



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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March 8, 2022

Councilmember Brooke Pinto
Councilmember, Ward 2
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 106
Washington, DC 20004
bpinto@dccouncil.us

RE: DC Council Action Establishing Regulations for “Last-Mile” Warehouse or Distribution Facilities In or Near Residential or Mixed-Use Neighborhoods

Dear Councilmember Pinto,

On February 28, 2022 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

WHEREAS, last mile delivery services (LMDS), including GoPuff, are warehouse or distribution centers that customers order grocery and household items from and are brought to them by a team of drivers,

WHEREAS, LMDS are increasingly popular and offer a useful service to District residents,

WHEREAS, warehouses and distribution facilities storing the inventory for LMDS have opened in residential and mixed-use neighborhoods of the District of Columbia,

WHEREAS, the District of Columbia currently does not have a business classification, zoning, regulation, or enforcement for LMDS,

WHEREAS, residents of the District of Columbia in residential or mixed-use zones are not consulted in advance regarding the location or operation of such businesses opening near them,

COMMISSIONERS:

Kishan Putta, District 1	Jenny Mitchell, District 2	Rick Murphy, District 3
Cimrun Srivastava, District 4	Lisa Palmer, District 5	Gwendolyn Lohse, District 6
	Elizabeth Miller, District 7	

WHEREAS, delivery drivers queued and awaiting assignment routinely disrupt the peace, order, and quiet of the neighborhood with litter; noise, including loud conversation or music; and obstructing traffic at all hours of the day and night,

WHEREAS, the operators of the facilities claim no responsibility for disruptions of peace, order, and quiet or conduct by their operation or their drivers, and

WHEREAS, neighborhoods in ANC 2E, ANC 2B (Dupont Circle), and ANC 6B (Capitol Hill) have been experiencing disruption to peace, order, and quiet from existing LMDS.

THEREFORE, BE IT RESOLVED that ANC 2E requests that Councilmember Pinto work with ANC 2E, ANC 2B, and their respective communities to develop and introduce legislation to the DC Council that provides meaningful regulation and enforcement for LMDS in residential and mixed-use zones, including:

- Establishing a specific business classification for LMDS,
- Directing the Department of Consumer and Regulatory Affairs (DCRA) to establish an approval process for applicants similar to that of the Alcoholic Beverage Control (ABC) Board that requires public notice to residents and ANCs and provides an opportunity for communities to enter into agreements similar to settlement agreements that address neighborhood concerns and govern an operation's responsibilities and conduct,
- Directing DCRA to establish clear and timely enforcement, adjudication, and penalty imposition policies to resolve complaints from neighbors or other DC Government agencies without complicated or time-consuming complaint processes,
- Holding LMDS operators fully responsible and accountable for the conduct of their drivers and suppliers, whether direct employees, temporary workers, or contract workers, including for blocking traffic, parking, driveways, and alleys and the creation of untenable noise and litter on our community's streets and sidewalks,
- Requiring LMDS operators to maintain current records of drivers engaged by them, whether employees or contractors, and readily accessible logs of reported complaints or incidents involving their drivers, including of property damage or untoward conduct,
- Requiring that LMDS facilities:
 - Have adequate private loading and parking for employees and staging for drivers awaiting dispatch per zoning regulations,
 - Apply for and obtain zoning relief for a location if it does not satisfy zoning requirements,
 - Establish a traffic control plan satisfactory to residents, ANCs, and the District Department of Transportation (DDOT) and incorporate such plan into a jointly negotiated settlement agreement between the local ANC and the applicant,

- Apply for and obtain permits from DDOT and/or the Public Space Committee to use designated on-street space for commercial pick-up and drop-off and driver queueing, subject to DDOT's regular processes,
- Prohibit their employees and contractors from parking or standing in travel lanes, alleys, driveways, neighboring building entrances, or parking facilities, with the understanding that the city will issue penalties for engaging in prohibited behavior, and
- Specifying that zoning and public space accommodations and settlement agreements made for LMDS automatically sunset upon cessation of occupancy by the operator or an immediate successor maintaining the same type and scope of business. Any agreements related to operations of such business shall not automatically convey to a different business category.

Commissioners Lisa Palmer (2E05@anc.dc.gov) and Rick Murphy (2E03@anc.dc.gov) are the Commission's representatives in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." in a cursive script.

Rick Murphy
Chair, ANC 2E