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 6:30 p.m., Anthony J. Hood, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
WILLIAM WARREN KEATING, Vice Chairman
KONRAD SCHLATER, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANousek, Zoning Specialist
ESTHER BUSHMAN, General Counsel
OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Special meeting held on June 22, 2008.
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ZRR GUIDANCE

Z.C. Case No. 08-06-9 Office of Planning - ZRR Sustainability
P-R-O-C-E-E-D-I-N-G-S

6:37 p.m.

CHAIRMAN HOOD: Okay. Will this Public Meeting please come to order. This is the June 22nd, Public Meeting of the Zoning Commission. My name is Anthony Hood. Joining me are Vice Chairman Keating. I have to get used to saying Vice - get used to that. Commissioner Schlater. I need to get used to that. Commissioner Turnbull and also Commissioner May.

Also joined by Office of Zoning staff, Office of the Attorney General, Office of Planning.

Okay. Copies of the agenda are available and you will see them at the door to the left. We are also being webcast live. We ask you to refrain from any disruptive noises.

Does the staff have any preliminary matters

SECRETARY SCHELLIN: No, sir. Just
to also advise that copies of the ZRR worksheet are also in the bin.

CHAIRMAN HOOD: Thank you very much.

Okay. If you have a copy of the agenda you see that there's nothing under preliminary matters.

Consent Calendar action and proposed action. Let's move right into final action.

Zoning Commission Case No. 06-21B, Douglas Development Corporation - Two-Year Time Extension for PUD at 6th and L Streets, N.W.

Ms. Schellin.

SECRETARY SCHELLIN: The staff has nothing further to add.

CHAIRMAN HOOD: Okay. Colleagues, we have a submitted from Holland and Knight, Exhibit Number 1 for 06-21B. Again, we've seen more and more requests. I think it's
very well done and outlines -- it's pretty much the same format as the ones we had previously.

It talks about the economy and things that are going on as far as construction is concerned and how to market it. The market is difficult and also one of the factors is are there any material factors.

Colleagues, we have a previous order. We have changed the parking requirement. We already approved that so nothing really has changed. The only issue is to ask for a two-year time extension in this order to give additional time because of conditions.

Any discussion?

I would move that we approve Zoning Commission Case No. 06-21, two-year time extension. And it says for a building permit is extended to September 28, 2011 and the deadline for starting construction of the
project is extended to September 20th, 2012.

I would move approval of that and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Any further discussion?

All those in favor?

(AYES)

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

SECRETARY SCHELLIN: Yes. staff records the vote five to zero to zero to approve the two-year time extension in Zoning Commission Case No. 06-21B.

Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Keating, May and Schlater in support.

CHAIRMAN HOOD: Okay. And I think, Commissioner Schlater, we're not trying to get rid of you, unless you want to stick around
for the next 30 minutes it's up to you but we'll leave that to my colleague, Commissioner Schlater.

Next, let's move along with Final Action on Zoning Commission Case No. 08-27, American Institute of Architects - Consolidated PUD & Related Map Amendment at Square 170.

Ms. Schellin.

SECRETARY SCHELLIN: This case is before you for Final Action. We did receive a report from the NCPC. I believe that's Exhibit 29.

CHAIRMAN HOOD: Okay. We have Exhibit 29 from the National Capital Planning Commission. Also, we have Exhibit 28. And, again, I think I got confused at the hearing.

We have a denial findings of fact from the West End Citizens Association. And I think it's as well as the ANC, together, jointly. Okay. I'm seeing heads shake. It's
not jointly? But, anyway, I do know it's from West End Citizens Association for proposed findings of fact and conclusions of law. It's Exhibit 28.

I have perused their findings and I did not see where anything moved me to change my decision in which way we move forward. And I would open it up to my colleagues if anyone wanted to comment on Exhibit Number 28.

Okay. Not --

COMMISSIONER TURNBULL: Mr. Chair, if you are explicitly talking about Exhibit 28 or other comments?

CHAIRMAN HOOD: I was specifically talking about 28. I was going to get into everything else. But if you have something now we can go ahead and start with that?

COMMISSIONER TURNBULL: No. I think what was -- this project is I think is one of the rare ones before us where we actually are seeing an existing building being
significantly renovated to reach LEED Platinum. And I think my only concern at the
time and that I brought up was the
relationship of the site to the Octagon. And
concerning the very modern concrete brutalized
structure adjacent to this. Georgian Federal
Style gem of a little house and I was just
concerned that the landscaping somehow seemed
more modern than -- and I'm not actually
looking for historic landscape, but I was just
concerned that it needed to be treated a
little bit more sensitively. And they have
gone back and if you look on ZL10, they've
softened the area of the precast pavers by
adding some more green space and some trees.
And I think that it pays a little bit more
respect to the sensitivity of the house.

And I think that was my biggest
concern. ZI mean, obviously it's got a lot of
LEED features from the roof all the way down
to the ground. They've got the buyer
retention. So, I think it's a very significant project. I think it's -- it's got a lot of excellent features that are something that we've been looking for on a lot of buildings. And as I say, they addressed my one concern about the historic aspect of the house.

CHAIRMAN HOOD: Okay. Anything else?

Let me also just note that in relationship to Exhibit Number 28, West End Citizens Association in the NCPC report they also raised and apparently at the NCPC meeting our residents represented the West End Advisory Neighborhood Commission has submitted a resolution and it is attached to the back. This is from the District of Columbia Government -- okay. This is from ANC-2A.

One of the things that NCPC took note of it says a related map amendment on the grounds that the zoning changes are necessary
to allow the retail use being proposed by the AIA and could be handled as a use variance to the BZA, Board of Zoning Adjustment. The staff finds that in this case this issue is local and not Federal. Therefore, staff recommends that the Commission advise the Zoning Commission of the District of Columbia that the proposed consolidated PUD related map amendment is not inconsistent with the Comprehensive Plan for the National Capital nor Advisory adversely affect any other Federal interests.

So, unless anyone has moved, I think we have hashed a lot of that out and understand West End and 2A and I understand their concerns. But I think that this fully meets the threshold and we have a proposed order in front of us. I would move that we final approve Zoning Commission Case No. 08-27 and ask for a second.

COMMISSIONER KEATING: Second.
CHAIRMAN HOOD: Been moved and properly seconded. Any further discussion? Any further discussion. All those in favor, aye. (AYES)

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

SECRETARY SCHELLIN: Yes. Staff records the vote four to zero to one to approve Final Action in Zoning Commission Case No. 08-27.

Commissioner Hood moving, Commissioner Keating seconding, Commissioners and Turnbull in support. Commissioner Schlater, not voting, having not participated.

CHAIRMAN HOOD: Okay. Let's move right along with our agenda.

Let's go to ZRR. You know, my
agenda must have gotten else. It's something
else I got up here. But anyway. Okay. Thank
you, Vice Chairman.

    ZRR Guidance, Office of Planning.

Let's go to Zoning Commission Case No. 08-06-9.

What I plan on doing, Mr. Parker, let's see how far we can get along working
through the worksheet. And for those in the audience, the worksheet is to the left on the
wall near the door if you don't have a copy.

    Okay. Colleagues, looking at the worksheet, we have Option 1 which is the
Office of Planning's recommendation and we also have Option 2 and I'm going to read
Option 2. We see what Option 1 is.

    Continue to identify TDM measures on a project-by-project basis. And I think
Option 1 just lays out some ground work. I would be in favor of moving with Option 1.

    If I don't hear any objection,
we're going to keep right on moving.

Okay.

Okay. Number 2. Accessory dwelling units. Now, what we also did -- we got some submissions from a number of organizations. I'll pull those out. And, again, as we always stated, there's another bite of the apple. I just want to make sure that we know them because we have reviewed them for the most part.

NCPC, I think their piece, we may want to digress to that. Was very well done and also ANC-3D, I think those are the only two that I have other than what we got during the hearing.

Okay. Number 2. Accessory dwelling units. We have Option 1 which is the Office of Planning's recommendation to allow both internal and external ADUs for single-family dwellings as a matter of right subject to impact of design conditions. External ADUs
would be subject to accessory building regulations as well as an accessory utility limitation. And I think there were some concerns that were raised but that's what Office of Planning is recommending.

Option 2 to match the ZC guidance. You can read the rest for external units in R4 and higher zones. Allow only internal ADUs as a matter of right.

And Option 3, do not change existing sections allowing matter of right or special exceptions necessary to residents.

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: The whole discussion on accessory dwelling units was -- I thought was a -- was of particular interest and I have to say I'm not completely convinced that -- that accessory dwelling units can and should be a matter of right within all zones.

And I think that it's worth it. I'm not
saying that they should be a special exception in all circumstances, but I think that the allowance for it to be a special exception in some circumstances ought to be retained.

And I don't know whether that's done by, you know, in certain zones or that there are certain kind of threshold conditions that have to be met first. And, you know, if they can't be met, then it would be a special exception, you know, to address some of the things that have neighborhood impact such as parking.

I think that there's enough of a concern in some of the neighborhoods that you just open the door wide open for accessory dwelling units and some of the difficult circumstances of parking shortages and so on would only get worse. Or particularly when you're combining other changes of the zoning regs that would encourage greater density. I think it's wise to at least leave the door
open for special exceptions in certain circumstances.

CHAIRMAN HOOD: Right. So, when I hear that, I guess, we're going to eventually have to get to Mr. Parker and he's probably chomping at the bit to -- oh, he's not. All right. Well, good. You're not.

I guess can we work with that guidance that everyone -- I agree. I just don't know where the certain circumstance will be.

COMMISSIONER MAY: Well, yes. I think that's -- you know, a lot of these things we really have to get into the particulars of what's going to be proposed before we understand what it is. And so I think that that's the next step. And I just, you know --

MR. PARKER: Well, yes and no. I mean and for this the particulars are, we're recommending matter of right across the board.
If the guidance back is we need to define certain situations where it would remain a special exception, we would need some guidance for you on what characteristics those -- what characteristics we should be looking for, what situations those would be.

CHAIRMAN HOOD: So, in essence, we would probably -- we're kind of in between I guess Option 1 and 2.

MR. PARKER: Well, the difference there. I mean, Option 1 is both internal and external as a matter of right. The recommendation for low and moderate density that the Zoning Commission changed of ours was we had recommended in two or more unit zones that one of those units could be in an external unit and your guidance to us was to make that a special exception.

To carry that same logic through, we would -- Option 2 would make external ADUs always a special exception and internal ADUs
always a matter of right.

What I seem to be hearing is that in some cases even internal ADUs --

COMMISSIONER MAY: I'm sorry. I didn't mean to -- I should have been more clear. I was not suggesting that internal ADUs that are already allowed as a matter of right. I mean, flats are allowed as a matter of right in R4 zones.

MR. PARKER: And this entire discussion is for R1 to R3. This is for single-family zones. So, recommendation 2 is that internal be allowed as a matter of right and external be a special exception.

COMMISSIONER MAY: I'm sorry. Now I'm confused.

CHAIRMAN HOOD: Okay. Well, maybe I threw it off.

I just was trying to get to where Commissioner May was and he was saying not everything -- not just across the board and I
kind of agree with it but the circumstances --
I don't know what the circumstances will be
because we do need to evaluate parking and
some of those adverse issues and have public
input. Because I think matter of right for me
has always been a tickler word.

MR. PARKER: Shall I describe this
a little bit better?

COMMISSIONER MAY: Explain the
options a little better because --

MR. PARKER: Sure. Sure.

All right. We're talking here
about single-family zones. And right now we
have three opportunities for more than a
family in single-family zones.

We have in R1, the matter of right
opportunity to do, you know, domestic and
employee help in an external ADU. In all the
R1, R2 and R3 zones you have a matter of right
opportunity for two boarders in your home and
in all those zones you have a special
exception capability to do an internal ADU.

We're proposing to take all of those and combine those. Our proposal is in these zones allow internal and external ADUs as a matter of right subject to the same criteria that we have now, no more than 25 percent of the size. In other words, if we know the criteria that we want our ADUs to be limited to, we can put those on and say. If you meet these you're matter of right and if you don't, you require review. So, we already know -- have a good idea and outlined in the report what criteria we find most -- and parking certainly can be one of those, availability of a parking space perhaps.

We know what those criteria are and if ADUs meet those criteria they'd be allowed as a matter of right. If they don't, they require further review.

Option 2 then is take the external ADUs, the carriage houses and the garage off
the table as a matter of right, make those
special exception and just all the internal
ADUs when they meet the requirements that we
set as a matter of right. And then there can
always be other options.

COMMISSIONER MAY: All right. I'm
still kind of confused because your Option 2
is -- oh, I see. You're running a parallel --

MR. PARKER: Yes. Sorry.

COMMISSIONER MAY: -- to the R4
zones?

MR. PARKER: The guidance that you
gave us for the R4 zone was to make external
units a special exception. And so that based
on what you did there, we put out Option 2
that would make external units a special
exception.

COMMISSIONER MAY: Right.

MR. PARKER: All this for the
proper wording.
COMMISSIONER MAY: No. That's okay. Now, I understand. And we had given you that when we were dealing with low and moderate density housing?

MR. PARKER: Yes.

COMMISSIONER MAY: Okay. Yes.

Okay.

So, that's the concern and I -- I guess, you know, I still feel kind of the same way. I'm not saying that at this moment I know enough to say that there should be special exceptions for external ADUs. But I also don't know -- I don't feel totally confident that there aren't circumstances where there should be.

In other words, maybe it's -- if you can provide a parking space it's a matter of right. If you can't, it's a special exception.

MR. PARKER: And that's exactly the kind of condition that we're talking about.
Yes. We defined the things that we're concerned about. And that would define the difference between the two. That's exactly what we're talking about.

COMMISSIONER MAY: Okay. So, is that Option 1 because Option 1 doesn't mention special exceptions?

MR. PARKER: Well, I apologize. I should -- both of these are very distilled versions that you can imagine of what's in the report.

COMMISSIONER MAY: Right.

MR. PARKER: Both options would lay out -- let's start with Option 1. Both internal and external ADUs would have a series of conditions. If you meet those conditions you're matter of right.

If you don't you're a special exception.

Under Option 2 that would be true for internal ADUs. External ADUs would always be a special exception.
COMMISSIONER MAY: Okay. Cot it. All right. So, then I'm okay now with Option 1.

CHAIRMAN HOOD: I think you highlighted a lot looking back at your report.

MR. PARKER: We did lay out a bunch of conditions -- potential conditions.

CHAIRMAN HOOD: We only see but one or two reports a year so -- no. I take that back. We see too many reports, but anyway.

So, anyone else have any objections that we can clarify on the Option 2?

MR. PARKER: So, what I've heard here is Option 1 is the preferred option subject to obviously review of the conditions that result.

CHAIRMAN HOOD: Right. Exactly. And anybody disagree with that?

Okay.

Let's go to number 3. Transit or development standards, TOD, Option 1.
Mr. Parker, can you -- I'm not going to read all that.


This recommendation would put TOD standards and guidance in the zoning regulations. Right now we accomplish transit-oriented development only through particular planning or planned unit developments. The recommendation here is to first define what we mean by areas that are served by transit and we've defined that as half a mile from a Metro or a quarter mile from a high density bus line or streetcar line. And within those areas we'd lay out two types of -- two types of regulations. General regulations that would apply to all of those areas and these are things that apply to one-story zones and 13-story zones, That serves transit and that includes, you know, development guidance that the development will orient itself to the transit, street activating design standards.
You know, parking limitations and those vary somewhat on the type of TOD.

And then the second type of guidance in the regs would be variable standards and these would be things like minimum and maximum density and transitions to residential areas.

The way that this would be implemented is when the new zoning code is put in place, these TOD areas would be marked and labeled and the general standards would be applied. Variable standards would come later based on individual planning for individual TOD areas.

Option 2 is to, you know, generally view of what I just described but change where it applies.

And Option 3 is to reject this recommendation.

CHAIRMAN HOOD: Sorry. Any other comments on this?
COMMISSIONER TURNBULL: I just had one.

Option 1 is sort of similar to one of the LEED guidelines understandable sites. But there its half a mile within a commuter, bike rail or subway and/or its within a quarter mile of two public bus -- I wonder why you didn't -- I mean were you, I mean, cognizant or were you trying to focus in on like that or --

MR. PARKER: We were not. I mean, we looked at a lot of different models for this and we worked closely with Metropolitan Transit Authority to look at the usage of these different transit models and I'm not surprised that we came close to the same result.

COMMISSIONER TURNBULL: Yes. I mean, you're close. I just think if you're only asking for one streetcar or high service bus corridor.
MR. PARKER: Well, keep in mind a high service bus corridor moves 15,000 people a day and that's always on -- all of those that exist in the District are more than two routes.

COMMISSIONER TURNBULL: Okay.

MR. PARKER: Have two or more routes along that line. So, what we mean by that is --

COMMISSIONER TURNBULL: So, it's sort of implied.

MR. PARKER: Right. Georgia Avenue from X Street to Y Street, you know, has three routes and the total people passing through there are 20,000 a day. If it's over 15,000, we consider that a high density corridor.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Everybody is okay with --

COMMISSIONER MAY: Yes. I'm okay with it. I think one of the things that I
guess gives me something to thing about when we actually get to the particulars of it is how this is going to reconcile with the Comprehensive Plan because there -- I mean, the Comprehensive Plan itself is often interpreted in different ways. And it would be useful when it gets down to actually writing the language and understanding what it means if we were to look at where these standards actually would apply and look at whether that conflicts with or potentially conflicts with the Comp Plan.

MR. PARKER: I can talk to that a bit if you'd like.

There are some issue of the Comp-- the Comp Plan is working -- appears to be working under the assumption that TOD means more density. And that's what it is. And, therefore, the Comp Plan says keep it next to just the Metros and just certain Metros and do an individual planning to define whether TODs
should be in these places.

And we're saying TOD isn't -- TOD can include density and often does but it's not just that. There are general things that apply to, you know, to transit in Cleveland Park the same way that they do in Farragut north. And that we need to say, you know, we need to pull these concepts out. And define TOD based on transit and based on orienting our development towards transit and then as a secondary step, talk about where density is appropriate. So, we're following the Comp Plan guidelines to have a discussion about individual TOD areas and where density would apply. But making the broader statement that there are some general standards that apply whether you're one story transit or 13 story transit.

CHAIRMAN HOOD: Okay. So, we will agree. And I'm trying -- I'm looking back at some of the comments that were made at the
Okay. So, we'll all agree with Option 1.

Okay. 4 and 5 we can skip. So, I think the recommendation is no guidance. You don't need any guidance from us at the time.

MR. PARKER: You're certainly welcome to give us any if you'd like but we don't --

CHAIRMAN HOOD: Unless someone has something that they'd like to share on 4 and 5, we'll just move to number 6.

COMMISSIONER MAY: No. I would say something about 4 and 5. It's just one of those areas where it's -- it's hard to understand how this actually is zoning related and so, you know, as much as I'd like to control the world --

MR. PARKER: Right.

COMMISSIONER MAY: -- there is lots of other people who have -- who control parts
of it. So, you know, I'd just as soon let them
and so I'm just -- I think there should be
some limits on how far we go and we certainly
don't want to create anything that's redundant
regulation of the same stuff.

CHAIRMAN HOOD: And I think what
would be very helpful at least from my
standpoint is when DDOE gives us a report as
you stated. Maybe I can understand again a
little more how all this ties in. And we
might be able to control a little more of the
world.

Okay. Number 6. Mr. Parker, I'm
just going to go to you so we can move through
it quickly.

MR. PARKER: No problem.

This is just saying we have a list
of things that are allowed in setbacks and
they include, you know, eaves and air
conditioners and stairways from entrances.
We're saying add to that list sustainable
energy features. Things like light shelves and photo panels that stick out.

We did hear a lot of concern about historic districts so we threw Option 2 in there. If that's of interest to you they would, of course, still be reviewed by HPRB and historic staff even if you went with Option 1.

And then Option 3 would be to reject the recommendation.

CHAIRMAN HOOD: Well, I'm not going to rehash the hearing, but, you know, you try to look at how some of the concerns.

One of the things for number 6 that was mentioned. I'm saying the organization but it says perhaps no other proposal, this demands specific protection, preservation and aesthetic standards as you already mentioned - alluded to. And clearly hierarchy of public policy goals.

The OP proposal suggests a standard
that will allow accessory structures that are nearly as big as a house.

MR. PARKER: If that related to this recommendation?

CHAIRMAN HOOD: That's what it says here.

MR. PARKER: This is just talking about things coming off the side of the house like light shelves and such.

CHAIRMAN HOOD: Well, one of the organizations used -- OP recommends a standard that would allow accessory structures that are nearly as big as houses.

COMMISSIONER TURNBULL: Maybe they're -- maybe they're mainly talking about the photo voltaic panels. I mean, they could be rather large.

MR. PARKER: Could be. We can and certainly will put limits on these. I mean, the limits that were in the report talk about minimum eight-foot clearance above the ground
for these things. And I think it was 42 inches extension so we're not talking house size. Limits on how far these things can go out into your yard.

COMMISSIONER MAY: You know, I think I have -- I don't have a concern about the historic districts. In fact, historic districts I'm much more comfortable allowing all sorts of stuff because there that actual layer of protection to make sure that the buildings stay nicer.

I am concerned about what in particular photo panels might end up looking like, if they're not otherwise regulated. And I think that there needs to be -- we're probably not going to want to allow the same sort of things on a front yard or a highly exposed side yard as we would in a rear yard.

So, are you going to address it kind of by yards?

MR. PARKER: You know, that's a
very good point. We hadn't considered in this -- we hadn't tied this to our recommendation of regulating front yard because obviously right now they're not regulated.

The idea for this was side and rear and we could certainly make that explicit.

COMMISSIONER MAY: And I think that even in side and rear yard circumstances there is a concern because some of them are quite visible and, I mean, certainly side yards can be quite visible. So, I think the standards should be -- has to do with visibility. And I'll go back to my favorite example which is the dish antennas for television where in historic districts you don't really see them very much because you're not allowed to see them and there is somebody who actually polices that.

They're also technically not allowed to be seen in other areas of the city in the same sort of circumstances. And yet
they just get bolted on and nobody cares. Bolted on to the fronts of the houses.

MR. PARKER: Is your concern visibility from the street or from the neighbors?

COMMISSIONER MAY: It has to do with the visibility to the street. I mean, there are plenty of stuff in the back yards that we just all have to get used to seeing in our neighbors yards.

MR. PARKER: Okay.

COMMISSIONER MAY: They get used to seeing in my yard.

MR. PARKER: So, we should look into conditions that would limit the visibility from the street of these types of things?

COMMISSIONER MAY: I think so.

MR. PARKER: Okay.

COMMISSIONER MAY: Disagree or?

CHAIRMAN HOOD: Anybody else? No.
I think -- I think they will take whoever has a concern under consideration.

We might not agree at this point but I think they'll take it into consideration.

MR. PARKER: Okay.

CHAIRMAN HOOD: Want to make sure they get all of our points.

COMMISSIONER TURNBULL: I think one of the things you're going to run into is these panels being blocked by someone else's house where they can't -- what I think we're going to have a lot of BZA cases with people who want to put up these panels but they can't because of interference with someone's house or it's blocking.

COMMISSIONER MAY: They'll be objecting to somebody else's addition because it will block the light from the --

COMMISSIONER TURNBULL: It blocks the lights. Yes. But we address that in
another recommendation.

COMMISSIONER MAY: We do. The later recommendation talks about when you'd be protected and it's just the roof mountage under certain situations would protect side mounting.

VICE CHAIRMAN KEATING: There's a question raised in the NCPC report about allowing roof top installations beyond current required setbacks allowable by height fact limits.

MR. PARKER: That's a question. We've had a hearing you will probably recall on height and we haven't brought that back to you for decision yet because DCRA is still going to be issuing. But one of the height recommendations is allowing sustainability features on the roof. And, yes, that's a fine line is what on the roof has to be set back and what doesn't. And that's something that you will see as part of height
recommendations.

CHAIRMAN HOOD: Okay. So, we can agree to number 1 with the issue discussed by Commissioner May? Okay.

Number 7. Renewal energy generation.

Well, let me just start. I think Option 3 is out. Okay. Let's is you leave Option 3. I think the issue would be between Option 1 and 2.

Mr. Parker?

MR. PARKER: Really the only difference in here is if you want to weigh in on the zones in which it's allowed. The first recommendation is allow photo votalic panels or small wind in any district as accessory to your primary use. And as a primary use in industrial land, high density land and government areas, Option 2 is if you want to change the zones or limit accessory use of wind and power in certain zones for a special
exception.

CHAIRMAN HOOD: Okay. I am inclined to go with Option 1. Anyone else?

VICE CHAIRMAN KEATING: Here's a quick question.

I need to find a small wing.

MR. PARKER: That's a good question. I might have to look at the report. It's -- there are generation limits. I think it's 100 kilowatts. I don't off the top of my head know the distinction. But we're not talking big countryside power generators. You're talking ones in the -- that's the main difference. There's really just big ones that generate for multiple properties and ones that generate for a single property. And we're talking about the single property. They are small and they can -- they can be different heights but they're producing the size of maybe the ones in front of the Botanical Gardens if you're familiar with those.
VICE CHAIRMAN KEATING: Right. I had raised the same concern that Commissioner May raised about the photo voltaic panels which is kind of how does that appear from, you know, how does that change the view of the home that's got one in its front yard? And how do you -- what conditions are put around allowing someone to do that?

MR. PARKER: That's fair. I think we'd certainly -- I think a good limitation on them would be from the front yard. The primary place for these obviously is the roof. And we've talked today about allowing them in the rear yard and allowing them in the side yard with some visibility limitations and we could certainly prohibit them in the front yard.

CHAIRMAN HOOD: Anybody else?

COMMISSIONER MAY: Can I make one minor point which is you referred to allowing it as a primary use of land in industrial,
high density and government areas. And I'm wondering are you planning to create a government zone under the limit that exists now which is essentially not zoned Federal?

MR. PARKER: No. But -- but D.C. controlled certainly. No. We don't --

COMMISSIONER MAY: Right. But all that has to be zoned as --

MR. PARKER: Fair enough.

COMMISSIONER MAY: -- industrial or office or whatever it is.

MR. PARKER: I would say. No. So, that's a good point. I don't have a zone to tie that to.

COMMISSIONER MAY: Okay. I'm not trying to discourage the use of such things on government property. Certainly would want it, I mean, the cities take advantage of it if that makes sense. But there's no separate government zone for District-owned property.

MR. PARKER: I think that is an
important point because we wouldn't necessarily -- if there was District property that was appropriate for, you know, wind generation, we wouldn't want to necessarily limit ourselves to zoning it industrial. So, there might have to be some exception or some -- yes. Some definition of what that means.

CHAIRMAN HOOD: Okay. Any other comments?

So, Option 1 taken into consideration that the comments that were given from Mr. Parker.

Okay. Let's go to number 8.

Sole access protection.

MR. PARKER: This is what we had talked about earlier with protection of existing solar panels. The option is -- the recommendation is, again, only to protect panels that already exist so people wouldn't be able to claim it, well, they intended to put panels up in the future.
Our option would just -- you would just take this into consideration when you're looking at density above matter of right. So, for a PUD or a height variance, you'd take into consideration whether you were blocking someone's panels. Everyone would be allowed their matter of right development regardless of neighboring panels under our recommendation.

Option 2 is that it would be a consideration for both discretionary and matter of right development.

And Option 3 is that it's not a consideration and development would always trump it for middle ground on this one.

CHAIRMAN HOOD: For me, Option 2. I don't now. It gives us some opening. Anyway, let me hear a discussion.

I'm in favor of Option 2.

COMMISSIONER MAY: See, I can certainly understand 1. Two is a little bit
troubling because in effect what we're saying is that you're matter of right, I mean, whatever, the 110 feet that you can build to on your site is going to be effectively limited by what the building owner next door on the, you know, on the north side of you, for example, if they put -- they got a two-story building and they put a solar panel on it that's somehow going to affect your ability to build it up to the matter of right height.

And I think that's -- I think that's highly problematic -- highly problematic. I don't think there's going to be a lot of circumstances like that unless, you know, people who don't want to have big buildings built next door to them are going to go out and just throw up a solar collector and for $5,000 they're going to effectively limit their neighbors' ability to build.

I wouldn't even want to consider that we'd have outcomes like that. I think
it's fair enough to say that if there's an existing facility it might -- it might be a factor in a PUD. But I think that's about it. I think that's about as far as I can go.

VICE CHAIRMAN KEATING: Could we write it that way where it's just a consideration as opposed to a -- because I can see the scenarios where, you know, the process is lengthy and you find out that someone is applying for a PUD and you slap a solar panel on your top of your building and now you just effectively limited the matter of right development.

COMMISSIONER MAY: Even the PUD development.

MR. PARKER: Yes.

COMMISSIONER MAY: If it's going to be a PUD, it would have to be --

MR. PARKER: So, yes. We can absolutely write it. So, existing solar panels would be taken into consideration in
considering PUD or variance height. Okay?

CHAIRMAN HOOD: Okay. So, what option are you guys -- is that Option 1 or what?

COMMISSIONER MAY: Well, it's effectively 1.

CHAIRMAN HOOD: I know it's not 3.

COMMISSIONER MAY: It's 1, but rather than limit discretionary PUD development, it's just that discretionary PUD development would taken into consideration any impact on neighboring roof mounted solar power generation or hot water.

CHAIRMAN HOOD: Okay. Fine. I pick and choose my battles and this -- I don't know. I may come back and revisit that.

Okay.

COMMISSIONER TURNBULL: I mean, this is only going to affect a lot of PDs on east/west streets. Those facing -- which have
a southern exposure that are --

MR. PARKER: And generally only where you have a discrepancy in the height between -- allowed between two properties which --

COMMISSIONER TURNBULL: Right.

MR. PARKER: -- is very rare to have more than a 10- or 20-foot difference in the height of them.

COMMISSIONER MAY: And every once in awhile you've got somebody who has the low rise building and they're going anywhere. And you have that on the hotel on M Street --

MR. PARKER: Yes.

COMMISSIONER MAY: -- not too long ago.

CHAIRMAN HOOD: Okay. Option 1 would with the caveat so noted.

Okay. Number 9.

District energy systems.

MR. PARKER: Sorry. We feel that
this is really just to clean up. District energy system exists in the city now and are generally implicitly allowed. This would just call them out as explicitly allowed and I can certainly go through the description of what these are again if you'd like.

CHAIRMAN HOOD: Does anyone need it?

COMMISSIONER MAY: No. I think it's fine, Option 1 is fine.

CHAIRMAN HOOD: Okay. So, we think Option -- I'm just reading some of the comments we got. One group thought that this should be a rigorous process. I don't know if anyone -- but anyway, I'm sure it's another bite of the apple.

Okay. So, Option 1, expressly permit District energy systems.

Let's go to number 10.

Water conservation features.

MR. PARKER: This is basically the
same as the earlier yard discussion with light shelves in front of a tech house. This would define water-related things, cisterns and rain barrels and the like and allow them in side yards and rear yards. And we are certainly willing to put the same -- although these are probably less structure that the others but we could certainly put the same visibility descriptions on them.

COMMISSIONER TURNBULL: But a lot of the water you're talking, it's just rain harvesting. You're not getting into gray water, recycling?

MR. PARKER: It's a good question. I mean, we could certainly write the use of that. We certainly would like to encourage.

COMMISSIONER TURNBULL: Right.

MR. PARKER: Yes. We have wrote this with water harvesting in mind. But I don't think we'd want to exclude water reuse.

COMMISSIONER TURNBULL: Okay. Are
you going to put anything in or are you going to just let it float for awhile?

MR. PARKER: The water? No. I idea here is to define a category of water -- and we would define that category of water-
related structures to include both rain harvesting and water reuse.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Okay. We'll go with 1?

MR. PARKER: Yes.

CHAIRMAN HOOD: All right. Let's move to environmentally sensitive area buffers.

MR. PARKER: Option 1 is to define areas of streams, steep slopes and wetlands. And these are largely mapped and were included in our report and create a protection buffer around them that would limit development in those areas.

Option 2 is to not do that.
CHAIRMAN HOOD: I hope this will be the quickest one. I think we all can agree with Option 1. Establish environmental protection zones --

MR. PARKER: Okay.

CHAIRMAN HOOD: -- to create buffer requirements.

Okay.

COMMISSIONER TURNBULL: So, will that then bring in setbacks as regulating how far you have to be from a wetland?

MR. PARKER: Basically, limiting what you can do within that distance from the wetland.

COMMISSIONER TURNBULL: I think we have a case that we have been working on or something.

CHAIRMAN HOOD: We weren't going to debate that long.

All right. Let's go to maybe on this one for a minute.
Number 12. Flood plain protection.

MR. PARKER: Basically, two types of uses being proposed to be restricted in flood plain areas. First are vulnerable populations, uses for the handicapped or for elderly or for children. And the second would be uses that use contaminating chemicals or other things like car washes or dry cleaners, etcetera.

COMMISSIONER MAY: Aren't these already regulated to the building codes or by FEMA's flood mapping and what that triggers in terms of insurance requirements and so on?

MR. PARKER: They're not through—they may be through insurance requirement. I hadn't checked that. But uses to my knowledge aren't. We haven't come across it if they are.

COMMISSIONER MAY: It's just--

MR. PARKER: The structure and how they're built.
COMMISSIONER MAY: But they're prohibited in flood plains.

MR. PARKER: Well --

COMMISSIONER MAY: Aren't they?

MR. PARKER: It depends on what you'd find. You can building out. You can build up and this would say -- in the area defined as flood plain, you can't have these uses. Up, down, sideways. You'd have to be beyond that flood plain limit.

COMMISSIONER MAY: But there really isn't any other -- any other restriction on use or --

MR. PARKER: We haven't checked the practical restrictions of insurance, so I haven't looked into that. But the DDOE doesn't get into uses.

COMMISSIONER MAY: Okay. I guess I'm okay with Option 1 but, again, subject to a fuller understanding of how these issues are addressed by FEMA and by flood plain insurance
and things like that. Because, again, I don't want to create a redundant regulation.

MR. PARKER: Okay.

CHAIRMAN HOOD: Okay. So, we will Option 1.

I think that goes without saying though, Commissioner May. I think we're looking at that in all of this whole aspect. We don't want to create one that says one thing and something that says something else and then we have to sit down and figure out which one are we supposed to do.

COMMISSIONER MAY: Agree.

COMMISSIONER TURNBULL: I think FEMA has got something about five feet below 100 foot level of a two-year, 24-hour storm or something. It's in the LEED category too that says you can't build on that kind of an area.

MR. PARKER: Yes. They got lots of rules about what you can build and where you can build. But not what uses go on.
COMMISSIONER TURNBULL: Well, do we care what uses or can we just worry about--

COMMISSIONER MAY: That's just being relative. Certain types of uses you're suggesting are inappropriate for flood plains period.

COMMISSIONER TURNBULL: Isn't any use --

COMMISSIONER MAY: Well, some are more problematic than others. I mean, underground storage tanks I can testify personally how problematic that can be when there's a flood.

Now, my experience occurred in an existing building, not in a flood plain, but there was a flood in the building. There were burst pipes in the building and there was a storage tank in that building and it made the clean up of that building just horrendous and it got cleaned up but it was costly and fortunately didn't affect the environment.
beyond the building but it's -- it's a problem.

MR. PARKER: And, Mr. Turnbull, you're certainly right. There are a lot of jurisdictions that just prohibit development outright in the flood plain. I think D.C. may be well beyond that point. We've got a lot of existing structures.

CHAIRMAN HOOD: Okay. So noted. We will go with Recommendation Number 1.

13. Existing Tree Cover Protection.

We see Option 1, Option 2. I'm going to go to Option 2 because Option 1 is more detailed.

Provide tree protection standards only as optional customization of local residential zones.

Again, I think this goes back to the same point of making sure we work along with UFA and those groups. And I think you're already doing it but --
MR. PARKER: And they were here. Absolutely. We heard from them at the hearing.

CHAIRMAN HOOD: Anybody else?

COMMISSIONER MAY: Yes. This is one where I just want to throw the question out there.

Do we really want to address trees and tree cutting for large trees as a matter of a special exception? It seems to me that the government ought to be capable of providing an appropriate regulation and have a regulatory kind of framework for dealing with that whether it's getting approval from UFA and they have guidelines about what you do in those circumstances, rather than it being a zoning issue per se. You know, I just think about cases that have occurred in the past where I know that on site there were large trees. And do we want to get into the business of trying to evaluate a special
exception and what the appropriate mitigation
is for cutting down those trees?

I'm all for having protections and
having a really good and very strong
regulatory framework that, you know,
encourages replanting and encourages working
around existing healthy trees, but you know,
as soon as you're talking about a tree of 24
inches and you got to get, you know, the
arborist to certify that it's a healthy tree
and you got to look at the age of the tree and
what's the life expectancy of that tree in the
first place. A lot of times trees appear to
be quite healthy and that their substantial
diameter but, in fact, you know, beyond the
first, you know, inch of good solid wood, it's
all rotted out and it falls down in the next
storm.

I'm just really uncomfortable about
uss getting too far into that as a zoning
issue. I'm all for tree and slope protection
and things like that and general concerns and
how you deal with this as a zone, but I think
we're getting a little --

CHAIRMAN HOOD: I had a --

COMMISSIONER MAY: -- too far into

the weeds if you will.

CHAIRMAN HOOD: That's a good

comment because I had a colleague and I can't
remember who it was at this time but he wanted
to do the -- I know it was a male. He wanted
to do the tree and slope and he wanted to have
a generic tree and slope overlay across the
ward. We were doing, I think, I forgot where
we were. But we were in Ward 3 somewhere and
he kept pushing and I agreed with him that we
need to have some generic I think for the
whole city.

Do you remember me having that

conversation, Commissioner May?

COMMISSIONER MAY: I remember the

Forest Hills Tree and Slope debate.
CHAIRMAN HOOD: I forgot who it was but I don't know. Was it you or somebody else?
Maybe it was Mr. Parsons.

COMMISSIONER MAY: I was -- I did a lot of talking about that one. I can't remember what I said but I was there for a lot of that --

CHAIRMAN HOOD: Somebody said it and I agreed with that.

So, let me ask this. So, you think we need to get out of the business of waiting for arborists to come and tell us.

COMMISSIONER MAY: I guess I -- I guess I'm just not ready to buy into option 1 as being the right direction or even having tree protection standards as an optional customization of the local residential zone.

I think we need to look more carefully in what is the right place for this to be regulated? What's the most effective and what's going to be the most reasonable. I
absolutely agree with the sentiment and the
desire for the protection. But I'm just not
sure that we're the right place to do it.

CHAIRMAN HOOD: Does anyone else
feel strongly instead of just making an option
of 1 as the recommendation or should we --
shall we say -- I'm trying to take
Commissioner May's comments -- the guidance
that we're going to give. Can we say that we
need further study?

COMMISSIONER MAY: I think that we
should look at it a little bit more.

CHAIRMAN HOOD: So, can we do that,
Mr. parker?

MR. PARKER: We can. I would love
a little more guidance. Look at it with the
idea of applying it in particular areas. Look
at it with the way of making firm standards
for what applies and what doesn't. Both --

COMMISSIONER MAY: You know, I
think that the -- the -- I'd like as I said
before the tree and slope overlay and expanding it into other residential areas but I think that what is a big concern for me is, you know, the particulars of -- I mean having to do with special exception for taking out a tree that's 24 inches in diameter. That's kind of the red flag for me.

If there are other methods of providing protection that are more effective I would -- I would opt in that direction. I just -- I don't feel like -- it's hard for me to explain --

CHAIRMAN HOOD: Let me ask this question.

COMMISSIONER MAY: -- the reticence that I have but it's just -- it's special exceptions specific to a 24 inch tree I think is a difficult matter for us to get into and I would rather have another stronger framework if one could be found.

MR. PARKER: Okay.
COMMISSIONER MAY: If we can't find one that's better than, okay, I'd go along with this. But I think that maybe there's a better way.

CHAIRMAN HOOD: But is the background information of 24 inch trees because it's a mature tree? I mean, is that some information that necessarily we're not seeing here which is how we arrived at the 24 inches?

MR. PARKER: Well, that's certainly a legacy tree that would work with the four -- and that's the standard from the tree and slope overlay now. They have the two standards. They have a low standard for when you have to count a tree and you can take a third of all the tree between the two. But you can't take above -- above this 24 inch circumference.

I am certainly hearing the concern and I think what we can do is is walk away
with a version of Option 1 where a tree that's greater an eight inches in diameter are protective and require mitigation. And we'll look at other options to handle protection for the 24 inches and above tree, other than special exception.

CHAIRMAN HOOD: I don't know if I would agree with necessarily taking -- I don't know if I all agree with what Commissioner May said but let's look at that.

COMMISSIONER MAY: Yes. I'm not suggesting necessarily that it's -- that it has to go -- that that has to go. I'm just saying that, you know, isn't there a better way that's going to be stronger and going to require less of, you know, our judgment on whose arborist is correct on that about the health of the tree or what have you because, you know, you can get an exception if the tree is not healthy. Right?

VICE CHAIRMAN KEATING: I'd have to
agree with you because the one case we've said
on here that we don't with the tree issue
which was Georgia and Lamont, I think. And
they were taking out a tree to access the
alleyway and we had a lengthy conversation
about that tree. And never really, I think --
we were all over the place trying to figure
out what was going on with that tree.

I can see kind of some lengthy
conversations happening around tree diameters,
healthy tree report from this arborist or that
that might get us so far off track in terms of
the real issues that we need to be dealing
with on these applications.

MR. PARKER: And I will say that in
that particular case that was in the absence
of tree and slope overlay and so I think that
the idea of expanding tree protection into
some of those other cases but having a better
structure for it I think would be wise.

Because I think it would be good for us to
have a structure for dealing with, you know, a PUD in an urban area that has some good street trees and what's the right way to handle those sorts of things.

COMMISSIONER TURNBULL: Yes. I think on some of our Planned Unit Developments it's not an issue. There's either no trees on the site. But you do get into some areas where it's out a little bit further and you do have trees. And so before they come to us with a Planned Unit Development that got to go through a special exception process then to talk about the trees.

MR. PARKER: Well, you can certainly do that as part of your PUD.

COMMISSIONER TURNBULL: Yes, but that --

MR. PARKER: That's been drafted into a PUD, sir.

COMMISSIONER TURNBULL: I think it needs to be covered a little bit differently
though.

COMMISSIONER MAY: Yes. I think what the concern that I have though is that there -- is not that we, you know, we couldn't discuss it. It's that there's already so much to discuss and to evaluate. It would be better if there was less that was sort of subject to our collective judgment and some things -- more things that were very well defined. And that's why I guess my notion when it comes to tree protection is that tree protection should be applied more broadly --

MR. PARKER: Right.

COMMISSIONER MAY: -- across the city but the structure of it should be less subject to, you know, the debate and the sort of subjective criteria that we would -- we would be applying with this one.

MR. PARKER: Well, I guess the difficulty I'm having and I regret that OIG is not here. And we'll work with them.
But the difficulty that we have is that the only discretionary authority falls with you or the BZA. Based on the assumption that we've been working under is we either allow something to be removed and mitigated or not. And if there's going to be any discretion about trees over 24 inches then it has to fall on you or the BZA. And we can't apply -- we can't grant discretionary authority to the VA or their enforcer or somebody else outside of the bounds of if it helps.

COMMISSIONER MAY: But could the Urban Forester publish their own regulations or DDOT public their own regulations that Urban Forester would apply that would address some of these things?

MR. PARKER: You're talking about an expansion of their forest react or some council initiative.

COMMISSIONER MAY: Well, but I mean
there's certain things that are a matter of --
maybe a matter of regulation not just a matter
of law.

I mean, it may well be that when
you go back and you look at this there really
is no alternative.

MR. PARKER: Well, I'll certainly-

COMMISSIONER MAY: But I just think
-- I think it would be nice to --

COMMISSIONER TURNBULL: Yes. I
think on some sites where an applicant which--
and which has a significant amount of trees,
maybe there's a requirement for the applicant
to create a tree easement that trees in that
certain zone which is either bordering
something whatever significant or a certain
street, they need to create a tree easement
that they can't go into. I don't know.

MR. PARKER: Okay.

CHAIRMAN HOOD: Okay. So, we're
going to go with Option 1 with the -- trying to refine some of the special exception language? Absolutely.

CHAIRMAN HOOD: Okay. What I'm going to do at this point I have to leave so I'm going to turn it over to the Vice Chair to finish it off.

VICE CHAIRMAN KEATING: Okay.

We'll move on to 14. Vegetated Roofs.

MR. PARKER: Right now parapets are allowed on a building to extend four feet beyond the zoning height restriction. This recommendation would include in that exemption green roofs. So, behind your parapet up to four feet you could put a green roof above the allowed zoning height. So, no additional appearance of height. We're simply allowing green roofs in there.

VICE CHAIRMAN KEATING: So, you don't need an additional three feet above that for a parapet on the green roof?
MR. PARKER: You -- well, no. I mean, we could say the recommendation would be to have -- allow an additional three feet for parapets. We hadn't gone that far. That's certainly a possibility but that would result in additional height.

VICE CHAIRMAN KEATING: Height.

MR. PARKER: Height.

COMMISSIONER MAY: So, essentially what this allows you to do is, you know, if you have an extensive green roof and you got six inches of trays or something like that, that could all be above your height limit.

MR. PARKER: Right.

COMMISSIONER MAY: And if you have an intensive green roof that might have three foot deep planters all of that could be above it.

MR. PARKER: Right. But, yes. You're cutting down the parapet that could stick above the green roof.
COMMISSIONER MAY: Are we okay with Option 1. Okay.

VICE CHAIRMAN KEATING: 15. Water Conserving Landscaping.

MR. PARKER: Basically in our report we identified a list of native and low water plant species. I believe the Chesapeake Bay Foundation or something put out that list. That list would serve as a guide in our recommendation. Required landscaping would have to be from that list and certainly any of the optional landscaping that would put -- from that list would count extra towards a green area ratio, assuming that you approve Recommendation 18 and we have a Green Area Ratio system of native vegetation would count higher than non-native.

COMMISSIONER MAY: What are you referring to as required landscaping versus optional?

MR. PARKER: When landscaping is
required there is a requirement for landscaping in certain zones, requirement for landscape buffers. When you have something that is required, it would have to be -- it would have to use species from this list.

COMMISSIONER MAY: And that's required as part of a particular zone?

MR. PARKER: Right.

COMMISSIONER MAY: Or as -- would it be something that was written into a PUD order as well?

MR. PARKER: It certainly could be.

COMMISSIONER MAY: But I guess we have total discussion on that.

I don't know. It seems very restrictive that there would be some government-approved planting list. And I -- I guess I'm interested in the idea that it would be incentivized through green area ratio and that there would be some benefit that accrues
to the owner if they go down that road. But I
don't -- I don't know. It makes me think
about my own garden and whether the stuff I
have in my front yard would be on the approved
list.

MR. PARKER: Your own garden not
required though.

COMMISSIONER MAY: Well, okay.

What about -- what about the public space in
front of my house? Is that required?

MR. PARKER: Not in the zoning
code. There's only a few instances --

COMMISSIONER MAY: Right.

MR. PARKER: -- after a screen in a
parking lot I think for example.

COMMISSIONER MAY: Right.

MR. PARKER: There's a few
instances where landscaping is required, but
not very many.

COMMISSIONER MAY: Oh, so it's a
very limited?
MR. PARKER: Yes. Yes. I think the CR requires some landscaping.

COMMISSIONER MAY: Not all landscaping just where required to have landscaping.

MR. PARKER: Where in the zoning ordinance zoning requires landscaping, that landscaping would have to be from this list.

COMMISSIONER MAY: Is that spelled out in your report where it's required?

MR. PARKER: No. But I can certainly provide you a list. We've actually just gone through that in a couple of our working groups. So, we have that information.

COMMISSIONER MAY: Okay.

I think I want to see that. I mean, if it really is as limited as you say and if we're talking about parking lots and those sorts of things.

MR. PARKER: Certainly parking lot landscaping is the main one that comes to
mind. You've approved a requirement for 10 percent of the parking lot to be landscaped. That's one.

And then there are other areas where you have to buffer and that buffer can be a wall or landscape.

I can provide you that list and, yes. What I'm hearing is that the -- the Commission is supportive of incentivizing it through the GAR and needs to see more information on requirements.

COMMISSIONER MAY: Yes. I think that's right.

I think -- you know, one of the things I worry about and this is again going into that whole area of us getting too involved and in some of these issues is that we'd wind up having to do variances if somebody wants to plant something other than -- from the required -- on the approved list.

And it just seems that we could be getting
ridiculous.

MR. PARKER: Okay.

COMMISSIONER MAY: But maybe it's not. We'll get more information and we'll see.

COMMISSIONER TURNBULL: You're got to specify a native and low water. I suppose with that goes no water. With the low water are you -- want to bring up about the type of equipment. Are they going to use, I mean, drip irrigation, misting rather than full blown -- I mean, I'm just thinking that's another part of it.

MR. PARKER: Right. That's absolutely true and you know our consultants went down that road and they talked that over with us and with the working group. We didn't carry it to that next stage in our recommendation but you're absolutely right. That's another consideration that we could go down.
COMMISSIONER TURNBULL: Okay.

MR. PARKER: Let me know if that's something that you want to see more of.

COMMISSIONER TURNBULL: I'm just thinking, you know, you've mentioned low water but the best way to get low water is through the right kind of equipment. If you're going to use regular sprinklers, you're really getting low water.

MR. PARKER: Right. We can certainly look at tackling it that way if you'd rather.

COMMISSIONER TURNBULL: Well, I don't know what the other members -- what the other Commissioners think of that.

You're saying add to this?

MR. PARKER: Well, I mean, we're talking about low water demand plant species. But if you're not controlling the kind of water that's going to the plants --

COMMISSIONER TURNBULL: Yes. So,
they could put all the plants on the approved
list and then put in those, you know, giant
sprinklers.

MR. PARKER: Yes.

COMMISSIONER TURNBULL: And water
the hell out of them.

MR. PARKER: The question is, do we
want to zone for sprinklers though.

COMMISSIONER MAY: Another fertile
area for special exceptions.

MR. PARKER: You know, we might
benefit from learning something about what
your debate was on that and whether or not we
put it in, I don't know. I'd be open to
considering that.

VICE CHAIRMAN KEATING: Are we okay
with the recommendation pending more
information?

MR. PARKER: Yes. Let me just
recap what I have heard.

That we will specify the plant
species for incentivized -- incentivizing under the green area ratio. We'll provide you more information on required landscaping where it is required now in the zoning code and we'll provide more info on the pros and cons of regulating irrigation systems.

VICE CHAIRMAN KEATING: Okay.

Sixteen. Pavement Runoff and Soil Erosion Control.

MR. PARKER: As part of the parking working group, the Commission approved additional landscaping standards for parking. Surface parking lots, 10 percent, landscape cover 30 percent, canopy cover. The consultants certainly recommended to us that we should certainly look at standards to regulate the design and distribution of that landscaping to increase the quality and quantity of runoff control.

And those were laid out to some extent in the report.
VICE CHAIRMAN KEATING: So, Option 1 is really just for, again, going back to the landscaping. How you use the landscaping to control pavement runoff and soil erosion control?

MR. PARKER: Basically, yes. For surface parking lots in addition to the basis requirement of 10 percent landscaping, we added some requirements as to how that had to be laid out. They have to be laid out in certain size increments and certain distances with a goal of increasing the quality again of the runoff control.


MR. PARKER: Okay.

VICE CHAIRMAN KEATING: Option 1. Pavement Runoff Reduction.

MR. PARKER: This one is tied to Recommendation 18. It's really an encouragement of pervious surfaces. We can do
this by, you know, putting individual statements in individual zones or individual requirements in individual zones to encourage pervious pavement or pervious surfaces instead of impervious. Our recommendation is to simply incentivize it through the green area ratio.

VICE CHAIRMAN KEATING: Okay.

Option 1.

Now the Green Area Ratio, Number 18.

MR. PARKER: Would you like me to go into a recap of what the green area ratio is or are the three of you fairly familiar with --

VICE CHAIRMAN KEATING: We're okay. We're fine.

MR. PARKER: Okay. So, Option 1 is that we would adopt that system. And Option 2 -- I guess there is an Option 2.

Oh, Option 2 is not about that
system. Just has individual standards for all of those separate things. And then Option 3 is to not regulate.

COMMISSIONER MAY: I guess the one concern I have about this system is, how complicated is it going to be to do the calculation? And is it going to be designed so that, you know Joe Homeowner is going to be able to do their own GAR calculation?

MR. PARKER: That would be the plan. You saw in the report that, you know, the worksheet that Seattle uses and you can design something so that if you can calculate the area of each feature and we'll give you a standard area for a certain type of trees and such, then you can fill out this worksheet and calculate it yourself. That's the goal.

VICE CHAIRMAN KEATING: Okay.

MR. PARKER: Now, Seattle does require that you have this certified by a landscape architect. We certainly -- we will
look at that whether that is doable or not.

COMMISSIONER MAY: Yes. I mean --
I think that something like that has to be done. It either has to be certified by a qualified professional or you're going to have to have somebody in the government who checks it. And I'm not sure you want to, you know, add that -- add that layer of bureaucracy. I don't know.

MR. PARKER: We haven't found an alternative yet. You're right to the simplicity of just having certification.

COMMISSIONER MAY: And how did you say it. Seattle does it--how do they check or confirm?

MR. PARKER: Well, they have a worksheet that the property owners do and then when you submit for your building permit a landscape architect certifies. They certify the work.

COMMISSIONER MAY: That probably
works. You probably need to have them -- the landscape architect may need to have certain training or authority or whatever to be able to do it. So you make sure you get real understanding.

MR. PARKER: Okay. Okay with Option 1.

VICE CHAIRMAN KEATING: Yes. Okay.

Local Food Production.

MR. PARKER: One second.

This is simply to make sure that we explicitly allow food production in all zones -- residential zones and all other zones. You know, gardening, community gardens, roof tops gardens to make sure that they're permitted in every zone.


Let's go with Option 1.

20. Individual Food Sales.

MR. PARKER: Again, just clarifying
what is permitted and in this case the temporary use or product sales and we can define what temporary means. A certain number of days a year or certain number of months a year. But the idea here is to allow produce sales.

COMMISSIONER MAY: How would you go about getting a permit for the temporary use? I mean, is it just applied like you apply for a building permit and temporary use and the ZA would sign off on --

MR. PARKER: Yes.

COMMISSIONER MAY: I think we need to think carefully about what the temporary use -- what the timeframe is for that. Because I know that there is some -- and others -- other "temporary uses" there are -- there's the potential for some, you know, abuse. Things are allowed 364 days a year and so for one day, you know, you dismantled a tent and then you come back the next day and,
you know. I mean, it's got to be realistically temporary.

MR. PARKER: Okay. We can make sure of that.

COMMISSIONER TURNBULL: What about size of stands? I mean, I could be a very enterprising homeowner and grow bushels of tomatoes and set this up as Mike's Garden Emporium some place and I want to have like a 40-foot long stand?

MR. PARKER: Well, there's a couple of ways. I mean, you can certainly limit it to on site grown produce and then it's only so large it can be.

And the other option is just to like you said, limit it to -- limit it by the amount of produce or some other size requirement.

We'll look at how other communities do that.

COMMISSIONER TURNBULL: I was just
wondering. Can several homeowners go together on this thing and -- or is this just individuals?

MR. PARKER: Then you get into Recommendation 21, the Farmers Market.


COMMISSIONER MAY: But I think in this circumstance there would be some other regulation to accompany this that limits size or specifies something about the construction of it or what have you.

MR. PARKER: Right. No structures that sort of thing.

COMMISSIONER MAY: Yes.

VICE CHAIRMAN KEATING: So, we're okay with 20 with defining temporary use and size.

MR. PARKER: Yes. Size and use.

Or size and temporary --

VICE CHAIRMAN KEATING: Temporary
use. Okay.


MR. PARKER: Make sure -- right now we don't have a definition for farmer's market. Make sure we define what farmer's markets are and permit them where we want them.

COMMISSIONER MAY: Again, with some appropriate regulation about that impacts physically.

MR. PARKER: Yes. Impacts. Right.

VICE CHAIRMAN KEATING: Okay. And then 22, Incubator Space for Sustainable Business.

MR. PARKER: So, when we separate our uses into categories of uses, one of these categories we've already talked about in a past hearing is PDR. What we now call industrial distribution repair.

A large part of that category in
the future will be production distribution repair of sustainable elements. Things like, you know, building solar panels and that sort of thing. Bike repair. Other things that can be tied to sustainability.

One of the important parts in our Comp Plan and in our green jobs initiative right now is producing incubator space for businesses to start up in those fields. To start up with green jobs and start green businesses.

The recommendation here is in commercial zones where traditional PDR uses are not allowed and manufacturing and other things are not allowed, allow small incubator size green businesses that would otherwise fall into the PDR category.

And, again, limit the size and impact and even duration.

COMMISSIONER MAY: Yes. I think it is going to come down to specifics of the
impacts.

MR. PARKER: Okay.

COMMISSIONER MAY: And I think there may be some "sustainable" businesses that may be inappropriate no matter what because of the impact.

MR. PARKER: Okay.

VICE CHAIRMAN KEATING: Okay. All right.  23. LEED-ND for Large areas.

MR. PARKER: 23 has to do with development of large tracts. In a future working group and in the PUD working group we're going to get into talking about large tract development and large sites. So, we will be taking this up later but we wanted to get your preliminary inputs since this is a sustainability issue.

But the recommendation here is that when we are planning large site, things like Armed Forces Retirement. Things like large Federal Government land transfers and other
large site where we're doing zoning work and area plans, the regulations would require sustainable development. And whether we use LEED-ND itself or just use similar standards of LEED-ND, our recommendation is that we do sustainability planning for those larger areas. And this is one that will come to you with further details after that later group.

COMMISSIONER TURNBULL: Are you leaning toward using LEED-ND or --

MR. PARKER: Well, LEED-ND is still in development.

COMMISSIONER TURNBULL: Right.

MR. PARKER: They're still going through development. We have open debate in that. I think the preference right now is to -- is to pull out the standards of LEED-ND and put them in the code rather than requiring LEED-ND certification. But we're still open on that.

COMMISSIONER TURNBULL: So, on a
PUD would they be required then to submit documents to us similar to LEED?

MR. PARKER: Haven't gotten to that level of detail yet.

COMMISSIONER TURNBULL: Okay.

VICE CHAIRMAN KEATING: Okay.

We'll look forward to getting more information on that.

Anything else on that? Other issues? Okay.

So, on 23 I hear --

MR. PARKER: Option 1. Yes.

VICE CHAIRMAN KEATING: Thank the Office of Planning. Excellent work as usual.

Appreciate it.

I think that's it for the evening.

Ms. Schellin, do you have anything else?

SECRETARY SCHELLIN: That's it.

Unless OP has a report for us.

MR. LAWSON: We do not. Thank you,
Ms. Schellin.

SECRETARY SCHELLIN: Okay. Then that's it.

VICE CHAIRMAN KEATING: That concludes our business for the evening.

Thank you. This hearing is adjourned.

(Whereupon, the above matter was concluded at 8:02 p.m.)