.

12 You know, other cities have deputy  
13 mayors and also city managers who are convened  
14 for the purpose of trying to bring together  
15 various agencies to come together, with an  
16 understanding of how things will be processed.  
17 And I think it's that we should insist that  
18 something like that be done for situations  
19 like this. There's just no excuse for this  
20 continuing problem that is going on. And I  
21 don't think that in the process, that the  
22 answer is to in any way reduce our standards.

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1 And I want to start with something on another  
2 page, which is the whole issue of defining  
3 what a primary and secondary street is.

4 For purposes of trying to decide  
5 how to use those street designations for  
6 determining where you would locate areas for  
7 loading type services and delivery services,  
8 are loading berths, which are two different  
9 things, and are not properly distinguishable  
10 in this draft. Then you would need to have a  
11 whole set of criteria that would be involved.

12 Like the street widths that are  
13 involved, whether or not the trucks can make  
14 it, the turning radius satisfactorily, whether  
15 they're residentially zoned, whether they're  
16 one-way streets, whether the whole square is  
17 bounded by primary streets. How do we define  
18 that?

19 And once those criteria are  
20 define, that's the basis of the definition,  
21 not something like the height act or how DOT  
22 does it, because both of those have limited

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1 definitions in terms of usefulness, in terms  
2 of making a decision about where these  
3 facilities should go.

4 So I think it really deserves some  
5 attention and would urge the Office of  
6 Planning, for example, to get together with  
7 DOT to take a look at some of these streets,  
8 and then come up with a criteria for your  
9 review, that would help you make a decision  
10 about what we mean when we say how we will  
11 locate these things.

12 Cause I think some of the issues  
13 have been raised tonight about the  
14 difficulties we can get into.

15 But I also want to raise, quite  
16 quickly, the historic issue that Mrs. Zartman  
17 has raised, and that goes to the fact that  
18 there's confusion in the code, because we have  
19 different standards in the parking regulations  
20 than we do in the loading regulations.

21 We've got a parking regulation  
22 that you guys thought was a good idea to raise

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1 the exemption to 50 percent for historic  
2 properties. Many of us very adamantly  
3 disagree with that because we are aware, for  
4 example, that there are many churches, and  
5 there are many schools that are going private-  
6 partner, you know, private-public  
7 partnerships, many entities that are very  
8 large, that sit in the middle of residential  
9 zones, that would be excused from having to  
10 provide loading.

11 Can you imagine that? No loading  
12 facilities required for these additional uses  
13 at a high percentage of use? In our case, you  
14 can take the Hilton hotel as an example, which  
15 has recently been designated a landmark. It  
16 will not have to provide additional loading  
17 facilities for the 200 condos which will be  
18 there, nor will it have to do anything with  
19 the parking if it doesn't want to, but of  
20 course it wants to in order to see its units.  
21 But it doesn't have to do anything about the  
22 deficient parking in the garage.

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1 I don't think, when we see a  
2 situation like that, and you talk about Harris  
3 Teeter--our organization took no position on  
4 that, and I'm not trying to raise the specter  
5 about that one again--but when someone  
6 describes 30 foot wide streets on each side of  
7 this thing, as primary streets, inadequate for  
8 large, you know, 55 foot trucks to be able to  
9 make the turn radius into docks, something's  
10 really strongly amiss.

11 So I would like to hope, that when  
12 we make our regulations regarding areas that  
13 can be set aside for loading as distinguished  
14 from docks, that we make a clear distinction  
15 between the two, and with regard to docks, I  
16 think we need to look at the whole set of  
17 regulations we have right now, which give  
18 probably too much flexibility regarding docks.

19 We're talking about new structures  
20 in this regulation. So in that event, why  
21 shouldn't we declare that there should be  
22 drive-through lanes for such a thing? Or that

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1 the lanes be on site for these loading  
2 facilities. Or that the loading facilities  
3 fully meet our specifications as well as the  
4 DOT's specifications in terms of public  
5 safety, because there's a difference in  
6 parking requirements and loading requirements  
7 when it comes to public safety.

8 You can have a great deal of  
9 discussion about whether or not you want to,  
10 you know, "hammer people" with regard to  
11 parking, notwithstanding the fact that we're  
12 not doing very well regionally to provide a  
13 better transportation alternative for people.

14 You can have that kind of  
15 discussion without a great deal of personal  
16 harm. But when we allow loading docks to go  
17 on in a situation which is genuinely a public  
18 problem, public safety, that's another matter.

19 So I think we should take a look  
20 at what we can do, and I'm sorry, I hope  
21 you'll have time to read through some of this  
22 stuff, because there's a lot of stuff about

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1 criteria and work that will have to be done  
2 with other agencies as well.

3 CHAIRPERSON HOOD: Ms. Hargwood,  
4 we're going to give you a minute to finish up.  
5 I think we've been consistent with the minute  
6 to finish up with everyone.

7 MS. HARGWOOD: Since Mr. Sher  
8 brought up the very interesting issue, which  
9 has plagued all of us, I think, but different  
10 uses, not just square footage, have different  
11 impacts in terms of what you need by way of  
12 loading, if it's true that apartment houses  
13 don't need, say, you know, long berths, like  
14 55 foot berths, if we can sustain that through  
15 a genuine survey of the new ones that are  
16 being built, to come to that conclusion,  
17 that's one thing. But if you look at other  
18 uses, drug stores, grocery stores, hotels,  
19 which, you know, do exist, right--you know,  
20 hotels are residentially zones, many of them,  
21 in residential zones. They have a right to  
22 be, if they were there in 1986, when the new

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1 regulations were passed about them.

2 We have a lot of big things like  
3 that in these areas, a lot of big  
4 institutions. That's a different matter,  
5 entirely. That's a completely different  
6 matter.

7 So I would hope that we could take  
8 a look at all of those things from that  
9 perspective, and I have some suggestions, when  
10 you have time. When you can't go to sleep at  
11 night, you can read them.

12 CHAIRPERSON HOOD: Thank you both.  
13 Let's open up. Any questions of either one of  
14 our witnesses?

15 Chairman Miller.

16 COMMISSIONER MILLER: Okay. Just  
17 a question about, say, if additional loading  
18 isn't required for historic buildings, and the  
19 property owner actually has a need for  
20 loading, is it your point that they wouldn't  
21 provide a loading berth and that therefore  
22 they would use the public streets?

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1 MS. HARGWOOD: My problem is I  
2 think--my problem is that some developers  
3 won't because it's more expensive to provide  
4 it than not to provide it. And then the  
5 Hilton may ultimately provide another loading  
6 berth, but it's not been decided whether it  
7 will do anything other than use the current  
8 facilities. And that's the way they have a  
9 right to do, because it's matter of right. My  
10 suggestion in this paper was that we go back  
11 to the standard of 25 percent, if someone is  
12 expanding as part of the exemption, that that  
13 be applicable to all properties as it is under  
14 loading right now, but that we include  
15 historic properties in that envelope of 25  
16 percent and not exempt them any further as a  
17 special entity.

18 That would be a fair way of  
19 dealing with it, because, again, it's not the  
20 fact that something's historic, and I live in  
21 a historic district and help with those kinds  
22 of things. It's not the fact that something's

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1 historic, that has anything to do whatsoever  
2 in terms of what the loading requirements are.

3 To me, the loading, you know,  
4 requirements are more important than parking.  
5 But in case of the Hilton, which will now have  
6 to bring its garage up to standards, there are  
7 between 700 and 800 employees that work there,  
8 around the clock. They don't have public  
9 transportation at night. Many of them have to  
10 use the streets, and when there are special  
11 events for thousands of people, you know, it's  
12 really quite a problem for the neighborhood  
13 and they have been exempted by virtue of what  
14 you did last year.

15 So my suggestion is not to say,  
16 oh, you know, everybody's evil, wicked or bad  
17 in these situations, but that we have a fair  
18 understanding when we put forward zoning  
19 regulations about what the impacts may be.  
20 That's really crucial in a case like this.

21 COMMISSIONER MILLER: That's  
22 basically my question. I'm trying to figure

1 out what the consequences are, if they really  
2 need it and they don't provide it. Because I  
3 think that--

4 MS. HARGWOOD: Well, that just  
5 means that you're going to have overuse of  
6 whatever it is that you have, and you just  
7 have added to the congestion already with  
8 additional trucks that will come.

9 Incidentally, I've attached pictures with this  
10 to show you a bit of what it's like when you  
11 have to live with inadequate loading docks  
12 that are improperly put there.

13 I think dozens of pictures would  
14 show it. But you've got them in your packet.

15 COMMISSIONER MILLER: And Mr.  
16 Zartman, was your point that if a property  
17 owner assessed that only needed 30 feet  
18 instead of 55 feet, and that in fact 55 foot  
19 trucks might come and end up parking on the  
20 street, and that there's no consequence to  
21 them for that?

22 MS. ZARTMAN: We discussed it

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1 earlier, it's enforcement, and I'm not sure  
2 that I have a great deal of faith. This  
3 evening, in the rush hour, there was another  
4 CVS truck unloading on M Street in rush hour,  
5 completely filling the sidewalk with their  
6 plastic boxes. We can't stop that somehow,  
7 and I am cautious about adding still more  
8 systems that rely on an enforcement system  
9 that has, time and again, proved it has  
10 difficulty.

11 You know, who was it who said  
12 "Insanity is going through the same thing  
13 twice and expecting a different outcome"?

14 COMMISSIONER MILLER: Well, are  
15 you opposed to the smaller loading berths, in  
16 general, or just to their being tied to square  
17 footage? For instance, if they were tied to  
18 a use that clearly never needed large trucks,  
19 would you have a different position?

20 MS. ZARTMAN: I would think that  
21 this is an area where a fairly complex scheme  
22 of requirements is appropriate, because they

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1 are so different, and the impact can be so  
2 significant.

3 COMMISSIONER MILLER: Thank you.

4 COMMISSIONER TURNBULL: Mr. Chair.

5 CHAIRPERSON HOOD: Mr. Turnbull.

6 COMMISSIONER TURNBULL: I think  
7 Ms. Hargwood brought up an interesting point  
8 about the historic property, such as the  
9 Washington Hilton. You know, I've been there  
10 any number of times for conferences. So it's  
11 not just a hotel, it's not just a place to  
12 sleep, it's a place of a lot of activity and  
13 there's a lot of trucks unloading, and I think  
14 that's something that OP needs to really look  
15 at. That it's not just--it's the actual use  
16 of the property and what's going to be  
17 intended by it.

18 I think your photographs do tell  
19 quite a story. You can see that there's quite  
20 a lot of activity going on and--

21 MS. HARGWOOD: It's all a  
22 residentially-zoned street.

1 COMMISSIONER TURNBULL: Right.

2 MS. HARGWOOD: There's a school  
3 next door. Nobody can walk across the loading  
4 dock area because they can be hit. Little  
5 children are ferreted, not infrequently,  
6 outside into the street.

7 COMMISSIONER TURNBULL: And I've  
8 walked around there many times. I know it can  
9 be a little treacherous, at best. So I think  
10 that's something that OP really does need to  
11 look at, is from a historic standpoint, the  
12 use of the facility and what's the intended  
13 impact of what it could be.

14 MS. HARGWOOD: Well, I didn't--I  
15 just brought that up as an example of--

16 COMMISSIONER TURNBULL: No, but  
17 it's a significant one. Thank you.

18 MS. HARGWOOD: Thank you.

19 CHAIRPERSON HOOD: Okay. Thank  
20 you. Ms. Zartman, I appreciate your comments,  
21 and I have to back up in my thinking about  
22 this new business model with the 30 foot

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1 berth. I need to think some of that through  
2 before we get the text and deliberate. But I  
3 appreciate your comments and looking forward  
4 to getting your testimony.

5 Ms. Hargwood, help me out. I  
6 actually see these reports, these are the  
7 impact on docking and loading operations at  
8 the Hilton. Is this some kind of manual  
9 that's prepared?, or explain to me what I have  
10 here. And obviously different, because I look  
11 at the pictures--

12 MS. ZARTMAN: These were--yes.  
13 Well, they're just different times. That's  
14 all.

15 CHAIRPERSON HOOD: Oh, okay.

16 MS. ZARTMAN: They were not taken  
17 by me. They were taken by a neighbor who  
18 lives across the street, but they were taken  
19 with my camera, and so I know that they are  
20 real, that they happened recently.

21 In a meeting, the other night, we  
22 learned from the Hilton itself, that it has

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1 now admitted that just management alone cannot  
2 take care of the problem.

3 They think that maybe if they make  
4 one loading dock at the end, which doesn't  
5 meet code, because it's not 40 feet from the  
6 corner, for example, a little bit deeper, that  
7 that will help. At least you won't have them  
8 hanging out so much over the sidewalk.

9 But the problem is that does not  
10 correct the problem. There's an inadequate  
11 turning radius to get into those docks, and  
12 there's no way you're not going to have these  
13 big trucks arriving.

14 One suggestion I made here which--  
15 and I realize you're the Zoning Commission,  
16 but I think again this is more of a  
17 coordination with our whole city--we need  
18 somebody to be able to say that we've got to  
19 have some staging area, somewhere, for trucks,  
20 where they can also unload the smaller trucks,  
21 if we want them to. There's not anything like  
22 that now.

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1           Some of these trucks come from  
2 long distances into the city, and they're not  
3 about to unload all their--the expense of  
4 time--into a smaller truck to unload their  
5 goods. And I don't know about the CVS trucks  
6 but I've seen plenty of them in my  
7 neighborhood too, and very large trucks also  
8 associated with grocery stores.

9           It would be nice to continue the  
10 conversation that was with Mr. Sher about some  
11 of the behavior of these things, and we could  
12 get at it in a really systematic way.

13           CHAIRPERSON HOOD: All right.  
14 Thank you. Any other questions? Comments?

15           [No response]

16           CHAIRPERSON HOOD: All right.  
17 Thank you both for coming out and providing  
18 testimony. We appreciate all the hard work  
19 that you all are doing.

20           Ms. Schellen, where do we go from  
21 here? Are these some dates?

22           MS. SCHELLIN: Yes. We are ready.

1                   We're going to leave the record  
2 open until October 3rd to allow OP to make a  
3 recommendation after checking on some of the  
4 items discussed tonight. And then if the  
5 public wants to make any responses to what OP  
6 files on October 3rd, they have until October  
7 10th to do that. And then we'll consider  
8 this, or have a dialogue at our October 20th  
9 meeting as far as what direction the Zoning  
10 Commission wants them to go to write the  
11 language.

12                   CHAIRPERSON HOOD: All right. Is  
13 everyone clear? Any other questions?

14                   [No response]

15                   CHAIRPERSON HOOD: I appreciate  
16 every's attention--I mean participation to  
17 night, and attention, actually, and if you  
18 have any further questions, staff will be  
19 available. Ms. Schellen and Ms. Hanousek.  
20 And with that, this meeting is adjourned.

21                   [Whereupon, at 7:56 p.m., the  
22 meeting was adjourned.]

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