GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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 SELFBRIDGE Commissioner
PETER MAY Commissioner (NPS)
MICHAEL TURNBULL FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
ESTHER BUSHMAN General Counsel
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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(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
any disruptive noises or actions in the hearing room. Please turn off all beepers and cell phones.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

MR. PARKER: Thank you, Mr. Chairman.

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

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

I'm Travis Parker with the D.C. Office of Planning. In addition to Ms. Steingasser, I am joined by a bunch of people who did a lot of work on tonight's chapters.
Dan Emerine from the Office of Planning, we've got Chris Delfs from DDOT, we've got Jamie Henson from DDOT, and sitting back here, who we may call up later if there are questions, are Karen Thomas and Maxine Brown-Roberts from the Office of Planning. So --

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

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

We'll start tonight like we normally do and just remind you sort of where these chapters fit in the general hierarchy of the code. You've seen this graphic many times before, and you'll see it many times again. The chapters that we're looking at tonight are in -- are subtitle B, our general regulations,
so they don't apply to a particular zone. These are city-wide regulations.

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

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

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

As a quick background of what has happened so far, we started looking at this issue in early 2008. This was one of the
first working groups we held that looked at parking and loading in the spring. In the summer of 2008, we came to you for preliminary guidance, got guidance in July on parking, and in September on loading. And the actual guidance meetings were held later in the fall, where you approved most of the concepts that we had suggested for you.

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

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

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

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

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

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

Now, when we talk about standards being located within the subtitles, there are some chapters or some subtitles that will not have a parking table or a parking chapter.
According to the guidance you have given us, and the way that the code has been presented thus far, there will be parking minimums in subtitles D, E, and G, which are, you know, the low density residential zones, R-1 to R-4, the high density residential zones, R-5, that are away from transit, and the commercial and mixed use zones that are away from transit.

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

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

COMMISSIONER MAY: Did you say the
majority or all? I mean --

MR. PARKER: Sorry. What?

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

MR. PARKER: No, I'm sorry.

COMMISSIONER MAY: -- that were --

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

COMMISSIONER MAY: Will not have minimums.

MR. PARKER: Will not have minimums.

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

MR. PARKER: All right? So Section 1502 lays out the requirements for minimum parking. This is the application of minimum parking requirements and the rules
governing minimums. It covers things like, you know, when you have to provide minimums for building additions, for change of use, for historic resources, how you can share minimum requirements, where they need to be located, and how car share fits into that.

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

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

We came -- when we came through with the downtown hearing, we had originally suggested some use-based maximums, and met with some resistance and met with some constructive criticism on use-based maximums in the downtown zone. And we stepped back
from that, and this version of maximums that
is being presented to you is actually just a
city-wide general maximum. It doesn't apply
to a particular zone, doesn't apply to a
particular use. The idea here was to capture
the very largest projects.

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

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

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

I want to take a break before we go
on to the remainder of the parking subtitle or
sections and give DDOT a chance to present
some information on parking minimums and
maximums that responds to our recommendations.

I'll give that to you guys.

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

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

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

And as you might imagine, parking is a topic that is near and dear to DDOT's heart. We deal with parking issues on a daily basis, and we are here, first and foremost, we wanted to express support for the proposed changes to the Zoning Code. In particular, I think it is important that we recognize that
we support the overall concept of parking maximums. We truly believe that it is a good one, and it is applicable for the District of Columbia.

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

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

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

The first is the 2050 Region Forward Plan, which, as you can see there, it states these are a couple of the primary
targets that they -- that the regional
government has established. And the first one
is to reduce vehicle miles traveled per
capita, and then another target is to increase
the share of walk, bike, and transit trips in
the region.

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

And, finally, I am not sure if the
Commission has had an opportunity to look at
the DDOT action agenda, which was just
published this last year, which really lays
out a two-year road map for the agency, its
strategic goals. And one of those policies in
the action agenda is to support zoning code
updates that expand bicycle parking, amenity
requirements, and implement vehicle parking maximums, where feasible.

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

Mobility in the District right now.

We are the second most congested urban area in the nation, and, in fact, our congestion has grown the fastest of any urban area since 1982. This translates to 62 hours of delay per person annually, and, if any of you all commute in D.C., you know that the peak period, the rush hour is spread not over a rush hour but over multiple hours in both the morning and the evening.

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

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

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

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

But, first, I want to just start off with a good-sized list of development
areas, the large development areas that we have in the city that still are coming. So we have the conditions that Chris mentioned -- extreme congestion, congestion stretching over multiple peak hours, two and three, and some days if it rains even considerably more than that.

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

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

And so what I'm going to do is give
you a case study of what -- some work that we have done in the NoMa area. About a year ago, maybe a little more than that now, we initiated a study of the NoMa area, assuming that it would build out, which we hope for it, and to see what the impacts of that buildout would be.

So let me give you a brief summary.

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

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

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

CHAIRMAN HOOD: I think I'm getting ready to make all of our lives a little easier. I actually had a comment from my colleagues, and myself, too, because I
probably was the one that started it. I feel like I'm at a hearing, and I know it's very detailed, and I know you all are doing exactly what we asked. Is there any way we can kind of hit the high points? We don't necessarily have to go by every detail.

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

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

This is the one and only area I
think that we have some changes to discuss in
our -- in the text that has been sent to you.
And we can try to keep it short.

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

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

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

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

COMMISSIONER MAY: Same text but
different numbers.

MR. PARKER: Different numbers.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: So this is pretty
much the extent that we are going to get into
the full detail here. And after this, we will
MR. PARKER: After this we will be really quick.

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

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

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

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

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

(Laughter)

MR. HENSON: So the potential impacts of the development is there is the potential for 12,000 new peak hour trips in NoMa alone. And to give you a context for what that means, an interstate highway facility can handle approximately 2,000 cars
per lane per hour. So 12,000 vehicle trips is comparable to six lanes of freeway. And, obviously, we don't have that capacity in that area.

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

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

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

And then, that is just on the arterial network. As the arterials get more crowded, it shifts traffic to our
neighborhoods. And then, when you even get to NoMa, it -- the network doesn't function. And this is just NoMa. This is just one area. We could probably name five -- four or five areas comparable to NoMa that we have to figure out how they work on a transportation perspective.

And so that's to give you the framework.

So the things that we look at to implement in order to make our network function is basically for the most part, in general terms, is a shift in mode without a reduction in the trips. And so what has to happen, in some form and in some way, is that vehicle trips must be shifted to other modes. We just don't have the vehicle capacity. We want the trips. We are very supportive.

We are doing everything we can to build the infrastructure, so that there can be more trips in this city. We are building great street projects that expand our sidewalks. We are looking at doing a variety of transit improvements, a variety of -- that being
street car, a bus, any number of things. And so here is our general methods for addressing that.

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

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

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

MR. DELFS: I think I'm going to
honor the request to skip forward a little bit here. The reason why we believe that this was so important to present to the Commission is I think there needs to be a genuine understanding of the traffic capacity issues that we are facing here.

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

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

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

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

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

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

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

All right. So our general recommendations are limit the parking supply.
We've got to figure out how to do that. Now, obviously, there are different ways that that can be done, but ultimately from our perspective that's what has to be done.

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

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

So please understand that this is not the same -- I am not the same type of
person that our colleagues at OPR -- they are much better versed in going through these details than I am.

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

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

And so the top line is for Portland office in their central business district and transit mall area, and that is .7 to .8
parking spaces per thousand square feet, one per thousand in retail areas in their central business district. Milwaukee is one per thousand for office, two per thousand for retail city-wide.

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

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

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

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

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

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

1508 is just a matter of updating the standards for parking space and aisle size. 1509, very straightforward, maintenance
of parking areas. 1510 has some new items. This is enhanced landscaping requirements for surface parking lots. This is the new requirements that we talked about in 2008. Ten percent of the surface parking lot must be landscaped, and every five spaces -- you have to have one tree for every five parking spaces.

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

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

1513 gets into the six types of
special exceptions, and basically the first three are -- allow partial to complete relief of minimums for different things, and the last four -- number four is relief from maximums. And, again, like I said, whatever level you set the maximum as, it just means that above that level would require zoning review under this special exception. Number five is special exception from driveway locations, and six is from screening requirements.

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

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

CHAIRMAN HOOD: Okay.

Commissioners, any questions? Comments?
Commissioner May?

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

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

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

COMMISSIONER MAY: Okay.

MR. PARKER: -- we can give you some bubble maps, some generalized maps, but we don't have --
COMMISSIONER MAY: Yes. Something to give us an indication of the extent I think would be very helpful at the hearing, and I'm sure the public would be interested in that.

MR. PARKER: Okay.

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

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

COMMISSIONER MAY: Thanks. And I don't really need to hear it now. I just need to know that it's going to be at the hearing. And, again, I'm hoping DDOT is going to be very aggressive in their treatment of how they
manage that particular problem, because it's a
problem even today.

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

MR. PARKER: Okay.

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

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

When it comes to parking maximums,
in the text, the current text says, "No
parking area shall have more than a thousand
parking spaces." And it sounded from your report that there were really very few parking lots that are like that. So if you could just give us examples or tell us which ones are that large, again, just to get a sense of the context.

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

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

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

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

MR. PARKER: Yes.

COMMISSIONER MAY: Because it could --

MR. PARKER: Yes.

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

At least -- what is the split now
between full size parking spaces and compact spaces?

MR. PARKER: In the current code?

COMMISSIONER MAY: Yes.

MR. PARKER: Twenty-five percent.

COMMISSIONER MAY: Twenty-five.

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

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

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

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

MR. PARKER: Okay.

COMMISSIONER MAY: In certain circumstances.

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

COMMISSIONER MAY: No.
MR. PARKER: -- just information?
Okay.

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

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

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

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

MR. PARKER: I can --

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

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

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

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

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

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

MS. STEINGASSER: Well, because despite what we all say, we all use them.
They are highly popular when it's raining and you want to go to the bank, when you've got a car full of kids and you're coming back from a ball park and they need sodas, when you're picking up dry cleaning. So it's how they're used --

COMMISSIONER MAY: Yes.

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

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

Okay. On 1513.3, the -- I'm a little confused, because I was expecting to see an overall limitation of the reducing parking requirements -- an overall limit of 50 percent. And maybe it's in there somewhere,
but it's in the guidance, that below 50 percent you need an area variance.

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

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

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

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

    MR. PARKER: That is true, and we are happy to put it back that way.
COMMISSIONER MAY: I mean, I think it would be consistent with our prior guidance. I'm certainly interested in having that discussion of what the lower limit should be or if there should be a lower limit. But it seems to me we spoke on this once before. I'd prefer to see it consistent with that.

MR. PARKER: Okay.

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

MR. PARKER: Right.

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

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

COMMISSIONER MAY: Well, I'm not sure. And I'm not saying that it should be set down differently. I'm just -- I think
that's just going to be one that we're going
to have to discuss in the hearing.

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

CHAIRMAN HOOD: Okay. Thank you.

Any other questions, comments? Mr. Turnbull?

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

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

COMMISSIONER MAY: 1503.3?

COMMISSIONER TURNBULL: Yes.

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

In light of what DDOT was just
saying, are you -- is this going to change?
MR. PARKER: No. I should clarify the section a little bit more, if people have this in front of them. 1503.1 and .2 are predicated on a system where particular zones have particular maximums by use. We aren't proposing that as part of our zoning review, but we wrote it so that in the future it could be done.

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

COMMISSIONER TURNBULL: Okay.

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

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

COMMISSIONER TURNBULL: Yes. You know, we've gotten into this with PUDs, you
know, and we've got these mixed uses and we struggle back and forth. You've got to have a certain percentage for residential, a certain percentage for the commercial retail.

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

COMMISSIONER TURNBULL: Okay.

Thank you.

CHAIRMAN HOOD: Anybody else? Vice Chairman Schlater?

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

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

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

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

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

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

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

MR. PARKER: Well, at the time we hadn't had a complete discussion with DDOT. We based our standards on just catching the
worst-case scenarios. Publication of our standards prompted a fuller discussion with DDOT, and that's why we're here tonight with them.

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

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

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

COMMISSIONER MAY: I just wanted to follow up on that. Do I understand correctly that the only thing that DDOT is, therefore, now proposing is a -- in 1503.3(b), the max would be 250, and 1503.3(c), the max would be one per thousand?
MR. PARKER: I think they proposed two things. They proposed splitting 1503.3 into a TOD limit and a non-TOD limit. And the TOD would be 250 parking spaces and one per thousand. The non-TOD would be 500 parking spaces and three per thousand.

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

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

But, again, I want to reiterate
that the key part for us is really protecting 
those transit-oriented areas.

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

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

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

MR. PARKER: Okay.

COMMISSIONER MAY: -- I mean, I --

VICE CHAIRMAN SCHLATER: I think I 
would agree in the alternative, because I 
don't think DDOT's proposal is the right one
yet. I think it's -- there's a middle ground there. But I think splitting it into TOD versus non-TOD, that's absolutely the way to go.

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

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

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

(Laughter)

VICE CHAIRMAN SCHLATER: Kidding. I'll be quick. On the question of drive-thrus, I would definitely be interested in just examining an outright ban on drive-thrus in certain parts of the city. There are definitely certain parts of the city that have a less dense urban feel, but when I'm going to
work in the morning, and I go by the drive-thru McDonald's at South Capitol and I Street, Southeast, it is just not right for that area, and it shouldn't be allowed.

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

(Laughter)

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

VICE CHAIRMAN SCHLATER: Sounds good.

MR. PARKER: It may not be in the text, so the text of limitations on drive-
thru, but, yes, when the chapters come.

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

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

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

MR. PARKER: Sure.

MR. BERGSTEIN: -- revocation of C of O is not the only enforcement mechanism. So if you are in violation of the zoning regulations because you don't have the minimum
amount of parking on your lot, then the Zoning Administrator might first try fining you every day.

VICE CHAIRMAN SCHLATER: How would anybody ever know?

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

VICE CHAIRMAN SCHLATER: To turn yourself in?

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

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

MR. BERGSTEIN: Yes, there is. But also, the agreements will probably be for a finite period of time, and certainly the Zoning Administrator can track that, and then inquire whether or not, if the agreement has been -- you know, the term has been exceeded, then he can inquire as to where is the new parking.
VICE CHAIRMAN SCHLATER: I guess my point would be self-enforcement may not be the best way to go about that.

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

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

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

MR. BERGSTEIN: There is no general cross-checking or proof of -- there are certain things -- for some reason I can't think of the name of that act, where you have to assert that you are not delinquent in your taxes, that you are not delinquent in your child support, that you have paid your motor vehicle bills. There is that act that applies
across the board. I just can't think of what it is. That's right, the Clean Hands Act. Thank you.

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

COMMISSIONER MAY: All right.

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

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

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

On 1507, it -- I think your report
basically said that we are trying to join the zoning regulations with DDOT standards on how, you know, curb cuts and parking access works.

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

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

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

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

    MR. PARKER: There are -- parts of it are completely new, but parts of it are --

    I'll let Dan answer which are which.
MR. EMERINE: Yes. Currently, you know, some of the driveway widths, for example, are in Chapter 21 already. The rule about a driveway opening onto a street shall be so many feet from the intersection currently exists in zoning, although we are updating that standard to make it more consistent with DDOT's established practice and regulations.

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

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

MR. EMERINE: Right.

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

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

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

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

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

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

MR. EMERINE: One of the things that we'll also probably need to do is to have
a definition of an improved alley, because that may address some of the concerns that you are raising.

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

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

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

VICE CHAIRMAN SCHLATER: Does DDOT
still have in place a ban on curb cuts? Would you like us to put that in there, too? I mean, these things change all the time. I guess that's my --

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

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

MR. DELFS: The --

VICE CHAIRMAN SCHLATER: Well,
let's just talk about, you know --

MR. DELFS: Which ones in particular are --

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

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

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

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

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

MR. DELFS: Okay. And I should be
frank, also, that, you know, I can look more
carefully at the dimensions in this particular
section and line them up with what we have in
our curb cut policy and proposed regulations.

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

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

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

CHAIRMAN HOOD: Any other
questions?

(No response)

Let me just -- I heard discussions
about the drive-thrus. I'm not sure if I'm
there with my colleagues. I'm more in tune
with what I heard from Ms. Steingasser, so it
would be an interesting discussion.

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

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

Anything else? Anybody else?

Commissioner May?

COMMISSIONER MAY: Yes. I just want to mention the change that I had
suggested before with regard to the 50 percent
limit on the reduction of parking, since that
did come from the working group, is that
right?

MR. BERGSTEIN: The task force.

COMMISSIONER MAY: The task force.

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

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

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

MR. BERGSTEIN: Oh, oh, I see.

Okay.

COMMISSIONER MAY: Okay. Thanks.

CHAIRMAN HOOD: Now, Mr. Parker,
was a lot of this -- this was already vetted through the work -- I mean, the task force, not the working group but the task force.

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

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

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

CHAIRMAN HOOD: Okay. All right. Any other questions?
Okay. I guess we can move on, Mr. Parker.

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

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

(Laughter)

MR. PARKER: No problem.

All right. Again, the same two opening chapters, an introduction to the bicycle parking chapter and a relationship to the land use subtitles. 1602 gets into general requirements for bicycle parking. This is standards that apply to all bike parking, whether short or long term. And I'll get into what short and long term mean in a second. But things like signage, rack requirements, etcetera. And there are some examples of what is and is not acceptable.
1603, then, is the meat. That is the table of requirements, and, keep in mind, this is different from parking. Parking varies by zone. Bicycle parking does not. Every use has the same bicycle parking requirements, regardless of zone, across the city.

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

And so every use, with the exception of a couple of them, in every zone will have a bicycle parking requirement. And the standards are based on our work with Nelson/Nygaard in 2008, heavy consultation with DDOT on this, and the experience of both
of those bodies with a lot of actual usage.

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

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

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

1606 then has the rules for long-term parking. This is interior parking to the building. This is parking for residents or
employees. It is intended to be secured parking, and requirements include where it can be in the building, again, design and access requirements and lighting and security, etcetera.

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

1608 then gets into special exceptions. We have offered a lot of flexibility from bike parking requirements in the special exception chapter. Since these are all new bike requirements, we wanted to offer a high degree of flexibility from this section. You can request relief, you know, when you can show that there is less demand,
when you are going through a TDM plan, or when you -- there is a physical inability to provide the parking.

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

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

CHAIRMAN HOOD: Okay. Commissioner May?

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

MR. PARKER: We did not.

COMMISSIONER MAY: Okay. I think that needs some thought, because I'm seeing more and more scooters chained up all over the place, and they're on sidewalks and, you know, attached to whatever they can be attached to. And people want to lock them up, because you can pick them up and steal them, I guess.

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

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

COMMISSIONER MAY: Yes.

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

COMMISSIONER MAY: Yes.

MR. PARKER: -- we may -- we'll look into it, but I think we are going in the direction where the type of parking you have to provide could accommodate a scooter.
COMMISSIONER MAY: Yes. I think the ones on the left could accommodate a scooter, but they are -- those are designed to have bikes on each side of the --

MR. PARKER: Right, right.

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

MR. PARKER: Okay.

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

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

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

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

MR. PARKER: Right.

COMMISSIONER MAY: What would be the requirement for bicycle parking under the
old rules? What would be the requirement under the new rules? That's what I'm -- just sampling --

MR. PARKER: Okay.

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

MR. PARKER: They are.

COMMISSIONER MAY: So --

MR. PARKER: Okay.

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

MR. PARKER: Calculation rules.

COMMISSIONER MAY: -- rules on how you treat them are parallel. And I wonder if that really is the right strategy. For
example, when it comes to something like change of use or additions on a historic property, the difficulty of incorporating bicycle spaces in that circumstance is nowhere near the difficulty of incorporating vehicle parking spaces. So I'm not sure that they should be subject to the same rules. Okay?

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

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

And I don't know how bad it is on
any of the campuses in this town -- I don't spend enough time there -- but I can picture it being -- that we may want to do more than just say that it -- the minimums don't apply.

MR. PARKER: Okay.

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

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

COMMISSIONER MAY: Okay.

MR. PARKER: Okay.

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

CHAIRMAN HOOD: Any other questions? Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. The minimal bicycle parking requirements for -- based upon space, are
those pretty standard for either short term or long term? What -- you know, one -- looking at the different use categories and one for every 10,000 square feet, is that -- were you looking at comps in the different parts of the city, or --

MR. EMERINE: The --

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

MR. EMERINE: Right.

Nelson/Nygaard, our parking consultants, proposed a lot of these numbers two years ago when they submitted the actual. And, yes, they did look at a variety of other jurisdictions.

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

MR. PARKER: The problem is, I think we have been going away from that in
parking as well, because that is flexible. That changes over time.

COMMISSIONER TURNBULL: Right.

Okay.

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

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

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

COMMISSIONER TURNBULL: Right.

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

COMMISSIONER TURNBULL: No. I
think being progressive, I think that's what we want you to do, I think. But I just wanted to kind of just be reassured that these numbers are progressive, that you've got these from other parts of the country, and that they -- this seems to be the way that everybody is going, that -- the numbers that you've got here for the different uses.

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

COMMISSIONER TURNBULL: Okay. Thanks.

COMMISSIONER MAY: Can I just add on that point? On the one hand, I would agree with you that it seems pretty aggressive, because looking at like this building and how
large this building and knowing how few
parking spaces there are, and you're talking
about going up to, I don't know, conceivably
upwards of 50 spaces in this building, and
right now down in the garage there are
probably no more than 10, the -- so in that
sense it seems aggressive.

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

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

COMMISSIONER MAY: Yes.

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

MR. HENSON: Yes.

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

CHAIRMAN HOOD: You have a question, Vice Chairman?

VICE CHAIRMAN SCHLATER: I guess we can, just for clarification at the hearing, these changing rooms and how they operate, so we're going to now require changing rooms. Are they co-ed facilities? If you've got six showers -- I just don't -- not having been to one, I don't know what they're like. And so --
MR. PARKER: You are welcome to come by the Office of Planning. We've got two in our facility, in our office.

VICE CHAIRMAN SCHLATER: Oh yeah?

MR. PARKER: Yes.

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

MR. PARKER: A shower, a mirror --

VICE CHAIRMAN SCHLATER: In one room?

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

VICE CHAIRMAN SCHLATER: Six showers --

MR. PARKER: -- two of each.

VICE CHAIRMAN SCHLATER: -- and one changing room.

(Laughter)

MR. PARKER: Good.

CHAIRMAN HOOD: Okay. Any other
questions on bicycles? Commissioner Selfridge?

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

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

MR. EMERINE: And just to clarify, Commissioner, it is for -- the requirement, as it is written now, is for a single use that exceeds 25,000 square feet. So not the building, so it actually would be a comparatively larger occupancy. In other
words, if the building, as a whole, is 25,000 square feet, but no single occupancy within that exceeds that number, it would not have the requirement for the changing facility.

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

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

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

COMMISSIONER MAY: Can I ask a question? I assume that the -- in the building that you're in right now, the fact that you have them was part of the LEED certification for the building, or do you know?
MS. STEINGASSER: No, we requested it as part of our tenant finish-out.

COMMISSIONER MAY: Oh, you did?

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Oh, okay.

Because I think there is some correlation between this requirement and LEED standards. I mean, is it -- it would be helpful to know how it compares there. Okay?

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

MR. PARKER: I know there was some -- a lot of talk about it in the Nelson/Nygaard report a couple of years ago,
in 2008, and I'll -- we'll pull some information from that and see what else we can find about the genesis and where else this is done.

CHAIRMAN HOOD: Any other questions, comments?

(No response)

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

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

Section 1702 gets into the actual loading requirements, talks about the -- excuse me, the application of minimum requirements and the rules governing them, you
know, when you have to provide loading for building additions, change of use, the historic buildings, etcetera.

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

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

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

1706 is the size and layout of loading berths, and the big policy change to loading is applied here, in that the existing code has requirements for 30-foot and 55-foot trucks. The proposal that we talked about in
2008 was just to require 30 foot and leave it up to the developer whether they need the 50 foot, whether they need the semi truck berths.

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

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

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

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

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

CHAIRMAN HOOD: Let's open it up.
Any questions or comments? Commissioner May?

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

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

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

MR. PARKER: The interior?

COMMISSIONER MAY: Yes.

MR. PARKER: Yes, we have a section on that. I'm trying to remember where it is exactly. 1702.9, "Where two or more uses
share a building, uses may share loading as long as internal access is provided from all shared uses." Is that the sort of thing you're talking about?

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

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

So I -- I don't know if we can make
a real prescriptive requirement there, but I think it's something that -- and maybe that was an anomaly and everybody is smart enough to realize that it makes sense to do that, but I don't know.

MR. PARKER: We'll look into that.

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

CHAIRMAN HOOD: Any other questions? Vice Chair?

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

And if that's true, and my hunch is
that it is true, that there are situations where you are not going to want your loading coming off the narrowest street or the alley. And then, what you're doing is you're just setting up an inevitable trip down to the BZA to get excepted out of this.

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

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

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

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

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

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

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

CHAIRMAN HOOD: Are there any other
questions, comments?

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

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

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

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

(Laughter)

What part of the city will it go in?

(Laughter)

CHAIRMAN HOOD: Okay. Anything else?

(No response)

Commissioners, we have a request to set down --

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

CHAIRMAN HOOD: You know what? I was sitting here thinking that. You know, I was sitting here thinking about that, and I
said, "I'm not going to even say nothing about that."

(Laughter)

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

Do you want to add anything else to that?

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

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

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: Moved and properly
seconded. Any further discussion?

(No response)

Are you ready for the question?

All those in favor, aye?

(Chorus of ayes)

Any opposition?

(No response)

So ordered. Staff, would you record the vote?

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

CHAIRMAN HOOD: Okay. This --

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

CHAIRMAN HOOD: Do we need to --
anything else?

MS. SCHELLIN: No, sir.

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

(Laughter)

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

And this meeting is adjourned.

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