

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY,

JANUARY 10, 2011

+ + + + +

The Regular Public Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD W. SCHLATER	Vice Chairman
GREG SELFRIDGE	Commissioner
PETER G. MAY	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner FAIA, (AOC)

OFFICE OF ZONING STAFF PRESENT:

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

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. Transcript  
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
TRAVIS PARKER  
STEPHEN MORDFIN  
KAREN THOMAS  
ARTHUR JACKSON  
DAN EMERINE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.  
JACOB RITTING, ESQ.

This transcript constitutes the  
minutes from the Regular Public Meeting held  
on January 10, 2011.

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# T-A-B-L-E O-F C-O-N-T-E-N-T-S

## WELCOME:

Anthony Hood, Chairman .....6

## CORRESPONDENCE:

ZC Case No. 05-28B/C - D.C. Primary Care  
Association & Lano Parcel 12, LLC:.....9  
 Motion to Approve Consolidation.....10  
**Vote:** 5-0-0 to Approve Motion.....11  
 New Case No. Assigned: ZC 05-28E.....11

## FINAL ACTION:

ZC CASE NO. 04-33D - OP - Text Amendment  
Re: IZ Exemption for Federal & District  
Funded Affordable Housing Development:.....11  
 Motion to Approve.....12  
**Vote:** 5-0-0 to Approve.....13

ZC CASE NO. 05-35A - STANTON SQUARE, LLC -  
2-Year PUD Time Ext. at Square 5877:.....13  
 Motion to Approve.....15  
**Vote:** 5-0-0 to Approve.....16

ZC CASE NO. 70-16B - CESC 2101 L ST. -  
PUD Modification at Square 72:.....16  
 Motion to Approve.....19  
**Vote:** 5-0-0 to Approve.....19

## HEARING ACTION:

ZC CASE NO. 10-20 - ANC-4B - MAP  
Amendment at Square 2986:.....20  
 Stephen Mordfin, OP .....20  
 Motion to Deny Set Down/Dismiss Petition...24  
**Vote:** 5-0-0 to Approve Denial.....24

ZC CASE NO. 10-27 - 3050 R Street Partners  
LLC - Map Amendment at Square 1282:.....25  
 Karen Thomas, OP .....26  
 Motion to Set Down.....29  
**Vote:** 5-0-0 to Approve Set Down.....30

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T-A-B-L-E    O-F    C-O-N-T-E-N-T-S

HEARING ACTION (Continued):

<u>ZC CASE NO. 10-30 - Jemal's Channing Place,</u>	
<u>LLC - Map Amendment at Square 3846:.....</u>	31
Arthur Jackson, OP .....	31
Motion to Set Down.....	34
<b>Vote:</b> 5-0-0 to Approve Set Down.....	34

ZRR GUIDANCE:

<u>ZC CASE NO. 08-06-14 - OP - ZRR Medium- &amp;</u>	
<u>High-Density Residential Zones:.....</u>	35
Travis Parker, OP .....	35
Rec. 1 - Side Setbacks .....	36
Board Comments/Questions .....	37
Choose Option 1 .....	43
Rec. 2 - Courts .....	43
Board Comments/Questions .....	44
Choose Option 2 .....	56
Rec. 3 - Lot Occupancy .....	56
Board Comments/Questions .....	57
Choose Option 1 .....	59
Rec. 4 - Nonresidential Uses .....	59
Board Comments/Questions .....	60
Choose Alternative Language ....	80
Rec. 5 - R-5-B Zone .....	80
Board Comments/Questions .....	82
Choose Option 1 .....	84

PROPOSED ACTION:

<u>ZC CASE NO. 08-06 - Office of Planning -</u>	
<u>Comprehensive Zoning Regulations Review:</u>	
<u>Parking, Bike Parking and Loading:.....</u>	84
<u>PARKING:</u>	
' 1500 to 1506 .....	87
' 1507 to 1513 .....	106
<u>BIKE PARKING:</u>	
' 1600 to 1608 .....	134
<u>LOADING:</u>	
' 1700 to 1710 .....	136
Motion to Approve Chapters 15/16/17.....	150

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## T-A-B-L-E O-F C-O-N-T-E-N-T-S

ZC CASE NO. 08-06 (Continued):**Vote:** 5-0-0 Approving Chapters 15/16/17...150ADJOURN:

Anthony Hood, Chairman.....151

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

6:32 p.m.

CHAIRMAN HOOD: This meeting will, please, come to order. Good evening, ladies and gentlemen. This is the January 10, 2011 Public Meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Selfridge, Commissioner May and Commissioner Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, Donna Hanousek and Esther Bushman; Office of Attorney General, Mr. Bergstein and Mr. Ritting; Office of Planning, Ms. Steingasser, Mr. Lawson and Ms. Thomas.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony at our meetings unless the Commission requests someone to come forward.

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1                   Please, be advised that this  
2                   proceeding is being recorded by a Court  
3                   Reporter and is also webcast live.  
4                   Accordingly, we must ask you refrain from any  
5                   disruptive noises or actions in the hearing  
6                   room.

7                   Please, turn off all beepers and  
8                   cell phones.

9                   Does the staff have any preliminary  
10                  matters?

11                  MS. SCHELLIN: Just to announce the  
12                  arrangement of the agenda. I believe we were  
13                  going to move one item.

14                  CHAIRMAN HOOD: Yes, thank you, Ms.  
15                  Schellin. We are going to move correspondence  
16                  it's originally said in front of final -- I  
17                  mean, behind Final Action, but I think we will  
18                  move correspondence first, Commissioners,  
19                  before Final Action.

20                  MS. SCHELLIN: Actually, it's after  
21                  ZRR Guidance. We are going to move it after  
22                  Final Action, I believe, is what we discussed.

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1 CHAIRMAN HOOD: Yes, but I think  
2 looking at it --

3 MS. SCHELLIN: Now, have you  
4 changed your mind again?

5 CHAIRMAN HOOD: I've changed my  
6 mind again.

7 MS. SCHELLIN: Okay. They will be  
8 happy.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: The sooner the  
11 better.

12 CHAIRMAN HOOD: Sooner the better.  
13 Okay. So we will move it in front of -- it  
14 is now after ZRR Guidance. We are going to  
15 move it before Final Action, which would be  
16 our first thing, I believe we take up. Okay.  
17 Sorry to be so confusing, Ms. Schellin,  
18 that's how I get sometimes.

19 Okay. Anything else, Ms. Schellin?

20 MS. SCHELLIN: That's it.

21 CHAIRMAN HOOD: Okay. If not, let  
22 us proceed with the agenda. First, we are

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1 going to take up under Correspondence Zoning  
2 Commission Case No. 05-28B and 05-28C. This  
3 is D.C. Primary Care Association & Lano Parcel  
4 12, LLC - Joint Motion to Consolidate First-  
5 Stage PUD Modification Application. Ms.  
6 Schellin?

7 MS. SCHELLIN: Yes, sir. As you  
8 stated, it is a request, a joint motion to  
9 consolidate the two First-State PUD  
10 Modification Applications. They were filed as  
11 separate applications and if the Commission  
12 would approve this, we would assign a new case  
13 number and have one joint hearing.

14 They do both have Second-Stage  
15 applications, each of those cases. Those  
16 would still remain separate applications and  
17 retain the case numbers currently assigned to  
18 them. I believe they also have Map Amendments  
19 associated with them and they would remain  
20 separate applications.

21 CHAIRMAN HOOD: Okay. Thank you  
22 very much, Ms. Schellin. I don't think I can

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1 add any more, Commissioners, other than we  
2 have Exhibit 19, unless someone has an issue,  
3 I would go ahead and make a motion.

4 But let me open it up for  
5 discussion. Not hearing any, I would move  
6 that we approve the request, explained in  
7 Exhibit 19, as so noted by Ms. Schellin, that  
8 the first stages be combined as a PUD.

9 MS. SCHELLIN: As a modification.

10 CHAIRMAN HOOD: As a modification,  
11 the First-Stage, joint motion to consolidate  
12 the First-Stage Modification Application of  
13 Parkside PUD Zoning Commission Case No. 05-28B  
14 and 05-28C, which will have a new number. And  
15 I so move. Can I get a second?

16 COMMISSIONER TURNBULL: Second.

17 CHAIRMAN HOOD: It has been moved  
18 and properly seconded. Any further  
19 discussion? No further discussion.

20 All those in favor?

21 ALL: Aye.

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you, please,  
2 record the vote?

3 MS. SCHELLIN: Yes. Staff would  
4 record the vote 5-0-0 to consolidate the  
5 modifications to the First-Stage PUDs filed in  
6 Case No. 05-28B and 05-28C. Commissioner Hood  
7 moving, Commissioner Turnbull seconding,  
8 Commissioners May and Schlater and Selfridge  
9 in support.

10 And we will assign Case No. 05-28E,  
11 as in Edward, to the modification case.

12 CHAIRMAN HOOD: Okay. Thank you,  
13 Ms. Schellin. Let's move right along under  
14 Final Action, Zoning Commission Case No. 04-  
15 33D, Office of Planning - Text Amendment Re:  
16 IZ Exemption for Federal and District Funded  
17 Affordable Housing Development. Ms. Schellin?

18 MS. SCHELLIN: The staff would just  
19 add that in Exhibit 19, we did receive a  
20 report from NCPC and they have stated that  
21 they have no issues with this case.

22 CHAIRMAN HOOD: Okay.

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1 Commissioners, you have heard the report of  
2 Ms. Schellin and we have the post-order in  
3 front of us and we expanded on some of this  
4 during the Proposed Action. Let me open it up  
5 for any comments, questions.

6 Vice Chairman Schlater?

7 VICE CHAIRMAN SCHLATER: Mr.  
8 Chairman, I think this is ready for a vote. I  
9 move that we approve Zoning Commission Case  
10 No. 04-33D, Office of Planning - Text  
11 Amendment regarding IZ Exemption for Federal  
12 and District Funded Affordable Housing  
13 Development.

14 CHAIRMAN HOOD: Can I get a second?

15 COMMISSIONER SELFRIDGE: Second.

16 CHAIRMAN HOOD: It has been moved  
17 and properly seconded. Any further  
18 discussion? Are you ready for the question?

19 All those in favor?

20 ALL: Aye.

21 CHAIRMAN HOOD: Not hearing any  
22 opposition, Ms. Schellin, would you, please,

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1 record the vote?

2 MS. SCHELLIN: Yes, staff records  
3 the vote 5-0-0 to approve Final Action in  
4 Zoning Commission Case No. 04-33D.  
5 Commissioner Schlater moving, Commissioner  
6 Selfridge seconding, Commissioners Hood, May  
7 and Turnbull in support.

8 CHAIRMAN HOOD: Thank you very  
9 much, Ms. Schellin.

10 Next, Zoning Commission Case No.  
11 05-35A, Stanton Square, LLC - Two-Year PUD  
12 Time Extension at Square 5877. Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. This is a  
14 little bit different than most time extensions  
15 we receive, as this is a request for a two-  
16 year extension at the time period in which to  
17 start construction of the project.

18 CHAIRMAN HOOD: Okay. Okay.  
19 Commissioners, we have received in Exhibit 1  
20 the request from the applicant also  
21 substantiating their request from the time of  
22 construction, which I think the date is

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1 November some time, but it's in the  
2 submissions.

3 Also, we have a letter from the  
4 Single Member District. After reading it,  
5 while we cannot afford the great weight of  
6 ANC-8A, it also mentions that they still stand  
7 current with their proposal of the -- I mean,  
8 their support of the project, which was  
9 presented in an earlier submission, which had  
10 the full qualifications for the great weight  
11 under ANC-8A.

12 Let me open it up for any  
13 discussion. And again, we have a time line  
14 behind Tab C. Any discussion?

15 COMMISSIONER MAY: I would just say  
16 it's pretty clear from the application that  
17 there has been a substantial effort to try and  
18 move this project forward and it has stalled  
19 for funding reasons, but it's, obviously,  
20 quite an earnest effort. So I think it is  
21 well worth the extension.

22 CHAIRMAN HOOD: Thank you,

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1 Commissioner May. And I especially point to  
2 pages 3 and 4 where the applicant really lays  
3 the case out and I thank you for that.

4 Any other questions? Okay. So I  
5 would move approval of Zoning Commission Case  
6 No. 05-35A for the time extension for  
7 construction from the November date, which is  
8 2010, so noted in the submission. I think it  
9 was November 20<sup>th</sup>. I'm going off the top of my  
10 head, but whatever was submitted from two  
11 years from that date is submitted in their  
12 request. And I ask for a second. 24<sup>th</sup>?

13 MS. SCHELLIN: 23<sup>rd</sup>.

14 CHAIRMAN HOOD: 23<sup>rd</sup>. Okay. I was  
15 two days off.

16 COMMISSIONER MAY: Second.

17 CHAIRMAN HOOD: Okay. It has been  
18 moved and seconded. Any further discussion?

19 All those in favor?

20 ALL: Aye.

21 CHAIRMAN HOOD: While there is no  
22 opposition, Ms. Schellin, would you, please,

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1 record the vote?

2 MS. SCHELLIN: Yes, staff records  
3 the vote 5-0-0 to approve Final Action on  
4 Zoning Commission Case No. 05-35A.  
5 Commissioner Hood moving, Commissioner May  
6 seconding, Commissioner Schlater, Selfridge  
7 and Turnbull in support.

8 CHAIRMAN HOOD: Okay. Next, Zoning  
9 Commission Case 70-16B, CESC 2101 L Street,  
10 PUD Modification at Square 72. Ms. Schellin?

11 MS. SCHELLIN: Yes, sir. We have  
12 received an NCPC report in this case and also,  
13 there were no issues with this case. And I  
14 believe Commissioner Schlater will state for  
15 the record that he has read the record and  
16 will be participating in this case.

17 VICE CHAIRMAN SCHLATER: I have and  
18 I did.

19 MS. SCHELLIN: Thank you.

20 CHAIRMAN HOOD: Okay. Thank you  
21 very much. Anything else, Ms. Schellin?

22 MS. SCHELLIN: No, sir.

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1                   CHAIRMAN           HOOD:           Okay.  
2       Commissioners, we have before us the PUD  
3       Modification at Square 72. We have a  
4       submission which is Exhibit 37. There were  
5       some things we asked for. There is a letter  
6       of support from the library and there are  
7       specific requirements that we asked for and I  
8       think this applicant has done due diligence in  
9       providing us exactly what we asked for from  
10      what I see. I haven't seen it spelled out  
11      exactly like this before.

12                   And also, there was a conversation  
13      that was had between this applicant and also,  
14      I think, Mrs. Kahlow about the amenities and  
15      benefits package and that's Exhibit 40. Also,  
16      as Ms. Schellin has already stated, NCPC said  
17      it would not be inconsistent with the  
18      Comprehensive Plan for the National Capitol  
19      Area, so we have nobody adversely affected or  
20      any other identified federal interests.

21                   I think, Commissioners, that this  
22      was negotiated by the community. I know we

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1 are increasing the retail space, not once, but  
2 we have been requested twice, but it looks  
3 like everyone has come to an agreement of how  
4 we move forward.

5 And also in the order, I have one  
6 question. Okay. Maybe it wasn't this page.  
7 Anyway, let me open it up for comments or  
8 concerns. Anybody have any concerns or  
9 comments or do we feel like we have got  
10 everything we have asked for, including the  
11 letter from Ms. Kahlow. I mean, the  
12 information from Ms. Kahlow about the benefits  
13 package, which was read.

14 But I will tell you with all that  
15 in negotiation, I would be in favor of moving  
16 forward, but let me open it up for comment.

17 COMMISSIONER TURNBULL: Mr. Chair,  
18 I would concur with your comments. And I  
19 would like to make a motion that we approve  
20 Zoning Case 70-16B, CESC 2101 L Street, PUD  
21 Modification at Square 72 and look for a  
22 second.

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1 CHAIRMAN HOOD: I'll second it.

2 Thank you, Mr. Turnbull. It has  
3 been moved and properly seconded. Any further  
4 discussion? Are you ready for the question?

5 All those in favor?

6 ALL: Aye.

7 CHAIRMAN HOOD: Not hearing any  
8 opposition, Ms. Schellin, would you record the  
9 vote?

10 MS. SCHELLIN: Yes. Staff would  
11 record the vote 5-0-0 to approve Final Action  
12 in Zoning Commission Case 70-16B.  
13 Commissioner Turnbull moving, Commissioner  
14 Hood seconding, Commissioners May, Schlater  
15 and Selfridge in support.

16 CHAIRMAN HOOD: I will tell you, I  
17 don't like to change the agenda around, but I  
18 was wondering if we should do Hearing Action  
19 prior to Proposed Action?

20 So I hate to make such a late  
21 notice, but I think for the sake of efficiency  
22 and for those who are waiting, I think if we

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1 move Hearing Action up before Proposed Action.

2 Does anybody have a problem with that? I  
3 mean, we're looking at the audience. We are  
4 open down here. Does anybody have a problem  
5 with us doing that? Okay.

6 Let's go ahead and move to Hearing  
7 Action. Zoning Commission Case No. 10-20 ANC-  
8 4B, Map Amendment at Square 2986. Is that  
9 your case, Mr. Mordfin?

10 MR. MORDFIN: Yes, it is.

11 CHAIRMAN HOOD: Okay.

12 MR. MORDFIN: Well, as I stated  
13 before, the subject application is  
14 inconsistent with the Comp Plan, the Future  
15 Land Use Plan and the Generalized Policy Map,  
16 the Upper Georgia Avenue Great Streets  
17 Redevelopment Plan and the Brightwood Upper  
18 Georgia Avenue Plan of the Neighborhood  
19 Investment Fund.

20 Therefore, the Office of Planning  
21 recommends that the proposed Map Amendment not  
22 be set down. Thank you.

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1 CHAIRMAN HOOD: Okay. Thank you,  
2 Mr. Mordfin. Give us a second to get these  
3 changes, a second to get that in front of us.  
4 Okay. Let me open it up for comments.

5 Commissioners, we have a request to  
6 set this down. I think this is a third  
7 request we have in front of us. We also asked  
8 -- give me a moment to get this in front of  
9 me.

10 MS. SCHELLIN: Chairman Hood, if I  
11 recall, we first brought this up, I believe,  
12 in our November meeting and we deferred action  
13 or the Commission deferred action until  
14 December to allow the ANC an opportunity to  
15 respond to the OP report. And then they had  
16 asked for some additional time, because they  
17 were not going to meet until later in  
18 December.

19 And, therefore, that's why it is on  
20 tonight's agenda, because the Zoning  
21 Commission allowed them that extra time, I  
22 believe, until December 22<sup>nd</sup>. And so it is on

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1       tonight's agenda for that purpose. It has  
2       been deferred to allow the ANC an opportunity  
3       to respond to OP's report.

4               CHAIRMAN HOOD: Okay. Thank you  
5       very much for the wrap-up, Ms. Schellin. We  
6       appreciate it.

7               Is Chairperson Jefferson here, just  
8       curious? ANC-4B? Okay. Let's open it up for  
9       comments, Commissioners. We specifically  
10      asked them to follow-up on the Office of  
11      Planning's report, as already stated. I don't  
12      need to repeat everything Ms. Schellin said.  
13      I think he recapped it very well.

14              And I'll open it up for questions  
15      or comments. Now, remember Office of Planning  
16      recommended we not set it down. They said  
17      it's inconsistent with the Comp Plan. Vice  
18      Chairman Schlater?

19              VICE CHAIRMAN SCHLATER: Thank you,  
20      Mr. Chairman. I think the proposal before us  
21      is, in fact, contrary to the Comprehensive  
22      Plan. We gave ANC-4B two opportunities to

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1       come back to us to make the case. And what we  
2       got here in Exhibit 11 is a restatement of a  
3       resolution, but I don't think it has done  
4       anything to build that case.

5               It hasn't swayed me. I don't think  
6       we should be setting down Map Amendments that  
7       are inconsistent with the Comprehensive Plan.  
8       So I'm firmly opposed to this motion.

9               CHAIRMAN HOOD: Okay. Anyone else?  
10       Okay. Would anybody like to make a motion?  
11       First, again, let me just ask is anyone here  
12       from ANC-4B? Okay.

13              VICE CHAIRMAN SCHLATER: Mr.  
14       Chairman, I would like to make a motion that  
15       we deny set down for Zoning Case No. 10-20,  
16       ANC-4B Map Amendment at Square 2986.

17              CHAIRMAN HOOD: Okay. It has been  
18       moved. Can I get a second? I'll second it.

19              COMMISSIONER TURNBULL: Second.

20              CHAIRMAN HOOD: Okay.

21              MR. BERGSTEIN: I ask that someone  
22       modify it and dismiss the petition, because,

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1 technically speaking, that is what you are  
2 doing.

3 VICE CHAIRMAN SCHLATER: And  
4 dismiss the petition. I'll modify my motion  
5 for that.

6 CHAIRMAN HOOD: Okay. So it has  
7 been moved. Can we get a second?

8 COMMISSIONER TURNBULL: Second.

9 CHAIRMAN HOOD: Okay. It has been  
10 moved and properly seconded. Thank you, Vice  
11 Chairman and Commissioner Turnbull. It is  
12 moved and properly seconded. Any further  
13 discussion? Are you ready for the question?

14 All those in favor?

15 ALL: Aye.

16 CHAIRMAN HOOD: Not hearing any  
17 opposition, Ms. Schellin, would you, please,  
18 record the vote?

19 MS. SCHELLIN: Yes. Staff would  
20 record the vote 5-0-0 to deny set down and to  
21 dismiss the petition. Commissioner Schlater  
22 moving, Commissioner Turnbull seconding,

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1 Commissioners Hood, May and Selfridge in  
2 support of denial.

3 CHAIRMAN HOOD: Okay. Thank you.  
4 Mr. Bergstein, since we denied and dismissed  
5 the petition and the ANC, unfortunately, is  
6 not represented tonight, do we notify them?  
7 How does that work?

8 MR. BERGSTEIN: We will be writing  
9 an order of dismissal and, I assume, Ms.  
10 Schellin would serve them with that.

11 CHAIRMAN HOOD: Okay.

12 MR. BERGSTEIN: It will also be  
13 published in the DC Register.

14 CHAIRMAN HOOD: Okay. Thank you.  
15 Okay. Next, let's go to Zoning Commission  
16 Case No. 10-27, 3050 R Street Partners, LLC,  
17 Map Amendment at Square 1282. Ms. Thomas?

18 MS. THOMAS: Good evening, Mr.  
19 Chairman, Members of the Commission. The  
20 applicant has been awarded the disposition by  
21 the D.C. Government to renovate a currently  
22 vacant historical home at 3050 R Street, N.W.

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1 as a 15-unit apartment building with 30 on-  
2 site parking spaces.

3 And to that end, the applicant has  
4 requested a Map Amendment from the R-1-B to  
5 the R-5-A District.

6 The proposed Map Amendment is not  
7 inconsistent with the Comprehensive Plan goals  
8 and objectives and will serve to facilitate a  
9 redevelopment of this important resource to  
10 residential use in the Georgetown Historic  
11 District.

12 Therefore, we are recommending the  
13 application be set down for Public Hearing and  
14 I'll be happy to take any questions. Thank  
15 you.

16 CHAIRMAN HOOD: Thank you, Ms.  
17 Thomas. Commissioners, we have in front of us  
18 the request to set down Case 10-27 and I'll  
19 open it up for any questions of the Office of  
20 Planning or comments.

21 VICE CHAIRMAN SCHLATER: One  
22 question for the Office of Planning. I wasn't

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1       sure, it wasn't clear from some of the charts  
2       I looked at why does the property need to be  
3       rezoned from R-1-B to R-5-A in order to  
4       accomplish the 15-unit residential  
5       development?

6                   MS. THOMAS: It says the R-1 only  
7       permits single-family residential type  
8       residential use and this would be a multi-unit  
9       building.

10                  VICE CHAIRMAN SCHLATER: Okay.  
11       Thank you.

12                  COMMISSIONER MAY: I have a  
13       question. Has there been any preliminary  
14       discussion with the community about this  
15       disposition, about the reaction to this  
16       particular conversion?

17                  MS. THOMAS: Yes. From -- the  
18       applicant has stated that they have had  
19       several meetings with the community and over  
20       the course of those meetings, they reduced  
21       significantly the number of units that were  
22       being proposed from what the District had

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1 requested.

2 And this is all in agreement with  
3 the community in terms of the number of units  
4 and the number of parking spaces that are to  
5 be provided on the site.

6 COMMISSIONER MAY: Thank you. I'm  
7 sure we are going to hear from the community,  
8 if we decide to set this down for hearing,  
9 because I know this has been, this particular  
10 property, the subject of much discussion for  
11 many, many, many years. So thanks.

12 VICE CHAIRMAN SCHLATER: I guess I  
13 have one other question. It says that the  
14 applicant requests the Zoning Commission to  
15 retain jurisdiction under ' 353 and allow the  
16 applicant to amend its application to include  
17 special exception relief. Is that something  
18 we have to agree to do tonight? That could be  
19 a question for OAG, I guess.

20 MR. BERGSTEIN: Yes, because if  
21 they file an application for a special  
22 exception, it will go to the Board of Zoning

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1 Adjustment, unless you advise the Office of  
2 Zoning that the application can be combined  
3 with the application for a Map Amendment and  
4 heard together by you.

5 CHAIRMAN HOOD: Any other  
6 questions? I'm sorry. Any other questions?  
7 Okay. Commissioners, I will entertain a  
8 motion in whichever direction you choose. I  
9 would say that we should set down, but I want  
10 to hear from one of my colleagues.  
11 Commissioner May?

12 COMMISSIONER MAY: I would move  
13 that we set down Zoning Commission Case No.  
14 10-27 for a Map Amendment from the D/R-1-B to  
15 D/R-5-A for property at 3050 R Street, N.W.,  
16 noting that the Commission will retain  
17 jurisdiction under ' 353 for related special  
18 exception relief.

19 CHAIRMAN HOOD: Okay. It has been  
20 moved. Can I get a second?

21 VICE CHAIRMAN SCHLATER: Second.

22 CHAIRMAN HOOD: It is moved and

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1 properly seconded. Any further discussion?  
2 Are you ready for the question?

3 All those in favor?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any  
6 opposition, Ms. Schellin, would you record the  
7 vote?

8 MS. SCHELLIN: Yes. Staff would  
9 record the vote 5-0-0 to set down Zoning  
10 Commission Case No. 10-27 as a contested case  
11 and that the Zoning Commission will retain  
12 jurisdiction over ' 353 with regard to this  
13 case. Commissioner May moving, Commissioner  
14 Schlater seconding, Commissioners Hood,  
15 Selfridge and Turnbull in support of set down.

16 CHAIRMAN HOOD: Okay. Thank you,  
17 Ms. Schellin.

18 Next, let's move right along under  
19 Hearing Action. Zoning Commission Case No.  
20 10-30, Jemal's Channing Place, LLC - Map  
21 Amendment at Square 3846. Mr. Jackson?

22 MR. JACKSON: Mr. Chair and Members

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1 of the Commission. Jemal's Channing, LLC  
2 requests to rezone its property along Channing  
3 Place between Reed Street and the railroad  
4 tracks from CM-2 to C-2-C.

5 This is a zoning consistency  
6 rezoning case, because the Future Land Use Map  
7 designates these properties and the  
8 surrounding properties to the east and south  
9 for high-density residential and medium-  
10 density commercial.

11 Some of these properties are also  
12 within the Rhode Island Metro Enhanced/New  
13 Multi-Neighborhood Center.

14 The requested C-2-C District would  
15 not be inconsistent with these designations  
16 and would be the same zoning that currently  
17 exists across Reed Street to the east.

18 With that in mind, the Office of  
19 Planning recommends that this application be  
20 set down for hearing. And we are available to  
21 answer questions.

22 CHAIRMAN HOOD: Thank you very

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1 much, Mr. Jackson. Colleagues, let's open it  
2 up for any questions of the Office of  
3 Planning.

4 VICE CHAIRMAN SCHLATER: Mr.  
5 Chairman?

6 CHAIRMAN HOOD: Vice Chairman?

7 VICE CHAIRMAN SCHLATER: Let me get  
8 organized. Sorry. My question is this is  
9 located in the Future Land Use change. It has  
10 a future land use change designation on the  
11 Comprehensive Plan Map.

12 The Comprehensive Plan Land Use Map  
13 calls for medium-density residential. C-2-C  
14 allows for 90 foot residential. Does that  
15 fall within the medium-density category?

16 MR. JACKSON: Well, the actual  
17 designation is for high-density residential.

18 VICE CHAIRMAN SCHLATER: I thought  
19 it was --

20 MR. JACKSON: And medium-density  
21 commercial. I wanted to clarify that, because  
22 there --

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1 VICE CHAIRMAN SCHLATER: Oh, I  
2 missed that. Sorry.

3 MR. JACKSON: -- are two different  
4 statements in our report. But it is high-  
5 density residential and medium-density  
6 commercial.

7 VICE CHAIRMAN SCHLATER: High-  
8 density residential.

9 MR. JACKSON: Yes.

10 VICE CHAIRMAN SCHLATER: Medium-  
11 density commercial. Well, then --

12 MR. JACKSON: And if you note on  
13 page 3 of the Office of Planning report, page  
14 4, I'm sorry, the C-2-C would allow up to 6  
15 FAR of commercial, but a maximum of 2 FAR of  
16 nonresidential.

17 VICE CHAIRMAN SCHLATER: No, I  
18 think with that clarification, that seems like  
19 that zone fits a lot better. Okay.

20 MR. JACKSON: Well, that's the  
21 confusion.

22 VICE CHAIRMAN SCHLATER: Thank you.

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1 CHAIRMAN HOOD: Any other comments  
2 or questions? Okay. With that, I would move  
3 that we set down Zoning Commission Case No.  
4 10-30 and ask for a second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: It is moved and  
7 properly seconded. Any further discussion?

8 All those in favor?

9 ALL: Aye.

10 CHAIRMAN HOOD: Not hearing any  
11 opposition, Ms. Schellin, would you, please,  
12 record the vote?

13 MS. SCHELLIN: Yes. Staff records  
14 the vote 5-0-0 to set down Zoning Commission  
15 Case No. 10-30 as a contested case.  
16 Commissioner Hood moving, Commissioner  
17 Turnbull seconding, Commissioners May,  
18 Schlater and Selfridge in support of set down.

19 CHAIRMAN HOOD: I'm being requested  
20 again to move the agenda. I guess we are  
21 moving really efficient.

22 They would like to do Guidance. My

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1 colleagues would like to do Guidance next.  
2 Apparently, parking is going to take us a  
3 while, so they would like to do ZRR Guidance.

4 So if you could, Mr. Parker, can we  
5 move the agenda? And forgive us, we are  
6 trying to move for the sake of efficiency,  
7 because it looks like we are going to be here  
8 a little while on the Proposed Action, at  
9 least longer than we were on everything else.

10 So, Mr. Parker, can we do the ZRR  
11 Guidance first?

12 MR. PARKER: Of course.

13 CHAIRMAN HOOD: Let's go.

14 MR. PARKER: Good evening. I'm  
15 Travis Parker with the D.C. Office of  
16 Planning. We have five recommendations for  
17 the, what will be subtitled, E of the new  
18 Zoning Code. And I will just walk through  
19 them one at a time.

20 The first one has to do with side  
21 setbacks. This recommendation will affect the  
22 R-5-B through R-5-E Zones. And, basically

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1 right now, those zones have a graduated  
2 setback based on the height of the building  
3 that can result in a setback of 20 feet or  
4 more in certain cases.

5 The proposal would establish a  
6 uniform side setback of 4 feet and define side  
7 setbacks to apply to any portion of a building  
8 that is setback, rather than only when the  
9 entire building is setback.

10 And for all R-5 Zones, we would  
11 allow existing buildings to build back along  
12 the existing nonconforming side yards and  
13 establish rules to apply the side setback to  
14 any portion of a building that is setback from  
15 the lot line.

16 Option 2 is to not change existing  
17 side yard provisions and I'm happy to take any  
18 questions you've got.

19 CHAIRMAN HOOD: Okay. Thank you  
20 very much. Mr. Parker, we have, okay, No. 1  
21 side setbacks. You said Option 1, Option 2.  
22 Commissioners, any comments? Any preferences?

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1 COMMISSIONER MAY: Can I --

2 CHAIRMAN HOOD: Sure. Mr. May?

3 COMMISSIONER MAY: -- say just as a  
4 preliminary matter, I wasn't present for the  
5 hearing, but I have reviewed the record and I  
6 especially appreciate everyone's concern about  
7 my not being there and making sure that I am  
8 well-informed on this. So I read everything  
9 in careful detail and tried to decipher the  
10 diagrams and such.

11 And, you know, sometimes it's  
12 unavoidable when I have to miss a hearing, but  
13 I've tried to make up for it.

14 I guess, based on what is written  
15 in the recommendation, it does not -- oh,  
16 okay, there it is. I was -- I read through it  
17 too quickly, because I didn't see the specific  
18 number of 4 feet.

19 And that's the one thing that I'm  
20 still a little bit uncertain about is whether  
21 the 4 feet is the right number. You know, one  
22 of the -- it seems like the 4 feet is driven,

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1 at least in part, by wanting to render  
2 conforming a number of existing conditions.

3 It is also driven by a desire to  
4 provide access, but not necessarily light and  
5 air. And that the light and air is going to  
6 be dealt with by IBC as opposed to being  
7 driven by a specific side yard standard.

8 So I'm just not thoroughly  
9 convinced, at this moment, that 4 is the right  
10 dimension. And maybe you can convince me  
11 right here on the spot or maybe my other  
12 Commissioners can, my fellow Commissioners,  
13 convince me.

14 MR. PARKER: I'll just add one  
15 reason to your list of two that we talked  
16 about at some length in our report. The third  
17 reason why we went with this standard is the  
18 existing pattern in our city for these zones  
19 is not to have any side yard or to have a very  
20 small side yard.

21 So not only are we making the  
22 existing ones conforming in a lot of cases,

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1 but we are trying to promote new buildings to  
2 follow the existing pattern of providing a  
3 uniform street wall or as close to it as  
4 possible.

5 So I think something like 90  
6 percent of the buildings in these zones have  
7 zero side yards right now. We want to  
8 continue to promote that, but the buildings  
9 that need one, we want to allow them to come  
10 as close as possible to a uniform side wall  
11 while still providing the maintenance.

12 And like you said, you know,  
13 leaving the provision of light and air to the  
14 IBC, since, you know, there is no requirement  
15 for a side yard in the first place.

16 COMMISSIONER MAY: Okay. The chart  
17 in the materials that I have indicate that  
18 we've got this very high percentage number  
19 where there is no side yard at all. It  
20 indicates that it is based on a random  
21 sampling, but not necessarily all of the  
22 properties.

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1           Are you -- you seem to indicate  
2           that it is all of the properties.

3           MR. PARKER: I take that. It is a  
4           random sample, but a statistically significant  
5           one.

6           COMMISSIONER MAY: So it's, okay,  
7           completely random. It's representative.

8           MR. PARKER: Correct.

9           COMMISSIONER MAY: Okay. And just  
10          to be absolutely clear, you know, being  
11          involved in architecture and Government, the  
12          code issue is a little bit different. But the  
13          District now follows completely the IBC or is  
14          there a supplement?

15          MR. PARKER: There are supplements.  
16          And I apologize, Mr. Giuliani is not here to  
17          confirm this, but I don't believe the  
18          supplements impact this.

19          COMMISSIONER MAY: It's not likely  
20          to reduce anything if anything, --

21          MR. PARKER: No.

22          COMMISSIONER MAY: -- it's likely

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1 to increase things?

2 MR. PARKER: Correct.

3 COMMISSIONER MAY: Okay. And we do  
4 follow -- we build on IBC as opposed to, it  
5 used to be, BOCA?

6 MR. PARKER: Yes.

7 COMMISSIONER MAY: Okay. That's--  
8 yes, I don't have any other questions.

9 CHAIRMAN HOOD: Anyone else? Mr.  
10 May, you mentioned about the 4 feet. I didn't  
11 follow that. Did you say what is 4 --

12 COMMISSIONER MAY: Well, I can see  
13 the rationale to reduce it. I mean, it's  
14 currently 8 feet in most circumstances, I  
15 guess, but it --

16 MR. PARKER: It's based on height,  
17 so for a 10 story building, it can be upwards  
18 of 24 or 30 feet.

19 COMMISSIONER MAY: Right. Okay.  
20 And I could see reducing it to a minimum, I  
21 just wasn't convinced that 4 feet really was--  
22 because 4 feet is a pretty narrow space. It's

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1 not wide enough to -- I mean, I guess it's  
2 barely wide enough to sort of scaffold the  
3 side of the building if you need to do work on  
4 it, but it doesn't give you much breathing  
5 room.

6 VICE CHAIRMAN SCHLATER: How wide  
7 is a handicap ramp?

8 MR. PARKER: 5 feet.

9 VICE CHAIRMAN SCHLATER: 4 feet?

10 MR. PARKER: 48 clear. 48 clear,  
11 you're right. It's the landings that are 5  
12 feet.

13 CHAIRMAN HOOD: Okay. Again,  
14 Commissioners, we have before us Option 1,  
15 Option 2, which says do not change existing  
16 side yard provisions. I'm looking to see  
17 Option 1? Option 1? Okay. Option 1, Mr.  
18 Parker.

19 MR. PARKER: Okay. The second  
20 recommendation has to do with courts. If you  
21 will recall, the Office of Planning  
22 recommended and continues to recommend

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1 removing area and width requirement for courts  
2 altogether, allowing side yards to handle what  
3 were courts along the side lot line and  
4 leaving interior courts to the IBC.

5 The recommendation that the  
6 Commission seems to prefer at the hearing is  
7 Option 2 and that would, again, based on what  
8 you just did with side yards, what were courts  
9 that are along the side yard now would be  
10 regulated by side setbacks, but interior  
11 courts, courts not facing a side lot line, we  
12 would redefine as courtyards and those would  
13 retain their existing standards. So that's  
14 Option 2.

15 Option 3 is not to change existing  
16 court provisions, but that option really  
17 doesn't jive with what you just did with side  
18 yards. Again, under the new paradigm, what  
19 was a court along a side lot line is regulated  
20 now by that 4 foot side setback requirement.

21 And if you choose Option 2, you  
22 would be regulating interior courts. If you

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1 choose Option 1, interior courts would remain  
2 unregulated by zoning, but not by the Building  
3 Code.

4 CHAIRMAN HOOD: Okay. Let's open  
5 it up. You heard an explanation from Mr.  
6 Parker and I think -- I don't know what the  
7 discussion was, but at some point we were  
8 looking at or leaning towards Option 2. The  
9 Office of Planning is recommending Option 1.

10 MR. PARKER: Correct.

11 CHAIRMAN HOOD: Okay. Let's open  
12 it up. Any comments? Vice Chairman Schlater?

13 VICE CHAIRMAN SCHLATER: Mr.  
14 Chairman, during the hearing I had a lot of  
15 questions about the courts, particularly, you  
16 know, having the Commission walk away from  
17 regulating courts any more was a fairly big  
18 step, since we are tasked with regulating  
19 light and air into buildings.

20 I think there was a pretty  
21 compelling case made at the hearing that when  
22 it comes to regulating light and air, the

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1 Commission should be more focused on how these  
2 buildings impact other buildings. And the IBC  
3 is better suited to regulate buildings and,  
4 you know, residential units within individual  
5 buildings.

6 I think I am convinced by that  
7 argument after looking at the record again, so  
8 I would be open to Option 1.

9 CHAIRMAN HOOD: Okay. I think,  
10 Commissioner May, you --

11 COMMISSIONER MAY: Yes. In my  
12 review of the record, I was actually quite  
13 interested to find the extent of the debate on  
14 this particular one, because I'm not  
15 completely convinced that the Building Code is  
16 all we really need to regulate court size.

17 And particularly, even looking at  
18 some of the diagrams in terms of what Building  
19 Code does in these circumstances and this sort  
20 of general sense that, you know, primary rooms  
21 are not going to be faced onto very small  
22 courtyards, even though the Building Code

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1 would allow it, it's simply not going to  
2 happen, because the market won't support it or  
3 something like that.

4 And I'm not convinced of that at  
5 all. I mean, there are many, many courts  
6 existing now in historic buildings that are  
7 very small that are really not the kind of  
8 things that we would want to build today.

9 I mean, you know, you can get by  
10 with them and they exist in a number of  
11 historic buildings, but it's not something  
12 that I think we would want to encourage. The  
13 idea that maybe you would have a bathroom kind  
14 of venting into a space like that, maybe  
15 that's one thing.

16 But I think that if we leave the  
17 door open for just the Building Code to  
18 control it, I think that we do open the door  
19 for potentially some very unpleasant things.  
20 And, you know, builders do create unpleasant  
21 buildings when left to their own devices in  
22 many circumstances.

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1           You don't have to drive very far to  
2       see things like pop-ups that have been added  
3       that have, you know, vast high ceiling spaces  
4       on the interior and then little tiny windows  
5       on them and they really are monstrosities.

6           So, you know, you could -- if you  
7       keep the size of the window down to some  
8       minimum, I mean, 15 percent is actually still  
9       a reasonably substantial window. It's as much  
10      window as I have on many of the bedrooms on my  
11      house and it's probably more on some of them.

12          I think we could wind up with some  
13      really bad things. So I'm not convinced that  
14      we can just let go at this moment. But I'm  
15      willing to be convinced.

16          CHAIRMAN HOOD:     Okay.     We have  
17      Option 1 being proposed, Option 2, who is  
18      willing to be convinced. Let's open it up.  
19      Anyone else? Commissioner Turnbull?

20          COMMISSIONER TURNBULL:   Maybe just  
21      to continue on that line of Commissioner May.  
22      How do you think we could change that or what

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1 would make -- how can we tighten that up to  
2 add a comfort level for the Zoning Commission?

3 COMMISSIONER MAY: Well, I'm not  
4 sure how you would --

5 COMMISSIONER TURNBULL: Finesse it.

6 COMMISSIONER MAY: -- fix Option 1  
7 to the point where it would be good enough for  
8 me. I mean, anything you do other than just  
9 simply removing them is going to be Option 2.

10 But I think that that -- you know, Option 2  
11 might be a very benign regulation and a very  
12 flexible regulation.

13 And I don't think it is one of  
14 those areas where we really need to make sure  
15 that we are not in conflict with the Building  
16 Codes or something like that or we don't want  
17 to ge redundant and send developers and  
18 architects having to check too many codes.

19 I mean, they are going to have to  
20 deal with zoning and they are going to have to  
21 deal with the Building Code anyway.

22 COMMISSIONER TURNBULL: Right.

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1 COMMISSIONER MAY: So I think there  
2 is a way to have a relatively benign and  
3 flexible Court Regulation that ensures that we  
4 have some reasonable amount of light and air  
5 into these.

6 COMMISSIONER TURNBULL: Well, I'm  
7 just asking this, because I have had mixed  
8 feelings about this myself. And I think I  
9 kind of like your approach to kind of a belt  
10 and suspenders, but it is still a zoning  
11 issue, not just a Building Code issue. So I  
12 do have some concerns, Mr. Chair.

13 CHAIRMAN HOOD: Sounds like -- I'm  
14 just trying to recap, because I know where I  
15 stand, but I'm just trying to see. Mr.  
16 Turnbull, it sounds like you are -- you like  
17 Option 2, but it appears as though if we can  
18 do some, I guess, refinancing or try to  
19 accommodate some kind of way where we can  
20 include what --

21 COMMISSIONER MAY: Yes, I would be  
22 happy to leave the issue of whether we adopt

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1 one or two, you know, on the table for the  
2 final language. And if the Office of Planning  
3 is willing to come up with something that  
4 might work on Option 2, if we like it and they  
5 like it, then we could proceed with that when  
6 it comes to the actual language.

7 But if they want to simply make the  
8 case more strongly that we should just give up  
9 on the regulation, I would be willing to  
10 entertain that again when we see the language.

11 CHAIRMAN HOOD: Okay. Okay.  
12 Commissioner Selfridge? I'm sorry, I'm sorry.

13 COMMISSIONER TURNBULL: Mr. Chair,  
14 I was just going to say that I think, in  
15 general, or thought that the market will  
16 dictate that you are going to get good spaces,  
17 I think is, in one sense, very logical. But I  
18 know from being on enough BZA cases that you  
19 are going to get enough of these projects that  
20 come forward where somebody will put some very  
21 -- make some very stupid decisions regarding  
22 windows and spaces like that.

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1                   Not major developments, not major  
2 changes, I think that is going to be very  
3 safe. But a lot of your smaller building  
4 things that come before the BZA are going to  
5 get -- we struggled with them before. And I  
6 just think we are just -- we just need to have  
7 a safeguard there.

8                   CHAIRMAN HOOD:       Okay.       Okay.  
9 Commissioner Selfridge?

10                  COMMISSIONER SELFRIDGE: Thank you,  
11 Mr. Chairman. I think after discussion  
12 previously, I was more in line with Vice  
13 Chairman Schlater that I felt like the  
14 Building Code could regulate sufficiently and  
15 the idea of streamlining the regulations was  
16 one of the goals we were trying to accomplish.

17                  However, obviously, I have great  
18 respect for Mr. May's opinion as a  
19 Commissioner and an architect and I would like  
20 to hear more about what he has to say about  
21 it, frankly. So I don't know if we can leave  
22 it open-ended or OP could come back with

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1 something.

2 But I think my initial reaction was  
3 I would agree with Vice Chairman Schlater on  
4 Option 1, but I would certainly be open to  
5 hearing more discussion about it, because I'm  
6 just not an expert at it. So I don't want to  
7 make any decisions lightly.

8 CHAIRMAN HOOD: I want to associate  
9 myself with you, Commissioner Selfridge. You  
10 and I went to the same architectural school.  
11 But I will tell you that I was more in line  
12 with Option 1, but after the discussion I  
13 heard from my two colleagues, I guess what we  
14 can do and I know this is not really helping  
15 you a whole lot, Mr. Parker, but I'm going to  
16 kick it back to you.

17 You have heard the discussion. Is  
18 this guidance? This is guidance, so we will  
19 take off the "ance" and go back to you and  
20 just say guide.

21 So let's kind of leave those two  
22 options open and come back with -- I guess

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1     what we are asking you to do, I think  
2     Commissioner May can speak for himself, is to  
3     come back either finesse it a little bit or  
4     come back with something that gives my  
5     colleagues a comfort level.

6                 MR. PARKER:     I think, at this  
7     point, we are more than willing to just take  
8     the easy road and go with Option 2, if that  
9     gives everyone a comfort level?

10                There are so many other issues that  
11     we need to spend our time on. If that makes  
12     the rest of the Commission -- if the rest of  
13     the Commission is willing to do that, we are -  
14     -

15                CHAIRMAN HOOD: Because let me just  
16     say this, the way I tally the vote up, 3-2 is  
17     for Option 1.

18                MR. PARKER:     Okay.

19                CHAIRMAN HOOD: But I'm not going  
20     to discount my two colleagues. So we're  
21     trying to get guidance and they are the, more  
22     or less, experts. Well, all of us are experts

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1 in some kind of fashion.

2 COMMISSIONER MAY: Yes. I think I  
3 should also clarify that I'm all in favor of  
4 doing something different from exactly what we  
5 do right now and finding a way that it would  
6 be simpler and maybe, you know, it does  
7 correspond more closely to the Building Codes.

8 I'm not sure what the right way is  
9 to structure it, but I know that what we have  
10 right now in terms of court requirements is  
11 kind of unworkable in a number of ways.

12 MR. PARKER: Well, I think Option 2  
13 is this sort of middle ground that you are  
14 looking for, Commissioner May, in that it  
15 doesn't -- it's not just blind, this is how  
16 much space you have to provide. It is based  
17 on windows. So it's based on window  
18 separation, rather than just blank wall  
19 separation.

20 It just deals with interior courts,  
21 rather than the sides. So I think that is  
22 sort of where we ended up after the last

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1 hearing as a compromise position that  
2 hopefully it's something that will offer the  
3 protections that you are looking for.

4 We continue to think it is not  
5 really necessary, but it's not a problem if  
6 it's in the Code.

7 CHAIRMAN HOOD: So, Commissioners,  
8 I guess where are we? Again, Option 1 and 2,  
9 leaning towards 2, but option -- I don't know.

10 VICE CHAIRMAN SCHLATER: I think  
11 Mr. Parker deserves some clarity. I mean,  
12 these are Guidance Hearings and we are  
13 supposed to, you know, make a decision on  
14 which way to direct them to write the text.  
15 And we don't want to be negotiating this issue  
16 as the text gets written.

17 I'm willing to support Option 2 to  
18 get a consensus opinion going here.

19 MR. PARKER: I'm okay with Option  
20 2, as well.

21 CHAIRMAN HOOD: Okay, great.  
22 Option 2. Thank you, Mr. Parker.

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1 VICE CHAIRMAN SCHLATER: Sold.

2 CHAIRMAN HOOD: All right. Thank  
3 you.

4 MR. PARKER: All right. The rest  
5 of them should be a little bit easier.  
6 Recommendation 3 has to do with lot occupancy,  
7 not removing or changing lot occupancy. This  
8 is just a repeat of the recommendation for  
9 low-density residential.

10 In that right now, the calculation  
11 of lot occupancy includes open spaces in terms  
12 of narrow side yards and courts. The  
13 recommendation is not to include those open  
14 spaces in the calculation of lot occupancy.

15 And I'm happy to refresh the  
16 reasons, if the Commission would like.

17 CHAIRMAN HOOD: Does anybody need a  
18 refresher? If not, we have in front of us a  
19 request for Option 1 or Option 2, which is do  
20 not change existing lot occupancy calculation  
21 methods.

22 COMMISSIONER MAY: Can I ask one

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1 question or make one statement about this?  
2 You know, one of the things that -- I mean, I  
3 understand completely the logic behind this.

4 MR. PARKER: Yes.

5 COMMISSIONER MAY: And, you know,  
6 if this were done in R-4 neighborhood, it  
7 might actually, you know, take properties like  
8 mine, which are, you know, very old and built  
9 too close to the property line and stuff and  
10 actually make it conforming for lot occupancy.

11 So I can sort of understand the  
12 logic of that, but the potential negative from  
13 that is this potential that if you build to  
14 your full out lot occupancy, you are going to  
15 wind up pushing further into the yard space or  
16 the rear setback, most likely.

17 Now, ultimately, that is going to  
18 be controlled by a minimum setback condition,  
19 but it does sort of -- it does open the door  
20 for pushing more things further back.

21 MR. PARKER: That's actually pretty  
22 right. I mean, keeping in mind these are

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1 generally very small spaces. I mean, by  
2 nature, they are under 4 feet or 5 feet. And  
3 the instance where this really occurs are on  
4 buildings that are already above lot  
5 occupancy.

6 So it's not a matter of this will  
7 pull them under and they can -- the real  
8 logic, as you said, is that the buildings are  
9 already over and these existing buildings that  
10 are over can fill those in as a matter-of-  
11 right. This removes that right.

12 COMMISSIONER MAY: Got it. Okay.  
13 Thanks.

14 CHAIRMAN HOOD: Commissioner  
15 Selfridge?

16 COMMISSIONER SELFRIDGE: This is  
17 one that I actually really like Option 1. I  
18 live on Capitol Hill as well, like Mr. May,  
19 and I would rather have these buildings, if  
20 they are going in a direction, going back as  
21 opposed to sideways.

22 And in that respect, I think,

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1 removing any incentive for people to fill in  
2 these side and narrow courts would be an  
3 improvement over what is in there now.

4 CHAIRMAN HOOD: Okay. Anybody  
5 else? Any other comments? So we are looking  
6 at Option 1, correct? Option 1.

7 MR. PARKER: Option 1.

8 CHAIRMAN HOOD: Okay.

9 MR. PARKER: All right.  
10 Recommendation No. 4 has to do with  
11 nonresidential uses in Residential Zones.  
12 This is the corner store, you know, basically,  
13 categories including retail, service, food and  
14 alcohol and arts design and creation would be  
15 allowed on a very limited basis in R-5 Zones  
16 with a long series of conditions, including  
17 conditions on size, they would be limited to  
18 the ground floor of residential buildings,  
19 concentration limits on the number that could  
20 be within a certain radius, limits on how  
21 close they can be to existing commercial uses,  
22 maximum hours of operation, maximum number of

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1 employees, limits on signs, garbage, lighting  
2 and screening or requirements for screening,  
3 excuse me.

4 I'm happy to go into further detail  
5 about this if you have particular questions as  
6 well.

7 CHAIRMAN HOOD: Okay. Anyone need  
8 any further detail? Vice Chairman Schlater?

9 VICE CHAIRMAN SCHLATER: There was  
10 a lot of debate about this at the hearing.  
11 And, in general, I support the goal of what  
12 this is trying to achieve, which is allowing  
13 for these corner stores in residential  
14 neighborhoods.

15 I think that given the laundry list  
16 of conditions they need to make, I have a hard  
17 time wrapping my head around, you know, I'm  
18 not doing the mapping exercises, to see where  
19 they will be allowed and where they won't be.

20 And I think that they sound like  
21 good standards, but I'm more comfortable with  
22 Option 2 in this case, which allows them --

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1 which would allow for them as a special  
2 exception, because that would give the  
3 community an opportunity to come out, if they  
4 have a problem with what is being proposed,  
5 and raise that red flag.

6 So I guess that's it. Thanks.

7 CHAIRMAN HOOD: Okay. Commissioner  
8 Selfridge?

9 COMMISSIONER SELFRIDGE: I concur  
10 with my colleague. I very much like Option 2.  
11 I'm in favor of what we are trying to  
12 accomplish here, but I think you have to have  
13 an abundance of caution. And going through a  
14 special exception process is not overly  
15 burdensome.

16 It gives a chance for review on an  
17 individual basis, as opposed to kind of a  
18 blanket exception here and it gives the  
19 community an opportunity to weigh in, which I  
20 think is very, very important, because you  
21 don't know what issues are going to arise if  
22 you just kind of allow this on a broad basis.

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1                   So I would support Option 2 as  
2 well.

3                   CHAIRMAN HOOD:    Okay.    Any other  
4 comments?

5                   COMMISSIONER TURNBULL:    Yes, Mr.  
6 Chair.   I just am trying to remember from the  
7 hearing we are calling them corner stores, but  
8 were they necessarily just on the corner?

9                   MR. PARKER:    No.

10                  COMMISSIONER TURNBULL:    They could  
11 go in --

12                  MR. PARKER:    It's a colloquial  
13 terms.

14                  COMMISSIONER TURNBULL:    That's what  
15 I thought.

16                  MR. PARKER:    A couple of things  
17 that hopefully will ease a little bit.   We  
18 have started the process of mapping this.   And  
19 we didn't, obviously, bring presentation  
20 materials tonight, but for the text, we are  
21 prepared to show, you know, what these  
22 limitations mean, where these sort of things

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1 would be allowed.

2 And basically, it keeps it out of  
3 neighborhoods that already have it or that  
4 don't need it, Dupont, Adams Morgan,  
5 Georgetown, etcetera, and allows it in areas  
6 like, you know, Capitol Hill, Petworth, other  
7 areas, Shaw, that don't have as good of  
8 service and that may want it.

9 Also, based on guidance for low-  
10 and moderate-density, we have already started  
11 preparing text. And the text that will be  
12 brought to you for set down for R-3 and R-4  
13 Zones includes this provision.

14 So this is actually -- tonight, we  
15 are talking about R-5 Zones. We have already  
16 prepared text, based on your previous  
17 guidance, to bring you, you know, limited  
18 allowance for these things in R-3 and R-4. So  
19 something to keep in mind there. We can  
20 always change it back.

21 CHAIRMAN HOOD: Okay. Commissioner  
22 Turnbull, did you finish?

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1                   COMMISSIONER TURNBULL: Yes. No, I  
2 mean, my question, I seem to remember that,  
3 like you said, it is a colloquial term. And  
4 it's sort of limited to any location on the  
5 block then up to a point.

6                   MR. PARKER: Right. It's basically  
7 limited by what is around. If there is  
8 already something nearby, then it can't be  
9 done. If there is a Commercial Zone nearby,  
10 it can't be done. But if it meets all of  
11 these conditions and there is nothing else  
12 nearby, then it can be done.

13                  COMMISSIONER TURNBULL: Okay.

14                  CHAIRMAN HOOD: Okay. Commissioner  
15 May?

16                  COMMISSIONER MAY: Yes. Just so I  
17 understand what you just said, we have already  
18 given you guidance to include language like  
19 this for R-3 and R-4 Zones?

20                  MR. PARKER: That is our  
21 understanding.

22                  COMMISSIONER MAY: And it's,

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1 essentially, the same requirements or a  
2 similar set?

3 MR. PARKER: Similar set, more  
4 restrictive.

5 COMMISSIONER MAY: More  
6 restrictive?

7 MR. PARKER: More restrictive in  
8 row house, because this is R-5, this is  
9 Apartment Zones.

10 COMMISSIONER MAY: Right. Okay.  
11 Is the more restrictive version of that that  
12 you are working on for R-3 and R-4, actually,  
13 could that be used in this circumstance? And  
14 would it be helpful?

15 MR. PARKER: It could. The main  
16 restriction is in R-3 and R-4, the proposal  
17 is, the use is limited to 1,200 square feet.

18 COMMISSIONER MAY: Yes.

19 MR. PARKER: And in this, we have  
20 proposed 2,000. The spaces are a little  
21 bigger in apartment buildings, naturally.

22 COMMISSIONER MAY: Yes.

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1 MR. PARKER: But, yes, we could go  
2 with the more restrictive standards as well.

3 COMMISSIONER MAY: Yes. Okay.  
4 Well, I don't want to be the contrary one on  
5 all of these things, but, generally speaking  
6 in principle, I support this. I think that  
7 there are certainly issues that need to be  
8 addressed, so that we are not creating the  
9 kinds of conditions that so many people  
10 testified that they were worried about.

11 We don't want to add more  
12 commercial use in neighborhoods where they  
13 feel that they have it or they have close  
14 access to commercial areas.

15 But the ability to establish corner  
16 stores or any other small-scale retail within  
17 residential neighborhoods, if it's  
18 commercially viable, I think it's a very  
19 valuable thing. I mean, within the -- you  
20 know, where I live right now, I lived not far  
21 from there 20 years ago and there were, I  
22 think, four or five such establishments, dry

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1 cleaners and, not an actual dry cleaner, but a  
2 shop, several other mom and pop kind of  
3 grocery stores and now there is one.

4 And I'm not sure how long they will  
5 stick it out. But I think it is a very useful  
6 thing. I walk the block between here and that  
7 -- my house and that store all the time,  
8 because it's just a lot more convenient than  
9 going the four blocks to the grocery store or  
10 the Eastern Market.

11 So I don't know, I'm sympathetic to  
12 this. I think that maybe something more  
13 restrictive and something that is mapped to  
14 address the concerns that were raised by the  
15 people who testified against it.

16 I would be -- I'm sympathetic to  
17 this. I would like to see what it looks like.

18 CHAIRMAN HOOD: Let me ask you  
19 this, so you say sympathetic, so you would be  
20 open to Option 1?

21 COMMISSIONER MAY: I am open to  
22 Option 1, providing we can --

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1 CHAIRMAN HOOD: We're on the same  
2 page so far.

3 COMMISSIONER MAY: -- address --

4 CHAIRMAN HOOD: I'm just trying to  
5 listen and --

6 COMMISSIONER MAY: Yes.

7 CHAIRMAN HOOD: -- take it one step  
8 at a time. We're on the same page. So we're  
9 open to Option 1.

10 COMMISSIONER MAY: I'm open to  
11 Option 1. But providing that we can address  
12 the concerns that were raised, because we  
13 don't really want this to wind up creating  
14 additional sort of nuisance retail in  
15 neighborhoods, residential neighborhoods that  
16 don't want it.

17 I mean, that's not the intent. The  
18 intent is --

19 CHAIRMAN HOOD: Well, my issue, and  
20 I'll open it back up to my colleagues on my  
21 comment, I look at one of the submissions we  
22 got and it simply says, let me find it, "The

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1 Commission also has no objection to  
2 Recommendation 4 to allow a limited set of  
3 neighborhood-servicing nonresidential uses  
4 subject to contextually appropriate  
5 performance standards.

6 The ability to allow certain low-  
7 scale commercial uses, such as corner stores  
8 in R-5-B, could increase the livability of the  
9 entire surrounding neighborhood."

10 But when I look at Option 2, the  
11 special exception, any time we -- I don't know  
12 if I'm saying this correctly, but it looks as  
13 though we are taking away community voice.  
14 But to some degree, I think we are, but I'm  
15 also open, because of the way it is going to  
16 be structured or the way it is going to go  
17 forward, that maybe still there -- and like  
18 you say, it will benefit other areas.

19 So I'm kind of in between. I'm  
20 like Peter was on the last one, so I can do  
21 that kind of on this one. So I'm kind of in  
22 between and maybe you want to comment, Mr.

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1 Parker, that it is not taking away the  
2 community voice.

3 MR. PARKER: Well, I think it is  
4 less than that. I think the community voice  
5 is up front in defining what we can live with  
6 as a community and what we can't in terms of  
7 how impactful these things will be. What  
8 hours they will be open, you know, how big  
9 they are.

10 I think that's where the community  
11 voice comes in. I think if we put these as a  
12 special exception, we just won't see them,  
13 because little businesses like this are, you  
14 know, so marginally profitable that they are  
15 really not going to take the risk in time, in  
16 money to go through the special exception.  
17 They are going to go somewhere where, you  
18 know, that risk doesn't exist.

19 If you look -- I guess the argument  
20 that seemed to be most convincing to people in  
21 the neighborhoods that I have talked to is if  
22 you look at the neighborhoods in our city that

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1 are the most successful, they are the  
2 neighborhoods that were built before zoning  
3 that already have these stores, Georgetown,  
4 Dupont, Adams Morgan.

5 They have this and they were all  
6 built as a matter-of-right. And, you know,  
7 over time, they have come to understanding or,  
8 you know, detente with the communities around.

9 They have grown to be supportive and  
10 necessary parts of the community around them.

11 This would allow more neighborhoods  
12 to, over time, become like our most successful  
13 neighborhoods. And if it is done right, it  
14 will be done in a way that doesn't change our  
15 most successful neighborhoods.

16 So I think it is not a matter of  
17 taking away the voice. I think by putting a  
18 special exception limit on it, it is going to  
19 be something that is just not done or very  
20 rarely taken advantage of.

21 CHAIRMAN HOOD: So the requirements  
22 would be that like the store in this area will

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1 be open from 7:00 to 4:00. The requirement  
2 will be there up front?

3 MR. PARKER: Yes.

4 CHAIRMAN HOOD: Will there ever be  
5 any room to deal with that requirement?

6 MR. PARKER: The requirement --

7 CHAIRMAN HOOD: You know, like say  
8 that --

9 MR. PARKER: -- can always be  
10 changed.

11 CHAIRMAN HOOD: Okay.

12 MR. PARKER: Yes.

13 CHAIRMAN HOOD: Okay. With that,  
14 Commissioners, I would be inclined to go with  
15 Option 1, because the community voice, from  
16 what I'm hearing, is going to be up front as  
17 opposed to taking it away. Okay. And I'll  
18 open it up.

19 COMMISSIONER MAY: Chairman Hood, I  
20 was just wondering, I mean, you said that you  
21 have already begun some of the mapping  
22 exercise associated with this?

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1           MR. PARKER:    Yes, we have mapped  
2           different boundaries from commercial. We have  
3           also mapped all the existing commercial uses  
4           in these areas. So when we bring forward the  
5           text, and we are planning this with the R-3  
6           and R-4, we will bring forward all the areas  
7           where this will be a possibility to put in  
8           stores as a matter-of-right and all the areas  
9           where it won't.

10           COMMISSIONER MAY:   Okay. I mean, I  
11           think, you know, based on seeing that and  
12           hearing further testimony, I think I would be  
13           very comfortable going ahead, because we can  
14           still, at that point, say no, this has got to  
15           be a special exception given, you know, the  
16           extent of it or something like that. We can  
17           still modify it at that point.

18           CHAIRMAN HOOD:   Let me not discount  
19           my other colleagues, Commissioner Turnbull,  
20           after we heard that?

21           COMMISSIONER TURNBULL:   I would, I  
22           think, be safe with that. Are we going to get

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1 -- the public is going to have a chance to  
2 look at these maps, too, right?

3 MR. PARKER: Absolutely.

4 COMMISSIONER TURNBULL: So we are  
5 going to have -- I think with that case being  
6 out there, I think we will have an opportunity  
7 to get public feedback then on some of these  
8 areas. So with that in mind, I think I would  
9 be okay with going ahead with Option 1,  
10 realizing that we are going to have another  
11 bite at the apple on this.

12 CHAIRMAN HOOD: Commissioner  
13 Selfridge?

14 COMMISSIONER SELFRIDGE: You know,  
15 I think with Option 1 you run into a second  
16 set of problems, that there may be  
17 neighborhoods that want corner stores, for  
18 example, but can't because of the new  
19 criteria. So I just don't know that we should  
20 be up here prescribing exactly who gets what  
21 today, when you don't know what people are  
22 going to want tomorrow or next week or the

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1 week after.

2 And, you know, I'm certainly  
3 willing to go through the mapping exercise and  
4 see what we come up with, but I still feel  
5 like it is difficult for us to determine on  
6 the ground what people are going to want in  
7 the future in each and every neighborhood with  
8 just a very narrow set of prescriptions.

9 CHAIRMAN HOOD: Okay. Vice  
10 Chairman, did you want to add something?

11 VICE CHAIRMAN SCHLATER: I just  
12 think that in almost all neighborhoods there  
13 is going to be a place for these corner stores  
14 and the neighborhood-serving retail. I agree  
15 with that. But I don't think it's appropriate  
16 for all streets.

17 You know, the residential character  
18 of -- there are small streets that have  
19 different residential character from a wider  
20 one. So when you talk about Adams Morgan, you  
21 will see neighborhood stores on Columbia Road,  
22 but if you go two blocks in in the same zone,

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1 which may have row homes, you are not going to  
2 see them.

3           So I guess what I'm worried about  
4 is getting -- is the worst case scenario.  
5 When somebody buys -- as a matter-of-right can  
6 put in something that is offensive to the  
7 neighborhood. And so if I could be assured  
8 that that wouldn't happen, then I might get  
9 more comfortable. Otherwise, that's why I  
10 would want to kick it into the special  
11 exception process.

12           So I'm -- let's -- I'm pretty firm  
13 on that, but I would be open to looking at the  
14 map and being convinced otherwise.

15           COMMISSIONER MAY: Could I? I  
16 would suggest that maybe what we -- we do need  
17 to see this mapped and we need to see, you  
18 know, the distance from commercial areas  
19 provision mapped, because that's something  
20 that there would be some flexibility on.

21           I mean, we don't necessarily need  
22 to decide right now it is going to be X

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1 hundred feet or thousand feet or whatever it  
2 is. And we can look at it a number of  
3 different ways and see what makes sense.

4 MR. PARKER: I think that does shed  
5 a lot of light on the subject. We have mapped  
6 different distances from commercial and, you  
7 know, you go to a certain distance and it's  
8 not allowed anywhere. And you go to other  
9 distances and it starts to -- you start to see  
10 the areas that are retail and food deserts and  
11 they show up as areas that might be buildable  
12 under this.

13 CHAIRMAN HOOD: You got the  
14 guidance?

15 COMMISSIONER SELFRIDGE: Mr.  
16 Chairman, I would recommend that maybe we  
17 would defer, I'm afraid, on No. 4 and look at  
18 the map and not make a decision on Option 1 or  
19 Option 2, because I think there is a lot of  
20 discussion to still be had. And it's very  
21 possible this map will answer all those  
22 questions and we take a look at it and see

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1 where we are.

2 CHAIRMAN HOOD: Well, let me ask  
3 this. What if we proceed in the fashion of  
4 Option 1, knowing that we can go back to  
5 Option 2 at some point, once, as Commissioner  
6 Selfridge mentioned, we see the map and  
7 everything? But I guess the guidance would be  
8 work -- I mean, I'm just saying this, talking  
9 out loud.

10 The guidance would be work towards  
11 Option 1. And when we come back, we'll  
12 revisit it once we have some more things  
13 pinned down. That way we can give them  
14 something to achieve as opposed to between 1  
15 and 2 kind of where I am. That's just my  
16 proposal.

17 MR. PARKER: It's easy for us to go  
18 back. Option 1 is the one that takes us the  
19 work to create. And we have already, you  
20 know, started that work, so we can present you  
21 that option and it's easy to step back then  
22 and say, no, this is a special exception.

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1                   CHAIRMAN HOOD: I would like to see  
2                   us move in that fashion. Let me see if it's  
3                   okay. I mean, that way it's -- we really  
4                   hadn't -- we have a chance to go back to deal  
5                   with those concerns if 1 does not satisfy the  
6                   needs, we can go back to the special  
7                   exception.

8                   Anybody else? Vice Chairman?

9                   VICE CHAIRMAN SCHLATER: I think I  
10                  would be open to, once we get the text, sit  
11                  down, advertising, alternatives of the text,  
12                  so that we have two alternatives. Basically,  
13                  we are keeping that option open. And it is  
14                  clear to the public that we are not leaning  
15                  one way or another.

16                 CHAIRMAN HOOD: Well, three of us  
17                 are leaning one way and two of us are leaning  
18                 another, so we can't get out to the public.  
19                 But I will agree with your comments. Is that  
20                 okay, Mr. Parker? Is that some guidance?

21                 MR. PARKER: So, ultimately, you  
22                 would like "in the alternative language?" You

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1 would like us to propose text with two  
2 alternatives? Okay.

3 CHAIRMAN HOOD: All right. Thank  
4 you, Mr. Parker. Thank you for being patient  
5 with us. We appreciate it. Okay. Next? I'm  
6 sorry? Okay. No. 5?

7 MR. PARKER: Recommendation 5 has  
8 to do with the R-5-B Zone. If you will recall  
9 a couple years ago, the Zoning Commission  
10 through Office of Planning did a massive  
11 rezoning of R-5-A zoning.

12 R-5-A is an Apartment Zone that  
13 allows single-family. R-5-B is an Apartment  
14 Zone that allows row houses. And what we saw  
15 in the R-5-A is that we had areas that were  
16 still single-family and we had areas that were  
17 apartment, but the zoning encouraged, you  
18 know, turning the single-family areas into  
19 apartment.

20 What we see in R-5-B is the same  
21 thing. We have got a lot of R-5-B is still  
22 row houses, but the zoning encourages turning

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1 row house into apartment.

2 So the recommendation here is  
3 repeating what we did with R-5-A and bringing  
4 you some generalized rezoning with new zones  
5 for R-5-B areas across the city. Based on the  
6 workload and how long it takes to go through  
7 the neighborhood discourse on this, this may  
8 not be something that is done concurrently  
9 with the zoning update, but that remains to be  
10 seen.

11 Right now, the plan is either  
12 during or after the zoning review is done, we  
13 will bring you a proposal for neighborhoods  
14 that could be rezoned based on their input.

15 CHAIRMAN HOOD: Okay.  
16 Commissioners, any comments on Option 1 or 2?  
17 Vice Chairman Schlater?

18 VICE CHAIRMAN SCHLATER: Is the  
19 proposal then to create a new zone that -- and  
20 we are not going to map the zone at all, but  
21 it would allow for these types of down-zoning  
22 in the future?

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1           MR. PARKER: It's to create a zone  
2 or zones probably that are specific to  
3 particular areas and based on community  
4 agreement to actually map them. And maybe not  
5 as a part of this process, maybe later, but we  
6 would work with the community just like we did  
7 with the R-5-A to say your area is more  
8 appropriately zoned this.

9           VICE CHAIRMAN SCHLATER: I don't  
10 understand what we are voting on. Are we  
11 voting on you bringing those maps to us?

12          MR. PARKER: Yes. Well, yes, to  
13 create new zones.

14          VICE CHAIRMAN SCHLATER: I thought  
15 Ms. Steingasser said at the last hearing that  
16 this was going to be done well-after the ZRR  
17 process.

18          MR. PARKER: That is true. I guess  
19 the point is we are creating new zones based  
20 on geographic places. So we will bring you  
21 some new zones, mapping can be later.

22          VICE CHAIRMAN SCHLATER: So then we

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1 will have subsequent hearings on whether it is  
2 appropriate to --

3 MR. PARKER: Yes.

4 VICE CHAIRMAN SCHLATER: -- down-  
5 zone a particular area?

6 MR. PARKER: That's a separate  
7 hearing.

8 VICE CHAIRMAN SCHLATER: Okay.  
9 Thank you.

10 CHAIRMAN HOOD: Any other comments?  
11 Anybody have any problems with Option 1?  
12 Option 1 it is. Okay, Mr. Parker?

13 MR. PARKER: That one was easy.

14 CHAIRMAN HOOD: Okay. I think last  
15 -- do we have any, Ms. Steingasser, status  
16 report?

17 MS. STEINGASSER: No, sir.

18 CHAIRMAN HOOD: Okay. Okay. I  
19 think last on the agenda is Proposed Action.  
20 Okay. We are going to take five minutes and  
21 we will come right back. We need our brains  
22 to thaw out. Give us five minutes.

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1 (Whereupon, at 7:42 p.m. a recess  
2 until 7:51 p.m.)

3 CHAIRMAN HOOD: Okay. Let's get  
4 started. Hopefully everybody got their  
5 questions and concerns answered and we can  
6 move forward.

7 Okay. We are back on the record.  
8 What did I do with it? Okay. Proposed  
9 Action, last on our agenda for tonight is  
10 Zoning Commission Case No. 08-06, Office of  
11 Planning Comprehensive Zoning Regulations  
12 Review. We're going to do parking, bike  
13 parking and loading.

14 And I know we moved this to last,  
15 so I want to thank those who stuck around. We  
16 were trying to move the other cases, which  
17 were a little more faster, first, so everyone  
18 wouldn't have to wait. So I want to thank  
19 those who waited for this and waited until the  
20 end with us.

21 Okay. Ms. Schellin?

22 MS. SCHELLIN: Yes, sir. This case

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1 is ready for the Commission to consider  
2 Proposed Action and we would ask that you  
3 would, please, entertain that this evening.

4 CHAIRMAN HOOD: Okay.  
5 Commissioners, I'm going to be looking at the  
6 worksheet. We have 15, 16, 17 worksheet and  
7 also, something that we asked for was the  
8 different responses, which is on the 11 x 17  
9 handout. So those are the two things I want  
10 to be looking at.

11 And I'm going to try to move this  
12 one way. If we need to do something a  
13 different way, then let me know. Let's look  
14 at ' 1500, which is parking. We can look at  
15 the purpose to the left and we can look at  
16 policy changes and if you want to see  
17 additional comments, this is the way that I  
18 reviewed it in looking at additional comments,  
19 I'm going to look to the spreadsheet.

20 Also, we had a number of letters  
21 that came in as well as, I think -- is this--  
22 we need to do something first. Hold on one

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1 second.

2 Okay. Again, I think we need to  
3 waive our rules. The documents are being  
4 submitted past the --

5 MS. SCHELLIN: No.

6 CHAIRMAN HOOD: We don't?

7 MS. SCHELLIN: Nope. Everything  
8 that is in here was received.

9 CHAIRMAN HOOD: It's good? Okay.

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay. And you know  
12 what, what I'm reading from is December 21<sup>st</sup>,  
13 so, obviously, we must have got that on time.

14 MS. SCHELLIN: Right. We left the  
15 record open until, I believe it was, the 22<sup>nd</sup>.

16 CHAIRMAN HOOD: Okay. Okay. So  
17 that statement is --

18 MS. SCHELLIN: They had asked for  
19 the record to be left open is what it was, so  
20 they may have just addressed that, but the  
21 record was open. Everything was received on  
22 time.

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1 CHAIRMAN HOOD: Okay. Okay. Thank  
2 you, Ms. Schellin. Okay. Let's go to the  
3 worksheet, 1500. We have the purpose and then  
4 we have the policy changes. Then what I would  
5 like to do is just take our time and if  
6 someone has an issue, let's raise it. I'm not  
7 going to necessarily read the policy changes.

8 I don't think I need to read all that. Does  
9 anybody want to hear me read all that?

10 Okay. So what I'll do is just call  
11 the section numbers. 1500. 1501, no policy  
12 change. 1502 to 1506?

13 COMMISSIONER MAY: Yes. I want to  
14 mention something here.

15 CHAIRMAN HOOD: Could you let us  
16 know which section?

17 COMMISSIONER MAY: Okay. 1502, I  
18 mean, there is a note under 1503 which says  
19 "Maximum limits TBD at a later hearing." But  
20 1502, which applies to the minimums, I mean,  
21 there are no minimums that are actually  
22 spelled out in 1502, right?

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1           The minimums will actually be  
2 spelled out in the land use subtitles.

3           MR. PARKER: Correct.

4           COMMISSIONER MAY: Okay. Now,  
5 that's stated under 1501 and not necessarily  
6 the clearest language. And I'm just wondering  
7 whether under the -- under 1502, which is  
8 titled "Minimum Parking Requirements," whether  
9 there ought to be a section that says that the  
10 actual minimum parking requirements are  
11 spelled out in the land use subtitles and make  
12 reference to those?

13           I mean, simply because if you are  
14 going to search for something, you are going  
15 to find this chapter and then you are going to  
16 read through all of this section and not find  
17 anything about actual minimums.

18           MR. PARKER: That's fine, I mean--

19           COMMISSIONER MAY: Your mike is  
20 off.

21           MR. PARKER: Yes, that's fine and  
22 we can do that. The thing to keep in mind is

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1 when people use the code, they will generally  
2 be starting at their zone. So they will  
3 actually start at the parking minimums and be  
4 referenced back to this general chapter, if  
5 they have a question about how those work.

6 So in theory, they should start in  
7 their zone, see that their requirement is two  
8 spaces per 1,000 and there will be a reference  
9 that says if you want to know how to calculate  
10 that, go back to the general chapter.

11 But just for clarity sake, we can  
12 put it here routing them there as well.

13 COMMISSIONER MAY: Yes. I think in  
14 1503 there is a reference to subtitles. It's  
15 not quite as explicit there for maximums. I'm  
16 just, you know, trying to connect the thing,  
17 so that it is more understandable. I  
18 understand how you think people will use it in  
19 practice, but it just does still strike me as  
20 odd as a piece that this doesn't say  
21 specifically that the minimums are somewhere  
22 else.

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1           And I think that's actually the  
2 most contentious thing is about the whole  
3 minimums discussion is seeing where it is  
4 going to apply and where it is not.

5           MR. BERGSTEIN: Mr. May, can I make  
6 a suggestion?

7           COMMISSIONER MAY: Yes.

8           MR. BERGSTEIN: That in 1502.1 what  
9 we can say is minimum parking requirements as  
10 set forth in each land use subtitle shall be  
11 met.

12          COMMISSIONER MAY: Yes, that's  
13 fine. Okay. That's it.

14          VICE CHAIRMAN SCHLATER: Mr.  
15 Chairman, I have a question, sorry, about  
16 1500.4. It says "The Zoning Administrator  
17 may, at his discretion, request DDOT review  
18 and approval of any item on the Parking Plan  
19 prior to approving the building permit  
20 application."

21               I'm not clear what authority that  
22 grants both the Zoning Administrator and DDOT,

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1 in that case, if the Zoning Administrator  
2 chooses to give them that discretion. What  
3 exactly are they reviewing? Is DDOT reviewing  
4 for compliance with our Zoning Code or with  
5 their general policy standards?

6 MR. PARKER: This was a result of  
7 discussions with the Zoning Administrator  
8 himself, who has had situations where there is  
9 language where the intent of these regulations  
10 is not always entirely clear or the existing  
11 regulation isn't always entirely clear or  
12 whether he -- where he needs teeth, I guess,  
13 in order to enforce that.

14 An example that he gave us was a  
15 requirement that loading berths be designed so  
16 that they can be accessed by the type of truck  
17 that they are designed to serve. He is not  
18 qualified to make that judgment, so he needs  
19 the authority to be able to send it to DDOT to  
20 make that judgment.

21 VICE CHAIRMAN SCHLATER: Well, I  
22 guess what I'm concerned about this is that if

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1 he sends it to DDOT and DDOT has some  
2 objection that is completely apart from the  
3 zoning requirements, is that giving DDOT some  
4 broad discretion to halt the process?

5 MR. PARKER: Well, I think we tried  
6 to word it such that the Zoning Administrator  
7 may request review and approval of any item on  
8 the party. So he is, in theory, sending it to  
9 DDOT for review of a specific thing.

10 VICE CHAIRMAN SCHLATER: What if  
11 DDOT says, I don't know, we're not going to  
12 give them a curb cut, because we don't --

13 MR. PARKER: Well, and that's  
14 certainly their authority whether DDOT gives  
15 them a -- but again, if the zoning --

16 VICE CHAIRMAN SCHLATER: That's not  
17 a zoning issue.

18 MR. PARKER: Right.

19 VICE CHAIRMAN SCHLATER: The curb  
20 cut.

21 MR. PARKER: Right, right, right,  
22 right. So it would not affect. But if the

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1 Zoning Administrator says DDOT is this loading  
2 berth designed and engineered properly, they  
3 can review that. If they opine about the curb  
4 cut, that's a separate issue that the Zoning  
5 Administrator --

6 VICE CHAIRMAN SCHLATER: I would  
7 just say that he may request DDOT review and  
8 approval of any item on the Parking Plan for  
9 compliance with the Zoning Regulations or  
10 something like that just to make sure --

11 MS. STEINGASSER: Maybe we can --

12 VICE CHAIRMAN SCHLATER: -- DDOT is  
13 in the right box.

14 MS. STEINGASSER: -- change  
15 approval to recommendation, which still puts  
16 then the administration of the zoning fully  
17 with the Zoning Administrator.

18 VICE CHAIRMAN SCHLATER: I think  
19 that would be --

20 MR. BERGSTEIN: I was going to make  
21 the same --

22 VICE CHAIRMAN SCHLATER: -- fine.

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1 MR. BERGSTEIN: -- suggestion.  
2 Yes.

3 VICE CHAIRMAN SCHLATER: Thank you.

4 MR. PARKER: If just on his behalf  
5 though, I think he wants some cover to be able  
6 to deny things. And if it's a DDOT  
7 recommendation, does it still fall on his  
8 shoulders to say this isn't engineered  
9 properly?

10 VICE CHAIRMAN SCHLATER:  
11 Ultimately, he is the one who is supposed to  
12 rule on the Zoning Regs, right?

13 MR. PARKER: Fair enough.

14 CHAIRMAN HOOD: Okay. Again,  
15 Commissioners, we are looking at 1500 to 1506.

16 COMMISSIONER SELFRIDGE: Could we  
17 talk about 1502 a little bit more? So we are  
18 getting rid of all the parking minimums.  
19 Well, we are not really, we are just pushing  
20 them down to the land use subtitles. So this  
21 issue is not closed yet. This is just being  
22 addressed in a different place?

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1                   MR. PARKER:     Yes.     But we have  
2     already sort of through the guidance hearings  
3     determined where they are and where there are  
4     not parking minimums.    So Subtitle D for low-  
5     density residential retains parking minimums  
6     and with the exception of residential uses,  
7     those minimums won't change significantly.

8                   We have changed the form.    Right  
9     now, they are by dwelling unit and by  
10    different things.   And in the proposal, they  
11    will all be by square footage.   But the amount  
12    of parking required shouldn't change.

13                  So in Subtitle D, in Subtitle G,  
14    which is commercial away from transit, and in  
15    subtitle, in one other subtitle that doesn't  
16    come to my mind, will retain.    The TOD  
17    Subtitles and the Downtown Subtitle will not  
18    have minimums.

19                  So it shouldn't be a surprise to  
20    anyone which subtitles come with minimums and  
21    which don't.   And the minimums that do come  
22    forward should mirror the existing minimums.

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1 VICE CHAIRMAN SCHLATER: Have we  
2 seen the map of the TOD areas?

3 MS. STEINGASSER: You have seen  
4 some bubble maps --

5 VICE CHAIRMAN SCHLATER: Okay.

6 MS. STEINGASSER: -- that we have  
7 prepared. TOD Maps.

8 MR. PARKER: Sorry, I was  
9 conferring with my colleagues. What was the  
10 question?

11 VICE CHAIRMAN SCHLATER: Have we  
12 seen the map of the TOD Zones yet?

13 MR. PARKER: You have seen  
14 generalized maps. What we are working on  
15 right now is drawing the lot-by-lot lines. We  
16 have got, you know, the quarter mile  
17 boundaries, but where that falls on a lot or  
18 where several lots are contiguous, we have to  
19 adjust those boundaries. So we don't have the  
20 final map yet.

21 VICE CHAIRMAN SCHLATER: Okay.

22 MR. PARKER: To make it easier, you

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1 know, whether there are or not minimums or  
2 what those are or where they apply, again,  
3 that's a decision you can make at each land  
4 use title. Even if you apply minimums  
5 everywhere in the city or nowhere in the city,  
6 it shouldn't change this text at all.

7 MEMBER GANDHI: That would be  
8 helpful. I would certainly, you know,  
9 encourage more discussion at the land use  
10 level from people opposed or in favor of  
11 reducing these minimums or eliminating these  
12 minimums to certainly make their case at the  
13 land use sections.

14 CHAIRMAN HOOD: Okay. Anything  
15 else? Mr. Parker, can we look at 1504.6? It  
16 talks about the owner. Maybe I may be missing  
17 something here. The owner of the building  
18 with tenants that are offices of the Federal  
19 Government or contractors with the Federal  
20 Government, therefore, have usually high  
21 security.

22 Now, I understand what we are

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1       trying to achieve here. They can opt out  
2       because of the security reasons. Is that just  
3       germane to the Federal Government? What about  
4       the District Government?

5               MR. PARKER: We have only made it  
6       applicable to the Federal Government. They  
7       have somewhat higher security standards than  
8       the District Government. The District  
9       Government should probably be able to work  
10      with these requirements.

11             CHAIRMAN HOOD: And that will be  
12      open both to employees, non-employees,  
13      tenants, non-tenants?

14             MR. PARKER: Well, the requirement  
15      for, you know, car-share is that members of  
16      the Car-Share Organization have access to  
17      those cars.

18             CHAIRMAN HOOD: Okay. I guess the  
19      fine tuning can be worked out with each  
20      individual case, because, you know, having  
21      access to the building, whatever kind of  
22      building it is, okay. All right. Thank you.

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1 Anything else for 1500 to 1506?

2 COMMISSIONER SELFRIDGE: If I  
3 could, Mr. Chairman? I had a question on 1504  
4 as well. It just seems the car-share  
5 companies have a lot of sway over these  
6 private developments. And, obviously, car-  
7 sharing is a great thing and we want to  
8 encourage it as much as we can.

9 But something that really kind of  
10 jumped out at me, I didn't mark it down when I  
11 was reading it, let me see if I can find it  
12 really easily, but just the fact that they  
13 could come in with a 90 day notice and wipe  
14 out a residential lease, I'm just still not --  
15 or not a residential, but a parking, I'm just  
16 still not 100 percent comfortable with that.

17 And what is to keep the car-sharing  
18 companies from coming in and saying they are  
19 going to take a spot and then never using it?

20 I don't know. They just have a lot of sway  
21 in the process. I'm not 100 percent  
22 comfortable with it.

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1 MR. PARKER: I understand that.  
2 Keep in mind that a developer is building this  
3 building knowing that he has got a car-share  
4 requirement. So if you are building a parking  
5 lot with 60 spaces, you know that one of those  
6 is dedicated to car-share.

7 Now, if no car-share company claims  
8 it, you can use it and you can, you know,  
9 offer it on a month-by-month lease with the  
10 understanding that at any point in the future  
11 a car-share company can claim that space.

12 Now, a car-share company can't come  
13 in and claim one of your other spaces. So you  
14 can never really be caught off guard. You  
15 know going in that you have a requirement for  
16 one, two or however many car-share spaces and  
17 even if you get to use them, that right is  
18 only good until a car-share company claims one  
19 of those spaces.

20 COMMISSIONER SELFRIDGE: Is there  
21 something that compels the car-share company  
22 to use the space if they are going to claim

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1       it? What is to keep car-share companies from,  
2       on every development, saying yes, we are going  
3       to use these spots, but then not use them and  
4       having them sit empty?

5               MR. PARKER: I don't know that that  
6       has ever happened.

7               COMMISSIONER SELFRIDGE: I think  
8       some of the car-sharing companies made the  
9       point that there is under-served neighborhoods  
10      where it's not economically feasible, at this  
11      point, to still have car-sharing or to have  
12      car-sharing, but they would still have a right  
13      to spaces.

14              MR. PARKER: But claim it, you're  
15      saying?

16              COMMISSIONER SELFRIDGE: Well, they  
17      were looking for something to go into these  
18      neighborhoods, but they would still have a  
19      right to those spots, in theory, right, even  
20      if it's not economically viable, at this time?

21      And they may not bother with it, but why not  
22      just put a claim on it and kind of landbank a

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1 parking space if you are a car-share company?

2 I don't know. It just -- they have  
3 a lot of sway over these developments. I  
4 recognize that it is a requirement, but, at  
5 the same time, they should have some standards  
6 of use or conduct as well. That's just how I  
7 feel about it. It just came across as very  
8 one-sided.

9 And I will just say that this chart  
10 is fantastic. I'm sure it took OP an enormous  
11 amount of time, but this is really, really  
12 helpful, so thank you very much for all the  
13 time you put into it. I know on a complex  
14 chapter like this, it made it a little bit  
15 easier to distill.

16 CHAIRMAN HOOD: Okay. Again, we  
17 are still working on 1500 to 1506.

18 VICE CHAIRMAN SCHLATER: A question  
19 about 1503.1. It says "The parking maximums  
20 will apply in zones with Subtitles D, E, G and  
21 J." Which subtitles are those? I have not  
22 committed those to memory just yet.

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1 MR. PARKER: 1503.1 is maximums. D  
2 is low-density residential. E is apartment  
3 residential away from transit. G is  
4 commercial away from transit. And J is  
5 industrial. And 1503.2 those are the rest of  
6 them. F is TOD residential. H is TOD  
7 commercial. And I is Downtown.

8 VICE CHAIRMAN SCHLATER: Okay.  
9 Just explain how we got to that breakdown.

10 MR. PARKER: Well, the --

11 VICE CHAIRMAN SCHLATER: The two  
12 different standards for --

13 MR. PARKER: The difference is .1  
14 is non-TOD and .2 is TOD. So Downtown, TOD  
15 commercial and TOD residential is .2. .1 is  
16 all the things not near transit.

17 VICE CHAIRMAN SCHLATER: Okay.  
18 Great. Thank you.

19 CHAIRMAN HOOD: Okay. Anything  
20 else in those areas, those sections? Okay.  
21 Let's move on to --

22 MS. STEINGASSER: Could I follow-up

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1 with Commissioner Selfridge real quick? Are  
2 you asking us to provide a use time limit?  
3 Like maybe, you know, if they claim it, they  
4 have to use it within 30 days or relinquish it  
5 back?

6 COMMISSIONER SELFRIDGE: I mean,  
7 that's kind of what I'm getting at. It seems  
8 like there is economic value to these spots.  
9 People are building them, they are giving them  
10 away, essentially. They don't pay rent. If  
11 they are paying rent on it, they could have it  
12 for as long as they want. If we want to put a  
13 rent requirement in there, I think I would be  
14 satisfied as well.

15 But assuming we don't, if it's  
16 gratis, then they need to use it, use it or  
17 lose it.

18 MS. STEINGASSER: Okay.

19 COMMISSIONER SELFRIDGE: I would  
20 think.

21 MR. PARKER: That makes good sense.

22 MS. STEINGASSER: We'll work with

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1 OAG on that.

2 COMMISSIONER SELFRIDGE: Thank you.

3 Thank you.

4 CHAIRMAN HOOD: Okay. Any more  
5 questions? Okay. Let's move to -- we won't  
6 take a vote. We will take our time and go  
7 through it. 1507 to 1513.

8 COMMISSIONER SELFRIDGE: Mr.  
9 Chairman?

10 CHAIRMAN HOOD: Okay. Commissioner  
11 Selfridge?

12 COMMISSIONER SELFRIDGE: 1510 was  
13 an area I wasn't 100 percent comfortable with.

14 It just seemed complex and I think it is  
15 probably part of this discussion for the GAR  
16 as well. And I have to be careful here, but  
17 the idea of introducing urban forestry into  
18 the permitting process strikes me as extremely  
19 bureaucratic.

20 Even more so then, I haven't had  
21 good experience with them. I don't know if  
22 there is a way to simplify the requirements,

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1 so that, you know, a layman without having to  
2 look up different species or, you know,  
3 heights or circumference, is there a way to  
4 simplify it? Maybe that would be my question.

5 MR. PARKER: Well, I mean, it  
6 should be fairly simple in that the appendix  
7 to the Zoning Code will have a list of trees.  
8 And you have to pick. If you have got 25  
9 spaces, you've got to pick five trees. They  
10 can all be the same species, but you've got to  
11 pick a species off that list and plant five  
12 trees.

13 So we tried to make it as simple as  
14 possible. Other best practice cities actually  
15 have a percentage requirement. You have to  
16 calculate the percentage of the lot covered by  
17 tree canopy based on, you know, certain canopy  
18 of square feet per tree. We tried to make it  
19 as -- we, you know, pulled way back and just  
20 said this many trees per this many spaces and  
21 kept it real simple. That was our goal with  
22 this.

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1 COMMISSIONER SELFRIDGE: Is it  
2 difficult to enforce or inspect on that?

3 MR. PARKER: Well, I mean, the  
4 Zoning Inspector is just inspecting that five  
5 trees have been planted. When there -- you  
6 are right. They are probably not going to  
7 check the species of the trees. And beyond C  
8 of O for the -- or, you know, building permit  
9 for the parking lot, future inspection is just  
10 going to be enforcement of complaints.

11 CHAIRMAN HOOD: Vice Chairman  
12 Schlater?

13 VICE CHAIRMAN SCHLATER: Yes, thank  
14 you. A question about 1507. 1507 updates  
15 standards for separation of driveways and  
16 streets and alleys. I know I should know the  
17 answer to this already, but in terms of the  
18 regulations on distance from an intersection  
19 where your driveway has to be located, what is  
20 the existing standard?

21 MR. EMERINE: From as far as I can  
22 recall, I think it varies under different

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1       circumstances. And the idea that was proposed  
2       as a result of the discussions with DDOT  
3       during the working group two years ago was  
4       that we should standardize the standard.

5               And this was -- this in effect was  
6       the standard that was most consistent with  
7       what they want to see near intersections.

8               VICE CHAIRMAN SCHLATER:     Do you  
9       know what the range is by any chance?

10              MR. EMERINE:     I'm sorry, not off  
11      the top of my head.

12              VICE CHAIRMAN SCHLATER:     I just  
13      feel like in an urban environment, a  
14      requirement that you have a driveway 60 feet  
15      from an intersection might be burdensome. So  
16      I'm a little worried about that. I probably  
17      should have raised that earlier in the  
18      process, but to have a uniform standard such  
19      as that and then push people into a zoning  
20      process if they can't meet it, that's --

21              MR. EMERINE:     Well, I think part of  
22      the idea is that we are concerned about the

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1 impact that is going to have on turning  
2 movements at intersections and if someone is  
3 within that 60 feet, they may, in fact, have a  
4 burden to prove that they are not going to  
5 cause harm to the public interest.

6 VICE CHAIRMAN SCHLATER: What if  
7 they have an existing curb cut that is closer  
8 than that, but are just doing a new building?

9 I don't know, I guess, we don't want to have  
10 suburban standards for an urban area. So I'm  
11 a little worried about that.

12 Sometimes in a city there are  
13 turning movements that are a little awkward.

14 COMMISSIONER MAY: Can I talk to  
15 that a little bit? I'm not sure 60 feet  
16 really is that problematic, because when you  
17 think about widths of row houses and widths of  
18 sidewalks and things like that, I mean, you're  
19 going to have 10, 15 feet of space at the  
20 corner anyway. And then you are talking about  
21 the equivalent width of, you know, a couple of  
22 townhouses.

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1           It's not really that far to get to  
2   60 feet. I mean, this building would not  
3   comply with that, because you're probably at  
4   about 40 feet or maybe 30 feet on this  
5   building. And this is exactly the reason why  
6   it should be 60, because that's a really bad  
7   situation.

8           It's difficult for cars to get in  
9   in the morning. It's dangerous for cars to  
10   get in and out all day long, because of its  
11   proximity to the intersection. So I just -- I  
12   mean, 60 feet just doesn't seem like it's that  
13   big a distance to me.

14           I think maybe, you know, the  
15   drawings seem to imply, you know, that the  
16   blocks are relatively short here, but I think  
17   it's a pretty good distance.

18           VICE CHAIRMAN SCHLATER: I guess  
19   I'm surprised that the Zoning Regulations are  
20   dictating driveway location requirements  
21   period. Maybe that's what it is. I mean, I  
22   agree, I just don't know. I'm certainly no

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1 expert on what it takes for a safe turning  
2 movement.

3 But I do know I just don't want to  
4 be sending people through a zoning process  
5 unnecessarily when maybe what they really need  
6 to be doing is going through the Public Space  
7 process to figure out where the curb cut  
8 should be.

9 COMMISSIONER MAY: Well, I think  
10 already they have struck a few provisions that  
11 are strictly Public Space issues, right? I  
12 mean, you struck 1507.6 and .7 and .8 and .9,  
13 right? So that they are not redundant of  
14 DDOT's Regulations.

15 CHAIRMAN HOOD: Okay. We will  
16 continue to look through 1507 to 1513.

17 COMMISSIONER TURNBULL: Mr. Chair?

18 CHAIRMAN HOOD: Commissioner  
19 Turnbull?

20 COMMISSIONER TURNBULL: Yes, I've  
21 got on 1509.2, "All parking areas including  
22 aisles, driveways and ramps shall be surfaced

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1 and maintained with an all-weather surface in  
2 addition to traditional impervious surfaces  
3 allowed. All-weather surfaces include porous  
4 or pervious concrete porous asphalt and  
5 mechanically reinforced grass."

6 We are allowing them to have that,  
7 which is what we want, but are we trying not  
8 to get -- are we trying to get away from  
9 pervious as much as we can?

10 MR. PARKER: That's actually going  
11 to be, hopefully, a lot of the impact of the  
12 GAR. Pervious pavement counts towards your  
13 GAR Score requirement. So --

14 COMMISSIONER TURNBULL: So we will  
15 see more related to that in that section then?

16 MR. PARKER: We should see a lot.  
17 Well, one of the results will be, I think of  
18 the GAR, a lot more pervious pavement.

19 COMMISSIONER TURNBULL: Okay.  
20 Because I'm just wondering why we are not  
21 asking for a certain percentage to be that.  
22 But if it's going to be under the GAR, I

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1 understand that.

2 CHAIRMAN HOOD: Mr. Parker, 1508.1,  
3 I believe this goes in -- we had a number of  
4 correspondence that came in after we had the  
5 hearing. I'm looking here at the layout. I  
6 believe this is the proper place.

7 I think Commissioner Black from 4C  
8 or 4B, one of those ANCs in 4, mentioned --  
9 she talked about how the car-sharing would  
10 take the places for seniors. So I guess it  
11 would -- you know, they put it right up close,  
12 whether it be a curb or it's up close  
13 depending upon the development and her concern  
14 was it being pushed back further for seniors,  
15 enough space for people with, and I'm going  
16 off the top of my head, handicap vehicles,  
17 like vans, wheelchairs.

18 Does 1508, hopefully you remember  
19 some of her points, address that? Because I'm  
20 looking at 1508.4, "At least 50 percent of the  
21 parking spaces in any parking area must meet  
22 the minimum full size parking spaces

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1 standards."

2 Does that meet -- I guess,  
3 typically though if somebody is in a  
4 wheelchair, you let them out before you pull  
5 in the parking space, unless they are driving  
6 themselves. I guess is there enough room?

7 Does that meet the requirement or  
8 the concerns that I think she mentioned?

9 MR. PARKER: Well, I think what you  
10 are getting at is ADA requirements and that  
11 trumps anything we have got. So if you have  
12 got a requirement for ADA conforming spaces,  
13 where those have to be and how big those have  
14 to be trump anything else.

15 CHAIRMAN HOOD: Trump this. Okay.  
16 All right. Anything else from 1507 to 1513?  
17 Just take our time and looking. Okay. I'm  
18 sorry, if not, we can move on.

19 VICE CHAIRMAN SCHLATER: On the  
20 drive through queuing lanes requirements, has  
21 there been any further thinking on where drive  
22 throughs will be allowed versus not allowed

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1 with the city?

2 MR. PARKER: No. We haven't done  
3 any more work on that since the last time we  
4 talked. I mean, a logical answer would be TOD  
5 versus non-TOD, but we haven't looked at the  
6 impacts of that.

7 VICE CHAIRMAN SCHLATER: Okay.  
8 Thank you.

9 CHAIRMAN HOOD: All right.  
10 Commissioners, I think if we need more time,  
11 just nod your head.

12 COMMISSIONER SELFRIDGE: I just had  
13 a question, Mr. Chairman.

14 CHAIRMAN HOOD: Okay. Commissioner  
15 Selfridge?

16 COMMISSIONER SELFRIDGE: The  
17 parking maximums, Mr. Parker, they were just  
18 not resolved. We just agreed you were going  
19 to come back with some firmer recommendations.  
20 Is that where that was?

21 MR. PARKER: Yes. We will come  
22 back probably in the hearing where we talk

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1 about TOD Districts, because that's where  
2 maximums will apply. And we will propose, you  
3 know, maximum numbers and how those will work.

4 One further note before you leave  
5 Chapter 15. We need -- the Zoning Commission  
6 needs to make a determination in 1513.3  
7 between Alternative 1 and Alternative 2.

8 CHAIRMAN HOOD: But before -- okay.

9 We are going to look at that, but let me just  
10 read while I have this in front of me one of  
11 the things that outline. This is from someone  
12 who gave us a submission.

13 It says "Finally, I urge the Zoning  
14 Commission not to impose the maximum parking  
15 limits for new development. If developers  
16 believe they need to provide more parking in  
17 their projects to accommodate demand for  
18 parking, they should be permitted to do so.  
19 This, too, will have alleviated parking  
20 congestions near new development."

21 And I saw a number of different  
22 statements. I just wanted to read that, so,

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1 obviously, we're going to have another hearing  
2 on the maximum, so while I had it in front of  
3 me, because I don't know where it will be by  
4 that time, hopefully it will be in this packet  
5 somewhere, but I wanted to read that.

6 Okay. Now, Mr. Parker, you  
7 mentioned we need to do something with 1513.?

8 MR. PARKER: Three.

9 CHAIRMAN HOOD: Three.

10 MR. PARKER: This is the  
11 distinction between being able to request a  
12 special exception for full relief from  
13 minimums or only being able to request a  
14 special exception for up to half of your  
15 minimum.

16 The Task Force -- this -- in the  
17 current code or in the original it is -- you  
18 can only request up to 50 percent. The Task  
19 Force and some of our public members as well  
20 have recommended that, you know, if a  
21 development can make a case for all of their  
22 minimums or more than half of their minimums

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1 to be waived, then they should be able to at  
2 least make that case or make that request.

3 CHAIRMAN HOOD: And which one is  
4 that? The latter one is the 1513.3?

5 MR. PARKER: Yes, 150 -- yes, the  
6 Alternative 1 is full -- can request a full or  
7 partial reduction. 15.3, Alternative 2 is you  
8 can only request partial reduction.

9 COMMISSIONER MAY: I'm sorry, you  
10 were saying that the Task Force was behind  
11 Alternative 1 or Alternative 2?

12 MR. PARKER: Members of the Task  
13 Force made a recommendation for Alternative 1.  
14 Because Alternative 2 was our original  
15 language.

16 COMMISSIONER MAY: Yes.

17 MR. PARKER: And members of the  
18 Task Force recommended and we agreed that  
19 Alternative 1 is probably more appropriate.

20 CHAIRMAN HOOD: I would be inclined  
21 to go along with the Task Force. I know they  
22 work very hard and especially since OP agreed

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1 with that. And I'm looking at the board, may  
2 grant by special exception full or partial  
3 reduction. I would be inclined to go with  
4 1513.3, Alternative 1.

5 COMMISSIONER MAY: I'm not quite  
6 sold yet on Alternative 1. And I think in  
7 part because I just feel like the -- what  
8 needs to be demonstrated if it's, you know,  
9 any one of these things, I don't know that  
10 that's necessarily a very high threshold.

11 And, I mean, maybe I'm just  
12 imagining the worst, but I'm thinking that,  
13 okay, they could put together a Transportation  
14 Demand Management Plan and, you know, nix 100  
15 percent of their parking.

16 And I'm not sure that that is -- I  
17 don't know what goes in or what is involved in  
18 a TDM. I don't know whether it is going to be  
19 -- you know, whether that can work for a  
20 really small project that might have actually  
21 a substantial parking impact. I mean, I'm not  
22 sure that that -- I don't have enough comfort

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1 that that's a high enough threshold.

2 The same thing with B and D,  
3 frankly. I mean, the only thing that really  
4 kind of makes sense to me is that if it's  
5 going to be within a quarter mile of the  
6 Metro, you know, that's, or, you know,  
7 transit, a bit more arguable. All right.

8 VICE CHAIRMAN SCHLATER: Mr.  
9 Chairman?

10 CHAIRMAN HOOD: Sure. Vice  
11 Chairman Schlater?

12 VICE CHAIRMAN SCHLATER: I think  
13 I'm in support of Alternative 1, allowing for  
14 a full reduction of the parking requirement.  
15 But I agree with Commissioner May's point. I  
16 think in order to get your minimum parking  
17 waived entirely, it should just be a  
18 requirement that you have a Transportation  
19 Demand Management Plan. But I don't think  
20 that should be one of the things you can pick  
21 just to get out of the requirement.

22 Likewise, being within a quarter

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1 mile of a Metro Rail Station, a street line  
2 car or I always get stuck on the high  
3 frequency bus corridor, because that ends up  
4 expanding the number of areas that could be  
5 potentially exempted by a lot, I don't think  
6 that should be, if you can just demonstrate  
7 you are within that area, that you would  
8 necessarily get out of your requirement.

9 So I think there needs to be some  
10 work on these standards and tightening them  
11 up, but in general, I'm in support of the full  
12 reduction.

13 CHAIRMAN HOOD: Yes. And when I  
14 read it, "The Board may grant by special  
15 exception the 50 percent reduction of the  
16 minimum parking." It's achievable what I see  
17 in Alternative 1. So I mean, the way I'm  
18 reading it and maybe it's 8:30, maybe it's  
19 past my bedtime, but the Board may give by  
20 special exception a full or partial reduction  
21 in minimal parking.

22 It says full or partial. I mean, I

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1 think you are still achieving. I don't know.

2 Mr. Parker, maybe I'm missing something.

3 COMMISSIONER TURNBULL: Mr.  
4 Chairman?

5 CHAIRMAN HOOD: It's 8:30.

6 COMMISSIONER TURNBULL: I'm  
7 wondering if in Alternative 2 you added a  
8 Paragraph E or something that said if an  
9 applicant is able to demonstrate beyond that,  
10 he may be eligible for further relief.

11 CHAIRMAN HOOD: So you're saying we  
12 put that E under Alternative 1?

13 COMMISSIONER TURNBULL: I don't  
14 know. I'm just trying -- I'm looking at we  
15 are struggling between either full, as you are  
16 saying, you can have -- 2 is already included  
17 in 1, to some extent.

18 CHAIRMAN HOOD: I see it, but it's  
19 8:30, Mr. Turnbull, I'm mighty tired.

20 COMMISSIONER TURNBULL: Yes.

21 MR. BERGSTEIN: Well, now, but 1 is  
22 -- it needs to say full or partial, because if

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1 it just says partial, then it is always 100  
2 percent. So what 1 is really saying, the  
3 Board may grant up to a complete, you know,  
4 relief in the parking requirement, but I'm  
5 very comfortable with full or partial. It  
6 means anything up to 100 percent.

7 Whereas, 2 is only up to 50 percent  
8 and no more. So there is a real distinction  
9 between what the two are doing.

10 And as to Mr. Turnbull's discussion  
11 or suggestion, one way of doing that, if  
12 that's the way you were thinking about, is to  
13 start off with what would be Alternative 2 and  
14 say, okay, here is what you can prove to get  
15 up to 50 percent. And then say the Board may  
16 grant a reduction above 50 percent if these  
17 additional requirements are met and then say  
18 what those are. Is that -- that would be my  
19 suggestion if you are going that way.

20 COMMISSIONER TURNBULL: That was  
21 just one thought.

22 MR. PARKER: Well, one thing to

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1 keep in mind, it sounds like some of the  
2 concern with Option 1 is that the standards  
3 here may not be strict enough, but also keep  
4 in mind it is not just these four things.

5 In addition to meeting one of  
6 these, you also have to go through the  
7 standard special exception to ask that there  
8 is not an adverse impact. So it has to meet  
9 one of these, plus not have an adverse impact  
10 as determined by the BZA.

11 CHAIRMAN HOOD: Commissioner  
12 Selfridge?

13 COMMISSIONER SELFRIDGE: I'm fairly  
14 comfortable with Alternative 1. You know, if  
15 my colleagues feel like we should tighten it  
16 up a little bit, then I think that's fine.  
17 Certainly 50 percent as opposed to 100  
18 percent, I think if you can make a case for  
19 50, you should be able to make a case for 100.

20 I think Mr. Parker's point about  
21 having to meet the standard of no adverse  
22 impact is significant as well and, as always,

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1 it gives the community a chance to weigh in,  
2 which I think is really the most important  
3 thing here.

4 COMMISSIONER MAY: You know, I  
5 think what makes me uneasy about this is  
6 simply the nature of the language which seems  
7 to indicate that let's just take B, which is  
8 sort of a simple example.

9 One could read this to say that a  
10 proposal for a given project could qualify for  
11 a full reduction of the minimum parking if the  
12 use demands less than the minimum parking  
13 standards require.

14 It doesn't say that the reduction  
15 is proportionate to the reduction in demand.  
16 It just says -- I mean, you could read this to  
17 say simply that, you know, the test is my use  
18 is going to be less than the minimum. It's  
19 going to require less than the minimum and so,  
20 therefore, I don't need to provide any  
21 parking. I could read it that way.

22 And if there were something in the

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1 language that indicated a proportionality, in  
2 other words, if the TDM is going to reduce the  
3 demand for parking by 50 percent, then you get  
4 50 percent reduction.

5 If it is going to reduce the  
6 parking demand by 75 percent, then you get a  
7 75 percent reduction. But just the way this  
8 is worded, it seems like this is like a yes or  
9 no for any one of those things. Once you get  
10 that yes, I can ask for 100 percent reduction.

11 CHAIRMAN HOOD: Let me ask you  
12 this, Mr. May. What about the proposal that  
13 Mr. Turnbull had? Would that --

14 COMMISSIONER MAY: Well, I think  
15 that gets to it at some level, but I think  
16 that now -- I mean, the more I think about  
17 this, the more I'm looking for just some sense  
18 of proportionality.

19 I mean, I know that's hard to do  
20 with A.

21 MR. PARKER: It's really just B,  
22 right?

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1                   COMMISSIONER MAY:    Well, it's B,  
2   but it's also C, because TDM reduces the  
3   demand for parking.  It might reduce it 100  
4   percent, but it might also reduce it 20  
5   percent.

6                   And then physically unable to  
7   provide the required, well, I mean, what are  
8   they physically able to provide?  Because it  
9   says that if you are not physically able to  
10  provide the required, you don't need to  
11  provide any.  Well, I think you are required  
12  to provide what you can.

13                  MR. BERGSTEIN:   Well, one way of  
14  handling that would be to have an introductory  
15  phrase that says subject to the next section  
16  and have a general proviso that says the Board  
17  shall not reduce the amount of parking to less  
18  than the amount of parking that the use would  
19  require.  You know, subject to transportation  
20  demand.

21                  I    can't    think    of    the    exact  
22  language, but that would have a caveat that

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1 the reduction can't be lower than the actual  
2 parking needs generated by the use.

3 MR. PARKER: I don't think we need  
4 another section. I'm sure we can work it into  
5 this language.

6 COMMISSIONER MAY: Oh, yeah. Well,  
7 I mean, he is just talking about an  
8 introductory sentence.

9 MR. PARKER: Okay. I mean, it  
10 would have to --

11 COMMISSIONER MAY: But I think,  
12 actually, it ought to be, you know, within  
13 each of these clauses, you know, for B just  
14 something that indicates that the parking can  
15 be reduced by an amount proportionate to the  
16 reduction and the demand.

17 MR. PARKER: Yes.

18 COMMISSIONER MAY: And TDM, the TDM  
19 1, it gets to be reduced by the amount  
20 indicated in the TDM Plan.

21 MR. PARKER: So B, for example,  
22 could read --

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1 COMMISSIONER MAY: No more than the  
2 reduction.

3 MR. PARKER: Yes. The use or  
4 structure will generate demand equal to or  
5 less than the amount of parking proposed.

6 COMMISSIONER MAY: Okay.

7 MR. PARKER: Or something like  
8 that.

9 COMMISSIONER MAY: Yes.

10 MR. PARKER: We can do that.

11 CHAIRMAN HOOD: I'll go along with  
12 that. It's still achievable what we said in  
13 the alternative.

14 COMMISSIONER MAY: Yes.

15 COMMISSIONER SELFRIDGE: Can you  
16 repeat it? What is it?

17 MR. PARKER: B, for example, could  
18 read the use or structure will generate demand  
19 for less than or equal to the amount of  
20 parking proposed.

21 CHAIRMAN HOOD: You said E is going  
22 to say that, right?

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1 MR. PARKER: Well, that's B. And  
2 we could do something similar for C and D.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: Now, I'm not  
5 sure what we do about A, but it seems to me  
6 there ought to be -- I mean, maybe that's the  
7 50 percent one, that you can reduce it by 50  
8 percent.

9 MR. PARKER: Well, I guess the  
10 thing is we have already, you know, defined  
11 TOD as, basically, these numbers and we have  
12 removed minimums across the city where you are  
13 within these boundaries. So the only place  
14 this would apply is in the zones that are  
15 within these TOD boundaries that we didn't  
16 reduce minimums.

17 But if you are within the distance  
18 that we defined as TOD, basically, we are  
19 saying, as a matter of course, in those TOD  
20 areas you don't have to have it and in the  
21 other areas you can get a special exception  
22 all the way.

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1 VICE CHAIRMAN SCHLATER: I didn't  
2 think we had finally decided what a TOD area  
3 is.

4 MR. PARKER: Fair enough.

5 COMMISSIONER TURNBULL: Haven't  
6 seen the maps.

7 MR. PARKER: Haven't seen the maps.

8 COMMISSIONER MAY: Well, and maybe  
9 there should be a distinction here between TOD  
10 areas and non-TOD areas.

11 MR. PARKER: Well, I guess this is  
12 non-TOD areas that are within the TOD  
13 distances.

14 COMMISSIONER MAY: All right.  
15 Right, okay. Yes, because if it was TOD,  
16 there wouldn't --

17 MR. PARKER: Right.

18 COMMISSIONER MAY: -- this doesn't  
19 even apply.

20 MR. PARKER: Exactly.

21 COMMISSIONER MAY: All right. So  
22 that one would more or less stay as it is.

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1 MR. PARKER: Yes.

2 COMMISSIONER MAY: But the others  
3 can be tweaked so that it is proportionate?  
4 There is some --

5 MS. STEINGASSER: Nexus.

6 COMMISSIONER MAY: -- yes, nexus.  
7 The right word, thank you.

8 CHAIRMAN HOOD: Okay. So I think  
9 we all have a consensus? Okay. And I think,  
10 Mr. Parker, anything else we need to do?  
11 Because I think we ended Chapter 15. We can  
12 end it.

13 MR. PARKER: That's good.

14 CHAIRMAN HOOD: Anything else?  
15 Okay. Now, Mr. Bergstein, do we need to take  
16 separate votes or what do we need to do?

17 MR. BERGSTEIN: No. I think for  
18 this one, we would advertise all three single  
19 -- on those proposed rule makings, so you can  
20 wait until the end.

21 CHAIRMAN HOOD: All right. Thank  
22 you. Let's go to Bicycle Parking, ' 1600.

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1 And what I would like to do is go -- let's  
2 look at 1600 to 1608. Let's take our time and  
3 go through that.

4 MR. BERGSTEIN: I assume that you  
5 would make the same change to 1600.4, changing  
6 approval to recommendation.

7 CHAIRMAN HOOD: 1600.4?

8 MR. BERGSTEIN: Yes. This is an  
9 identical provision to what we saw in --

10 CHAIRMAN HOOD: In 1500.4.

11 MR. BERGSTEIN: Yes.

12 CHAIRMAN HOOD: So noted. Thank  
13 you, Mr. Bergstein. Did everybody follow  
14 that? We're going to do the same change that  
15 we made in 1500.4 and in 1600.4, being  
16 consistent. Okay.

17 Again, we're going to take 1600 to  
18 1608. Let's just peruse that and see if we  
19 have any comments, changes or concerns. Okay.

20 I was kind of leaning to some of the bicycle  
21 riders we have up here.

22 Okay. Any comments on 1600 to

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1 1608?

2 COMMISSIONER SELFRIDGE: I just  
3 have a question, Mr. Chairman. A quick  
4 question. Just regarding the special  
5 exception, do we have the same issues on  
6 bicycle parking that we faced in car parking?

7 Do we need to do the same sort of fix here or  
8 is this language -- I haven't read it. I'm  
9 just asking here.

10 MR. PARKER: No. With car parking,  
11 we had an existing 50 percent. We are  
12 proposing to making 100. There is no existing  
13 provisions for bicycle parking, so we are  
14 proposing being able to request the full  
15 reduction, especially seeing as this is a new  
16 requirement.

17 COMMISSIONER MAY: I think this is  
18 fine, that section. I think we went through  
19 this in some detail once before, so I'm  
20 comfortable with this.

21 CHAIRMAN HOOD: I wasn't putting it  
22 all on Mr. May, but Mr. May is an avid bike

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1 rider, so I was kind of leaning towards him on  
2 that one. He is a bike specialist. Okay.  
3 Other Commissioners, any questions?

4 Okay. Let's go to 1700. Hold on a  
5 second.

6 COMMISSIONER MAY: So if I'm the  
7 bike specialist, who is the loading  
8 specialist?

9 CHAIRMAN HOOD: I think all of us  
10 are going to have to be the loading  
11 specialists. I haven't been on a bike in so  
12 long, I'm not going to say what might happen.

13 Okay. Let's break this up. Okay.  
14 Let's just go ahead and do 1700 to 1710 and  
15 we'll just do the whole thing for comments.

16 VICE CHAIRMAN SCHLATER: Mr.  
17 Parker, can you explain the changes to 1704.2?  
18 Specifically, covered or screening  
19 requirements in some cases and the requirement  
20 that the loading be 6 feet from any side lot  
21 line?

22 MR. PARKER: Yes, this was

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1 duplicative with some stuff in 1709, so 1704.2  
2 required screening when loading was in a side  
3 yard. 1700.9 requires screening, basically,  
4 all the time. And so we didn't need the  
5 screening requirements in 1704.2, because,  
6 again, they were duplicative.

7 VICE CHAIRMAN SCHLATER: Great.  
8 Thank you. How about the changes in 1703.2?

9 MR. PARKER: This also was taken  
10 out because it conflicts with another  
11 provision and we're just trying to refresh our  
12 memories of which one. Oh, it's 1703.4.  
13 Under the new proposal, when you have two uses  
14 in a building, you only have to provide, and  
15 the uses share loading, loading equivalent to  
16 the requirement of the greater use.

17 And so that supersedes 1703.2,  
18 which was language from the existing code.

19 VICE CHAIRMAN SCHLATER: Okay.  
20 That makes sense. Thank you.

21 CHAIRMAN HOOD: Okay. Let's take  
22 our time, Commissioners. Any other comments

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1 on this Chapter 17?

2 COMMISSIONER TURNBULL: Mr. Chair,  
3 I just have one question on 1709.4, required  
4 screening, the screening required by ' 1709.2  
5 shall be solid masonry, at least 12 inches  
6 thick and 72 inches high. Is that the  
7 current?

8 MR. PARKER: I believe so.

9 COMMISSIONER TURNBULL: Do we ask  
10 for it to be compatible with the building?

11 MR. PARKER: We don't now, but we  
12 could.

13 COMMISSIONER TURNBULL: I'm just  
14 thinking trying to step it up a bit to make it  
15 a little bit more friendlier than just a plain  
16 concrete block wall.

17 MR. PARKER: Okay. Do you have  
18 language to propose?

19 COMMISSIONER TURNBULL: Compatible  
20 with the architecture of the building or  
21 compatible --

22 MR. PARKER: So would you take out

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1 solid masonry?

2 COMMISSIONER TURNBULL: Not  
3 necessarily.

4 MR. PARKER: Okay. And I guess the  
5 question is how is that judged? How does the  
6 Zoning Administrator judge compatible?

7 COMMISSIONER TURNBULL: The Zoning  
8 Commission will judge, will come out and take  
9 a look at it and stamp it. That's a good  
10 question. I guess the -- I'm not sure. Is  
11 that a ZA approval issue?

12 MR. PARKER: Yes, if it's in here,  
13 it would be.

14 COMMISSIONER TURNBULL: Yes. I'm  
15 just trying to avoid a cheap wall going up  
16 when something that could be maybe a little  
17 bit more decorative in some of these areas,  
18 especially screening off neighbors. I mean,  
19 where we have a PUD, obviously, we are going  
20 to get the right kind of treatment, as a  
21 matter-of-right.

22 And again, most of the developers

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1 are going to be putting up a fairly  
2 substantial wall, but just trying to throw in  
3 something else just to cover ourselves on  
4 that. I don't know what the other  
5 Commissioners feel.

6 CHAIRMAN HOOD: I think we feel  
7 your recommendation is fine.

8 COMMISSIONER TURNBULL: I think I  
9 better ring a bell here or something.

10 CHAIRMAN HOOD: I think your  
11 recommendation -- anybody have any problems  
12 with Mr. Turnbull's language? Did you propose  
13 some language or close to it?

14 COMMISSIONER TURNBULL: Close to  
15 it. I'm just struggling just saying that the  
16 masonry wall at least compatible with the  
17 architecture of the building or compatible  
18 with the building.

19 CHAIRMAN HOOD: Mr. Parker, can you  
20 --

21 COMMISSIONER TURNBULL: Solid  
22 titanium, right, there you go, yes.

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1 CHAIRMAN HOOD: Ms. Steingasser, is  
2 that okay? Can we work with that?

3 MS. STEINGASSER: We can work with  
4 that. Currently, the rooftop structures have  
5 a compatibility standard that the Zoning  
6 Administrator somehow --

7 COMMISSIONER TURNBULL: Okay.

8 MS. STEINGASSER: Okay. So we can  
9 look at that language and come up with a  
10 second sentence to put in here.

11 COMMISSIONER TURNBULL: Okay.  
12 Thank you.

13 COMMISSIONER SELFRIDGE: I think  
14 Commissioner Turnbull raises a good point, so  
15 I would certainly support that.

16 CHAIRMAN HOOD: Mr. Parker, 1704.3,  
17 I think we talked about this previously,  
18 "Loading facilities in PDR Zones are not  
19 subject to the requirements of 1704.2."

20 MR. PARKER: 1704.2 requires that  
21 your loading is interior to the building or in  
22 the rear yard or under certain conditions can

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1 be in the side yard.

2 1704.3, basically, says if you are  
3 in the PDR, ignore that. You can load  
4 anywhere. You can have your loading anywhere  
5 you want.

6 CHAIRMAN HOOD: And, to me, that is  
7 a potential problem.

8 MR. PARKER: Okay.

9 CHAIRMAN HOOD: I don't know if I'm  
10 the only one that lives close to PDR Zones. I  
11 probably am. I just see, you know, just how  
12 you see people loading in the street, there  
13 are accessible ways that people go through PDR  
14 Zones. And I see the same thing here.

15 And most of your PDR Zones have  
16 warehouses. And warehouses usually have a  
17 loading berth, some kind of berth. It may be  
18 outdated or whatever, but they usually have  
19 them. But just to say -- I can think of one  
20 particular area, if you tell them they can  
21 load anywhere, we're going to have some  
22 problems, some serious problems.

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1 I think I brought this up once  
2 before. And I'm not sure exactly how we -- I  
3 just think that that is not the right message  
4 we need to send. Basically, you can load any  
5 where you want. I just don't see -- I have  
6 some problems with that. I don't know if  
7 anybody else shares any problems with it?

8 MS. STEINGASSER: Well, we could  
9 put a limitation that restricts loading on any  
10 side that faces residential, that shares a  
11 property line with a residential property.

12 CHAIRMAN HOOD: What about a main  
13 street? Yes, I agree with you. Let's  
14 definitely do the residential side. I agree  
15 with that, Ms. Steingasser. I'm just trying  
16 to -- I know one particular area.

17 Even all of it is residential back  
18 in there, but you still have to have some kind  
19 of way to get in and out of there.

20 MS. STEINGASSER: Yes. Well --

21 MR. PARKER: So your concern is  
22 when the loading of a warehouse faces the

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1 street?

2 CHAIRMAN HOOD: No, my concern is  
3 if we allow, case in point, well, I don't want  
4 to call any specific type of truck, to load  
5 anywhere -- okay. Let me give you an example.

6 If there is a trash transfer  
7 station and you have a back -- what do you  
8 call it, a mucker and the mucker wants to load  
9 on the street.

10 MR. PARKER: Well, this only --  
11 what this language does is limits where on  
12 your lot you can design your loading area. So  
13 nothing that we do in the zoning is going to  
14 prevent or encourage someone to load on the  
15 street.

16 They are just saying if you have  
17 got a warehouse or something else in an  
18 Industrial Zone, you can design the loading  
19 for that building anywhere around that  
20 building, subject to other screening  
21 requirements.

22 CHAIRMAN HOOD: So this is not

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1 giving them the right to load anywhere?

2 MR. PARKER: No.

3 MR. BERGSTEIN: And I believe that  
4 the PDR proposed text, within the existing  
5 text for solid waste facilities, has specific  
6 requirements for queuing. Isn't that correct,  
7 Mr. Parker?

8 MR. PARKER: For solid waste, I  
9 believe so, yes.

10 MR. BERGSTEIN: And recycling. So  
11 the issues of loading for particular uses in  
12 PDR can be dealt with as part of the PDR text  
13 that you will be hearing.

14 CHAIRMAN HOOD: Okay. Okay. Thank  
15 you. Thank you both. Okay. Anything else?  
16 I can deal with that, the PDR.

17 COMMISSIONER MAY: Yes, I have one.  
18 Going back to my notes from the hearing, one  
19 of the questions I had at the hearing was a  
20 requirement and I'm not sure where it would  
21 go, but it was suggesting a requirement that  
22 we make sure that loading areas are -- and

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1 areas for service and delivery are actually  
2 connected to the retail services, retail  
3 spaces that they serve.

4 And I'm not sure how to include  
5 that, but I don't see that in the language  
6 now.

7 MR. PARKER: It is somewhere, I  
8 believe.

9 COMMISSIONER MAY: It's in there  
10 somewhere?

11 MR. PARKER: Give --

12 COMMISSIONER MAY: Okay.

13 MR. PARKER: -- us a second.

14 MS. STEINGASSER: Is it 1704.1,  
15 location restrictions? "Located convenient to  
16 the uses they serve?"

17 MR. BERGSTEIN: Oh, there we go.

18 MS. STEINGASSER: Does that capture  
19 it?

20 MR. BERGSTEIN: There we go.  
21 Routing generally resulting in rear entrances.

22 MR. PARKER: Also, it is kind of

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1 covered in 1703.4, in that more than multiple  
2 uses can use the same -- can meet the  
3 requirement with the same loading area,  
4 provided that all the uses have access to that  
5 loading area.

6 COMMISSIONER MAY: I'm sorry, where  
7 is that?

8 MR. PARKER: 1703.3. So this is  
9 saying you don't have to add up the  
10 requirements for each.

11 COMMISSIONER MAY: Yes, right.  
12 They can share them as long as they can access  
13 them.

14 MR. PARKER: And if they don't  
15 access them, then they have to have their own.

16 COMMISSIONER MAY: So is this going  
17 to present -- prevent this sort of landlocked  
18 retail spaces, is the language that you have  
19 right now, strong enough, you know, to say  
20 that it is convenient to the places that they  
21 serve?

22 MR. PARKER: It is going to prevent

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1 landlocked retail of 5,000 square feet or  
2 more. Because below 5,000 it is not --

3 COMMISSIONER MAY: It's not  
4 required to have loading.

5 MR. PARKER: Yes. But all of the  
6 retail in the building would count towards  
7 that, so a building that has less than 5,000  
8 total, the retail isn't required to have  
9 loading.

10 COMMISSIONER MAY: Okay. I mean,  
11 there is just one particular nightmare  
12 building that I remember seeing as a PUD and I  
13 hope that this is going to prevent that.

14 MS. STEINGASSER: I know the one of  
15 which you speak.

16 COMMISSIONER MAY: Yes.

17 MS. STEINGASSER: I think 1704.4  
18 kind of really zeros in on it. "All loading  
19 berths/platforms shall be located contiguous  
20 in unobstructed access to the berths and it  
21 shall have unobstructed access to the entrance  
22 to the building or the structure."

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1           And the one you were talking about,  
2           it had access to the building, but you had to  
3           drag it down a residential hallway.

4           COMMISSIONER MAY:   Yes.

5           MS. STEINGASSER:   Yes.

6           COMMISSIONER MAY:    So I'm sorry,  
7           what did you just --

8           MS. STEINGASSER:   1704.4.

9           COMMISSIONER MAY:   4.4.

10          MS. STEINGASSER:   And .5 where we  
11          are trying to --

12          COMMISSIONER MAY:   Okay.

13          MR. EMERINE:        Yes, I think we  
14          actually wrote 1704.5 with your concern  
15          specifically in mind.

16          COMMISSIONER MAY:   All right.  
17          Okay. Thanks. I hope we don't see any.

18          CHAIRMAN HOOD:    All right. Do we  
19          have any other -- anything else? Any other  
20          comments? Okay.

21                 So I guess we would need to approve  
22          all three chapters, so noted, with any

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1 corrections or comments that have been made.

2 So I would move that we approve  
3 Chapter 15, Parking, Chapter 16, Bicycle  
4 Parking, Chapter 17, Loading in Proposed  
5 Action with the necessary comments or changes  
6 so noted through the discussion and ask for a  
7 second.

8 VICE CHAIRMAN SCHLATER: Second.

9 CHAIRMAN HOOD: It has been moved  
10 and properly seconded. Any further  
11 discussion?

12 All those in favor?

13 ALL: Aye.

14 CHAIRMAN HOOD: Not hearing any  
15 opposition, Ms. Schellin, would you, please,  
16 record the vote?

17 MS. SCHELLIN: Yes, sir. Staff  
18 would record the vote 5-0-0 to approve  
19 Proposed Action in Zoning Commission Case No.  
20 08-06 approving Chapters B15, B16 and B17,  
21 which covers parking, bike parking and  
22 loading. Commissioner Hood moving,

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1 Commissioner Schlater seconding, Commissioners  
2 May, Selfridge and Turnbull in support.

3 CHAIRMAN HOOD: Okay. Thank you  
4 very much. Ms. Schellin, do we have anything  
5 else before us tonight?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: I want to thank the  
8 Office of Attorney General, the Office of  
9 Zoning and the Office of Planning, Ms.  
10 Steingasser, Mr. Parker and Mr. Emerine for  
11 helping us get through the ZRR and the  
12 Proposed Action. We really appreciate it and  
13 everyone for their participation tonight.

14 And with that, this meeting is  
15 adjourned.

16 (Whereupon, the Public Meeting was  
17 concluded at 8:56 p.m.)  
18  
19  
20

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