

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

THURSDAY

SEPTEMBER 16, 2010

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:44 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
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
TRAVIS PARKER
KAREN THOMAS
MAXINE BROWN-ROBERTS
DAN EMERINE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.

The transcript constitutes the
minutes from the Special Meeting held on
September 16, 2010.

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

(6:44 p.m.)

CHAIRMAN HOOD: Please come to order. Good evening, ladies and gentlemen. This is the September 16, 2010, public meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioners Selfridge, May, and Turnbull. We are also joined by the Office of Zoning staff, Office of Attorney General, as well as the Office of Planning.

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.

Please be advised that this proceeding is being recorded by a Court Reporter. It is also webcast live. Accordingly, we must ask you to refrain from

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1 any disruptive noises or actions in the
2 hearing room. Please turn off all beepers and
3 cell phones.

4 Does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. If not, let
8 us proceed with the agenda, and we will go
9 straight to Mr. Parker.

10 MR. PARKER: Thank you, Mr.
11 Chairman.

12 CHAIRMAN HOOD: And we also -- I'm
13 sorry. We are also joined by DDOT, too. I
14 didn't want to leave them out. So I guess you
15 all are combining, or however you want to do
16 it. So --

17 MR. PARKER: I'll introduce
18 everybody. Thank you, Mr. Chairman.

19 I'm Travis Parker with the D.C.
20 Office of Planning. In addition to Ms.
21 Steingasser, I am joined by a bunch of people
22 who did a lot of work on tonight's chapters.

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1 Dan Emerine from the Office of Planning, we've
2 got Chris Delfs from DDOT, we've got Jamie
3 Henson from DDOT, and sitting back here, who
4 we may call up later if there are questions,
5 are Karen Thomas and Maxine Brown-Roberts from
6 the Office of Planning. So --

7 CHAIRMAN HOOD: It would be good if
8 we could see them, so we -- we watch their
9 face when -- when they give testimony,
10 sometimes we look at your face. So it would
11 be good if we could -- they're sitting behind
12 a pole. I didn't even know they were even
13 here.

14 MR. PARKER: We will try and get
15 them to scoot up a little bit.

16 We'll start tonight like we
17 normally do and just remind you sort of where
18 these chapters fit in the general hierarchy of
19 the code. You've seen this graphic many times
20 before, and you'll see it many times again.
21 The chapters that we're looking at tonight are
22 in -- are subtitle B, our general regulations,

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1 so they don't apply to a particular zone.
2 These are city-wide regulations.

3 We have the list of things that go
4 in this chapter, and tonight we are looking
5 specifically at parking, loading, and bicycle
6 parking.

7 Specifically for parking, there
8 will be additional information that comes in
9 the land use subtitle. So for parking in
10 particular, the standards vary by zone. We
11 have different standards in commercial from
12 residential from downtown.

13 And so when the subtitles for the
14 individual land use areas come forward, each
15 of those subtitles will have a parking table
16 in it. The subtitles will not have loading or
17 bicycle tables, because those don't vary by
18 zone, and you will actually be reviewing those
19 tonight. And we will get more into that.

20 As a quick background of what has
21 happened so far, we started looking at this
22 issue in early 2008. This was one of the

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1 first working groups we held that looked at
2 parking and loading in the spring. In the
3 summer of 2008, we came to you for preliminary
4 guidance, got guidance in July on parking, and
5 in September on loading. And the actual
6 guidance meetings were held later in the fall,
7 where you approved most of the concepts that
8 we had suggested for you.

9 Since that time, we have been doing
10 a lot of additional research. We have done
11 some work with DDOT, and you will see more of
12 that as we go through tonight.

13 How I'd like to proceed is we have
14 got three chapters. My thought is we'll
15 present one at a time and have discussion and
16 questions on each one before we go on to the
17 next one.

18 So with that, we will start with
19 parking tonight. There are -- let me see if
20 -- there are 14 sections of the parking
21 chapter, and I'm going to go -- just briefly
22 run through each one and explain what is in it

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1 and what it does.

2 The opening section, as with all of
3 our chapters, is an introduction to the
4 chapter, gives the intent of having parking
5 regulations. It also basically says that your
6 building certificate -- building permits and C
7 of Os are subject to compliance with this
8 chapter.

9 Also, a standard chapter throughout
10 subtitle B will be how this chapter relates to
11 the land use subtitles. And so this gives --
12 in the parking, this gives instructions for
13 where to look for your parking numbers, and
14 how you will codify new parking requirements.

15 Again, the minimum requirements for parking
16 are going to be in the zone subtitles. The
17 general rules for how parking is located,
18 etcetera, is in this chapter.

19 Now, when we talk about standards
20 being located within the subtitles, there are
21 some chapters or some subtitles that will not
22 have a parking table or a parking chapter.

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1 According to the guidance you have given us,
2 and the way that the code has been presented
3 thus far, there will be parking minimums in
4 subtitles D, E, and G, which are, you know,
5 the low density residential zones, R-1 to R-4,
6 the high density residential zones, R-5, that
7 are away from transit, and the commercial and
8 mixed use zones that are away from transit.

9 Zones that will not contain a
10 parking chapter or parking minimums include F,
11 H, I, and J, R-5 near transit, commercial near
12 transit, downtown, and industrial zones. So
13 the majority of the land uses in the top three
14 will have parking minimums. The majority of
15 the zones that are in the bottom four will not
16 have parking minimums.

17 So as we bring each of those
18 forward in the future, D, E, and G, we will
19 have a discussion at the time about the
20 appropriate parking minimums within those
21 zones.

22 COMMISSIONER MAY: Did you say the

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1 majority or all? I mean --

2 MR. PARKER: Sorry. What?

3 COMMISSIONER MAY: On the subtitles
4 without minimum requirements, is -- you said
5 it was the majority --

6 MR. PARKER: No, I'm sorry.

7 COMMISSIONER MAY: -- that were --

8 MR. PARKER: The majority of the
9 land area of the city is in the top three
10 categories, but all of the properties in the
11 bottom four will not -- it was an unnecessary
12 statement.

13 COMMISSIONER MAY: Will not have
14 minimums.

15 MR. PARKER: Will not have
16 minimums.

17 COMMISSIONER MAY: Okay. That just
18 got suddenly momentarily confused.

19 MR. PARKER: All right? So
20 Section 1502 lays out the requirements for
21 minimum parking. This is the application of
22 minimum parking requirements and the rules

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1 governing minimums. It covers things like,
2 you know, when you have to provide minimums
3 for building additions, for change of use, for
4 historic resources, how you can share minimum
5 requirements, where they need to be located,
6 and how car share fits into that.

7 And, again, this -- these rules
8 apply across the city, but will only be
9 applicable in the low density in the areas
10 away from transit.

11 1503 then gets into maximum parking
12 requirements. If you will recall from the
13 guidance, we talked in 2008 about applying
14 maximums in the city. At the time, we had
15 envisioned doing maximums by use and doing
16 them differently in different zones.

17 We came -- when we came through
18 with the downtown hearing, we had originally
19 suggested some use-based maximums, and met
20 with some resistance and met with some
21 constructive criticism on use-based maximums
22 in the downtown zone. And we stepped back

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1 from that, and this version of maximums that
2 is being presented to you is actually just a
3 city-wide general maximum. It doesn't apply
4 to a particular zone, doesn't apply to a
5 particular use. The idea here was to capture
6 the very largest projects.

7 And I want -- I do want to make
8 clear that this is intended as a matter of
9 right maximum, not an end-of-the-line maximum.

10 We will talk at the end about
11 special exception. Projects above these
12 proposed limits could come in for special
13 exception to go above this.

14 Since the advertisement of this
15 text, we have been working more closely with
16 DDOT on these maximums. And they have
17 suggested some changes and some alterations to
18 the text that you have in front of us.

19 I want to take a break before we go
20 on to the remainder of the parking subtitle or
21 sections and give DDOT a chance to present
22 some information on parking minimums and

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1 maximums that responds to our recommendations.

2 I'll give that to you guys.

3 So with that, Chris Delfs from the
4 Office of -- or from DDOT.

5 MR. DELFS: Okay. I didn't realize
6 we would get to do the fun stuff first. My
7 name is Chris Delfs. I manage our Strategic
8 Planning Branch for the District Department of
9 Transportation. And I thank the Zoning
10 Commission for the opportunity to speak
11 tonight.

12 Both Jamie Henson and I are here on
13 behalf of Karina Ricks, who is our Director of
14 Policy and Planning, and also the Agency
15 Director, Mr. Gabe Klein.

16 And as you might imagine, parking
17 is a topic that is near and dear to DDOT's
18 heart. We deal with parking issues on a daily
19 basis, and we are here, first and foremost, we
20 wanted to express support for the proposed
21 changes to the Zoning Code. In particular, I
22 think it is important that we recognize that

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1 we support the overall concept of parking
2 maximums. We truly believe that it is a good
3 one, and it is applicable for the District of
4 Columbia.

5 The District Office of Planning we
6 think has made a great start, but we are
7 actually here to urge OP and the Commission to
8 go a few steps further. Parking supply is
9 perhaps the most important tool for
10 controlling traffic impacts in the city street
11 network, and we are going to talk a little bit
12 more about that tonight.

13 Okay. I always think it is a good
14 idea to start with policy framework. I think
15 we -- it would help if we could set the stage
16 with the policy framework for zoning maximums.

17 And here are some excerpts from guiding
18 documents, the key guiding documents for the
19 District of Columbia.

20 The first is the 2050 Region
21 Forward Plan, which, as you can see there, it
22 states these are a couple of the primary

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1 targets that they -- that the regional
2 government has established. And the first one
3 is to reduce vehicle miles traveled per
4 capita, and then another target is to increase
5 the share of walk, bike, and transit trips in
6 the region.

7 If we step down from the regional
8 level, and we look at the D.C. comprehensive
9 plan, policy T-3.1.1 states, "Provide support
10 and promote programs and strategies aimed at
11 reducing the number of car trips and miles
12 driven to increase the efficiency of the
13 transportation system." And we would like to
14 present that zoning maximums are key to that.

15 And, finally, I am not sure if the
16 Commission has had an opportunity to look at
17 the DDOT action agenda, which was just
18 published this last year, which really lays
19 out a two-year road map for the agency, its
20 strategic goals. And one of those policies in
21 the action agenda is to support zoning code
22 updates that expand bicycle parking, amenity

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1 requirements, and implement vehicle parking
2 maximums, where feasible.

3 In the spirit of setting the stage,
4 we want to talk about why those policies are
5 so important. What are those policies
6 responding to? And this is the state of
7 affairs we are dealing with.

8 Mobility in the District right now.
9 We are the second most congested urban area
10 in the nation, and, in fact, our congestion
11 has grown the fastest of any urban area since
12 1982. This translates to 62 hours of delay
13 per person annually, and, if any of you all
14 commute in D.C., you know that the peak
15 period, the rushhour is spread not over a rush
16 hour but over multiple hours in both the
17 morning and the evening.

18 The metro rail system is
19 approaching capacity, and, on top of that, the
20 surface transit is constrained and slow in
21 many cases. And that is just mobility.

22 In addition to the miserable

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1 traffic congestion, our air quality is just
2 plain dangerous, or it is getting to that
3 level. The Washington, D.C. region is a non-
4 attainment area for ground-level ozone, and
5 also in the past year the American Lung
6 Association recently graded Washington, D.C. F
7 -- I assume for failure -- for ozone and
8 particulate levels.

9 I'm going to turn it over to Jamie
10 to talk a little bit about the future
11 development in D.C. and some of the travel
12 demand pressures we are going to be facing in
13 the near future.

14 MR. HENSON: Thanks, Chris. Again,
15 my name is Jamie Henson. I am the group
16 leader for our Systems Planning Group at DDOT,
17 directly under Chris Delfs, and so I will be
18 talking a little bit about our system impacts
19 that we can -- that we will -- we expect to
20 experience.

21 But, first, I want to just start
22 off with a good-sized list of development

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1 areas, the large development areas that we
2 have in the city that still are coming. So we
3 have the conditions that Chris mentioned --
4 extreme congestion, congestion stretching over
5 multiple peak hours, two and three, and some
6 days if it rains even considerably more than
7 that.

8 And then, on top of that, you've
9 got this long list of large areas left for
10 development -- NoMa, Mount Vernon Triangle,
11 the Riverfront, the Southwest Waterfront, the
12 MacMillan site. I mean, you can read -- I can
13 go on, but we all get the idea that it is --
14 there is a lot more to come in the District,
15 which is a great thing and things that we
16 support.

17 But the question is: how do we
18 provide that transportation capacity to make
19 that happen, to make the vision come? And so
20 we have to think through, what are the impacts
21 to our system from these developments?

22 And so what I'm going to do is give

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1 you a case study of what -- some work that we
2 have done in the NoMa area. About a year ago,
3 maybe a little more than that now, we
4 initiated a study of the NoMa area, assuming
5 that it would build out, which we hope for it,
6 and to see what the impacts of that buildout
7 would be.

8 So let me give you a brief summary.

9 Now, some of the numbers may be a little off,
10 but according to at least their bid they
11 expect 20 million square feet of development
12 in the area. There are 7,400 parking spaces
13 now.

14 CHAIRMAN HOOD: You know what? I
15 think -- I actually had a -- excuse me for
16 interrupting.

17 MR. HENSON: No, no, no. By all
18 means.

19 CHAIRMAN HOOD: I think I'm getting
20 ready to make all of our lives a little
21 easier. I actually had a comment from my
22 colleagues, and myself, too, because I

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1 probably was the one that started it. I feel
2 like I'm at a hearing, and I know it's very
3 detailed, and I know you all are doing exactly
4 what we asked. Is there any way we can kind
5 of hit the high points? We don't necessarily
6 have to go by every detail.

7 And I think through the whole --
8 through the other 40 slides, because let me
9 ask -- because we are going to get a lot of
10 this at the hearing, am I right, or am I --

11 MR. PARKER: Well, the important --
12 the reason we stopped -- yes, through the rest
13 of the presentation I am going to give you two
14 seconds on each section. The reason we
15 stopped here is that we are going to ask I
16 think for either you to set down, you know,
17 DDOT's recommendations in the alternative to
18 ours, or to give us some guidance on -- DDOT,
19 since our text, has offered some alternatives
20 on maximums. That is sort of what they are
21 leading up to here.

22 This is the one and only area I

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1 think that we have some changes to discuss in
2 our -- in the text that has been sent to you.

3 And we can try to keep it short.

4 COMMISSIONER MAY: Do you maybe
5 need more time to try to come up with
6 alternative text?

7 MR. PARKER: It's not a matter of
8 alternative text necessarily. That's a fairly
9 easy thing. This is really just a policy
10 decision. We --

11 COMMISSIONER MAY: So what would we
12 be setting down in the alternative, if there's
13 not text?

14 MR. PARKER: Just different number
15 -- the same text but different numbers.

16 COMMISSIONER MAY: Same text but
17 different numbers.

18 MR. PARKER: Different numbers.

19 COMMISSIONER MAY: Okay.

20 CHAIRMAN HOOD: So this is pretty
21 much the extent that we are going to get into
22 the full detail here. And after this, we will

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1 --

2 MR. PARKER: After this we will be
3 really quick.

4 CHAIRMAN HOOD: We'll do a set-
5 down. Okay. I gotcha.

6 MR. PARKER: We'll do a set-down.
7 This is just one area we need your guidance on
8 what to set down.

9 CHAIRMAN HOOD: Okay. All right.
10 Thank you. I'm sorry for interrupting.

11 MR. HENSON: No, no, no. By all
12 means, please interrupt. It's much more
13 interesting that way.

14 CHAIRMAN HOOD: Parties don't ask
15 us to do that very --

16 (Laughter)

17 MR. HENSON: So the potential
18 impacts of the development is there is the
19 potential for 12,000 new peak hour trips in
20 NoMa alone. And to give you a context for
21 what that means, an interstate highway
22 facility can handle approximately 2,000 cars

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1 per lane per hour. So 12,000 vehicle trips is
2 comparable to six lanes of freeway. And,
3 obviously, we don't have that capacity in that
4 area.

5 So it doesn't take too much to
6 figure out that the area in and around NoMa
7 doesn't work, so our arterial systems, they
8 don't function. NoMa-bound drivers are stuck
9 in congestion along New York Avenue, North
10 Cap, Florida, any other routes that they are
11 choosing to get in the city.

12 Travel times, not only to the folks
13 going to NoMa, but the areas outside of NoMa,
14 are going to be significantly impacts. So if
15 you are going into downtown along New York
16 Avenue, you are going to feel the impact, too.

17 So it's not just NoMa bearing NoMa's impacts.
18 It is NoMa causing impacts to everybody else.

19
20 And then, that is just on the
21 arterial network. As the arterials get more
22 crowded, it shifts traffic to our

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1 neighborhoods. And then, when you even get to
2 NoMa, it -- the network doesn't function. And
3 this is just NoMa. This is just one area. We
4 could probably name five -- four or five areas
5 comparable to NoMa that we have to figure out
6 how they work on a transportation perspective.

7 And so that's to give you the framework.

8 So the things that we look at to
9 implement in order to make our network
10 function is basically for the most part, in
11 general terms, is a shift in mode without a
12 reduction in the trips. And so what has to
13 happen, in some form and in some way, is that
14 vehicle trips must be shifted to other modes.

15 We just don't have the vehicle capacity. We
16 want the trips. We are very supportive.

17 We are doing everything we can to build
18 the infrastructure, so that there can be more
19 trips in this city. We are building great
20 street projects that expand our sidewalks. We
21 are looking at doing a variety of transit
22 improvements, a variety of -- that being

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1 street car, a bus, any number of things. And
2 so here is our general methods for addressing
3 that.

4 So we need to reduce the rate of
5 auto trip generation. There is really only a
6 few ways you can do that well. One is price
7 parking. Two is price the roadway. Three is
8 reduce the parking supply. And then, four is
9 to reduce the roadway supply, and we are doing
10 our best to do all of those. And so what we
11 want to do tonight is talk about reducing the
12 parking supply.

13 And then, the other things that we
14 can do are manage the lanes a little bit
15 better, potentially charge tolls, restrict.
16 We can put priority on transit, and then we
17 have transit-only lanes. But that's a
18 discussion for another time.

19 And I'm going to pass it back to
20 Chris to talk through some of the local versus
21 city/regional impacts.

22 MR. DELFS: I think I'm going to

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1 honor the request to skip forward a little bit
2 here. The reason why we believe that this was
3 so important to present to the Commission is I
4 think there needs to be a genuine
5 understanding of the traffic capacity issues
6 that we are facing here.

7 And we really wanted to draw a
8 distinction between local impacts of parking
9 maximums and system impacts of parking
10 maximums. So we recognize that there has been
11 a valid concern in the past about pressure on
12 neighborhoods that would be caused or
13 potentially caused by the implementation of
14 zoning maximums.

15 Those localized impacts are
16 typically acknowledged, but DDOT would like to
17 turn the question around and ask, what are the
18 impacts of not establishing parking maximums?

19 And, as Jamie described in the
20 previous slides, the District has serious
21 mobility challenges, so we have to grapple
22 with this. We have to come to terms with this

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1 in some form.

2 And degradation of service on the
3 network means both for motorists and for
4 service transit riders, it is both. It is not
5 -- we are not talking about one or the other
6 here.

7 I do have some information on
8 strategies that DDOT applies for dealing or
9 mitigating spillover effects caused by
10 development pressures. And we can get into
11 some of those parking strategies and other
12 traffic strategies if you'd like. But I think
13 at this point we will jump forward, and we
14 will make our recommendations on how we might
15 be able to modify the proposed zoning code.

16 MR. HENSON: So we'll skip through
17 briefly. I will give you a second to look at
18 this slide, but I'm not going to elaborate.

19 Okay. And here are some other
20 things that we do as well.

21 All right. So our general
22 recommendations are limit the parking supply.

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1 We've got to figure out how to do that. Now,
2 obviously, there are different ways that that
3 can be done, but ultimately from our
4 perspective that's what has to be done.

5 The things that we are thinking
6 towards are no parking minimums, lower parking
7 maximums or caps, and looking at transit-
8 oriented areas differently than non-transit-
9 oriented areas. Basically, in an
10 understanding that where we provide other
11 means to travel that there can be different
12 rates for parking.

13 And so, specifically for the areas
14 that are transit-focused, no parking areas
15 should have more than 250 parking spaces.
16 Now, with this caveat, I am going to leave it
17 to our colleagues at OP to talk through the
18 different variance processes, which I have no
19 pretention to understand. I am talking from a
20 transportation policy geek perspective here.

21 So please understand that this is
22 not the same -- I am not the same type of

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1 person that our colleagues at OPR -- they are
2 much better versed in going through these
3 details than I am.

4 Similarly, no parking area more
5 than one space per thousand square feet,
6 without some sort of zoning review. And then,
7 for the non-TOD areas, areas that may be
8 something like New York Avenue corridor, that
9 don't really have access to good transit, no
10 parking areas more than 500 spaces, and then
11 areas with three spaces per thousand -- or no
12 parking more than three per thousand without a
13 zoning review.

14 And I wanted to show you one other
15 bit of information. I think you should be
16 able to see this. These are what we have come
17 across as best practices in other cities. So
18 there is a ratio per thousand square feet of
19 development, a parking ratio.

20 And so the top line is for Portland
21 office in their central business district and
22 transit mall area, and that is .7 to .8

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1 parking spaces per thousand square feet, one
2 per thousand in retail areas in their central
3 business district. Milwaukee is one per
4 thousand for office, two per thousand for
5 retail city-wide.

6 I will skip down to our federal --
7 our partners at NCPC imposed a one to four
8 ratio, one parking space per four employees,
9 which in essence works out to about one per
10 thousand square feet. At least it has at St.
11 Elizabeths, give or take.

12 And then, you can see the example
13 of European cities, which are .2 to .37 per
14 thousand square feet.

15 And with that, I will stop, and
16 Chris and I will be glad to hear questions,
17 or, guys, if you would like to --

18 MR. PARKER: I will just finish up
19 the rest of the chapter, and then we will come
20 back to this issue in particular, because this
21 is the one that we want your guidance on. And
22 I don't need to spend any time on this

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1 section.

2 1504 is requirements for car-
3 sharing. Section 1505 is, you know, general
4 rules of calculation for how you calculate
5 your minimum parking requirements in certain
6 situations. 1506 pulls some stuff from the
7 existing code and adds to it basically no
8 parking in the front yard or in front of a
9 building, and also adds a section to say that
10 where you have parking in a building it must
11 be set back from the front of the building.
12 So you have to have some liner use on the
13 ground floor.

14 1507 has to do with access
15 requirements, how you access onsite parking.
16 And the important component here is, if you
17 have alley access, you must use it. If you
18 have multiple streets, you have to use the one
19 of the lower classification.

20 1508 is just a matter of updating
21 the standards for parking space and aisle
22 size. 1509, very straightforward, maintenance

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1 of parking areas. 1510 has some new items.
2 This is enhanced landscaping requirements for
3 surface parking lots. This is the new
4 requirements that we talked about in 2008.
5 Ten percent of the surface parking lot must be
6 landscaped, and every five spaces -- you have
7 to have one tree for every five parking
8 spaces.

9 1511, you know, the comp plan talks
10 about discouraging drive-thrus, and we would
11 just as soon that we didn't have drive-thrus
12 anywhere. But in the absence of outright ban
13 on them, this section provides requirements
14 and standards for drive-thrus.

15 1512 is a section for exceptions
16 from the rules, not special exceptions but
17 matter of right exceptions from the rules.
18 Right now there is only one that is pulled
19 from our existing code, and that is exceptions
20 for the layout requirements when you have
21 attendant parking.

22 1513 gets into the six types of

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1 special exceptions, and basically the first
2 three are -- allow partial to complete relief
3 of minimums for different things, and the last
4 four -- number four is relief from maximums.

5 And, again, like I said, whatever
6 level you set the maximum as, it just means
7 that above that level would require zoning
8 review under this special exception. Number
9 five is special exception from driveway
10 locations, and six is from screening
11 requirements.

12 So those are the sections in our
13 parking chapter. We want a couple things.
14 We'd like, A, for you to set down this
15 chapter. We'd like to hear your thoughts or
16 concerns. And, C, we'd like to have some
17 discussion and some thought from you on the
18 parking maximum issue.

19 And I'm happy to take your
20 questions, and DDOT is here as well.

21 CHAIRMAN HOOD: Okay.
22 Commissioners, any questions? Comments?

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1 Commissioner May?

2 COMMISSIONER MAY: All right. I'll
3 try to be fast, but I can't promise it. When
4 we got into our little exchange early on about
5 parking minimums and where they would or would
6 not apply, you made the statement that the
7 first four zones or the first four use types,
8 whatever, would be the majority of the city.
9 Have you actually mapped that? And could you
10 bring that to the hearing?

11 I'm just trying to figure out where
12 the minimums would not apply, and, if that has
13 been mapped.

14 MR. PARKER: Well, not completely,
15 no. There is some difficulty with the half-
16 mile around and quarter-mile. We have to
17 actually go and move that line based on
18 property. So --

19 COMMISSIONER MAY: Okay.

20 MR. PARKER: -- we can give you
21 some bubble maps, some generalized maps, but
22 we don't have --

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1 COMMISSIONER MAY: Yes. Something
2 to give us an indication of the extent I think
3 would be very helpful at the hearing, and I'm
4 sure the public would be interested in that.

5 MR. PARKER: Okay.

6 COMMISSIONER MAY: I am also very
7 interested in the -- addressing the issues of
8 maximums and spillover, no matter how we
9 handle maximums. And so that slide with the
10 different strategies, I would like to hear
11 that out in full detail. And hopefully the --
12 DDOT is moving as aggressively in some of the
13 other fields, like residential parking permits
14 and things like that, that can be helpful to
15 be used in coordination with this.

16 MR. PARKER: We brought that today
17 just for you.

18 COMMISSIONER MAY: Thanks. And I
19 don't really need to hear it now. I just need
20 to know that it's going to be at the hearing.
21 And, again, I'm hoping DDOT is going to be
22 very aggressive in their treatment of how they

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1 manage that particular problem, because it's a
2 problem even today.

3 I have a -- I mean, at this point
4 -- and, again, once I -- I'm sorry, I failed
5 -- I could have done all this stuff in
6 writing, but I couldn't get it done fast
7 enough. But I have a handful of questions
8 that are sort of section by section, if that's
9 all right.

10 MR. PARKER: Okay.

11 COMMISSIONER MAY: And I'm not
12 looking for answers. These are just things
13 that it would be helpful to address.

14 I assume that -- you refer to
15 historic resources in the text, and I assume
16 that at some point that will be defined. It
17 might be helpful for us to have the draft
18 definition of that by the hearing, just so
19 that we know what that really refers to.

20 When it comes to parking maximums,
21 in the text, the current text says, "No
22 parking area shall have more than a thousand

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1 parking spaces." And it sounded from your
2 report that there were really very few parking
3 lots that are like that. So if you could just
4 give us examples or tell us which ones are
5 that large, again, just to get a sense of the
6 context.

7 Shared -- car-sharing. There is a
8 provision that the space be offered at no cost
9 to a car share organization. But if you get
10 multiple offers, you can basically bid for it.

11 I guess I am -- I know we did
12 discuss this when we gave you guidance, and I
13 question whether that really is the right
14 strategy. So I'm just -- be forewarned that
15 that is going to be something that I'm going
16 to want to explore a little bit further.

17 My thinking is that it should be --
18 you know, the required minimums might be
19 something that have to be offered at no cost,
20 no matter what. And then, where it becomes
21 advantageous might be in -- when they provide
22 additional spaces above and beyond that. So

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1 that was just a thought.

2 Let's see. Section 1506.4, I'm
3 curious as to how the -- you know, the
4 requirement that the -- I guess it's the
5 second diagram, or maybe it's both of the
6 diagrams in 1506.4. If the property lines are
7 sloped, how does the -- how does that change
8 the requirement that parking spaces that are
9 on the facade be 10 feet below grade? So if
10 you have a slope, does that mean that the
11 parking spaces have to follow that slope, or is
12 it from a -- set by a measuring point on the
13 building? Do you understand what I'm asking?

14 MR. PARKER: Yes.

15 COMMISSIONER MAY: Because it
16 could --

17 MR. PARKER: Yes.

18 COMMISSIONER MAY: It could tangle
19 you up, I think. I have a couple of little
20 diagram things that are probably not very
21 important, but -- so I'll skip those.

22 At least -- what is the split now

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1 between full size parking spaces and compact
2 spaces?

3 MR. PARKER: In the current code?

4 COMMISSIONER MAY: Yes.

5 MR. PARKER: Twenty-five percent.

6 COMMISSIONER MAY: Twenty-five.

7 And so we'd go up to 50. Okay.

8 Do we have -- I've forgotten, do we
9 have a special exception that applies
10 specifically to that?

11 MR. PARKER: I don't know the
12 answer to that.

13 COMMISSIONER MAY: Okay. That
14 might be something worth considering as well,
15 because it may be that you want to increase
16 the ratio of compact spaces.

17 MR. PARKER: Okay.

18 COMMISSIONER MAY: In certain
19 circumstances.

20 MR. PARKER: Was there any concern
21 with the jump from 25 to 50, or was that --

22 COMMISSIONER MAY: No.

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1 MR. PARKER: -- just information?
2 Okay.

3 COMMISSIONER MAY: No. I mean, the
4 only reason concern with that is the people
5 who drive SUVs who think that they are compact
6 cars. But there is just no way to do that,
7 deal with that.

8 1509.3, what is striped and lined?
9 Is it -- I mean, those sound like the same
10 thing.

11 MR. PARKER: I think that's
12 probably a quote from our code. So --

13 COMMISSIONER MAY: Okay. Well,
14 then, just, you know --

15 MR. PARKER: I can --

16 COMMISSIONER MAY: If it's
17 redundant, we ought to clarify it. So you
18 mentioned the drive-thru queuing lanes, and
19 you said, you know, we don't really want them,
20 but, to the extent that we have them, this is
21 how they work. Who gets to control whether or
22 not we allow them?

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1 MR. PARKER: You do.

2 COMMISSIONER MAY: So are you
3 considering proposing that we not allow them?

4 MR. PARKER: We hadn't even gone
5 that far in our recommendations. I think we
6 would be open to such guidance from you.

7 COMMISSIONER MAY: Well, I -- it
8 sounds like it's an environmentally -- some
9 direction that we would want to consider. I
10 don't know if we really want to go there, but
11 I don't know. I mean --

12 MS. STEINGASSER: It's much more
13 than a parking issue. We're looking at it in
14 terms of land use and where it would be
15 appropriate, and on certain corridors where it
16 might be appropriate and how it's used. But
17 we're not looking at an outright prohibition
18 on drive-thrus throughout the city.

19 COMMISSIONER MAY: Yes. And I'm
20 just asking, why not?

21 MS. STEINGASSER: Well, because
22 despite what we all say, we all use them.

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1 They are highly popular when it's raining and
2 you want to go to the bank, when you've got a
3 car full of kids and you're coming back from a
4 ball park and they need sodas, when you're
5 picking up dry cleaning. So it's how they're
6 used --

7 COMMISSIONER MAY: Yes.

8 MS. STEINGASSER: -- and where we
9 put them that's more appropriate.

10 COMMISSIONER MAY: Okay. I don't
11 know. We might want to explore that one a
12 little bit further, because I know, I mean, I
13 use them, too, but when they're not there I
14 don't use them. I go to the place where you
15 have to park and get out of the car, and my
16 kids have not, you know, starved as a result.
17 They are far from starved.

18 Okay. On 1513.3, the -- I'm a
19 little confused, because I was expecting to
20 see an overall limitation of the reducing
21 parking requirements -- an overall limit of 50
22 percent. And maybe it's in there somewhere,

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1 but it's in the guidance, that below 50
2 percent you need an area variance.

3 MR. PARKER: I'm sorry. What
4 number are you --

5 COMMISSIONER MAY: 1513.3, and
6 maybe I'm looking in the wrong place.

7 MR. PARKER: I can answer that.
8 The version that we sent to the task force,
9 you could only get a special exception up to
10 50 percent. And the task force had some
11 vigorous debate on that, and quite a few
12 opinions came out that if you can make the
13 case for a 60 or a 75 percent reduction, why
14 not allow it? Make the case in a positive
15 manner, in a special exception manner, rather
16 than a practical difficulty.

17 COMMISSIONER MAY: Right. But our
18 guidance to you was based on the assumption
19 that any relief beyond 50 percent would
20 require an area variance.

21 MR. PARKER: That is true, and we
22 are happy to put it back that way.

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1 COMMISSIONER MAY: I mean, I think
2 it would be consistent with our prior
3 guidance. I'm certainly interested in having
4 that discussion of what the lower limit should
5 be or if there should be a lower limit. But
6 it seems to me we spoke on this once before.
7 I'd prefer to see it consistent with that.

8 MR. PARKER: Okay.

9 COMMISSIONER MAY: And I'm a little
10 confused by 1513.3(d), which basically says
11 that if you can't fit the parking spaces, you
12 can qualify for a special exception. Is that
13 right? I mean, you can't fit them, you
14 qualify.

15 MR. PARKER: Right.

16 COMMISSIONER MAY: I'm not entirely
17 comfortable with that.

18 MR. PARKER: That should be a
19 variance, is your --

20 COMMISSIONER MAY: Well, I'm not
21 sure. And I'm not saying that it should be
22 set down differently. I'm just -- I think

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1 that's just going to be one that we're going
2 to have to discuss in the hearing.

3 And that's it for me. Thank you,
4 and thank you, fellow Commissioners, for your
5 indulgence.

6 CHAIRMAN HOOD: Okay. Thank you.
7 Any other questions, comments? Mr. Turnbull?

8 COMMISSIONER TURNBULL: Yes, Mr.
9 Chair. Thank you.

10 I wanted to go back to the maximum
11 issue. And I lost my place here.

12 COMMISSIONER MAY: 1503.3?

13 COMMISSIONER TURNBULL: Yes.
14 Looking at 1503.2, when a single use -- and I
15 guess I'm trying to look at this from not only
16 a transitory development, but in light of the
17 remarks by DDOT, "When a single use falls into
18 more than one use category, which is different
19 parking maximums, the standard allowing the
20 greater number of parking spaces shall apply."

21 In light of what DDOT was just
22 saying, are you -- is this going to change?

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1 MR. PARKER: No. I should clarify
2 the section a little bit more, if people have
3 this in front of them. 1503.1 and .2 are
4 predicated on a system where particular zones
5 have particular maximums by use. We aren't
6 proposing that as part of our zoning review,
7 but we wrote it so that in the future it could
8 be done.

9 Chances are -- I think the right
10 thing to do in terms of .1 and .2 is just to
11 take those out and put them in at a future
12 date, if we have use-based maximums.

13 COMMISSIONER TURNBULL: Okay.

14 MR. PARKER: 1503.3 is intended to
15 be city-wide. It's not zone-based, it's not
16 use-based. Every lot in the city would have
17 to conform to that maximum.

18 The recommendation that DDOT is
19 making is take that city-wide maximum and
20 lower it. That it is not effective as --

21 COMMISSIONER TURNBULL: Yes. You
22 know, we've gotten into this with PUDs, you

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1 know, and we've got these mixed uses and we
2 struggle back and forth. You've got to have a
3 certain percentage for residential, a certain
4 percentage for the commercial retail.

5 MR. PARKER: That's one of the
6 arguments for not doing it use-based is that
7 it's hard to administer when you have mixed
8 use projects.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 CHAIRMAN HOOD: Anybody else? Vice
12 Chairman Schlater?

13 VICE CHAIRMAN SCHLATER: Thank you,
14 Chairman Hood. I guess I'll address the
15 parking maximums first. I think there are
16 certainly arguments against the parking
17 maximums in terms of hurting competitiveness
18 of new developments in the city. I think
19 that, you know, if you put a parking maximum
20 on a retail use, and the retailer could just
21 thumb its nose at the District and move out to
22 the suburbs, I mean, I think those are the

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1 arguments you hear a lot of times.

2 But I see those other cities that
3 are doing it successfully, and I think over
4 the long term it can be of great benefit to
5 the city in terms of reducing congestion and
6 traffic and reliance on cars, and encourages
7 the use of mass transit in the city.

8 And so I come out in favor of
9 strengthening the TOD maximums that have been
10 put in the report. I think it is an important
11 message for us to send, that we are trying to
12 reduce our reliance on cars in the city. And
13 so I don't know if the maximums proposed by
14 DDOT are exactly the ones that I would
15 support.

16 I think a maximum 250 parking space
17 garage, for instance, doesn't make a lot of
18 sense, because they are big sites, and
19 sometimes you're going to have a huge square
20 that is going to have three levels of parking
21 and it's going to be more than 250 spaces.
22 And that's fine. If it's a million square

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1 foot development, you're going to need more
2 parking spaces.

3 But I do think something like a one
4 space per thousand makes sense. I just -- the
5 only thing that I would look at is whether
6 there should be some differentiation on retail
7 or not. I wonder whether a Target would come
8 into the city if a one space per thousand
9 limit were placed on them. And we certainly
10 don't want to discourage retailers from coming
11 in the city. That's a goal we all have.

12 So I'd ask you to take a look at
13 that. I think it's something we should do.
14 I'm going to come out strongly in favor of the
15 maximums. Let's just make sure we get it
16 right.

17 Why did DDOT -- I mean, why did OP
18 choose to go with the less restrictive
19 standard?

20 MR. PARKER: Well, at the time we
21 hadn't had a complete discussion with DDOT.
22 We based our standards on just catching the

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1 worst-case scenarios. Publication of our
2 standards prompted a fuller discussion with
3 DDOT, and that's why we're here tonight with
4 them.

5 VICE CHAIRMAN SCHLATER: So you
6 would -- OP would not oppose a stronger --

7 MR. PARKER: Not oppose. We think
8 there is more analysis to be done, like you
9 said, for, you know, retail and the impacts.
10 But we would not necessarily oppose lower
11 maximums.

12 VICE CHAIRMAN SCHLATER: Okay. I
13 don't think I need to say more on that, except
14 that I think we should go in the direction of
15 trying to strengthen those maximums and become
16 a model for the rest of the country on that.

17 COMMISSIONER MAY: I just wanted to
18 follow up on that. Do I understand correctly
19 that the only thing that DDOT is, therefore,
20 now proposing is a -- in 1503.3(b), the max
21 would be 250, and 1503.3(c), the max would be
22 one per thousand?

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1 MR. PARKER: I think they proposed
2 two things. They proposed splitting 1503.3
3 into a TOD limit and a non-TOD limit. And the
4 TOD would be 250 parking spaces and one per
5 thousand. The non-TOD would be 500 parking
6 spaces and three per thousand.

7 COMMISSIONER MAY: Okay. And is
8 that the totality of what DDOT is
9 recommending? Because I also saw something
10 about having no minimums city-wide. And I
11 didn't know if that was part of the
12 recommendation or not, or at least --

13 MR. DELFS: In think the more
14 important aspect for us is to make sure that
15 we are hitting these transit-oriented areas.
16 I think having no minimums there is
17 particularly important. However, I wouldn't
18 take no minimums off the table for the whole
19 city, because I do think in some -- it gets a
20 little bit tricky, but in some areas it could
21 be workable.

22 But, again, I want to reiterate

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1 that the key part for us is really protecting
2 those transit-oriented areas.

3 COMMISSIONER MAY: Thanks. I mean,
4 when it comes to parking maximums and whether
5 we should advertise something in the
6 alternative, I have no difficulty with
7 advertising something in the alternative and
8 hearing what the public has to say, and then
9 --

10 MR. PARKER: The question becomes,
11 do you want us to advertise in the
12 alternative, or advertise what DDOT has
13 proposed?

14 COMMISSIONER MAY: I would prefer
15 it in the alternative, because I think it
16 brings the appropriate level of attention to
17 it, but --

18 MR. PARKER: Okay.

19 COMMISSIONER MAY: -- I mean, I --

20 VICE CHAIRMAN SCHLATER: I think I
21 would agree in the alternative, because I
22 don't think DDOT's proposal is the right one

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1 yet. I think it's -- there's a middle ground
2 there. But I think splitting it into TOD
3 versus non-TOD, that's absolutely the way to
4 go.

5 CHAIRMAN HOOD: Anybody else?
6 Since the question is on the table, I actually
7 favor in the alternative, so I'm glad we
8 started with everybody else is in the
9 alternative. Any other questions Have you
10 finished?

11 VICE CHAIRMAN SCHLATER: No. I was
12 just getting started.

13 CHAIRMAN HOOD: Oh, I'm sorry. Go
14 ahead.

15 (Laughter)

16 VICE CHAIRMAN SCHLATER: Kidding.
17 I'll be quick. On the question of drive-
18 thrus, I would definitely be interested in
19 just examining an outright ban on drive-thrus
20 in certain parts of the city. There are
21 definitely certain parts of the city that have
22 a less dense urban feel, but when I'm going to

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1 work in the morning, and I go by the drive-
2 thru McDonald's at South Capitol and I Street,
3 Southeast, it is just not right for that area,
4 and it shouldn't be allowed.

5 COMMISSIONER MAY: That's the one I
6 use on the way to the Zoning Commission.

7 (Laughter)

8 MS. STEINGASSER: I just want to --
9 we're looking at -- we're just not looking at
10 it as part of parking. It's a use issue that
11 we will be looking at when we start going
12 through the zone districts, where is it and
13 how it's used. But it's -- I don't want to
14 come off, by any means, as an advocate for
15 drive-thrus, but there is a -- there is a
16 community that likes them, and where they're
17 used and how they're used is all -- but it's a
18 -- message received and --

19 VICE CHAIRMAN SCHLATER: Sounds
20 good.

21 MR. PARKER: It may not be in the
22 text, so the text of limitations on drive-

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1 thru, but, yes, when the chapters come.

2 VICE CHAIRMAN SCHLATER: And then,
3 just a -- what happens -- if you do your
4 required parking spaces, and you send them
5 offsite, within 400 feet, and then that
6 agreement lapses, do you lose your certificate
7 of occupancy, is that how that works, or --

8 MR. PARKER: In theory, you are
9 required to report to the Zoning Administrator
10 and find other -- find another alternative.
11 You have a requirement to provide so many
12 spaces. So, I mean, obviously enforcement of
13 that would be an issue. But, in theory, yes,
14 the Zoning Administrator would have to enforce
15 the lack of parking.

16 MR. BERGSTEIN: No. He has the
17 option to start with fines. I mean --

18 MR. PARKER: Sure.

19 MR. BERGSTEIN: -- revocation of C
20 of 0 is not the only enforcement mechanism.
21 So if you are in violation of the zoning
22 regulations because you don't have the minimum

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1 amount of parking on your lot, then the Zoning
2 Administrator might first try fining you every
3 day.

4 VICE CHAIRMAN SCHLATER: How would
5 anybody ever know?

6 MR. BERGSTEIN: Because, well,
7 there's an obligation at least to -- well,
8 first of all, the --

9 VICE CHAIRMAN SCHLATER: To turn
10 yourself in?

11 MR. BERGSTEIN: Well, the -- what?
12 Sorry?

13 VICE CHAIRMAN SCHLATER: There is
14 an obligation to turn yourself in?

15 MR. BERGSTEIN: Yes, there is. But
16 also, the agreements will probably be for a
17 finite period of time, and certainly the
18 Zoning Administrator can track that, and then
19 inquire whether or not, if the agreement has
20 been -- you know, the term has been exceeded,
21 then he can inquire as to where is the new
22 parking.

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1 VICE CHAIRMAN SCHLATER: I guess my
2 point would be self-enforcement may not be the
3 best way to go about that.

4 COMMISSIONER MAY: Is that the sort
5 of thing that gets checked if you have to go
6 for a public permit? I mean, would you have
7 to prove that you -- you have a C of O in good
8 standing before you got a building permit, or
9 something like that?

10 MR. BERGSTEIN: Well, there is no
11 general -- what's the thing called?

12 COMMISSIONER MAY: C of O's seem to
13 be -- like last forever with no -- no
14 checkups.

15 MR. BERGSTEIN: There is no general
16 cross-checking or proof of -- there are
17 certain things -- for some reason I can't
18 think of the name of that act, where you have
19 to assert that you are not delinquent in your
20 taxes, that you are not delinquent in your
21 child support, that you have paid your motor
22 vehicle bills. There is that act that applies

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1 across the board. I just can't think of what
2 it is. That's right, the Clean Hands Act.
3 Thank you.

4 And that is the only piece of
5 legislation that says across the board, before
6 you get any license, before you get any
7 building permit, before you get any C of O,
8 you have to prove that you don't have these
9 certain deficiencies. But not -- I mean, a C
10 of O is not one of them.

11 COMMISSIONER MAY: All right.

12 VICE CHAIRMAN SCHLATER: A quick
13 question on these lined areas for the above-
14 grade garages. Is that to encourage people to
15 put retail or -- what is the --

16 MR. PARKER: It's to encourage
17 people to put anything but parking on the
18 ground.

19 VICE CHAIRMAN SCHLATER: On the
20 ground floor. Gotcha. Seems like a good
21 incentive.

22 On 1507, it -- I think your report

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1 basically said that we are trying to join the
2 zoning regulations with DDOT standards on how,
3 you know, curb cuts and parking access works.

4 I look at it, and there is a lot of rules in
5 there.

6 And I know I've seen a few projects
7 go through DDOT where these rules have
8 attempted to be applied, and there is -- to
9 me, it seems like there is a lot of cases
10 where you have special circumstances, and
11 you've got to make an exception.

12 And what we're doing here is saying
13 instead of going to DDOT to get a special
14 exception from these basic rules, you're going
15 to have to go to BZA to get an exception to
16 the special rules, adding costs in time and
17 effort. I wonder, this is new, correct, 1507?

18 Do we have a variant of this in the regs
19 today?

20 MR. PARKER: There are -- parts of
21 it are completely new, but parts of it are --
22 I'll let Dan answer which are which.

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1 MR. EMERINE: Yes. Currently, you
2 know, some of the driveway widths, for
3 example, are in Chapter 21 already. The rule
4 about a driveway opening onto a street shall
5 be so many feet from the intersection
6 currently exists in zoning, although we are
7 updating that standard to make it more
8 consistent with DDOT's established practice
9 and regulations.

10 So, yes, parts of it are new, but
11 the --

12 VICE CHAIRMAN SCHLATER: The
13 rowhouse information is in the current code.

14 MR. EMERINE: Right.

15 VICE CHAIRMAN SCHLATER: Okay. I
16 don't know. I'm a little uneasy about this.

17 One question I have is, on 1507.5,
18 requiring parking access from an alley of
19 greater than 20 feet, you can't come off the
20 street, is that -- that's only public alleys?
21 Or is that -- that includes private alleys?

22 MR. EMERINE: Public alleys.

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1 VICE CHAIRMAN SCHLATER: There is a
2 fair number of public alleys in the city that
3 I wouldn't want a drive-thru in back of, just
4 because there is a mess of loading vehicles,
5 there is trash receptacles. There is all
6 sorts of stuff going on back there that you
7 don't necessarily want to be involved in.

8 And then, there are some alleys in
9 the city that, unfortunately, DDOT hasn't
10 gotten around to paving in a long time, and
11 there's huge potholes and it's dangerous.

12 So I just wonder, if we're starting
13 to mandate that you have access to your
14 parking garage from these alleys, is DDOT then
15 making a commitment to policing those alleys
16 better and making them accessible? Because I
17 don't think that's the case today, if you walk
18 around town.

19 MR. DELFS: We can ask DDOT to
20 respond to that at the hearing, unless --

21 MR. EMERINE: One of the things
22 that we'll also probably need to do is to have

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1 a definition of an improved alley, because
2 that may address some of the concerns that you
3 are raising.

4 MR. DELFS: If I could jump in
5 briefly, I won't make the commitment that we
6 are going to pave every alley in the city, but
7 I do think that there is some importance -- I
8 think there is -- in making sure that these
9 standards across the different texts do line
10 up, I think it has been a source of confusion,
11 both for developers, private parties, and for
12 District staff who are trying to apply them.

13 So I think wherever we have
14 opportunities to make them line up, I do think
15 that we should take the opportunity.

16 The DDOT design and engineering
17 guidelines, in some cases, are slightly
18 different than the downtown regulations, which
19 are slightly different than the Zoning Code.
20 And I think that it would help everybody if we
21 could match those up.

22 VICE CHAIRMAN SCHLATER: Does DDOT

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1 still have in place a ban on curb cuts? Would
2 you like us to put that in there, too? I
3 mean, these things change all the time. I
4 guess that's my --

5 MR. DELFS: I'll say that we look
6 at curb cuts with a critical eye. I don't
7 think that -- I don't think our practice has
8 changed regarding curb cuts in quite some
9 time. I think we have applied a consistent
10 approach, and, in fact, we have a departmental
11 order, and we have been working on regulations
12 with the Mayor's office. So we have been
13 trying to move them forward so that they go
14 beyond practice and are actually enshrined in
15 policy and in regulation as well.

16 VICE CHAIRMAN SCHLATER: Are these
17 regulations enshrined in policy and
18 regulation, the ones that we're talking about
19 today? Or are they more guidelines that are
20 used internal to the office?

21 MR. DELFS: The --

22 VICE CHAIRMAN SCHLATER: Well,

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1 let's just talk about, you know --

2 MR. DELFS: Which ones in
3 particular are --

4 VICE CHAIRMAN SCHLATER: 1507, say,
5 access requirements. Is that an official
6 policy, or is that a --

7 MR. DELFS: Yes, this is DDOT
8 practice at this point. I mean, I think this
9 is one of the things that we are working to
10 establish also through our policy and
11 regulations, and this is an example of where
12 it would be of benefit to make it consistent.

13 VICE CHAIRMAN SCHLATER: Are they
14 regulations, or are they policy?

15 MR. DELFS: At this time, I believe
16 that they are policy. But they are in
17 regulation form. We are working with the
18 Mayor's office to get those passed.

19 VICE CHAIRMAN SCHLATER: Okay. I
20 have some concerns, but I don't need to
21 belabor it.

22 MR. DELFS: Okay. And I should be

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1 frank, also, that, you know, I can look more
2 carefully at the dimensions in this particular
3 section and line them up with what we have in
4 our curb cut policy and proposed regulations.

5 VICE CHAIRMAN SCHLATER: Okay. Mr.
6 Parker, does 1508.9, is that intended to ban
7 parking -- sub-grade parking garages in vault
8 space?

9 MR. PARKER: It is not. But,
10 actually, that is a holdover from our -- a
11 pullover from our current regulations. We can
12 add some text in there that that is meant to
13 apply above grade.

14 VICE CHAIRMAN SCHLATER: Okay.
15 That's all for me. Thank you very much.

16 CHAIRMAN HOOD: Any other
17 questions?

18 (No response)

19 Let me just -- I heard discussions
20 about the drive-thrus. I'm not sure if I'm
21 there with my colleagues. I'm more in tune
22 with what I heard from Ms. Steingasser, so it

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1 would be an interesting discussion.

2 With these parking maximums, for me
3 I need to see a real-live situation. And I
4 know you all have probably done a lot of
5 studies. But I will ask -- let's do one thing
6 -- this Commission grapple with, even though
7 it was a map amendment, let's do the Giant and
8 the Home Depot on Rhode Island Avenue.

9 Let's plug in the equation of what
10 OP is recommending versus what DDOT is -- I
11 mean, DDOT is recommending. And I'd like to
12 see how that actually works. That's more of a
13 real situation. I'm not saying that's going
14 to be the fix-all for everything in the city,
15 but that will help me kind of figure out which
16 way we want to go, since we are going to do
17 everything in the alternative. And that's
18 really all I have.

19 Anything else? Anybody else?
20 Commissioner May?

21 COMMISSIONER MAY: Yes. I just
22 want to mention the change that I had

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1 suggested before with regard to the 50 percent
2 limit on the reduction of parking, since that
3 did come from the working group, is that
4 right?

5 MR. BERGSTEIN: The task force.

6 COMMISSIONER MAY: The task force.

7 I can't remember what the names are -- that
8 maybe we should -- with that change we should
9 advertise that in the alternative as well, so
10 that, you know, we know that there has been
11 some --

12 MR. BERGSTEIN: The problem with
13 advertising in the alternative is that the
14 alternative is nothing. In other words,
15 either you have a special exception or you
16 don't.

17 MR. PARKER: No. It's one at 15,
18 one at 100 percent.

19 MR. BERGSTEIN: Oh, oh, I see.
20 Okay.

21 COMMISSIONER MAY: Okay. Thanks.

22 CHAIRMAN HOOD: Now, Mr. Parker,

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1 was a lot of this -- this was already vetted
2 through the work -- I mean, the task force,
3 not the working group but the task force.

4 MR. PARKER: Everything -- yes,
5 every text you see will have been through the
6 task force twice, once as concepts and once as
7 tasks -- text.

8 CHAIRMAN HOOD: So, and I know this
9 was a concern early on, especially when we go
10 in front of the Council, but I'm just curious,
11 were a lot of the things taken into
12 consideration actually put into this? Did we
13 --

14 MR. PARKER: That's an example of
15 one that, yes, they had a strong opinion that
16 -- a lot of the task force members had a
17 strong opinion that, you know, you should be
18 able to ask for whatever percent. And so
19 that's an example of something that we
20 changed.

21 CHAIRMAN HOOD: Okay. All right.
22 Any other questions?

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1 (No response)

2 Okay. I guess we can move on, Mr.
3 Parker.

4 MR. PARKER: All right. The next
5 chapter we are going to chat about tonight is
6 bicycle parking. And, again, I will try to be
7 very quick.

8 CHAIRMAN HOOD: I may let Mr. May
9 take over on this one.

10 (Laughter)

11 MR. PARKER: No problem.

12 All right. Again, the same two
13 opening chapters, an introduction to the
14 bicycle parking chapter and a relationship to
15 the land use subtitles. 1602 gets into
16 general requirements for bicycle parking.
17 This is standards that apply to all bike
18 parking, whether short or long term. And I'll
19 get into what short and long term mean in a
20 second. But things like signage, rack
21 requirements, etcetera. And there are some
22 examples of what is and is not acceptable.

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1 1603, then, is the meat. That is
2 the table of requirements, and, keep in mind,
3 this is different from parking. Parking
4 varies by zone. Bicycle parking does not.
5 Every use has the same bicycle parking
6 requirements, regardless of zone, across the
7 city.

8 The existing code, it's done by
9 percentage. Your bicycle parking requirement
10 only applies in certain zones, and it's a
11 percentage of your required vehicle parking.
12 For several reasons, but mainly because a lot
13 of places will no longer have required vehicle
14 parking, we need to shift from that system to
15 one that works just like the parking does, and
16 assigns a number by use.

17 And so every use, with the
18 exception of a couple of them, in every zone
19 will have a bicycle parking requirement. And
20 the standards are based on our work with
21 Nelson/Nygaard in 2008, heavy consultation
22 with DDOT on this, and the experience of both

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1 of those bodies with a lot of actual usage.

2 So 1603 has a table, and you can't
3 read it on the screen, but it covers all of
4 our 28 proposed use categories and provides
5 bike parking requirements for each one, both
6 short term and long term. And, again, I'll
7 talk about those in a second.

8 1604, the rules of calculation.
9 This is the same rules as the parking chapter
10 for, you know, when to round and when to
11 exclude particular pieces of GFA from your
12 calculation.

13 1605 is the rules for short-term
14 parking. Short-term parking is intended for
15 visitors. It's typically outside of the
16 building, somewhere near the front entrance.
17 This is provided as racks, and this section
18 has requirements for maneuvering and lighting
19 and other standards for this type of parking.

20 1606 then has the rules for long-
21 term parking. This is interior parking to the
22 building. This is parking for residents or

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1 employees. It is intended to be secured
2 parking, and requirements include where it can
3 be in the building, again, design and access
4 requirements and lighting and security,
5 etcetera.

6 1607 has a requirement for changing
7 facilities. This applies to non-residential
8 uses above 25,000 square feet, so larger
9 commercial and office buildings. If they have
10 a long-term bike parking requirement, they
11 have to provide showers. And between two to
12 six showers depending on the size of the
13 building. This section also requires lockers
14 at a rate of six lockers per 10 bike spaces.

15 1608 then gets into special
16 exceptions. We have offered a lot of
17 flexibility from bike parking requirements in
18 the special exception chapter. Since these
19 are all new bike requirements, we wanted to
20 offer a high degree of flexibility from this
21 section. You can request relief, you know,
22 when you can show that there is less demand,

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1 when you are going through a TDM plan, or when
2 you -- there is a physical inability to
3 provide the parking.

4 You can also get parking from the
5 showers and changing facility requirements.

6 So a little bit shorter chapter,
7 but, yes, nine sections here, and I'm happy to
8 take your questions.

9 CHAIRMAN HOOD: Okay. Commissioner
10 May?

11 COMMISSIONER MAY: Why thank you.
12 Did you consider the question of where
13 scooters park?

14 MR. PARKER: We did not.

15 COMMISSIONER MAY: Okay. I think
16 that needs some thought, because I'm seeing
17 more and more scooters chained up all over the
18 place, and they're on sidewalks and, you know,
19 attached to whatever they can be attached to.

20 And people want to lock them up, because you
21 can pick them up and steal them, I guess.

22 I mean, it is an issue in

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1 residential neighborhoods that I don't think
2 you can tackle. But in other places, it is --
3 you don't necessarily work well at regular
4 bike spaces and they have their own -- I'm not
5 sure that it makes sense to have required
6 minimums, but maybe there is some way to blend
7 it in with the bicycles and -- above a certain
8 size, you know, oversize, short-term spaces or
9 something like that.

10 MR. PARKER: It may be a matter of
11 the -- we do have the standard if you look --
12 we have the standards for --

13 COMMISSIONER MAY: Yes.

14 MR. PARKER: -- what applies. And
15 the ones on the left, you know, could probably
16 accommodate a scooter, where the ones on the
17 right cannot. So I --

18 COMMISSIONER MAY: Yes.

19 MR. PARKER: -- we may -- we'll
20 look into it, but I think we are going in the
21 direction where the type of parking you have
22 to provide could accommodate a scooter.

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1 COMMISSIONER MAY: Yes. I think
2 the ones on the left could accommodate a
3 scooter, but they are -- those are designed to
4 have bikes on each side of the --

5 MR. PARKER: Right, right.

6 COMMISSIONER MAY: -- rack, and
7 that wouldn't work --

8 MR. PARKER: Okay.

9 COMMISSIONER MAY: -- with -- once
10 you get one scooter in there, it blocks the
11 whole thing.

12 Did you do any sort of crosswalk
13 between the current requirements and any of
14 these minimums that you had --

15 MR. PARKER: The current
16 requirements don't -- it's apples and oranges,
17 because the current requirements vary by --

18 COMMISSIONER MAY: Okay. So take
19 an example of a 200,000 square foot building.

20 MR. PARKER: Right.

21 COMMISSIONER MAY: What would be
22 the requirement for bicycle parking under the

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1 old rules? What would be the requirement
2 under the new rules? That's what I'm -- just
3 sampling --

4 MR. PARKER: Okay.

5 COMMISSIONER MAY: -- that kind of
6 a thing. I just want to make sure that we're
7 bumping it up appropriately, because I think
8 it needs to be bigger than it used to, and
9 it's going to keep getting bigger.

10 MR. PARKER: They are.

11 COMMISSIONER MAY: So --

12 MR. PARKER: Okay.

13 COMMISSIONER MAY: Also, you know,
14 one of your slides said that basically there
15 is a strong parallel between some of the rules
16 for vehicle parking and bicycle parking -- in
17 other words, that they -- you know, some of
18 the -- some of the --

19 MR. PARKER: Calculation rules.

20 COMMISSIONER MAY: -- rules on how
21 you treat them are parallel. And I wonder if
22 that really is the right strategy. For

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1 example, when it comes to something like
2 change of use or additions on a historic
3 property, the difficulty of incorporating
4 bicycle spaces in that circumstance is nowhere
5 near the difficulty of incorporating vehicle
6 parking spaces. So I'm not sure that they
7 should be subject to the same rules. Okay?

8 I'm not sure what the right rules
9 would be, and I'm not sure that we set down
10 anything differently. But we can get into
11 that discussion I think at the hearing.

12 I am also -- you know, we have this
13 sort of blanket exception for campus plans in
14 terms of bicycle parking, and -- has anybody
15 been to like Savannah recently? Or any other,
16 you know -- like Savannah is a good example,
17 because it's got college -- I mean, the
18 College of Art and Design is all over the
19 place, and there are bicycles all over the
20 place. And there are bikes, you know, on top
21 of bikes in these things.

22 And I don't know how bad it is on

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1 any of the campuses in this town -- I don't
2 spend enough time there -- but I can picture
3 it being -- that we may want to do more than
4 just say that it -- the minimums don't apply.

5 MR. PARKER: Okay.

6 COMMISSIONER MAY: I'm not sure if
7 there is something we can say.

8 MR. PARKER: I think this is
9 intended, yes, not to be an exemption from,
10 but to say the campus plan will examine this
11 issue. And it may be a matter of putting in
12 the campus planning section a requirement to
13 examine this issue.

14 COMMISSIONER MAY: Okay.

15 MR. PARKER: Okay.

16 COMMISSIONER MAY: That's it for
17 me. Thanks.

18 CHAIRMAN HOOD: Any other
19 questions? Commissioner Turnbull?

20 COMMISSIONER TURNBULL: Thank you,
21 Mr. Chair. The minimal bicycle parking
22 requirements for -- based upon space, are

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1 those pretty standard for either short term or
2 long term? What -- you know, one -- looking
3 at the different use categories and one for
4 every 10,000 square feet, is that -- were you
5 looking at comps in the different parts of the
6 city, or --

7 MR. EMERINE: The --

8 COMMISSIONER TURNBULL: -- or part
9 of the country I should say.

10 MR. EMERINE: Right.
11 Nelson/Nygaard, our parking consultants,
12 proposed a lot of these numbers two years ago
13 when they submitted the actual. And, yes,
14 they did look at a variety of other
15 jurisdictions.

16 COMMISSIONER TURNBULL: So you
17 really don't look at the occupancy of a
18 building, at the number of people? I mean,
19 does that come into account somewhere down the
20 line?

21 MR. PARKER: The problem is, I
22 think we have been going away from that in

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1 parking as well, because that is flexible.
2 That changes over time.

3 COMMISSIONER TURNBULL: Right.
4 Okay.

5 MR. EMERINE: GFA, you look at a
6 building permit, you know how much space there
7 is. So these are intended to approximate
8 occupancy without the Zoning Administrator
9 having to count people.

10 COMMISSIONER TURNBULL: Okay. I
11 was just concerned that you'd get -- you get
12 the low level. I mean, does this become sort
13 of like a minimum?

14 MR. PARKER: This is a minimum.
15 Yes, these are minimums. But I can tell you,
16 these are fairly -- we aimed at fairly
17 progressive numbers. I mean, this isn't a
18 common requirement across the country.

19 COMMISSIONER TURNBULL: Right.

20 MR. PARKER: We are happy to go --
21 I don't know if we are happy to go more --

22 COMMISSIONER TURNBULL: No. I

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1 think being progressive, I think that's what
2 we want you to do, I think. But I just wanted
3 to kind of just be reassured that these
4 numbers are progressive, that you've got these
5 from other parts of the country, and that they
6 -- this seems to be the way that everybody is
7 going, that -- the numbers that you've got
8 here for the different uses.

9 MR. PARKER: Absolutely. These
10 were actually also, you know, reviewed quite
11 thoroughly by, you know, DDOT's bike and TDM
12 people. And they -- you know, they offered
13 some adjustments, and they've got some pretty
14 ambitious goals for bike ridership in the
15 city, and these have passed their muster as
16 well, so --

17 COMMISSIONER TURNBULL: Okay.
18 Thanks.

19 COMMISSIONER MAY: Can I just add
20 on that point? On the one hand, I would agree
21 with you that it seems pretty aggressive,
22 because looking at like this building and how

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1 large this building and knowing how few
2 parking spaces there are, and you're talking
3 about going up to, I don't know, conceivably
4 upwards of 50 spaces in this building, and
5 right now down in the garage there are
6 probably no more than 10, the -- so in that
7 sense it seems aggressive.

8 But when you do the math on it, for
9 example, with a typical office building, 5,000
10 -- one per 5,000 square feet, I mean, you
11 figure 250 square feet per person. That's one
12 out of 20 riding a bicycle. And I think our
13 numbers are getting -- I mean, what are the
14 numbers now, the number of people who commute
15 to work on a bicycle right now? I mean, I
16 remember hearing --

17 MR. HENSON: The last I remember
18 it's three to five percent, and our goal is
19 for higher than that. I think we're looking
20 for up to seven to 10 percent --

21 COMMISSIONER MAY: Yes.

22 MR. HENSON: -- in the commune.

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1 COMMISSIONER MAY: I mean, it seems
2 -- so like I said, it seems a really good
3 number when you think about a building like
4 this, but in terms of that three to five that
5 are already commuting, it may not -- I mean,
6 I'm not sure where they're all going, where
7 they're all parking their bikes.

8 MR. HENSON: Yes.

9 COMMISSIONER MAY: I think that's
10 why I was interested in what the current
11 requirements are, how they translate on some
12 sample buildings.

13 CHAIRMAN HOOD: You have a
14 question, Vice Chairman?

15 VICE CHAIRMAN SCHLATER: I guess we
16 can, just for clarification at the hearing,
17 these changing rooms and how they operate, so
18 we're going to now require changing rooms.
19 Are they co-ed facilities? If you've got six
20 showers -- I just don't -- not having been to
21 one, I don't know what they're like. And so
22 --

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1 MR. PARKER: You are welcome to
2 come by the Office of Planning. We've got two
3 in our facility, in our office.

4 VICE CHAIRMAN SCHLATER: Oh yeah?

5 MR. PARKER: Yes.

6 VICE CHAIRMAN SCHLATER: Are they
7 all self-contained? Like you have a shower
8 and a locker?

9 MR. PARKER: A shower, a mirror --

10 VICE CHAIRMAN SCHLATER: In one
11 room?

12 MR. PARKER: Yes. And ours are
13 unisex. I mean, that's up to the building how
14 -- you could do, you know --

15 VICE CHAIRMAN SCHLATER: Six
16 showers --

17 MR. PARKER: -- two of each.

18 VICE CHAIRMAN SCHLATER: -- and one
19 changing room.

20 (Laughter)

21 MR. PARKER: Good.

22 CHAIRMAN HOOD: Okay. Any other

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1 questions on bicycles? Commissioner
2 Selfridge?

3 COMMISSIONER SELFRIDGE: I guess
4 similar to Commissioner Schlater, Vice
5 Chairman Schlater, I just have questions about
6 the changing rooms. It just seems like a lot
7 to mandate this. Twenty-five thousand square
8 foot is not a particularly large building. I
9 just wonder what the history and the genesis
10 of this regulation is.

11 And I was reading the OP report
12 today, and it said there was anecdotal
13 evidence that it increased, you know, bike
14 transit. I just wondered if there is anything
15 more, how it worked in other jurisdictions
16 perhaps.

17 MR. EMERINE: And just to clarify,
18 Commissioner, it is for -- the requirement, as
19 it is written now, is for a single use that
20 exceeds 25,000 square feet. So not the
21 building, so it actually would be a
22 comparatively larger occupancy. In other

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1 words, if the building, as a whole, is 25,000
2 square feet, but no single occupancy within
3 that exceeds that number, it would not have
4 the requirement for the changing facility.

5 COMMISSIONER SELFRIDGE: But aren't
6 there -- maybe I just don't know. Aren't
7 there a lot of smaller office buildings that
8 this would impact when they were -- I mean,
9 still, I mean, there has got to be a lot of
10 single-use, 25,000 square foot buildings.

11 MR. EMERINE: Sure, and it would
12 impact those.

13 MR. PARKER: It wouldn't impact
14 existing ones. Everything existing is
15 grandfathered, but new buildings or complete
16 renovations, yes.

17 COMMISSIONER MAY: Can I ask a
18 question? I assume that the -- in the
19 building that you're in right now, the fact
20 that you have them was part of the LEED
21 certification for the building, or do you
22 know?

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1 MS. STEINGASSER: No, we requested
2 it as part of our tenant finish-out.

3 COMMISSIONER MAY: Oh, you did?

4 MS. STEINGASSER: Yes.

5 COMMISSIONER MAY: Oh, okay.
6 Because I think there is some correlation
7 between this requirement and LEED standards.
8 I mean, is it -- it would be helpful to know
9 how it compares there. Okay?

10 COMMISSIONER SELFRIDGE: I found it
11 interesting what Ms. Steingasser said, that it
12 was more of a market-based solution as well,
13 that, you know, I don't know if it's something
14 that should be mandated necessarily. I would
15 be curious if this is not something more of an
16 amenity, and that would -- people would drive
17 to over time, good employers, retainage
18 issues. I just -- I'm just wondering how we
19 got -- made the jump to mandate this.

20 MR. PARKER: I know there was some
21 -- a lot of talk about it in the
22 Nelson/Nygaard report a couple of years ago,

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1 in 2008, and I'll -- we'll pull some
2 information from that and see what else we can
3 find about the genesis and where else this is
4 done.

5 CHAIRMAN HOOD: Any other
6 questions, comments?

7 (No response)

8 All right. Well, I guess we can
9 move to the next one, Mr. Parker. I think
10 this is the last one, right, loading?

11 MR. PARKER: All right. Loading is
12 our last chapter for this evening. And,
13 again, I will run through it very quickly. We
14 have the same introduction chapter that talks
15 about the intent of loading. We have the same
16 chapter or section dealing with the
17 relationship of the general chapter to the
18 land use subtitles.

19 Section 1702 gets into the actual
20 loading requirements, talks about the --
21 excuse me, the application of minimum
22 requirements and the rules governing them, you

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1 know, when you have to provide loading for
2 building additions, change of use, the
3 historic buildings, etcetera.

4 1703 gets into the rules of
5 measurement, again, how you round, what you
6 count in GFA, etcetera.

7 1704 deals with loading
8 restrictions. This is, again, where on the
9 lot you can -- excuse me, location
10 restrictions, where on the lot you can put
11 your loading, if it's not in the building. It
12 has to be in the rear yard, etcetera.

13 1705 is the exact same as parking
14 in terms of access requirements. You must
15 access off the alley, if you have an improved
16 alley, otherwise off the lowest classification
17 street frontage.

18 1706 is the size and layout of
19 loading berths, and the big policy change to
20 loading is applied here, in that the existing
21 code has requirements for 30-foot and 55-foot
22 trucks. The proposal that we talked about in

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1 2008 was just to require 30 foot and leave it
2 up to the developer whether they need the 50
3 foot, whether they need the semi truck berths.

4 1707 is maintenance requirements,
5 very straightforward and mainly from the
6 existing code.

7 1708 is new. This is a request of
8 a couple of different Zoning Administrators,
9 that buildings show how they are handling
10 their trash, so they show the trash room or
11 the trash storage on the building plan.

12 1709, screening and lighting
13 requirements, mostly pulled from the existing
14 code, a little clarification here.

15 1710 are special exceptions, again,
16 reduction or elimination of required loading,
17 waiver of the driveway locations, or
18 modifications for access or screening.

19 So similar but less bulky than the
20 parking chapter. I'm happy to take any
21 questions.

22 CHAIRMAN HOOD: Let's open it up.

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1 Any questions or comments? Commissioner May?

2 COMMISSIONER MAY: Okay. There's
3 significant redundancy in the access section
4 between this and parking, and I'm wondering if
5 it's possible for one to refer to the other,
6 simply so you don't have to repeat the same
7 words, or put it into a -- I don't know, I
8 don't want to make another chapter out of it
9 or anything, but just --

10 MR. PARKER: It's not a bad idea.

11 COMMISSIONER MAY: -- if it's
12 exactly the same stuff, I wouldn't want to
13 repeat it. I don't think that we ever talked
14 about this, but did you consider the issue of
15 connection between loading areas and the
16 building -- parts of the building that are
17 being serviced?

18 MR. PARKER: The interior?

19 COMMISSIONER MAY: Yes.

20 MR. PARKER: Yes, we have a section
21 on that. I'm trying to remember where it is
22 exactly. 1702.9, "Where two or more uses

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1 share a building, uses may share loading as
2 long as internal access is provided from all
3 shared uses." Is that the sort of thing
4 you're talking about?

5 COMMISSIONER MAY: Well, I'm more
6 interested in a more assertive requirement
7 that either all or a very high percentage of
8 retail space be serviceable from the loading
9 dock. And the reason I say that is that you
10 -- it is possible to have a fairly poorly
11 designed building, such as this one, where you
12 have kind of orphaned retail. And it -- I
13 mean, in this building it is manageable
14 because they basically wind up carting stuff
15 through the building.

16 But we had a recent PUD that we
17 approved that was I thought particularly
18 poorly laid out on the interior, and some very
19 large retail spaces were not connected to the
20 loading area. And so the inevitable future is
21 that loading would occur on the sidewalk.

22 So I -- I don't know if we can make

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1 a real prescriptive requirement there, but I
2 think it's something that -- and maybe that
3 was an anomaly and everybody is smart enough
4 to realize that it makes sense to do that, but
5 I don't know.

6 MR. PARKER: We'll look into that.

7 COMMISSIONER MAY: Okay. I think
8 that's it. I think the rest of the questions
9 I might have would just simply come out in the
10 hearing.

11 CHAIRMAN HOOD: Any other
12 questions? Vice Chair?

13 VICE CHAIRMAN SCHLATER: Similar
14 concerns here as with parking, on the access
15 requirements. I'm just -- I think I agree
16 with what is trying to be achieved here, which
17 is get your loading entrances and your parking
18 entrances onto the smallest street possible.
19 But I wonder if that's a blunt instrument and
20 will necessarily lead to the best site layouts
21 for bigger projects.

22 And if that's true, and my hunch is

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1 that it is true, that there are situations
2 where you are not going to want your loading
3 coming off the narrowest street or the alley.

4 And then, what you're doing is you're just
5 setting up an inevitable trip down to the BZA
6 to get excepted out of this.

7 We're not here to make work for the
8 BZA. I wonder -- I'm concerned about these
9 sections, and I think we need to think about
10 whether this is appropriately located within
11 the Zoning Code or whether there is other ways
12 to grant flexibility, because I think it's
13 just, for larger projects, a recipe for BZA
14 cases.

15 MR. DELFS: Could I ask a
16 clarification question on that? Or maybe I'll
17 make a comment first. I think one of the
18 things that we run into at DDOT is that some
19 of these issues, access issues that will
20 affect the operations of the network are not
21 noticed or caught at a zoning review level,
22 and the first time that we see those things

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1 are at the public space permitting stage.

2 And I think -- I don't want to
3 speak for OP, but I think that part of the
4 reason why these titles were put in the code
5 was to try to give more information to
6 developers up front, so they don't get caught
7 on the back end. And I just was wondering
8 what you think about that relationship between
9 the zoning and the permitting process.

10 VICE CHAIRMAN SCHLATER: I agree
11 that I think that -- and I think maybe this is
12 more appropriate for a hearing, and we can do
13 a little bit more back and forth, but my
14 general feeling is that it is good for these
15 guidelines to be out there, up front, and for
16 people to know about them.

17 But we don't want to set up a case
18 where there are no longer matter-of-right
19 developments and that every development has to
20 come through a zoning process, because you've
21 got volunteers on these boards and
22 commissions, and they want to see every

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1 project.

2 We want to set up the rules of the
3 game up front in a clear manner, so that
4 people can do matter-of-right developments.
5 And the more rules you make, and the more
6 specific rules you make, the more likely it is
7 everybody is going to have to come through
8 this process, whether it's for bicycle parking
9 or changing rooms or, you know, these loading
10 and access requirements.

11 I don't know what the balance is
12 there. I agree with the intent. I just don't
13 know if it's right for this section of the
14 code.

15 CHAIRMAN HOOD: Are there any other
16 questions, comments?

17 COMMISSIONER TURNBULL: Mr.
18 Chairman, just an observation that I will be
19 more than interested to see a case come before
20 us which has a sexually-based business of over
21 100,000 square feet and has three loading
22 berths.

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1 (Laughter)

2 That will be -- I'm waiting for
3 that day.

4 MR. PARKER: As long as they have
5 three loading berths, they won't have to come
6 to you.

7 COMMISSIONER TURNBULL: That's
8 true. That's true.

9 (Laughter)

10 What part of the city will it go
11 in?

12 (Laughter)

13 CHAIRMAN HOOD: Okay. Anything
14 else?

15 (No response)

16 Commissioners, we have a request to
17 set down --

18 COMMISSIONER TURNBULL: It's going
19 to go in Ward 5, I heard?

20 CHAIRMAN HOOD: You know what? I
21 was sitting here thinking that. You know, I
22 was sitting here thinking about that, and I

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1 said, "I'm not going to even say nothing about
2 that."

3 (Laughter)

4 Okay. We have a request, actually,
5 to set down three cases, Chapter 15, general
6 parking regulations; Chapter 16, general
7 bicycle parking regulations; and Chapter 17,
8 general loading regulations. Is that correct?

9 Do you want to add anything else to that?

10 MR. PARKER: It's my understanding
11 that we're doing two things in the
12 alternative. We are going to have a 50 and a
13 100 percent special exception limit in
14 parking, and that we are going to have OP's
15 original maximums and DDOT's proposed maximums
16 in the alternative.

17 CHAIRMAN HOOD: Okay. All right.
18 So I would move that we set all three down
19 with the inclusion of what Mr. Parker
20 mentioned, and ask for a second.

21 COMMISSIONER MAY: Second.

22 CHAIRMAN HOOD: Moved and properly

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1 seconded. Any further discussion?

2 (No response)

3 Are you ready for the question?

4 All those in favor, aye?

5 (Chorus of ayes)

6 Any opposition?

7 (No response)

8 So ordered. Staff, would you
9 record the vote?

10 MS. SCHELLIN: Yes. Staff would
11 record the vote five to zero to zero to set
12 down Zoning Commission Case Number 08-06, with
13 regard to the parking, bike parking, and
14 loading texts, with the alternative language
15 that has been discussed this evening.
16 Commissioner Hood moving, Commissioner May
17 seconding, Commissioners Schlater, Turnbull,
18 and Selfridge in support.

19 CHAIRMAN HOOD: Okay. This --

20 MS. SCHELLIN: And this is being
21 set down, of course, as a rulemaking case.

22 CHAIRMAN HOOD: Do we need to --

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1 anything else?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: I want to see Mr.
4 Turnbull after -- I think -- who was that that
5 said put it in Ward 5?

6 (Laughter)

7 Okay. Well, I appreciate
8 everyone's participation tonight. I want to
9 thank the Office of Planning, as well as the
10 Office of Zoning, and as well as our audience.

11 And this meeting is adjourned.

12 (Whereupon, at 8:12 p.m., the proceedings in
13 the foregoing matter were
14 adjourned.)

15

16

17

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