GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
+
+
+
+
+

ZONING COMMISSION
+
+
+
+
+

REGULAR PUBLIC MEETING
+
+
+
+

MONDAY,

JANUARY 10, 2011
+
+
+
+

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

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

This transcript constitutes the minutes from the Regular Public Meeting held on January 10, 2011.
WELCOME:
Anthony Hood, Chairman ................ 6

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

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

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

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

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

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

### Hearing Action (Continued):

<table>
<thead>
<tr>
<th>ZC CASE NO. 10-30 - Jemal’s Channing Place, LLC - Map Amendment at Square 3846</th>
<th>31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arthur Jackson, OP</td>
<td>31</td>
</tr>
<tr>
<td>Motion to Set Down</td>
<td>34</td>
</tr>
<tr>
<td><strong>Vote:</strong> 5-0-0 to Approve Set Down</td>
<td>34</td>
</tr>
</tbody>
</table>

### ZRR Guidance:

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

### Proposed Action:

<table>
<thead>
<tr>
<th>ZC CASE NO. 08-06 - Office of Planning - Comprehensive Zoning Regulations Review: Parking, Bike Parking and Loading</th>
<th>84</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PARKING:</strong></td>
<td>84</td>
</tr>
<tr>
<td>‘1500 to 1506’</td>
<td>87</td>
</tr>
<tr>
<td>‘1507 to 1513’</td>
<td>106</td>
</tr>
<tr>
<td><strong>BIKE PARKING:</strong></td>
<td>134</td>
</tr>
<tr>
<td>‘1600 to 1608’</td>
<td>134</td>
</tr>
<tr>
<td><strong>LOADING:</strong></td>
<td>136</td>
</tr>
<tr>
<td>‘1700 to 1710’</td>
<td>136</td>
</tr>
<tr>
<td>Motion to Approve Chapters 15/16/17</td>
<td>150</td>
</tr>
</tbody>
</table>
Vote: 5-0-0 Approving Chapters 15/16/17...150

ADJOURN:
Anthony Hood, Chairman.........................151
CHAIRMAN HOOD: This meeting will, please, come to order. Good evening, ladies and gentlemen. This is the January 10, 2011 Public Meeting of the Zoning Commission of the District of Columbia.

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

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

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony at our meetings unless the Commission requests someone to come forward.
Please, be advised that this proceeding is being recorded by a Court Reporter and is also webcast live. Accordingly, we must ask you 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: Just to announce the arrangement of the agenda. I believe we were going to move one item.

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

MS. SCHELLIN: Actually, it's after ZRR Guidance. We are going to move it after Final Action, I believe, is what we discussed.
CHAIRMAN HOOD: Yes, but I think looking at it --

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

CHAIRMAN HOOD: I've changed my mind again.

MS. SCHELLIN: Okay. They will be happy.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: The sooner the better.

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

Okay. Anything else, Ms. Schellin?

MS. SCHELLIN: That's it.

CHAIRMAN HOOD: Okay. If not, let us proceed with the agenda. First, we are
going to take up under Correspondence Zoning Commission Case No. 05-28B and 05-28C. This is D.C. Primary Care Association & Lano Parcel 12, LLC - Joint Motion to Consolidate First-Stage PUD Modification Application. Ms. Schellin?

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

They do both have Second-Stage applications, each of those cases. Those would still remain separate applications and retail the case numbers currently assigned to them. I believe they also have Map Amendments associated with them and they would remain separate applications.

CHAIRMAN HOOD: Okay. Thank you very much, Ms. Schellin. I don't think I can
add any more, Commissioners, other than we have Exhibit 19, unless someone has an issue, I would go ahead and make a motion.

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

MS. SCHELLIN: As a modification.

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

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

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

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

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

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

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

CHAIRMAN HOOD: Okay.
Commissioners, you have heard the report of Ms. Schellin and we have the post-order in front of us and we expanded on some of this during the Proposed Action. Let me open it up for any comments, questions.

Vice Chairman Schlater?

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

CHAIRMAN HOOD: Can I get a second?

COMMISSIONER SELFRIDGE: Second.

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

All those in favor?

ALL: Aye.

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

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

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

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

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

CHAIRMAN HOOD: Okay. Okay. Commissioners, we have received in Exhibit 1 the request from the applicant also substantiating their request from the time of construction, which I think the date is...
November some time, but it's in the submissions.

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

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

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

CHAIRMAN HOOD: Thank you,
Commissioner May. And I especially point to pages 3 and 4 where the applicant really lays the case out and I thank you for that.

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

MS. SCHELLIN: 23rd.

CHAIRMAN HOOD: 23rd. Okay. I was two days off.

COMMISSIONER MAY: Second.

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

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: While there is no opposition, Ms. Schellin, would you, please,
record the vote?

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

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

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

    VICE CHAIRMAN SCHLATER: I have and I did.

    MS. SCHELLIN: Thank you.

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

    MS. SCHELLIN: No, sir.
CHAIRMAN HOOD: Okay.

Commissioners, we have before us the PUD Modification at Square 72. We have a submission which is Exhibit 37. There were some things we asked for. There is a letter of support from the library and there are specific requirements that we asked for and I think this applicant has done due diligence in providing us exactly what we asked for from what I see. I haven't seen it spelled out exactly like this before.

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

I think, Commissioners, that this was negotiated by the community. I know we
are increasing the retail space, not once, but we have been requested twice, but it looks like everyone has come to an agreement of how we move forward.

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

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

COMMISSIONER TURNBULL: Mr. Chair, I would concur with your comments. And I would like to make a motion that we approve Zoning Case 70-16B, CESC 2101 L Street, PUD Modification at Square 72 and look for a second.
CHAIRMAN HOOD: I'll second it.

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

All those in favor?

ALL: Aye.

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

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

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

So I hate to make such a late notice, but I think for the sake of efficiency and for those who are waiting, I think if we
move Hearing Action up before Proposed Action. Does anybody have a problem with that? I mean, we're looking at the audience. We are open down here. Does anybody have a problem with us doing that? Okay.

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

MR. MORDFIN: Yes, it is.

CHAIRMAN HOOD: Okay.

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

Therefore, the Office of Planning recommends that the proposed Map Amendment not be set down. Thank you.
CHAIRMAN HOOD: Okay. Thank you, Mr. Mordfin. Give us a second to get these changes, a second to get that in front of us. Okay. Let me open it up for comments.

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

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

And, therefore, that's why it is on tonight's agenda, because the Zoning Commission allowed them that extra time, I believe, until December 22nd. And so it is on
tonight's agenda for that purpose. It has been deferred to allow the ANC an opportunity to respond to OP's report.

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

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

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

VICE CHAIRMAN SCHLATER: Thank you, Mr. Chairman. I think the proposal before us is, in fact, contrary to the Comprehensive Plan. We gave ANC-4B two opportunities to
come back to us to make the case. And what we
got here in Exhibit 11 is a restatement of a
resolution, but I don't think it has done
anything to build that case.

It hasn't swayed me. I don't think
we should be setting down Map Amendments that
are inconsistent with the Comprehensive Plan.

So I'm firmly opposed to this motion.

CHAIRMAN HOOD: Okay. Anyone else?

Okay. Would anybody like to make a motion?
First, again, let me just ask is anyone here
from ANC-4B? Okay.

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

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

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay.

MR. BERGSTEIN: I ask that someone
modify it and dismiss the petition, because,
technically speaking, that is what you are doing.

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

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

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Yes. Staff would record the vote 5-0-0 to deny set down and to dismiss the petition. Commissioner Schlater moving, Commissioner Turnbull seconding,
Commissioners Hood, May and Selfridge in support of denial.

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

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

CHAIRMAN HOOD: Okay.

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

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

MS. THOMAS: Good evening, Mr. Chairman, Members of the Commission. The applicant has been awarded the disposition by the D.C. Government to renovate a currently vacant historical home at 3050 R Street, N.W.
as a 15-unit apartment building with 30 on-
site parking spaces.

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

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

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

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

VICE CHAIRMAN SCHLATER: One
question for the Office of Planning. I wasn't
sure, it wasn't clear from some of the charts I looked at why does the property need to be rezoned from R-1-B to R-5-A in order to accomplish the 15-unit residential development?

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

VICE CHAIRMAN SCHLATER: Okay.

Thank you.

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

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

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

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

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

MR. BERGSTEIN: Yes, because if they file an application for a special exception, it will go to the Board of Zoning
Adjustment, unless you advise the Office of Zoning that the application can be combined with the application for a Map Amendment and heard together by you.

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

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

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

VICE CHAIRMAN SCHLATER: Second.

CHAIRMAN HOOD: It is moved and

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

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

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

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

MR. JACKSON: Mr. Chair and Members
of the Commission. Jemal's Channing, LLC requests to rezone its property along Channing Place between Reed Street and the railroad tracks from CM-2 to C-2-C.

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

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

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

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

CHAIRMAN HOOD: Thank you very
much, Mr. Jackson. Colleagues, let's open it up for any questions of the Office of Planning.

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Vice Chairman?

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

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

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

VICE CHAIRMAN SCHLATER: I thought it was --

MR. JACKSON: And medium-density commercial. I wanted to clarify that, because there --
VICE CHAIRMAN SCHLATER: Oh, I missed that. Sorry.

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

VICE CHAIRMAN SCHLATER: High-density residential.

MR. JACKSON: Yes.

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

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

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

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

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

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

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

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

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

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

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

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

MR. PARKER: Of course.

CHAIRMAN HOOD: Let's go.

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

The first one has to do with side setbacks. This recommendation will affect the R-5-B through R-5-E Zones. And, basically
right now, those zones have a graduated setback based on the height of the building that can result in a setback of 20 feet or more in certain cases.

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

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

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

CHAIRMAN HOOD: Okay. Thank you very much. Mr. Parker, we have, okay, No. 1 side setbacks. You said Option 1, Option 2. Commissioners, any comments? Any preferences?
COMMISSIONER MAY: Can I --

CHAIRMAN HOOD: Sure. Mr. May?

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

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

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

And that's the one thing that I'm still a little bit uncertain about is whether the 4 feet is the right number. You know, one of the -- it seems like the 4 feet is driven,
at least in part, by wanting to render conforming a number of existing conditions.

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

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

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

So not only are we making the existing ones conforming in a lot of cases,
but we are trying to promote new buildings to follow the existing pattern of providing a uniform street wall or as close to it as possible.

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

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

COMMISSIONER MAY: Okay. The chart in the materials that I have indicate that we've got this very high percentage number where there is no side yard at all. It indicates that it is based on a random sampling, but not necessarily all of the properties.
Are you -- you seem to indicate that it is all of the properties.

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

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

MR. PARKER: Correct.

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

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

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

MR. PARKER: No.

COMMISSIONER MAY: -- it's likely
to increase things?

MR. PARKER: Correct.

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

MR. PARKER: Yes.

COMMISSIONER MAY: Okay. That's--

yes, I don't have any other questions.

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

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

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

COMMISSIONER MAY: Right. Okay. And I could see reducing it to a minimum, I just wasn't convinced that 4 feet really was--

because 4 feet is a pretty narrow space. It's
not wide enough to -- I mean, I guess it's barely wide enough to sort of scaffold the side of the building if you need to do work on it, but it doesn't give you much breathing room.

VICE CHAIRMAN SCHLATER: How wide is a handicap ramp?

MR. PARKER: 5 feet.

VICE CHAIRMAN SCHLATER: 4 feet?

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

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

MR. PARKER: Okay. The second recommendation has to do with courts. If you will recall, the Office of Planning recommended and continues to recommend
removing area and width requirement for courts altogether, allowing side yards to handle what were courts along the side lot line and leaving interior courts to the IBC.

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

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

And if you choose Option 2, you would be regulating interior courts. If you
choose Option 1, interior courts would remain unregulated by zoning, but not by the Building Code.

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

MR. PARKER: Correct.

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

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

I think there was a pretty compelling case made at the hearing that when it comes to regulating light and air, the
Commission should be more focused on how these buildings impact other buildings. And the IBC is better suited to regulate buildings and, you know, residential units within individual buildings.

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

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

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

And particularly, even looking at some of the diagrams in terms of what Building Code does in these circumstances and this sort of general sense that, you know, primary rooms are not going to be faced onto very small courtyards, even though the Building Code
would allow it, it's simply not going to happen, because the market won't support it or something like that.

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

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

But I think that if we leave the door open for just the Building Code to control it, I think that we do open the door for potentially some very unpleasant things. And, you know, builders do create unpleasant buildings when left to their own devices in many circumstances.
You don't have to drive very far to see things like pop-ups that have been added that have, you know, vast high ceiling spaces on the interior and then little tiny windows on them and they really are monstrosities.

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

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

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

COMMISSIONER TURNBULL: Maybe just to continue on that line of Commissioner May. How do you think we could change that or what
would make -- how can we tighten that up to add a comfort level for the Zoning Commission?

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

COMMISSIONER TURNBULL: Finesse it.

COMMISSIONER MAY: -- fix Option 1 to the point where it would be good enough for me. I mean, anything you do other than just simply removing them is going to be Option 2. But I think that that -- you know, Option 2 might be a very benign regulation and a very flexible regulation.

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

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

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

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

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

COMMISSIONER MAY: Yes, I would be happy to leave the issue of whether we adopt
one or two, you know, on the table for the final language. And if the Office of Planning is willing to come up with something that might work on Option 2, if we like it and they like it, then we could proceed with that when it comes to the actual language.

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

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

COMMISSIONER TURNBULL: Mr. Chair, I was just going to say that I think, in general, or thought that the market will dictate that you are going to get good spaces, I think is, in one sense, very logical. But I know from being on enough BZA cases that you are going to get enough of these projects that come forward where somebody will put some very -- make some very stupid decisions regarding windows and spaces like that.
Not major developments, not major changes, I think that is going to be very safe. But a lot of your smaller building things that come before the BZA are going to get -- we struggled with them before. And I just think we are just -- we just need to have a safeguard there.

CHAIRMAN HOOD: Okay. Okay.

Commissioner Selfridge?

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

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

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

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

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

So let's kind of leave those two options open and come back with -- I guess
what we are asking you to do, I think Commissioner May can speak for himself, is to come back either finesse it a little bit or come back with something that gives my colleagues a comfort level.

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

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

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

MR. PARKER: Okay.

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

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

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

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

It just deals with interior courts, rather than the sides. So I think that is sort of where we ended up after the last
hearing as a compromise position that hopefully it's something that will offer the protections that you are looking for.

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

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

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

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

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

CHAIRMAN HOOD: Okay, great. Option 2. Thank you, Mr. Parker.
VICE CHAIRMAN SCHLATER: Sold.

CHAIRMAN HOOD: All right. Thank you.

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

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

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

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

COMMISSIONER MAY: Can I ask one
question or make one statement about this? You know, one of the things that -- I mean, I understand completely the logic behind this.

MR. PARKER: Yes.

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

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

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

MR. PARKER: That's actually pretty right. I mean, keeping in mind these are
generally very small spaces. I mean, by nature, they are under 4 feet or 5 feet. And the instance where this really occurs are on buildings that are already above lot occupancy.

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

COMMISSIONER MAY: Got it. Okay. Thanks.

CHAIRMAN HOOD: Commissioner Selfridge?

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

And in that respect, I think,
removing any incentive for people to fill in these side and narrow courts would be an improvement over what is in there now.

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

MR. PARKER: Option 1.

CHAIRMAN HOOD: Okay.

MR. PARKER: All right.

Recommendation No. 4 has to do with nonresidential uses in Residential Zones. This is the corner store, you know, basically, categories including retail, service, food and alcohol and arts design and creation would be allowed on a very limited basis in R-5 Zones with a long series of conditions, including conditions on size, they would be limited to the ground floor of residential buildings, concentration limits on the number that could be within a certain radius, limits on how close they can be to existing commercial uses, maximum hours of operation, maximum number of
employees, limits on signs, garbage, lighting and screening or requirements for screening, excuse me.

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

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

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

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

And I think that they sound like good standards, but I'm more comfortable with Option 2 in this case, which allows them --
which would allow for them as a special exception, because that would give the community an opportunity to come out, if they have a problem with what is being proposed, and raise that red flag.

So I guess that's it. Thanks.

CHAIRMAN HOOD: Okay. Commissioner Selfridge?

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

It gives a chance for review on an individual basis, as opposed to kind of a blanket exception here and it gives the community an opportunity to weigh in, which I think is very, very important, because you don't know what issues are going to arise if you just kind of allow this on a broad basis.
So I would support Option 2 as well.

CHAIRMAN HOOD: Okay. Any other comments?

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

MR. PARKER: No.

COMMISSIONER TURNBULL: They could go in --

MR. PARKER: It's a colloquial terms.

COMMISSIONER TURNBULL: That's what I thought.

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

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

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

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

CHAIRMAN HOOD: Okay. Commissioner Turnbull, did you finish?
COMMISSIONER TURNBULL: Yes. No, I mean, my question, I seem to remember that, like you said, it is a colloquial term. And it's sort of limited to any location on the block then up to a point.

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

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Okay. Commissioner May?

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

MR. PARKER: That is our understanding.

COMMISSIONER MAY: And it's,
essentially, the same requirements or a similar set?

MR. PARKER: Similar set, more restrictive.

COMMISSIONER MAY: More restrictive?

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

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

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

COMMISSIONER MAY: Yes.

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

COMMISSIONER MAY: Yes.
MR. PARKER: But, yes, we could go with the more restrictive standards as well.

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

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

But the ability to establish corner stores or any other small-scale retail within residential neighborhoods, if it's commercially viable, I think it's a very valuable thing. I mean, within the -- you know, where I live right now, I lived not far from there 20 years ago and there were, I think, four or five such establishments, dry
cleaners and, not an actual dry cleaner, but a shop, several other mom and pop kind of grocery stores and now there is one.

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

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

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

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

COMMISSIONER MAY: I am open to Option 1, providing we can --
CHAIRMAN HOOD: We're on the same page so far.

COMMISSIONER MAY: -- address --

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

COMMISSIONER MAY: Yes.

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

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

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

CHAIRMAN HOOD: Well, my issue, and I'll open it back up to my colleagues on my comment, I look at one of the submissions we got and it simply says, let me find it, "The
Commission also has no objection to Recommendation 4 to allow a limited set of neighborhood-servicing nonresidential uses subject to contextually appropriate performance standards.

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

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

So I'm kind of in between. I'm like Peter was on the last one, so I can do that kind of on this one. So I'm kind of in between and maybe you want to comment, Mr.
Parker, that it is not taking away the community voice.

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

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

If you look -- I guess the argument that seemed to be most convincing to people in the neighborhoods that I have talked to is if you look at the neighborhoods in our city that
are the most successful, they are the neighborhoods that were built before zoning that already have these stores, Georgetown, Dupont, Adams Morgan.

They have this and they were all built as a matter-of-right. And, you know, over time, they have come to understanding or, you know, detente with the communities around. They have grown to be supportive and necessary parts of the community around them.

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

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

CHAIRMAN HOOD: So the requirements would be that like the store in this area will
be open from 7:00 to 4:00. The requirement will be there up front?

MR. PARKER: Yes.

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

MR. PARKER: The requirement --

CHAIRMAN HOOD: You know, like say that --

MR. PARKER: -- can always be changed.

CHAIRMAN HOOD: Okay.

MR. PARKER: Yes.

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

COMMISSIONER MAY: Chairman Hood, I was just wondering, I mean, you said that you have already begun some of the mapping exercise associated with this?
MR. PARKER: Yes, we have mapped different boundaries from commercial. We have also mapped all the existing commercial uses in these areas. So when we bring forward the text, and we are planning this with the R-3 and R-4, we will bring forward all the areas where this will be a possibility to put in stores as a matter-of-right and all the areas where it won't.

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

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

COMMISSIONER TURNBULL: I would, I think, be safe with that. Are we going to get
-- the public is going to have a chance to
look at these maps, too, right?

MR. PARKER: Absolutely.

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

CHAIRMAN HOOD: Commissioner
Selfridge?

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

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

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

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

You know, the residential character of -- there are small streets that have different residential character from a wider one. So when you talk about Adams Morgan, you will see neighborhood stores on Columbia Road, but if you go two blocks in in the same zone,
which may have row homes, you are not going to see them.

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

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

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

I mean, we don't necessarily need to decide right now it is going to be X
hundred feet or thousand feet or whatever it is. And we can look at it a number of different ways and see what makes sense.

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

CHAIRMAN HOOD: You got the guidance?

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

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

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

MR. PARKER: It's easy for us to go back. Option 1 is the one that takes us the work to create. And we have already, you know, started that work, so we can present you that option and it's easy to step back then and say, no, this is a special exception.
CHAIRMAN HOOD: I would like to see us move in that fashion. Let me see if it's okay. I mean, that way it's -- we really hadn't -- we have a chance to go back to deal with those concerns if 1 does not satisfy the needs, we can go back to the special exception.

Anybody else? Vice Chairman?

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

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

MR. PARKER: So, ultimately, you would like "in the alternative language?" You
would like us to propose text with two
alternatives? Okay.

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

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

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

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

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

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

CHAIRMAN HOOD: Okay. Commissioners, any comments on Option 1 or 2?

Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Is the proposal then to create a new zone that -- and we are not going to map the zone at all, but it would allow for these types of down-zoning in the future?
MR. PARKER: It's to create a zone or zones probably that are specific to particular areas and based on community agreement to actually map them. And maybe not as a part of this process, maybe later, but we would work with the community just like we did with the R-5-A to say your area is more appropriately zoned this.

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

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

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

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

VICE CHAIRMAN SCHLATER: So then we
will have subsequent hearings on whether it is appropriate to --

MR. PARKER: Yes.

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

MR. PARKER: That's a separate hearing.

VICE CHAIRMAN SCHLATER: Okay.

Thank you.

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

MR. PARKER: That one was easy.

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

MS. STEINGASSER: No, sir.

CHAIRMAN HOOD: Okay. Okay. I think last on the agenda is Proposed Action. Okay. We are going to take five minutes and we will come right back. We need our brains to thaw out. Give us five minutes.
(Whereupon, at 7:42 p.m. a recess until 7:51 p.m.)

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

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

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

Okay. Ms. Schellin?

MS. SCHELLIN: Yes, sir. This case
is ready for the Commission to consider Proposed Action and we would ask that you would, please, entertain that this evening.

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

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

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

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

MS. SCHELLIN: No.

CHAIRMAN HOOD: We don't?

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

CHAIRMAN HOOD: It's good? Okay.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. And you know what, what I'm reading from is December 21\textsuperscript{st}, so, obviously, we must have got that on time.

MS. SCHELLIN: Right. We left the record open until, I believe it was, the 22\textsuperscript{nd}.

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

MS. SCHELLIN: They had asked for the record to be left open is what it was, so they may have just addressed that, but the record was open. Everything was received on time.
CHAIRMAN HOOD: Okay. Okay. Thank you, Ms. Schellin. Okay. Let's go to the worksheet, 1500. We have the purpose and then we have the policy changes. Then what I would like to do is just take our time and if someone has an issue, let's raise it. I'm not going to necessarily read the policy changes. I don't think I need to read all that. Does anybody want to hear me read all that?

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

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

CHAIRMAN HOOD: Could you let us know which section?

COMMISSIONER MAY: Okay. 1502, I mean, there is a note under 1503 which says "Maximum limits TBD at a later hearing." But 1502, which applies to the minimums, I mean, there are no minimums that are actually spelled out in 1502, right?
The minimums will actually be spelled out in the land use subtitles.

MR. PARKER: Correct.

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

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

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

COMMISSIONER MAY: Your mike is off.

MR. PARKER: Yes, that's fine and we can do that. The thing to keep in mind is
when people use the code, they will generally be starting at their zone. So they will actually start at the parking minimums and be referenced back to this general chapter, if they have a question about how those work.

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

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

COMMISSIONER MAY: Yes. I think in 1503 there is a reference to subtitles. It's not quite as explicit there for maximums. I'm just, you know, trying to connect the thing, so that it is more understandable. I understand how you think people will use it in practice, but it just does still strike me as odd as a piece that this doesn't say specifically that the minimums are somewhere else.
And I think that's actually the most contentious thing is about the whole minimums discussion is seeing where it is going to apply and where it is not.

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

COMMISSIONER MAY: Yes.

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

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

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

I'm not clear what authority that grants both the Zoning Administrator and DDOT,
in that case, if the Zoning Administrator chooses to give them that discretion. What exactly are they reviewing? Is DDOT reviewing for compliance with our Zoning Code or with their general policy standards?

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

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

VICE CHAIRMAN SCHLATER: Well, I guess what I'm concerned about this is that if
he sends it to DDOT and DDOT has some objection that is completely apart from the zoning requirements, is that giving DDOT some broad discretion to halt the process?

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

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

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

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

MR. PARKER: Right.

VICE CHAIRMAN SCHLATER: The curb cut.

MR. PARKER: Right, right, right, right. So it would not affect. But if the
Zoning Administrator says DDOT is this loading berth designed and engineered properly, they can review that. If they opine about the curb cut, that's a separate issue that the Zoning Administrator --

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

MS. STEINGASSER: Maybe we can --

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

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

VICE CHAIRMAN SCHLATER: I think that would be --

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

VICE CHAIRMAN SCHLATER: -- fine.
MR. BERGSTEIN: -- suggestion.

Yes.

VICE CHAIRMAN SCHLATER: Thank you.

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

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

MR. PARKER: Fair enough.

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

COMMISSIONER SELFRIDGE: Could we talk about 1502 a little bit more? So we are getting rid of all the parking minimums. Well, we are not really, we are just pushing them down to the land use subtitles. So this issue is not closed yet. This is just being addressed in a different place?
MR. PARKER: Yes. But we have already sort of through the guidance hearings determined where they are and where there are not parking minimums. So Subtitle D for low-density residential retains parking minimums and with the exception of residential uses, those minimums won't change significantly.

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

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

So it shouldn't be a surprise to anyone which subtitles come with minimums and which don't. And the minimums that do come forward should mirror the existing minimums.
VICE CHAIRMAN SCHLATER: Have we seen the map of the TOD areas?

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

VICE CHAIRMAN SCHLATER: Okay.

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

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

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

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

VICE CHAIRMAN SCHLATER: Okay.

MR. PARKER: To make it easier, you
know, whether there are or not minimums or what those are or where they apply, again, that's a decision you can make at each land use title. Even if you apply minimums everywhere in the city or nowhere in the city, it shouldn't change this text at all.

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

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

Now, I understand what we are
trying to achieve here. They can opt out because of the security reasons. Is that just germane to the Federal Government? What about the District Government?

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

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

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

CHAIRMAN HOOD: Okay. I guess the fine tuning can be worked out with each individual case, because, you know, having access to the building, whatever kind of building it is, okay. All right. Thank you.
Anything else for 1500 to 1506?

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

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

And what is to keep the car-sharing companies from coming in and saying they are going to take a spot and then never using it? I don't know. They just have a lot of sway in the process. I'm not 100 percent comfortable with it.
MR. PARKER: I understand that.

Keep in mind that a developer is building this building knowing that he has got a car-share requirement. So if you are building a parking lot with 60 spaces, you know that one of those is dedicated to car-share.

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

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

COMMISSIONER SELFRIDGE: Is there something that compels the car-share company to use the space if they are going to claim
it? What is to keep car-share companies from, on every development, saying yes, we are going to use these spots, but then not use them and having them sit empty?

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

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

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

COMMISSIONER SELFRIDGE: Well, they were looking for something to go into these neighborhoods, but they would still have a right to those spots, in theory, right, even if it's not economically viable, at this time? And they may not bother with it, but why not just put a claim on it and kind of landbank a
parking space if you are a car-share company?

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

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

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

VICE CHAIRMAN SCHLATER: A question about 1503.1. It says "The parking maximums will apply in zones with Subtitles D, E, G and J." Which subtitles are those? I have not committed those to memory just yet.
MR. PARKER: 1503.1 is maximums. D is low-density residential. E is apartment residential away from transit. G is commercial away from transit. And J is industrial. And 1503.2 those are the rest of them. F is TOD residential. H is TOD commercial. And I is Downtown.

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

MR. PARKER: Well, the --

VICE CHAIRMAN SCHLATER: The two different standards for --

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

VICE CHAIRMAN SCHLATER: Okay. Great. Thank you.

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

MS. STEINGASSER: Could I follow-up
with Commissioner Selfridge real quick? Are you asking us to provide a use time limit? Like maybe, you know, if they claim it, they have to use it within 30 days or relinquish it back?

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

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

MS. STEINGASSER: Okay.

COMMISSIONER SELFRIDGE: I would think.

MR. PARKER: That makes good sense.

MS. STEINGASSER: We'll work with
OAG on that.

COMMISSIONER SELFRIDGE: Thank you.

Thank you.

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

COMMISSIONER SELFRIDGE: Mr. Chairman?

CHAIRMAN HOOD: Okay. Commissioner Selfridge?

COMMISSIONER SELFRIDGE: 1510 was an area I wasn't 100 percent comfortable with. It just seemed complex and I think it is probably part of this discussion for the GAR as well. And I have to be careful here, but the idea of introducing urban forestry into the permitting process strikes me as extremely bureaucratic.

Even more so then, I haven't had good experience with them. I don't know if there is a way to simplify the requirements,
so that, you know, a layman without having to look up different species or, you know, heights or circumference, is there a way to simplify it? Maybe that would be my question.

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

So we tried to make it as simple as possible. Other best practice cities actually have a percentage requirement. You have to calculate the percentage of the lot covered by tree canopy based on, you know, certain canopy of square feet per tree. We tried to make it as -- we, you know, pulled way back and just said this many trees per this many spaces and kept it real simple. That was our goal with this.
COMMISSIONER SELFRIDGE: Is it difficult to enforce or inspect on that?

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

CHAIRMAN HOOD: Vice Chairman Schlater?

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

MR. EMERINE: From as far as I can recall, I think it varies under different
circumstances. And the idea that was proposed as a result of the discussions with DDOT during the working group two years ago was that we should standardize the standard.

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

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

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

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

MR. EMERINE: Well, I think part of the idea is that we are concerned about the
impact that is going to have on turning
movements at intersections and if someone is
within that 60 feet, they may, in fact, have a
burden to prove that they are not going to
cause harm to the public interest.

VICE CHAIRMAN SCHLATER: What if
they have an existing curb cut that is closer
than that, but are just doing a new building?
I don't know, I guess, we don't want to have
suburban standards for an urban area. So I'm
a little worried about that.

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

COMMISSIONER MAY: Can I talk to
that a little bit? I'm not sure 60 feet
really is that problematic, because when you
think about widths of row houses and widths of
sidewalks and things like that, I mean, you're
going to have 10, 15 feet of space at the
corner anyway. And then you are talking about
the equivalent width of, you know, a couple of
townhouses.
It's not really that far to get to 60 feet. I mean, this building would not comply with that, because you're probably at about 40 feet or maybe 30 feet on this building. And this is exactly the reason why it should be 60, because that's a really bad situation.

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

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

VICE CHAIRMAN SCHLATER: I guess I'm surprised that the Zoning Regulations are dictating driveway location requirements period. Maybe that's what it is. I mean, I agree, I just don't know. I'm certainly no
expert on what it takes for a safe turning movement.

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

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

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

COMMISSIONER TURNBULL: Mr. Chair?

CHAIRMAN HOOD: Commissioner Turnbull?

COMMISSIONER TURNBULL: Yes, I've got on 1509.2, "All parking areas including aisles, driveways and ramps shall be surfaced
and maintained with an all-weather surface in addition to traditional impervious surfaces allowed. All-weather surfaces include porous or pervious concrete, porous asphalt and mechanically reinforced grass."

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

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

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

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

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

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

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

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

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

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

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

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

VICE CHAIRMAN SCHLATER: On the drive through queuing lanes requirements, has there been any further thinking on where drive throughs will be allowed versus not allowed
with the city?

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

VICE CHAIRMAN SCHLATER: Okay. Thank you.

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

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

CHAIRMAN HOOD: Okay. Commissioner Selfridge?

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

MR. PARKER: Yes. We will come back probably in the hearing where we talk
about TOD Districts, because that's where maximums will apply. And we will propose, you know, maximum numbers and how those will work.

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

CHAIRMAN HOOD: But before -- okay.

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

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

And I saw a number of different statements. I just wanted to read that, so,
obviously, we're going to have another hearing on the maximum, so while I had it in front of me, because I don't know where it will be by that time, hopefully it will be in this packet somewhere, but I wanted to read that.

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

MR. PARKER: Three.

CHAIRMAN HOOD: Three.

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

The Task Force -- this -- in the current code or in the original it is -- you can only request up to 50 percent. The Task Force and some of our public members as well have recommended that, you know, if a development can make a case for all of their minimums or more than half of their minimums
to be waived, then they should be able to at
least make that case or make that request.

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

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

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

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

COMMISSIONER MAY: Yes.

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

CHAIRMAN HOOD: I would be inclined
to go along with the Task Force. I know they
work very hard and especially since OP agreed
with that. And I'm looking at the board, may
grant by special exception full or partial
reduction. I would be inclined to go with
1513.3, Alternative 1.

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

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

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

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

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Sure. Vice Chairman Schlater?

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

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

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

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

It says full or partial. I mean, I
think you are still achieving. I don't know. Mr. Parker, maybe I'm missing something.

COMMISSIONER TURNBULL: Mr. Chairman?

CHAIRMAN HOOD: It's 8:30.

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

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

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

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

COMMISSIONER TURNBULL: Yes.

MR. BERGSTEIN: Well, now, but 1 is -- it needs to say full or partial, because if
it just says partial, then it is always 100 percent. So what 1 is really saying, the Board may grant up to a complete, you know, relief in the parking requirement, but I'm very comfortable with full or partial. It means anything up to 100 percent.

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

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

COMMISSIONER TURNBULL: That was just one thought.

MR. PARKER: Well, one thing to
keep in mind, it sounds like some of the concern with Option 1 is that the standards here may not be strict enough, but also keep in mind it is not just these four things.

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

CHAIRMAN HOOD: Commissioner Selfridge?

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

I think Mr. Parker's point about having to meet the standard of no adverse impact is significant as well and, as always,
it gives the community a chance to weigh in, which I think is really the most important thing here.

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

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

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

And if there were something in the
language that indicated a proportionality, in
other words, if the TDM is going to reduce the
demand for parking by 50 percent, then you get
50 percent reduction.

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

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

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

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

MR. PARKER: It's really just B,
right?
COMMISSIONER MAY: Well, it's B, but it's also C, because TDM reduces the demand for parking. It might reduce it 100 percent, but it might also reduce it 20 percent.

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

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

I can't think of the exact language, but that would have a caveat that
the reduction can't be lower than the actual parking needs generated by the use.

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

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

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

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

MR. PARKER: Yes.

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

MR. PARKER: So B, for example, could read --
COMMISSIONER MAY: No more than the reduction.

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

COMMISSIONER MAY: Okay.

MR. PARKER: Or something like that.

COMMISSIONER MAY: Yes.

MR. PARKER: We can do that.

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

COMMISSIONER MAY: Yes.

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

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

CHAIRMAN HOOD: You said E is going to say that, right?
MR. PARKER: Well, that's B. And we could do something similar for C and D.

CHAIRMAN HOOD: Okay.

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

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

But if you are within the distance that we defined as TOD, basically, we are saying, as a matter of course, in those TOD areas you don't have to have it and in the other areas you can get a special exception all the way.
VICE CHAIRMAN SCHLATER: I didn't think we had finally decided what a TOD area is.

MR. PARKER: Fair enough.

COMMISSIONER TURNBULL: Haven't seen the maps.

MR. PARKER: Haven't seen the maps.

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

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

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

MR. PARKER: Right.

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

MR. PARKER: Exactly.

COMMISSIONER MAY: All right. So that one would more or less stay as it is.
MR. PARKER: Yes.

COMMISSIONER MAY: But the others can be tweaked so that it is proportionate?

There is some --

MS. STEINGASSER: Nexus.

COMMISSIONER MAY: -- yes, nexus.

The right word, thank you.

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

MR. PARKER: That's good.

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

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

CHAIRMAN HOOD: All right. Thank you. Let's go to Bicycle Parking, ' 1600.
And what I would like to do is go -- let's look at 1600 to 1608. Let's take our time and go through that.

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

CHAIRMAN HOOD: 1600.4?

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

CHAIRMAN HOOD: In 1500.4.

MR. BERGSTEIN: Yes.

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

Again, we're going to take 1600 to 1608. Let's just peruse that and see if we have any comments, changes or concerns. Okay. I was kind of leaning to some of the bicycle riders we have up here.

Okay. Any comments on 1600 to
COMMISSIONER SELFRIDGE: I just have a question, Mr. Chairman. A quick question. Just regarding the special exception, do we have the same issues on bicycle parking that we faced in car parking? Do we need to do the same sort of fix here or is this language -- I haven't read it. I'm just asking here.

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

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

CHAIRMAN HOOD: I wasn't putting it all on Mr. May, but Mr. May is an avid bike
rider, so I was kind of leaning towards him on that one. He is a bike specialist. Okay. Other Commissioners, any questions?

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

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

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

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

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

MR. PARKER: Yes, this was
duplicative with some stuff in 1709, so 1704.2 required screening when loading was in a side yard. 1700.9 requires screening, basically, all the time. And so we didn't need the screening requirements in 1704.2, because, again, they were duplicative.

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

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

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

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

CHAIRMAN HOOD: Okay. Let's take our time, Commissioners. Any other comments
on this Chapter 17?

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

MR. PARKER: I believe so.

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

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

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

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

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

MR. PARKER: So would you take out
solid masonry?

COMMISSIONER TURNBULL: Not necessarily.

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

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

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

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

And again, most of the developers
are going to be putting up a fairly substantial wall, but just trying to throw in something else just to cover ourselves on that. I don't know what the other Commissioners feel.

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

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

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

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

CHAIRMAN HOOD: Mr. Parker, can you --

COMMISSIONER TURNBULL: Solid titanium, right, there you go, yes.
CHAIRMAN HOOD: Ms. Steingasser, is that okay? Can we work with that?

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

COMMISSIONER TURNBULL: Okay.

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

COMMISSIONER TURNBULL: Okay.

Thank you.

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

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

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

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

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

MR. PARKER: Okay.

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

And most of your PDR Zones have warehouses. And warehouses usually have a loading berth, some kind of berth. It may be outdated or whatever, but they usually have them. But just to say -- I can think of one particular area, if you tell them they can load anywhere, we're going to have some problems, some serious problems.
I think I brought this up once before. And I'm not sure exactly how we -- I just think that that is not the right message we need to send. Basically, you can load anywhere you want. I just don't see -- I have some problems with that. I don't know if anybody else shares any problems with it?

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

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

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

MS. STEINGASSER: Yes. Well --

MR. PARKER: So your concern is when the loading of a warehouse faces the
CHAIRMAN HOOD: No, my concern is if we allow, case in point, well, I don't want to call any specific type of truck, to load anywhere -- okay. Let me give you an example.

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

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

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

CHAIRMAN HOOD: So this is not
giving them the right to load anywhere?

MR. PARKER: No.

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

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

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

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

COMMISSIONER MAY: Yes, I have one. Going back to my notes from the hearing, one of the questions I had at the hearing was a requirement and I'm not sure where it would go, but it was suggesting a requirement that we make sure that loading areas are -- and
areas for service and delivery are actually connected to the retail services, retail spaces that they serve.

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

    MR. PARKER: It is somewhere, I believe.

    COMMISSIONER MAY: It's in there somewhere?

    MR. PARKER: Give --

    COMMISSIONER MAY: Okay.

    MR. PARKER: -- us a second.

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

    MR. BERGSTEIN: Oh, there we go.

    MS. STEINGASSER: Does that capture it?

    MR. BERGSTEIN: There we go.

Routing generally resulting in rear entrances.

    MR. PARKER: Also, it is kind of...
covered in 1703.4, in that more than multiple uses can use the same -- can meet the requirement with the same loading area, provided that all the uses have access to that loading area.

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

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

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

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

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

MR. PARKER: It is going to prevent
landlocked retail of 5,000 square feet or more. Because below 5,000 it is not --

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

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

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

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

COMMISSIONER MAY: Yes.

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

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
(202) 234-4433
WASHINGTON, D.C. 20005-3701
www.nealrgross.com
And the one you were talking about, it had access to the building, but you had to drag it down a residential hallway.

COMMISSIONER MAY: Yes.

MS. STEINGASSER: Yes.

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

MS. STEINGASSER: 1704.4.

COMMISSIONER MAY: 4.4.

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

COMMISSIONER MAY: Okay.

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

COMMISSIONER MAY: All right.

Okay. Thanks. I hope we don't see any.

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

So I guess we would need to approve all three chapters, so noted, with any
corrections or comments that have been made.

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

VICE CHAIRMAN SCHLATER: Second.

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

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Yes, sir. Staff
would record the vote 5-0-0 to approve
Proposed Action in Zoning Commission Case No.
08-06 approving Chapters B15, B16 and B17,
which covers parking, bike parking and
loading. Commissioner Hood moving,
Commissioner Schlater seconding, Commissioners May, Selfridge and Turnbull in support.

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

MS. SCHELLIN: No, sir.

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

And with that, this meeting is adjourned.

(Whereupon, the Public Meeting was concluded at 8:56 p.m.)