GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

SPECIAL PUBLIC HEARING

THURSDAY, SEPTEMBER 27, 2012

The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, 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
MARCIE COHEN, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

NEAL R. GROSS
JENNIFER STEINGASSER, Deputy Director
Development Review & Historic Preservation

JOEL LAWSON
ELISA VITALE
STEVE COCHRAN
DAN EMERINE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

N/A

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

N/A

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CHAIRMAN HOOD: Good evening ladies and gentlemen. This is a special public hearing on Thursday, September 27, 2012. We are located here in the Jerrily R. Kress Memorial Hearing Room, 441 4th Street, Northwest, Suite 220, South.

Joining me this evening are Vice Chair Cohen, Commissioner Turnbull and Commissioner May. My name is Anthony Hood and I am the Chairman. Also, the Office of Zoning Staff, Ms. Sharon Schellin. Office of Planning, Ms. Steingasser and Mr. Lawson. And I'm going to let Mr. Lawson introduce -- and Mr. Cochran. I'm going to let Mr. Lawson introduce the young lady.

MR. LAWSON: I'd be happy to. Good evening, Mr. Chair and Commission members.

On my right is Steve Cochran who you have met one or twice. On his right is Elisa Vitale who is a fairly recent addition to the
Office of Planning and has been working very hard on the ZRR project. And you have met Dan Emerine with the Office of Planning who is to Elisa's right.

CHAIRMAN HOOD: And what's the last name again, Ms. Vitale. I didn't introduce Mr. Emerine because I didn't want Ms. Vitale to feel like she was left alone, singled out.

Okay. Ms. Schellin, do we have any preliminary matters? Okay.

I do have one preliminary matter. I want those who have been involved in this process to think about it including my colleagues as well as the Office of Planning and as well as the public.

When we start these ZRR hearings I thought about the folks who have really labored whether you agree or disagree for awhile and I was hoping to figure out a way to give some additional time as opposed to the three minutes.

If my suggestion becomes convoluted and it just gets out of order then I will pull
it back off the table. So, any suggestions you
have, you can submit those to -- I have some
but I want to do that now. I want to hear from
the public and Office of Planning and also my
colleagues. If you can send those suggestions
to Ms. Schellin and my colleagues and I will
try to figure it out and see how we can
accommodate those who have labored over the year
that this whole process has been going. And
that's just something we're going to try to do.
If it gets to a point where it's not manageable,
I will definitely pull that off the table
immediately.

Any comments?

VICE CHAIR COHEN: Yes, can you
clarify what you're hoping to accomplish? I
mean, when you say accommodate.

CHAIRMAN HOOD: Well, I really
don't want to get too much into it right now
because I want to hear -- give people additional
time. Right now if you're an organization you
get five minutes. If you're an individual you
get three minutes. And someone who has been working on something for three, four years, three minutes on a particular issue, three minutes is really not a whole lot of time. Not that I'm trying to be here all the time and all night, but I want us to be fair and give people a fair opportunity.

And when they walk away from the table, nobody will be able to say we did not hear them. And that's kind of where I am. Maybe I'm asking for trouble or maybe I'm asking for something that's fair and that's just what I'm thinking about. I don't have the solution. I got some thing on my mind but we can have a discussion at one or our meetings prior to doing this. I'm not sure when we can announce it, but I'd like for all of us to just think about it because we don't want nay answers off the cuff because it won't be a well-thought out answer. Okay.

Ms. Schellin.

SECRETARY SCHELLIN: Maybe if a
decision is made at the time of set down maybe when it's advertised it can be included in the Hearing Notice.

CHAIRMAN HOOD: Yes, let's do that and let's do it at the time of set down.

Any suggestions, you can turn them into Ms. Schellin.

Okay. Anything else? All those people saying, is he crazy? Okay, the ZRR Guidance. Let's go straight to the Office of Planning and I guess we're going to break this up. Are we going to do the whole thing through or are we going to break it up?

MS. STEINGASSER: Well, what we have this evening is the PowerPoints, about 84, 88 slides long. We're going to walk through almost every one of the subtitles, touching on a lot of detail on what we've done, what we haven't done. Try to correct a lot of misinformation. Try to reinforce the good information.

We're happy to run through this and
then have more in-depth conversations and work sessions with the Commission. There are several items like for downtown development zone which is a huge policy piece that the Zoning Commission makes the rules for and yet because it so incredibly matter of right, we seldom actually deal with it in terms of your role here at the Zoning Commission or through the BZA. So, whether you want to have a special -- we can start to piece thee out over the next couple of months and have more in-depth study. What we're presenting to you this evening, we're focusing a lot on the residential zones. The ones that have had the most interest and so we can take it anyway you're comfortable.

CHAIRMAN HOOD: I was just trying to allow for questions, if we have questions.

MS. STEINGASSER: Well, we're going to stop every eight or ten slides and --

CHAIRMAN HOOD: Okay. Maybe 15.

MS. STEINGASSER: We do this as a work session so you're free to interrupt us.
We've rehearsed it. We're hopefully pretty nimble and can respond to any questions you want.

But we do plan to stop every couple of slides and make sure you understand.

CHAIRMAN HOOD: Okay. We'll proceed in that order.

MS. STEINGASSER: There's a lot of detail.

CHAIRMAN HOOD: Okay. When you stop we'll ask our questions.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: Okay. Thank you.

MS. STEINGASSER: So, we've assembled for you a kind of workbook that lays out our PowerPoint. We also started with a breakout of what the process has been to date, the amount of outreach, the amount of public hearings, the amount of public work that's gone on.

I've listed in the book all of the working groups that have happened. So far there's been 81 special topic working group meetings.
There's been a total of participation of 1,054 people. That does not include city staff on any level.

There's also been 64 total community groups to date. I've listed those also by the association, the ANC and the date of which we've attended those.

The Zoning Commission themselves have had 21 public hearings, 22 public meetings at which you've discussed it. There's also been 36 task force meetings. Eleven of those have been this year as we've been drafting the text.

There's also been several -- there's been a lot of coverage in the newspaper, both the Washington Post, the Local Current, Northwest Current, DuPont Current, the Washington City Paper. There's been articles in the Atlantic City Magazine and there was even an article in the New York Times.

We've also made several professional presentations to the Urban Land Institute, APA national conferences. We've
done two there. We'll be doing a third in April.
And, of course, we have several websites which
are referenced here in the document and will
be presented to the public at the end of the
Power Point.

Following that, we've also included
for the Commission's reference just to
underscore the public access to the information.

The amount of links on the Office of Zoning
website, all of which have a video attached to
them and there's I think 43 of those that go
through the hearings, the meetings, the guidance
meetings and then the actions the Commission
has taken so far on several of the options.

So, we just wanted to draw your
attention. We then included the PowerPoint.
We also beyond that had a draft outline that
will lay out the general form of the zoning
rewrite that we are looking at proposing now
and then in a fund tab are the orders on work
that the Commission has already done, the final
orders that are in the D.C. Register.
And as you may recall, we've removed several of these cases. I think there's five, parking, loading, bike parking, green area ratio, height, uses and industrial uses, PDR. And the Commission took general regulations all the way to the final order state and they've been parked in what the D.C. Register advertises as a final opinion. The idea then being when we get the full regs done, we'll be coming back. We'll be making sure that those are still consistent with where we're going, what we want to do and then the Commission will take final action on the whole.

So, those are in the back so if it feels like you've been working on this for a long time, you have.

So, our PowerPoint starts with this. So, the next questions become why now and just going to give you a quick few slides on this.

It was adopted in 1958. That was a good five years before D.C. residents even had the right to vote for a president. Obviously, it was
waiting for a Home Rule, way before Metro opened and there's been over a thousand amendments to the zoning regulations and as of 2010, 78 percent of the District residents were younger than our zoning regulations.

COMMISSIONER MAY: I just want to state for the record that I'm younger than the zoning regulations. Not much, but a little bit.

MS. STEINGASSER: Comprehensive Plan 2006 called for an overhaul and revision to the zoning regulations. That was again underscored in 2010 amendments. So, we're moving on with that. And then just briefly to show some of the household trends and in the 1958 regulations were based on what the city was then and who we were and how we saw the future of the city at that time.

Obviously, the population was much higher. We had an average household size of 3.2 residents per household. I 2010, that's considerably different. We're 200,000 less
population. Our average household size is down 34 percent to 2.11 people. So, obviously there's been a big shift in how we view cities, how we view living and the way we approach our environment. The current Comprehensive Plan reflects that and the zoning regulations are then trying to implement many of those policies and looking forward guiding us into the future.

So, the code organization is basically we've stepped back. We've been allowed by the agency for publications to have subtitles. So, that's allowed us to have a lot more categories within each chapter, a lot more headings which have been I think something that's been sorely missing from the regulations.

A lot of stuff is written in paragraph form and you have to figure and you look at people and they've all put their own little heading next to that paragraph. This has allowed us to get into much more clear form.

We're established a different type
of grouping, generally maintaining the same residential house zones which are the R-1's to the R-4's, the apartment zones which are the R-5's, the mixed use which is a combination of the commercials, waterfronts and the special purpose in the CR zone. The downtown zones as we'll talk later has become much more expanded to reflect the Comprehensive Plan. And then production, distribution and repair, which is the industrial zones and special purpose zones.

We've worked with the Office of Zoning and the Office of the Attorney General and everybody was more comfortable having the BZA and the Zoning Commission have their own chapter for procedures, authorities. So, which we have now is Chapter 31 and 30, you'll see that reflected. We couldn't resist using subtitle Z for the Zoning Commission so we worked back from there and the BZA is subtitle Y.

So, now we're going to get into some of the residential house zone development
standards and this has been a lot of controversy and a lot of confusion over what we mean and what we've been looking at in these. The minimum lot size right now is 7,500 feet for R-1-A, 5,000 for R-1-B, 3,000, 2,000 and 1,800 moving on down.

We're proposing no changes to those sizes. We're proposing to maintain those sizes as they are. They will become applicable only at the time of subdivision which is really how it is now.

We're proposing to allow that nonconforming lots that exist today be allowed to apply for building permits even if they don't meet these standards, subject to meeting all the other requirements, lot occupancy, side yards, rear yards, heights and those kinds of dimensional standards.

If they can comply with all of that we see no reason to force them into a variance situation which our history has been over the last 10 years has been 100 percent approved by
the BZA and so it's an existing nonconformity. It's unique in and of itself. So, we thought just go ahead and address that and allow that infill construction to happen. So, that's the once change we're proposing here but there would be no minimum change in new subdivision standards.

The height issue. We've looked at height. We're proposing to stay at the same 40 feet that everyone has been used to for the last 50 years. We had looked at changing the number of stories and removing that requirement. We heard a lot from the neighborhood and different community groups across the city that they were uncomfortable with that and the appearance as it might affect neighborhood character. And neighborhood character was one of the issues that sort of lays itself out throughout the code and how we address it. So, we have put back in the three-story standard.

Georgetown. The Business
Association of Georgetown approached us about four years ago and volunteered to work with the Office of Planning and make a prototype on what we call the neighborhood zones. So, they've been working through their community to identify the standards that they feel reflect their community. And so in those zones you'll see in the proposal and they're proposing a 35-foot standard.

So, looking at height, the current measuring for height allows you to measure to the ceiling of your top floor which leave all kinds of controversial space above that. We see false ceilings. We see attics becoming finished out and creating a fourth floor. There's been several BZA cases that have evolved into court cases. And it's a real issue again towards neighborhood character, towards how new construction is actually addressed.

We're proposing to change that. And the Commission has considered these rules early on and in the final order to change that
measuring rule to allow it now to be measured only to the midpoint of the eave between the pitch of the roof and the eave so it's more in the midpoint and then measure it actually to the top of the flat roof. That has the effect of lowering the height about five feet and you can see that on this next slide where the heights are really drawn through. These are the different types of buildings. We felt that captured a lot of the issues that we were hearing from people throughout the years being uncomfortable with how height is measured and manipulated. We thought this was a more realistic way to capture it and how it feels from the street.

Number of dwelling units. This is also been one of those issues that has had a lot of, I think, a lot of confusion out there about what goes on with dwelling units. In the R-1 zone especially you're allowed one principal dwelling. It's a single-family detached dwelling district. However, by special
exception you can have an accessory apartment
inside the house and as a matter of right, you
can have and have been permitted to have since
1958 a dwelling unit above the garage for
domestic employees.

Now, there is no definition of a
domestic employee and there has been no rush
to put these things in over the years. But they
do exist. It is a matter of right. So, in the
single family detached zone you could have up
to three dwelling units. There's no limit on
the number of domestics that could live in a
dwelling unit over the garage. There is a limit
on how many people could live in the principal
and accessory apartment. That would be limited
to six people total. So, if you were a family
of eight, you would not be eligible for this
accessory apartment.

We're proposing to narrow that, to
bring it from three dwelling units to two and
say, make it tenant neutral. Get away from the
distinction of employees and domestics and make
it tenant neutral and make the one if you choose
to put the apartment internal with the homeowner
that that be by right. And if you chose to build
one as an accessory dwelling that that be the
one that would be by special exception because
that's the one that would actually have the
impact on any neighbors.

However, we are also proposing at
this time and we're interested in getting
feedback from the Commission. We've gotten
different feedback from various different
communities about allowing matter of right use
of existing structures.

The historic districts are fairly
more open to that because they have a lot of
carriage houses and detached structures in the
rear that are contributing structures. It
allows for that use. So, we're proposing right
know that if it's an existing detached that that
also be allowed by right. Again, it would only
be one, be either or. Either inside the house
or outside the house but not both. We're
maintaining bringing forward all the same conditions so that there would still be the six-person limitation. So, there would actually be fewer people living on the property.

The homeowner would still have to live there and a lot of people ask. What happens if the house sells and the homeowner rents both units? They would be in violation of their license. Supposed to have a business license at the apartment. They would be in violation like they would any other violation and the enforcement would be an issue.

It's required on the building permit that you actually have to sign this. You would have to willingly lie or fabricate on your permit and that seems to be a deterrent for a lot of people.

So, we feel that this is an important movement. We think it brings the density down rather than expands it. We're proposing that there be limitations on the size and all the existing limitations of the apartment move
forward with it. So, it makes sense.

In the R-2 and R-3, the R-2s being the semi-detached. The R-3s being the rowhouses. Right now they are not allowed AD use by right or by special exception. The BZA has been through practice waiving that requirement. BZA rules allow for the BZA to waive two conditions of the accessory apartment and one of those that has been waived recently is the limitation to the R-1-A zone. So, there has become a de facto rule where they are allowing these. We propose that we codify that rule. OAG supports this codification and we've also heard from a lot of the community, the R-2 and the R-3 communities that they're interested in this for a number of reasons. It allows new homeowners to offset some of the cost of home ownership. It creates affordable units both in terms of the principal unit as well as the accessory unit. And also we've had two cases where it was an elderly couple and they wanted to have in-home caregivers but they didn't want
them actually in the home. So it allows for a lot of type of aging in place, affordability both in terms of new homeowners as well as seniors. So, we feel it's an important movement.

COMMISSIONER MAY: Could you explain just the count of the number of persons and how that works?

MS. STEINGASSER: Well, the code requires that no more than six people total may live in the residence with the accessory apartment.

COMMISSIONER MAY: That's when there is an accessory apartment?

MS. STEINGASSER: When there's an accessory apartment.

COMMISSIONER MAY: No more than six?

MS. STEINGASSER: So, if you had that fifth child and you went over six, tenants have to go. Again, it's an enforcement issue but it's what's been on the code since 1958. We've never seen it be an issue that we know
of. The Zoning Administrator reported he's never heard of it being an issue. But it gives people comfort and so we're willing to bring it forward as a limitation.

And in the R-4, as you know, the R-4 already allows two dwelling units as a matter of right inside a principal building. It's the flat so it's rowhouses and flats. We're proposing that one of those dwelling units be permitted to be outside the principal structure.

Again, using an accessory building. If it's an existing accessory building our draft proposal is to allow it by right. If it's a new accessory building or has any kind of construction associated with it, we're proposing that that be reviewed by special exception.

We will be working on what criteria to establish for the special exceptions to make sure that there's -- you now, it will probably be something that we're used to seeing similar
and air, privacy. There are also conditions that we're looking at later on in the alley dwelling about how buildings face and how balconies face and their setbacks from the adjoining properties.

And whose kinds of conditions we'll be looking at as well when you see the final draft test.

Right now in the R-4 zone, rooming houses are allowed as of a matter of right and there are no limitations on the number of tenants. So, the last one we saw had 14 different rooms. They were using that as a catalyst for getting a use variance to have apartments in the middle of the rowhouse. We're proposing that there be a limit on the number of tenants that that be established. We're proposing now a maximum of eight.

We're open to hearing from people on whether that number is the right number. We took that from the Fair Housing Act which allows for six residents plus caregivers. So, we assume that maybe it's a couple renting out
the room so we went with eight. Again, that is tightening the regulations and tightening that density in those areas.

VICE CHAIR COHEN: Have you checked with the Health and Human Service Office to see if that will allow for existing housing for disabled people who often live with their caretakers?

MS. STEINGASSER: That's covered by the Fair Housing Act, yes.

VICE CHAIR COHEN: So, is eight the magic number or I think it would be more in some cases?

MS. STEINGASSER: Well, for -- there's no limit on caretakers. And six is the magic number for individuals that can live together as a family under the Fair Housing Act. If they need six caregivers then they could have six caregivers as well. But that is coordinated through the Office of the Attorney General and we'll make sure to touch base on that again.
VICE CHAIR COHEN: Yes, because I think some existing homes that have more residents and you may be then compromising their existence and I wouldn't want to see that--

MS. STEINGASSER: Oh, no, yes. This is only in terms of rooming houses in their truest sense. But we'll double check with that because we did do a text amendment about four years ago to make sure that we weren't in violation of the Fair Housing Act and those agencies were involved. But we'll make sure that we report back and we get some--

VICE CHAIR COHEN: Yes, I would appreciate that --

MS. STEINGASSER: -- of those for you.

VICE CHAIR COHEN: -- you check that out because we may be existing housing opportunities that you don't want to modify and put people out on the street.

MS. STEINGASSER: Absolutely.

CHAIRMAN HOOD: Ms. Steingasser,
since we're asking questions now as we go along.

Let's go back to page 5.

I noticed you said you did a pilot with Georgetown about the height and I think they recommended 35 feet, three stories. Now in the code, not just Georgetown, so every community or most communities that want to enter into this program are going to be able to tailor towards their own communities or how is that going to work?

MS. STEINGASSER: Yes, sir. Georgetown worked and they went out and surveyed their entire community, the entire historic district, block by block, building by building and they came back with this recommendation.

I wanted for the Commission to take a look first and just give any comments you would have before we finish drafting the language with them. But they will be taking it to the ANC and the ANC will vote it up or down.

CHAIRMAN HOOD: So, is that going to be the approval process for all the other
communities in the city?

MS. STEINGASSER: If they choose to follow this path, yes, sir. Yes, we've always talked since the outset that this would allow for neighborhoods to tailor some of the development standards because a lot of times thee overlays, that's what they're focused on in the residential zones. And rather than go through that it allows for new zones to be created, new tables to be made and these kind of calculations to be determined. And it would be, you know, that's why Georgetown has been interesting because they've been working with it from the community standpoint. They're going to be taking it through the ANC and they're kind of setting both practice and actual numbers for us to look at as a prototype.

CHAIRMAN HOOD: So, for those neighborhoods who may not come forward and say, this is what we want to tailor to, would they fall in front of what's proposed?

MS. STEINGASSER: That's correct.
CHAIRMAN HOOD: All right.

MS. STEINGASSER: They will stay with the standard. Nobody will be unzoned.

So, now we are on yards. So, side yards we had originally looked at some pretty significant amendments to the side yards. We based it both on a sophisticated and field work that we've done of all the residential zones.

We'd originally proposed three feet. That got everybody's attention. We then looked at five feet and in the R-1 and R-2 zones people were very uncomfortable with that and preferred eight feet. We went back and looked at eight feet.

It's been on the books. We're comfortable with maintaining that standard as well. Side yards are one of the variances we see quite a bit of, but, you know, we're comfortable with eight feet if that's where the Commission is also comfortable. The community is certainly more comfortable with that in the R-1 and R-2 zones.
In the R-3 and the R-4, we're proposing five feet instead of eight feet. This has all kinds of interesting ramifications in the rowhouse zones because of the existing code allows an existing five-foot side yard or court to be extended and maintained. It also brings it into lot occupancy. And a lot of times what happens is people fill in those side yards because it's the only thing that would require them to have a variance. So, rather than go to a variance, they just punch a building out and fill that in. So, we're proposing that the five feet be maintained statistically. We found that this is much more in keeping with the way the city is built than the eight feet.

When Lewis wrote the original zoning in 1958 it was based on statistical analysis and many of the rowhouse zones are much older than 1958. They almost all predate the zoning regs. Especially in the old parts of the city, they follow the L'enfant plan so you have a lot of triangular blocks or trapezoidal blocks,
blocks that are not rectilinear and an eight-foot side yard is just almost unheard of and it creates an odd type of infill in these rowhouse areas. Five feet is much more in keeping with the built environment, reduces the amount of variances and allows the homeowner to maintain that open space as well as the incentive to fill it in.

So, we're proposing five feet for the rowhouse and in the R-3 and R-4 zones only.

In the rear yards we're proposing absolutely no change. They stay at 25 and 20 feet respectively.

Front setback. This is something new. Currently there is no front setback required in any zone. Most properties build to the property line. Even in the rowhouse, those little front yards are actually public space. People build up to that front yard.

One of the issues we heard both before we started working on the ZRR and then once we started the ZRR was the issue of
neighborhood character and how do you keep these
snouts from moving forward or being too far back
and breaking up the street wall. And so what
we've proposed is that there be a front setback
and that it be determined by the range of the
existing block face. And that's from street
to street it can be no further back than the
most furthest setback building and it can be
no further forward than the most setback
building.

Relief can be granted by special
exception, but it establishes a type of zone
in which the setback -- the front building line
needs to be -- it's not a strict average. It's
not a calculated measurement. It's really as
somebody comes in, they would work either with
us or with the Zoning Administrator to look at
the blocks. With computers now it's easy to
see where that is and this drawing kind of
illustrates -- the middle building is the one
that is set between the two and so that's how
it works.
Lot occupancy. Again, what we're doing here is trying to protect the courts and "els". We've put an illustration on the picture that shows els. Those are those little filled in spaces. Right now if they're less than five feet they become part of your lot occupancy. So, there's no incentive to keep them open. And they are very much a defining character in the rowhouse areas, especially the old ones.

We've been working with our historic preservation office on this and so what we're proposing is that they would not be included in lot occupancy regardless of their size. That would remove the incentive to fill them in if that's the only issue of noncompliance.

The variance process can be very onerous and a lot of people just build into them and as you can see this is a block off of Kentucky Avenue and Capitol Hill. And they are a very defining character and we want to protect those.

The pervious surface. This is a new proposal that we're bringing forward. You're
going to be viewing it in terms of the current code as well so that it becomes enacted a little bit soon. Basically right now they're only required in the tree and slop overlays. And none in the R-3s and 4s. We're proposing that they be established city-wide by zone and less by geography. And proposing a 50/30 and a 20 percent minimum. You'll be seeing more of that detail as the hearing comes up in late winter.

VICE CHAIR COHEN: I'm not following that. What does that mean exactly for existing residences?

MS. STEINGASSER: Nothing.

VICE CHAIR COHEN: Nothing.

MS. STEINGASSER: No, it's not retroactive. It would be for new construction. This is where we're breaking for questions.

MR. EMERINE: Yes, we're at a point now where we've gone through most of these development standards for these zones and before
we moved on to use permissions, we thought we'd break and ask if you had any questions that focused on the development standards you've heard about.

MS. STEINGASSER: And we know it's a lot of information, so one thing we might do is if you want to read this over the holiday. We could set aside another, you know, item on an agenda at a regular meeting and go through any questions you have at that point. We just feel like we really want to walk you through where we are.

COMMISSIONER MAY: In terms of the subject matter though our next step with you is to have hearings on proposed texts to address this?

MS. STEINGASSER: No, we'll be going out with our outreach program.

COMMISSIONER MAY: yes.

MS. STEINGASSER: Starting next month. I want to make sure, every time I say
you guys without saying outreach first.

COMMISSIONER MAY: Okay, that's fine.

CHAIRMAN HOOD: I think that's good that we make sure so we can all get on the same page about the outreach.

MS. STEINGASSER: The outreach will be coming in and then once we get feedback from that, we will be taking drafts back to the task force. We've made a commitment to the task force to see the draft. Once we get that feedback we'll be bringing it to the Zoning Commission and at that point you'll see the actual draft proposal and text language and you can decide how you want to proceed, how you want to set it down in whole or in part or work sessions. So, it will be 2013 before you'll see any of the actual test.

COMMISSIONER MAY: Forgive me that I don't recall. But we certainly have had discussions and presentations on this in the past. We provided guidance on this, did we not
already?

    MS. STEINGASSER: Yes, you did.

    COMMISSIONER MAY: Okay. So, yes, you know, I have lot of questions that I could ask but I think that I would be satisfied to wait until we actually have a hearing on the topics because I would want to get into, you know, some of the detail and it's not really necessary for me at this moment

    MS. STEINGASSER: Okay. One thing we would be interested in, if there is something you don't like or that you want us to look at alternate standards, that kind of advice we'd appreciate either this evening or anytime that the Commission is comfortable with it but that's --

    COMMISSIONER MAY: I mean, based on my recollection, what we see here that stays pretty close to what we had given you in the previous guidance.

    MS. STEINGASSER: It does. It does stay pretty close.
COMMISSIONER MAY: So, I have no anxiety.

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: I don't have any anxiety but I wasn't involved so I do have a question regarding accessory dwellings.

I just want to make sure that I understand what we now call English basements. If they're occupied by a tenant you need a license but if it's occupied by let's say, you know, your parents or your children you don't need a license?

MS. STEINGASSER: My understanding is if they're paying rent and there's a business arrangement then you need a license.

VICE CHAIR COHEN: All right. But is it also as of right to have them now?

MS. STEINGASSER: In R-4s?

VICE CHAIR COHEN: In R-4s.

MS. STEINGASSER: They are allowed. You're allowed two units by right and so an English basement in an R-4 rowhouse zone would
not be considered an accessory dwelling. It would be one of two principal dwellings.

In the R-1, you're not supposed to have an English basement in the true sense because the R-1 restrictions now require that there be no visible second entrance and that would be a violation. So, if you know of those, you're welcome to tell me. But in those cases if it's a cash, you know, a rent-paying tenant you would need to have a business license. And we can get more information on that.

CHAIRMAN HOOD: What are we trying -- the front setbacks, this new piece. What are we trying to accomplish? I think we've talked about this previously.

MS. STEINGASSER: That is getting to the issue that we heard a lot about in neighborhood character where or usually things are guided by a building restriction line in the single-family detached zone. But a lot of times those may be nonexistent or for some reason people build out. And so they end up with a
house that sticks out in front of the other
houses and it kind of breaks the street wall.

And we've also seen it in some later type
rowhouse zones that weren't constructed in a
historic pattern.

And we've heard a lot of issues about
neighborhood character, that it breaks the
neighborhood character. It projects outward
or it's too far back and it creates kind of a
dark hole. So, it's just one of the things we
looked at.

I think in the inner city terrace
there's currently through the overlay a type
of mandatory measurement and so we kind of built
off that. We looked at that and though how could
that work throughout the city. Again, it's
something we're going to need feedback from the
residents and the communities.

COMMISSIONER TURNBULL: Could you
go to that sketch that you had, a little diagram
for that?

MS. STEINGASSER: Slide 15.
COMMISSIONER TURNBULL: You're going to have diagrams like this in the new code also, right?

MS. STEINGASSER: Yes, sir.

COMMISSIONER TURNBULL: For a lot of these things. The dash green lines. I mean, I understand the concept of the existing furthest back, but your green lines is that just -- it shows that you could go out in front of the line of the existing house. Is this just strictly diagrammatic?

MS. STEINGASSER: These are just illustrative, that's correct.

COMMISSIONER TURNBULL: Well, I'm wondering in the future, I think you'll want to have that line up so that someone doesn't thing that they can go beyond that line.

I mean, I understand what you're talking about but I think as a representative for someone else, this shows that you're going back behind that line. I understand what you're getting at. It's a very simplistic way of
trying to show that you can do this, but I think you really want to be clear when you put it out that it's that farthest one back and the farthest one forward.

I mean, I think you really need to show it actually exactly what it is.

MS. STEINGASSER: We need to show that house which is the farthest back and that house which is the farthest forward.

COMMISSIONER TURNBULL: That's it.

MS. STEINGASSER: And draw that band.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: Okay. Yes, that's --

COMMISSIONER TURNBULL: Whether it's just highlighted or something. I agree with the concept. I understand it.

MS. STEINGASSER: Okay.

COMMISSIONER TURNBULL: I was just puzzled by the diagram. I mean, I know you're showing it for very simplistic reasons, but --
MS. STEINGASSER: No, that's a really good point. So, in the code it will be--

COMMISSIONER TURNBULL: Exactly, okay. All right.

MS. STEINGASSER: A much broader strip.

We're already 25 percent finished.

Ready.

MR. EMERINE: So, I'll talk a little bit about some more of the use permissions and restrictions that would apply under our proposal in the R-1 through R-4 zones.

Currently, obviously these are zones where residential use is the predominant use. They're focused mainly for single-family development. And in the case of the R-2 flats or two-unit dwellings we currently allow what are known as community-based residential facilities or CBRFs. In certain instances very small ones are permitted by right. Beyond that, there are special exception rules that apply.

Concentration limits and so forth.
The current regulations lump together, even though there are separate definitions for different types of CBRFs, both group homes for people who have been essentially incarcerated but in a community setting and people who are living there for no other reason that they require residential care in a community setting, whether that be health care related or some other reason. And in addition to that, there are in the R-4 zones we allow for fraternity and sorority houses and dormitories by right.

So, generally, what we're proposing for dwellings is the same. We've proposed to split up what we know as the CBRFs so that there's a new category called community-based institutional facilities that really focus on correctional community-based institutions. Those would be by special exception. Other things, other group living arrangements would be allowed by right up to six residents plus an unlimited number of caregivers as Jennifer
pointed out before. That's what we're mandated
to do under the Fair Housing Act. We intend
to comply with that. Anything above and beyond
that is not allowed.

And then for the student living
arrangements, we're proposing that those be
permitted only pursuant to campus plan so that
they would really be considered part of the
educational use and would fall under that
permission rather than allowing them by right.

We have another category of uses
that in some cases are allowed in the current
low density residential zones. This is a little
complicated. I'll try to walk you through it.

Currently, when we're talking about
the institutional category in the new code,
we're really talking about establishments that
are there for a social purpose. That's a fairly
broad summary of the definition that we've
proposed. But it essentially means things that
have a public or civic purpose but aren't
governmental. So, museums, churches, private clubs, nonprofit organizations that are providing community services as opposed to ones that are simply providing an office type use.

So, that range of uses, what we do now is generally in the R-1 through R-3 we prohibit them. We obviously allow places of worship except in the 16th Street Heights Overlay we don't allow them by right due to the impacts that they have had in that community.

We've established a set up where those uses and related non-residential uses have to go through a special exception process.

We currently allow certain types of nonprofit offices by special exception in historic buildings. And then in the R-4 we allow some additional institutional uses by right.

So, generally speaking, we're continuing with the broad prohibitions on the institutional category in the lowest sense of the residential zones. But we're proposing to
apply the lessons that we've learned from 16th Street Heights to these low-density residential zones city-wide. The regulations would still be less restrictive than other uses in the category and so we're confident that that would satisfy the restrictions of R-LUPA, the Federal law that requires the places of worship not be treated any more restrictively than other institutional uses.

But to deal with the impacts that these large institutions sometimes have in neighborhoods, we would propose to limit the by right permission only to existing one with an allowance for a 10 percent addition beyond their existing footprint and anything else would be by special exception.

The other nonprofit office uses in the historic buildings would stay the same and we're also proposing new issues that sometimes crop us with private clubs and museums in the R-4 zone. We're proposing that that now be a special exception so that there's some community
review over those uses and some control over
the impacts that they can have.

VICE CHAIR COHEN: Okay. Question.

You're allowing nonprofits in the
Southeast historic buildings as of right and
yet you're grouping private club and museums
in R-4 special exemption. Why are you putting
together a private club and museums as a private
club could also be, you know, one that serves
a lot of liquor and has a lot of noise associated
to it. But usually a museum is much more passive
use.

MR. EMERINE: Right.

VICE CHAIR COHEN: In my opinion at
least.

MR. EMERINE: Yes, that's good
feedback to have. Just one point of
clarification that I see under nonprofits is
by special exception. That's the permission
for those uses now.

As far as putting together private
club and museum, we've constructed the category that combined what we viewed uses with similar impacts. I that can be true that museums often are passive, but they also often have events. They have art openings, you know, exhibition openings, other things. So, we felt that it was appropriate to put this out there and get some community feedback on whether that's the right level of restriction.

MS. STEINGASSER: I also would add that they're currently allowed as a matter of right in the R-4 right now. So, it's not so much that we put them together as much as they've been together since '58. And we have had issues where museums, they can be quite large and cause quite a draw and have events. But we just felt considering it is a nonresidential use in a residential zone that it should be by special exception, not by right.

VICE CHAIR COHEN: Museums often are not for profit. Private clubs are often foro profit. So, I guess I'm uncomfortable with
that, you know, grouping but maybe because I'm thinking of specific --

MS. STEINGASSER: Right, the private clubs that this is aimed at are things like the -- there's like the Cosmo Club or the Metropolitan Club --

VICE CHAIR COHEN: Right.

MS. STEINGASSER: -- that have often residential aspects to them. And it's not that we're grouping them together. They're just listed together in that particular case. We're saying, right now they're allowed as a matter of right. They do and can have significant impacts on residential character of the streets. So, we're saying that they are two of the uses we're calling out from the current regs that needs to be viewed as special exception.

So, it's not that we're putting them together, they're just on the same line.

COMMISSIONER MAY: I don't think they're trying to equate the impacts of those
two things. They're both only can be done by a consideration of the potential impacts. And that's all it is and the special exception process is the way to do it. I mean, you know, it's either a special exception or variance. And variance, you know, that's such a high bar to clear. A special exception just means that it is possible for these things to be provided the impacts are, you know, not excessive.

VICE CHAIR COHEN: Let's move on.

MS. STEINGASSER: Thank you.

MR. EMERINE: So, the next set of uses that we wanted to highlight are educational uses. Currently, public schools, including public charter schools are by right. Private schools are by special exception. Universities and colleges are by special exception through the campus plan process.

And the proposed uses restrictions are basically the same with a couple of caveats that I'll let Jennifer cover.

MS. STEINGASSER: We had a path.
I think I stepped out of line when I passed the microphone.

The campus plan as you know, the task force and the work groups gave feedback and the Zoning Commission gave us guidance. And they proposed some fairly broad changes. We then went through six campus plans. Five of the largest universities in the city and so it raised a lot of questions that I think the Commission is interested in revisiting.

We do need to address something and we're going to go forth with the recommendations and the guidance that the Zoning Commission originally gave us. We'll be looking at, right now the campus plan can be expanded to include for the processing. It can also be applied for by private schools and hospital institutional uses, medical uses. And so we'll be bringing that.

One of the issues that we hard on private schools is to clarify that the information that needs to assessed by the Board
of Zoning Adjustment should include a TMP, a Transportation Management Plan. Rather, the current standard just says no adverse impact and adequate parking.

A lot of people felt that that was not sufficient and that it didn't make clear to the BZA the level of discretion that they had so we're going to expand on that and make sure that the BZA understands that they have the authority to require more or less parking, more or less loading. Whatever they need to do to make the impacts mitigated.

So, we'll be bringing forward the guidance that the Zoning Commission gave us on campus plans and then we'll probably have a lot of additional discussion on that.

CHAIRMAN HOOD: Ms. Steingasser, before we leave campus. Are we still on campus plan?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Before we leave I can't recite the letter from Councilmember Cheh
verbatim, but are we considering that? That should be in our discussions.

MS. STEINGASSER: That will definitely be in our discussion, yes, sir.

CHAIRMAN HOOD: All right. Thank you.

MS. STEINGASSER: So, continuing on with principal uses, right now there's the issue of chanceries if they're allowed in the residential zones subject to the D Overlay and the disapproval of the FMBZA. Four Missions BZA, of course, has a slightly different make up. National Capitol Planning Commission sits on it. The order and this is really kind of inside baseball here. The order that established the D Overlay refers to this one-third, two-thirds rule of land use within a square. It never codified that rule, though it discusses it. We're proposing that that rule actually get codified. And what the D Overlay does is unlike other overlays that provide type of protection, the D Overlay serves more the
State Departments and the Four Mission interest of identifying areas where they could go. That's created a lot of conflict with some of the neighborhoods. So, we're looking at a broader city-wide approach to that by no longer having the D Overlay be so limited, that the standards of that be applied and the neighborhood protections be applied city-wide. That we codify that one-third, two-thirds rule throughout all of the zones and that we identify exactly what the municipal interest is.

Municipal interest is called out in the D Overlay analysis for the FMBZA. But it's not very clear on how the FMBZA should assess or what those interests should be. So we're proposing to expand on that.

The asterisk is there because we have sent this text out three times to represent -- the law firm that represents most of the four missions as well as one of the law firms that has been hired by the Sheridan Kalorama-neighborhood and we want to make sure
that everybody is comfortable. They've actually got a pending text amendment before the Zoning Commission that's been pending for about five years and we're trying to be able to bring all of that together. So, we hope to have that be a consistent set of text that you'll be seeing.

Again, with principal uses, this is an interesting topic. This is the corner stores. They are currently not allowed. However, they exist and they are heavily prevalent in the rowhouse neighborhoods, especially those that predate 1958. We're proposing a text amendment that would help their preservation and would allow them to stay and to be re-established.

It's often viewed as a new initiative but in reality it's really trying to work with the ones we have an allow for their preservation and allow for them to be replaced.

We're proposing that right now our proposal is that they be allowed as a matter
of right subject to all these conditions. Our sense was that if we could get the conditions right, then we would like to have them be as a matter of right. It's a lot of spacing requirements. There's a limitation on how many can be in a square. There's a limit on their size, their signing, their parking, their storage. Garbage has to be kept inside. No alcohol can be consumed on site.

We tried to hit some of the things we knew are most egregious and the hours of operation has become a debate back and forth whether it should be open earlier so people can patronize the store on their way to work or whether it should be opened later. So, we're open to feedback on all of these issues.

We're proposing a maximum number of employees including the owner so max working on the site at any given time be capped at four. Any off-site alcohol sales would be limited to no more than 15 percent of the floor area. And that's to make sure it doesn't become a
liquor store but the corner grocery could sell beer and wine.

COMMISSIONER TURNBULL: How would that affect a corner store that's been 100 years but became a restaurant? Just theoretical.

MS. STEINGASSER: If they theoretically have all their licenses and permits, they'd be allowed to continue.

COMMISSIONER TURNBULL: Okay. But they're not being grandfathered. I mean their hours would definitely change then?

MS. STEINGASSER: No, they would be a legally nonconforming business.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: And they would be able to operate under the rules and regulations at the time of their license.

COMMISSIONER TURNBULL: All right.

Thank you.

VICE CHAIR COHEN: I just want to mention that the largest increase in the population, age group is 65 years plus and I
I think that a lot of older people will be walking to corner groceries if they're available. So, I think when you go out to neighborhoods remind people of where our population is, has grown because, again, that's a convenience for --

MS. STEINGASSER: And so many neighborhoods. Capitol Hill is one we did an extensive study on. Georgetown. And this is Capitol Hill here. And you can see the dark brown in s the commercially zoned properties. The peach color is the 500-foot boundary in which a corner store in a residential zone would not be permitted. And the idea is not to create an artificial competition that draws away from the commercial integrity of the zone. But those little spots that you see throughout the mustard color are existing corner stores. Restaurants. There's some dry cleaners in there. And there's a book store and these are not offices. These are actually some sort of retail stores. So, we are proposing thee rules to allow them to maintain themselves.
It's also important to note we are not proposing that they be permitted in the R-1 or the R-2 where they have historically not been established where they were never intended. We are not proposing that that be expanded into those zones. It would be purely in the rowhouse zones that most of which have had historical development of these.

COMMISSIONER MAY: I just want to mention that the idea of corner site only, you may want to look at a corner involving just a public way. So, in other words an alley. Something of an alley because my nearest corner store is on an alley and it seems to be just fine. So, maybe that's a workable thing. Maybe it's not, I don't know.

MS. STEINGASSER: Okay.

COMMISSIONER MAY: Look at that. And earlier than 8:00 a.m. I think is also worth considering. You've got supermarkets that are all opening up much earlier than that so I'm sure the market will drive it but it sure would
be convenient if my corner store opened up at
7:00.

MS. STEINGASSER: Okay. We'll
take a look at that. Okay.

So, that rounds out principal uses.

In addition to principal uses in residential
zones and -- yes sir?

COMMISSIONER TURNBULL: I meant to
ask earlier. On your very first slide where
we were talking about frats, sorority, dorms.

MS. STEINGASSER: Yes, sir.

COMMISSIONER TURNBULL: We had a
big to-do with a couple of campus plans meaning
Georgetown and AU with group houses that are
not university-owned. They were sold by the
owners and instead of being a family of four
they now have eight students. Do we address,
I mean, is that really -- not really a zoning
issue per se or --

MS. STEINGASSER: Well, we are
proposing that there be a limit. That the
six-person household be maintained.
COMMISSIONER TURNBULL: Six.

MS. STEINGASSER: Right.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: And that's kind of a national standard. You know, if those are six beer-drinking rowdy college kids, you know, they're going to make as much noise as 15 if they have friends.

It's really an enforcement issue.

COMMISSIONER TURNBULL: Yes, I know.

MS. STEINGASSER: I mean, we really can't discriminate against students.

COMMISSIONER TURNBULL: I just remember we have some very angstful moments where, you know, a mother was testifying and just, you know --

MS. STEINGASSER: Right. And what we have done -- the movement we've tried to make is any kind of sanctioned dormitory has to be on campus. It can't be in the residential.

COMMISSIONER TURNBULL: Right.
MS. STEINGASSER: So, we've narrowed that down whereas before you could by right actually build dormitories --

COMMISSIONER TURNBULL: yes.

MS. STEINGASSER: -- in the R-4. And we've tried to narrow that down to where it has to be under the control of the university and on a campus plan.

COMMISSIONER TURNBULL: Okay. Thank you.

So, we're moving from principal uses into accessory uses. Every residence has both sub-principal and accessory sub-uses. Right now the principal uses are on the left and they're your basic dentist, doctor, child care, elderly care. You're allowed two boarders which are rent-paying room renters. Again, the domestic unit over the garage is considered an accessory use. All accessory uses. And then you're also allowed home occupation. The accessory apartment is allowed by special exception. So, the home
occupations are allowed as a matter of right.

We're proposing to keep those standards, make no changes. The one change we are proposing has to do with the special exception and that's the accessory apartment internal to the unit or internal to an existing structure which we talked about earlier, so this just reflects that.

We are still requiring that a home occupation permit be required so to help reinforce that sense, other than the conditions that are reflected for all of these by right standards we're bringing those all forward in the new reg changes.

So, then we've gone from principal to accessory use. One of the accessory uses is home occupation. These are the home occupation regulations. We're proposing that they -- I'm not going to read them all to you as interesting as they are. They are fairly broad types of professional services that you can practice on your property. They come with
conditions. We're proposing to maintain all those conditions and bring them all forward with minimal changes.

Currently, the medical professionals are allowed to have two employees that do not live on the residence. We're proposing that that be the same for all of those home office professions.

We're proposing that no changes, and it says minimal modifications and then we say that the visitor hours will be maintained. But we felt that's important to call out that there is a limit on hours of visitation and customers coming to the property. We're maintaining that. We're maintaining the 25 percent of the residential area be limited. No more than 25 percent of the residential area be used for the business.

Storage has to be inside so there's no external evidence of the business and, again, the home occupation.

We've also limited the service uses
to reflect the current code. Because we've created use categories, there could be interpretations of inadvertent uses. We've had a lot of discussion with the task force on that issue. So, we're just going to make sure that they reflect the current uses of the home occupation. So, you know, if it says something other than that, it's by mistake. We're trying to limit that as home occupation.

So, that kind of wraps up the single family rowhouse zones. The R-1s to the R-4, the low to moderate. Does the Commission have any questions before I move into the apartments?

VICE CHAIR COHEN: The occupation permit was always required?

MS. STEINGASSER: It's always been required.

VICE CHAIR COHEN: For all of the listed occupations?

MS. STEINGASSER: Yes, ma'am.

VICE CHAIR COHEN: Okay.

CHAIRMAN HOOD: When you do your
outreach, certain things that may be permitted and I'm looking here. I left my glasses. On page 12 -- maybe I can use the one that's been left up here.

But I'm not trying to tell the Office of Planning how to do your delivery because I've watched you do it and you all have done I think a good job. While everybody may not have agreed with everything, but at least we put it out there.

One thing that I would like to make sure, the groups that are not up on zoning because there are some neighborhoods that are not up on zoning. When you start talking about what's allowed in certain zones and if you kind of tailor it just like we talked about, Georgetown telling the height some of theirs that don't follow the zoning. Tailor it so they can understand the best way you can. Hopefully, I'm articulating it the best way I can. Is that, okay, in this area you're basically zoned R-4 or R-5, whatever the case is. This is going
to be allowed in your area.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: But this is not going to be allowed -- I think people need to understand that.

MS. STEINGASSER: I understand what you're saying and I think that's sage advice. We try to do that. We try to hit the big stuff so they understand that. But we also try to focus in on what's going to affect them.

CHAIRMAN HOOD: In their areas?

MS. STEINGASSER: Their neighborhood.

CHAIRMAN HOOD: Good. I notice we did that in Ward 7 so that was good.

MS. STEINGASSER: As we keep drilling down the information we can find better way to have handouts that address kind of the general stuff that if you don't live near an industrial zone you may not really care about some of these things. But if you do live near it, you want to have that detailed information.
So, we're creating a set of handouts that provide detailed information as well. But that's really good advice.

Thank you.

Okay. Apartment zones. This is not going to be quite as detailed. It will have the same set of information but I'll probably move through it a little bit more quickly.

The apartment zones, the lot size, height, the uses basically are going to be unchanged. The R-5-A, we're not proposing any major change to any of the permissions and how it goes forward. There are multi-family zones that allow for apartments of various sizes with the exception of the R-5-A.

I do need to retract immediately. At the last task force meeting it was brought up that and we thought it was a very good idea to allow by special exception and actually it's going to be on the next slide, isn't it, I think. The FAR in the R-5-A is now limited to .9.

A lot of these properties seem to be painfully...
brought through as PUD. They ended up having
to go to an R-5-B zone so they end up way over
zoned. It in and of itself is unnerving because
it creates an apartment context.

it was suggested that they be
allowed to go to a 1.2 FAR by special exception.
And we though everybody seemed to think that
that was a proposal worth exploring. So, we
will be moving forward on that one.

That is basically the only change
except for the GAR which we will be introducing
pretty soon.

COMMISSIONER MAY: So, the 1.2 is
based on a theory of 60 percent lot occupancy
and a two-story building?

MS. STEINGASSER: Three story, yes.

COMMISSIONER MAY: A three-story
building with 40 percent lot occupancy, got it.
Okay.

MS. STEINGASSER: The only change
again here is the side yards. The R-5-A we're
proposing to keep that consistent with the R-4
with the additional height, escalation of three inches per foot of height, whichever is greater.

We're carrying that through again to the R-5-B and R-5-E. R-5 becomes the minimum. However, it is triggered the taller the building, I think it's after 20 feet. The three inches per foot starts to kick in. So, it doesn't create a five-foot canyon.

The eight feet again has been historically brought forward from the R-1. We found it to be very, very inconsistent with some of the most -- with many of the residential apartment buildings. So, that's our proposal right now.

With the rear yards in the R-5 zone vary greatly. They go from a 20 foot in the R-5-A to a 12-foot minimum in the R-5-E. We're proposing for consistency that there be a 15-foot minimum, again, then with a three inches per foot of height, whichever is greater. So that there be one type of rear yard setback for the apartment zone.
The residential apartments continue. With the lot occupancy we're proposing there be no change to that. The FAR only an addition to the four area ratio for the R-5-B.

GAR is going to be introduced. We're going to be looking at that again with the pervious surface as an amendment to the current code. So, we'll be looking at that probably much later in the winter. But we are proposing that that be carried forward into the new code as well.

The commercial adjunct space. Now this is a provision that's been in the code, again, since 1958 when the original provision. It allows in apartment buildings for there to be commercial uses that service the building. They could have no external access, no signage and no visibility from the street.

We had originally looked at whether that should be changed to allow them to have external access to the street. We looked at
some of the neighborhoods where this would be possible, especially in the R-5-B zones where
they are adjacent to R-4. They're adjacent to commercial corridors and it really became --
we ended up reconsidering that recommendation and we're not going to be going forward with
that recommendation. It began to draw commercial uses into the residential neighborhoods rather than create -- originally our thinking was that, oh, this is going to further help preserve the corner store concept but it really didn't. So, we're going to be withdrawing that recommendation and the reason we put it up there is so that we can say that we're going to be withdrawing our recommendation and maintaining the current regulation that it can be only adjunct to the building.

Transit zones.

COMMISSIONER TURNBULL: Just one of the things that goes hand in hand with this, I mean, you showed us this a year ago. It was definitions of rear yard and side yard.
MS. STEINGASSER: Yes, yes.

COMMISSIONER TURNBULL: And I don't know if you're going to be coming back to us with this or I don't know if we approved that or I don't know where we were on those. If we gave conceptual --

MS. STEINGASSER: You did give final action on the use categories and the definitions. I don't remember if side yards were in there.

MR. EMERINE: Right, but there was one guidance hearing where we combined some proposed definitions related to lot lines and setbacks and yard definition and I think you gave us some conceptual guidance on that, but you haven't formally seen that as passed.

COMMISSIONER TURNBULL: Yes, the only reason we had -- in ZRR we had a very nasty appeal case over the ZA's interpretation of what a front yard was and the neighborhood was up in arms over it and it was just -- especially those angled streets that we have where you have
funny kind of --

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: -- where maybe ZA could say, oh, the rear yard is a side yard? I mean, it's those kind of funny conditions. And this may affect some of these things here. But we'd love to hear.

MS. STEINGASSER: We'll follow up on that.

COMMISSIONER TURNBULL: Yes, thank you.

MS. STEINGASSER: That case as well.

So, transit zones is a concept that recognizes density along high volume, high quality transit corridors. It's within walking distance of Metro. It's within walking distance of the high volume bus corridor. We are not proposing that this be mapped anywhere as part of this exercise. We're proposing that standards be created until the Commission decides to map it.
What would be different in a transit apartment zone would be that there would be no parking minimum required. There would also be no parking maximum. The developer could building parking in response to the demand of the residents that would be coming there. And that there would be design standards that secure the streetscape. Require a building not turn its back on the sidewalk. Kind of embrace the pedestrian ways that are on the transit corridor.

Those are two main changes we're going to be proposing as part of what we call a transit zone. We're not proposing its particular location. These are the areas that are within those boundaries of high volume bus corridor and within walking distance of the Metro. These again would not in a single family detached zone. These would be in the apartment zones and mixed use commercial zones.

VICE CHAIR COHEN: I've never met a developer that wouldn't want to put in the
maximum in his development. So, why aren't we suggesting a maximum?

MS. STEINGASSER: Right now we don't have the research to substantiate the maximum. It is something that DDOT is looking at and it may come back as a subsequent recommendation but it won't be part of this ZRR. It would come back as a text amendment independent of the ZRR. Buy right now we don't have the research for it.

VICE CHAIR COHEN: So, you're saying there's no research here in Washington, D.C., is that correct?

MS. STEINGASSER: We don't have it in time to incorporate it as part of this zoning rewrite, part of the overhaul. DDOT is looking at a series of -- they are hosting a series of parking think tanks and they're looking at on-street public parking management as well. So, at this point we just don't have anything to recommend.

VICE CHAIR COHEN: Are you going to
define transit zone by a certain walking distance from the subway?

MS. STEINGASSER: yes, it's a half mile from the subway and a quarter mile from the bus corridors. The high volume bus corridors.

VICE CHAIR COHEN: Thank you.

MS. STEINGASSER: Or high capacity.

COMMISSIONER MAY: I don't think it would surprise you for me to request that when we discuss parking, removing parking minimums that we at the same time kind of get the latest update on what DDOT is doing to control parking in adjacent residential neighborhoods because if you're talking about a quarter of a mile from bus lines. I mean, I know that there are low density residential zones that are in close proximity to certain major avenues that are, you know, get bus service. So, there is always that potential. And I know that DDOT has made significant progress on this front in the last few years so it would be good to know what their
latest thinking is and how some of their schemes have been working because, you know, you hear things sort of anecdotally but, you know, the anecdotes that I hear are not necessarily representative of the entire experience of DDOT so it would be helpful to hear that.

MS. STEINGASSER: Okay.

COMMISSIONER MAY: Oh, I'd also like to -- I'm going to ask questions about residential parking permits when we talk about this topic.

MS. STEINGASSER: Okay.

COMMISSIONER MAY: So, you know, I don't know what you need to cover to be able to answer the questions but you know it's a common theme to understand. If you're going to build these large apartment buildings and you're going to build them without a parking minimum, are you going to restrict the ability of those residents to get residential parking?

So, that's something we need to --
CHAIRMAN HOOD:  Yes, I would agree with both of my colleagues.  I think, while I'm not going to dive into it tonight because this is a different setting.  I think this parking minimum/maximum is a big issue.  So, I guess when we get to that point it would be good.  Putting on notice is like Commissioner May just did that bring all of it.  Bring it all because I can see us having a big discussion on that whole piece.

COMMISSIONER MAY:  I think that was the biggest crowd that we had in the previous hearings was parking night, right?

CHAIRMAN HOOD:  Right.  And I'll be frankly honest.  Someone who doesn't even follow zone came to me about parking.  And I was surprised.  That was the piece that they had a problem.  So, I think that that's going to be a big discussion, I'm sure.

MS. STEINGASSER:  Okay.  Alley lots.

So, we're also doing some revisions
to the alley lot regulations. Right now we're talking about alley lots. These are not accessory dwelling that face or garages that face alleys. These are actual record lots and independent ownership that are on an alley. That's their only public access.

This is an analysis of the amount of alley record lots in the District. They're mostly -- the highest number is in Ward 6 which is not really surprising when you look at Ward 6 and having its historical development.

About 50 percent of the alley lots that have an identified use on the tax record, that use is identified as residential.

This is a breakdown of the amount of alley lots by zoning district and their percentage. And, clearly, the overwhelming percentage is in R-4, the rowhouse zones. And, again, when you look at the development patterns and history of the residential R-4 zone, it's not surprising how these alley lots were constructed.
So, right now the alley lots have two types of uses, non-residential, which is limited to artist studios, parking and storage. We're proposing to maintain those same uses in the current draft reg. There is also permit alley dwellings. And in order to have an alley dwelling you need to have a 30-foot minimum access provided by the alley all the way to the street.

That 30-foot alley requirement has been very difficult for a lot of property owners. But what we've got there is an image of an alley dwelling that recently sold. It's actually got a green roof on top of it so we were very excited when we saw it. A twofer picture.

The residential use, we're proposing that that be maintained by special exception so that's really important that it continue by special exception. We are not talking about permitting these in the residential R-1 or R-2 zones. And that's a very important part of our recommendation.
We are recommending that they be allowed in the R-03 and R-4 zones with no minimum alley width so that a lot of the configurations of alley we'll be providing a lot of data. We've done extensive alley work this summer. We had teams of staff and interns who walked every alley in every historic district in the city so we've done enormous alley surveys.

There are networks of alleys that have 30 and plus wider alley internal but their connection to the street is between 15 and 19 feet. So, you have large chunks of land that are sitting there unused because of that. And yet with the building code and the fire code standards being so much more modern, the fire department is not objecting to them being used. DDOT is not objecting to them being used and DPW is not objecting to that. However, the zoning code prohibits that. So, we're proposing that by special exception that it be opened up and that there be no minimum alley width connection.
However, there should be some requirements. We're currently proposing a 400 square foot minimum lot area. We've done a series of work and we'll be re-examining that 400 feet a little bit more. We are recommending that there be certain types of setbacks, both from the center line of the alley as well as from adjoining property lines that are not alley lots. And when we put those together, 400 feet seemed to be the minimum that created a buildable footprint.

We are also requiring that through the review by the BZA that DDOT, fire and emergency services, DPW and OP review would be part of those recommendations, again, to make sure that there's adequate emergency services. Trash can be collected and those kind of things.

This kind of summarizes what I just said. We are proposing that there be some yard setbacks. Right now they are required the same as the zoning district which can be -- right
now would be eight feet, which can really eat up, again, leaving these lots unusable.

We're proposing that they be five feet from the lot lines of any non-alley lot so that there be at least a minimum five-foot setback of any structure from an adjoining property line that's not an alley lot. And seven and a half feet from the abutting alley center line which is the same dimension required for garages to that they wouldn't be projecting any further into that way.

We're recommending that there be no maximum lot occupancy because of the nature of an alley dwelling. It's a difficult standard and probably the one thing that we're proposing that's a little different is that we're proposing that these buildings be allowed to go two feet higher, that they be 22 feet. And, again, these would be by special exception but that extra two feet allows for proper insulation, a little bit of a roof line and it allows for, if it's really going to be a habital
structure, just a little bit more play. And, again, that was something we worked through with out historic preservation office staff to make sure that that would not be an objectionable height from their standpoint.

Question?

COMMISSIONER TURNBULL: Well, this having sat on any number of BZA cases where we have alley lots, this seems to be fair. A lot of cases where they were so close and yet you struggled to -- you want to be, you know, keep the regs in tact, but you look at it and you go, gee, this doesn't make sense. But I think keeping it as a special exception you're still allowing the community to look back, provided feedback on it and say, no. Here's the issues that we see with it. So, I think it seems fair.

MS. STEINGASSER: Okay.

COMMISSIONER TURNBULL: It seems fair.

MS. STEINGASSER: Thank you.

COMMISSIONER MAY: I don't know if
you're covering this elsewhere in this presentation but this reminds me of the garage height question and this also feeds into accessory dwellings. And I'm wondering if you're -- we talked about this a little bit early on, but I don't recall a specific direction. But are you looking at the potential for changing those regulations or including special exceptions or something so that you can -- so that we can build carriage houses like everybody wants to have, two story garages?

MS. STEINGASSER: Right now you can have a two-story garage up to 20 feet and we're proposing that that would also be 22 feet.

COMMISSIONER MAY: In certain zones you can't. You can't in R-4.

MS. STEINGASSER: You can't in R-4 but we would allow that -- we are recommending that the Commission consider that by special exception.

COMMISSIONER MAY: Right, and that's what I'm asking. That's what I'm asking
about. Okay.

All right. Thanks.

MS. STEINGASSER: Okay. This is where I pass it over.

MR. EMERINE: So, this one is definitely in the weeds but we remembered having lengthy discussions with you all about the issue of our court requirements and wanted to make sure that we circled back to that and told you where we were, what our current thinking is.

Our original recommendation had been that the court requirements in the zoning code are very difficult to work with and we weren't sure if they were providing additional protections beyond the building code. And we actually at one point had recommended that they would be removed zoning and that the building code should control.

What we hard from you all was that that was not the approach that you wanted to take and that there were some real significant reasons why the building code may not be adequate
in and of itself. So, we took that direction. We wanted to make sure that there were some problems that we could still solve with the current regulations and provide some regulations that maybe are a better fit with the current built environment, but still provide some more protections from the current building code.

And one of the key ways that we're proposing to do that is to make a distinction between a court space and what we're going to call -- what we're proposing to call an els space which are those left over spaces, those light els that are often on rowhouses and similar types of buildings.

So, the two main problems that we want to address are the complexity of the current regulations and the sort of syncronicity with the build form. If this slide overwhelms you, it's doing its job. This is meant to be a representation of the variety of our current, both side yard and court requirements. They
vary by zone. They vary by building type. They vary by the type of use that's within them. So, in our current code we actually have dozens of variations for court requirements.

And the second problem is that we're not really recognizing a practical difference in two different kinds of spaces. We called both of these spaces now a court. But if you look at the one on the left, it really is meant to be, again, kind of a extra light and air for a small portion of the building and often, although we've represented this says having only one space, often they're, you know, they're sort of built in tandem, right? So, you'll get the two buildings next to each other each with the small courtyard.

We treat that exactly the same in our regulations as a courtyard meant to serve a larger building. And there may be good reasons for that, but as we did a lot of studying of the current built environment and the differences between your standard row building
and a larger apartment and office buildings that have these larger courtyards. And what we found is that historically those el spaces have often been quite a bit smaller than the courtyard spaces. And nevertheless and in many cases, those el spaces as Jennifer pointed out before they can be, you know, less than eight feet or, you know, less than eight or ten feet and still be good spaces for a small building.

When you're getting into the larger buildings you really do need a greater width and in the case of the closed court, greater area to insure that you don't have dark spots within the courtyard. You want to make sure that you have adequate access to natural light.

So, what we're proposing to deal with both the complexity and the consistency with the built environment is a much simpler set of regulations. As we referred to earlier in the rowhouse zones, it would be a simple five-foot standard. You're typically not going to get buildings, you know, again if the maximum
is three stories, you're not going to get buildings that require much more than that.

The EL standard in the apartment zones and the mixed use zones would simply follow the three inches per foot of height or two inches for foot of height standard that we're proposing for side setbacks. And if you have an open courtyard, a courtyard that's really serving a single building and is bounded on three or more sides, we maintained the three inches per foot of height but have a wider absolute minimum so that you never have one less than 10 feet.

For closed courtyards we're actually in some cases being a little bit more restrictive or requiring greater space than the current standards, making sure that there's always going to be one dimension that's at least eight inches per foot of height. And we're more or less maintaining the existing area requirements but we're proposing a slightly altered methodology for measuring it. Currently, you have to work backwards from the
area requirement to figure out what target
you're hitting. And we
re suggesting that there's sort of a formula
that a lot of architects use called mass aspect
ratio which is a ratio of the height of the
courtyard to its area.

And what we're suggesting is that
as long as you hit a certain target and we're
suggesting .22. We can go into much more of
the detail when we talk about this, the actual
text of this. But the basic idea is that this
is a ratio that insures that you're going to
have a certain amount of the courtyard space
always having good sun access.

VICE CHAIR COHEN:  I have a
question.

A lot of rowhouses had to convert
their house into air conditioning, central air,
and they used the el for the HVAC unit.  Is that
still going to be permitted?

MR. EMERINE: Yes, we would still
permit that.
VICE CHAIR COHEN: Okay.

MR. EMERINE: There are some restrictions on how far they can project and we basically deal with it as a projection into a required yard. In the case of a rowhouse sense, there's no required yard. That generally isn't an issue.

VICE CHAIR COHEN: I think you should really state that because I think a lot of people are going to continue to renovate and add the air conditioning units.

MR. EMERINE: Sure.

Any other questions on courts and els?

So, next we go into the mixed use zones. Currently, the commercial C, SP, W and CR zones we've combined them together in a single subtitle because they follow a lot of the same basic rules. There aren't a lot of changes here. There's a couple of significant ones. No change in height. No change in the total FAR allowed. One change that we have discussed
with you previously is the idea that currently we have a restriction on residential lot occupancy. It's been our judgment after doing a lot of analysis that the residential lot occupancy often can inhibit the putting back -- the adaptive reuse of upper story commercial buildings back to residential. They don't always meet the residential lot occupancy for that zone. And with setbacks and other limitations, we're still effectively controlling the building footprint.

We would continue to maintain it for the W-0 since that really is meant to have buildings of very modest footprints. No changes to the rear yard. Again, as we discussed, standardizing the side yard requirements with a basic five-foot minimum or two inches per foot of height.

We're not proposing to establish a front setback in these zones as we were with the residential house zones, in particular, because if we use that range approach, we'd often
get a lot of really bad outcomes on streets where buildings are set back further than we'd really like them to be today. But we are, however, proposing a setback of 75 feet from the bulk head along the waterfront. And that's meant to help implement the Anacostia Waterfront Initiative, among other things, making sure that there's adequate space for a river front trail.

Some very minor tweaks to the roof structure rules and, again, we're proposing to add a green area ratio requirement. And then we've already discussed this. Again, just as with the apartment zones, there would be mixed use transit zones that would have the same basic standards, the proposal again --

COMMISSIONER TURNBULL: Can we go back to the roof structure height of 20 feet?

MR. EMERINE: Yes.

COMMISSIONER TURNBULL: Is that elevator overruns?

MR. EMERINE: Yes.
COMMISSIONER TURNBULL: This is so funny, I mean, I think I remember one applicant saying the elevators need more room now and yet on Southwest Waterfront all the penthouses are no more than 18-2 feet. In fact on the Florida Rock applicant, the penthouse was actually lower. I'm confused by what architects and engineers are really telling us. I guess I -- I'm not opposed to accommodating new technology but it seems like some of this new technology is actually working in less space.

MR. EMERINE: Well, isn't the latest technology low overhead elevators?

COMMISSIONER TURNBULL: I don't know. So, I'm just confused. I mean, your research on the 20 feet is this from a lot of developers saying they need more space? It's not that I'm not trying to accommodate but I really want a good reason why we have to make penthouses bigger.

MS. STEINGASSER: Well, when we started five years ago this was one of our first
subjects that we looked at.

COMMISSIONER TURNBULL: Yes.

MS. STEINGASSER: And, yes, at that time the architects were telling us that they needed 20 feet, but the technology was changing.

It's not limited particularly just to elevator overruns. It is penthouses in general and roof structures. Obviously, it would still be restricted by the Height Act.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: So, if there's any habital use within that penthouse it would not be able to meet the Height Act. But is this something you would like us to look more closely at and get a little better --

COMMISSIONER TURNBULL: I guess I would. Again, I'm not trying to limit, you know, technology or improvements, but I'm just concerned about having too big of stuff on the roofs of buildings that may or may not be necessary. I'd really like to be convinced, you know, really that we need to do this.
MS. STEINGASSER: Okay. We can go back and look at the original work and then we can also --

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: -- reconvene the architects and ask them to kind of update us where they are in technology.

COMMISSIONER TURNBULL: Well, they could look at the elevators at Florida Rock. They're less so anyway thank you.

VICE CHAIR COHEN: I have a question. Actually, this is for future generations because what I can anticipate is that there's development of more and more office space and so some of the older office space may become not usable in the future. I mean, may be converted eventually like you see in other cities into housing. So, I just want to make sure that the mixed use zones could anticipate those change

MR. EMERINE: Absolutely and, again, that's one of the proposals -- one of
the issues that the lot occupancy proposal is meant to address, that adaptive reuse.

So, just as a reminder this is one of the more significant changes that we're proposing is that the idea that there would be certain zones within walking distance of high quality transit where we believe that the transit service is such that a minimum parking requirement is not necessary that the developers will by and large will continue to provide parking. But that we don't necessarily know at this stage in the city's growth what perfect number ought to be.

Again, here's what our preliminary analysis shows for where these areas might be located.

And just to get into a little bit more detail on what those requirements might be, again, none in the transit zones in the mixed use zones we're generally recommending that parking requirements range, depending on the type of use from .25 to 1.67 spaces per 1,000
square feet. That's generally consistent with
the lower range of the requirements and the
current code today.

The transit zones, many of them
would also have use requirements meant to
activate the ground floor along with design
requirements for the street frontage dealing
with entrance spacing, number of entrances,
ground story windows. Those would not apply
to every transit zone but every transit zone
would have some combination of these
requirements meant to promote the pedestrian
environment and activate the ground floor.

And now I'm going to turn back to
Jennifer.

MS. STEINGASSER: So, these next
two slides deal with neighborhood commercial
overlays. A lot of discussion with the task
force on these issues. One of the things we
thought would be helpful was in the nomenclature
and so we've proposed to, it's a small things,
but we're going to add the letter "N" to the
zones that are now the equivalent of the
neighborhood commercial overlays. And just a
signal that these are neighborhood commercial
as opposed to regional or general commercial
and that they have a special -- there's something
special about them and people need to look for.
So, we figure that's going to be the first
signal.

In the new zones that these will
represent there will be no changes. All the
protections will be carried forward. We made
that as one of our very early commitments to
the Zoning Commission when we started. There
will be no change to the FAR, to the heights,
to the driveway permissions. The eating
establishments will maintain the same street.
Frontage limitations we had proposed after
reviewing some of those that they be overlay
wide measurements and there was a lot of concern
about that. I mean, that they be street
frontage. We're maintaining the same structure
as is currently existing and the same limits
on eating and drinking and finance uses.

In some of the zones there
limitations on the ground floor uses. We are
going to clarify that any of the arts design
and creation uses cannot be on the ground floor.
While they may be interesting, they're not all
that active so it doesn't create the activity
that we're hoping to achieve.

VICE CHAIR COHEN: I disagree with
the arts designation not being on the ground
floor.

I thought we had zoning that would
encourage arts.

MS. STEINGASSER: Arts with the big
eight, yes, but this -- the arts design and
creation are more like artist studios and not
necessarily the galleries but maybe their actual
studio and no guarantee that it would actually
be open. So, everybody seemed more comfortable
with them being permitted on the second floor.

VICE CHAIR COHEN: All right. As
long as it's stated that galleries, you know,
if you define it as and I guess you do the creation part. But it's a little confusing for me.

MS. STEINGASSER: We'll work with the conditions on that.

VICE CHAIR COHEN: Yes, because I'm really concerned about, there isn't enough, I think, arts in our city as far as even, other than statues of men on horses, we really need to encourage more beauty in our city through the arts.

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: More creativity.

MS. STEINGASSER: We'll make sure that it's clear what we're trying to preclude from --

VICE CHAIR COHEN: And if there's anything we can do to encourage having more outdoor sculptures just to beautify the city. I mean, you go to other cities and you constantly see beautiful sculptures outside. We don't really have that other than, again,
the men on horses.

MS. STEINGASSER: Okay. So, the bottom line of this message is we're not changing any of the permissions or limitations of the commercial overlays and we will make sure that we don't do anything that damages the potential for our yards.

Okay. So, the next one is Steve Cochran is going to explain is the downtown zones, formerly the DBD.

MR. COCHRAN: Good point. When we're talking about the downtown zoning, for the most part we're talking about a success story that we can't to build on. The combination of incentives and requirements and the ability to trade uses within the downtown has significantly helped to achieve the goals that were set out for living downtown 30 years ago.

We've pretty much accomplished and then some all of the goals that have been set out for residential, arts and historic
preservation uses in downtown. We've fallen a bit short on our retail goals but we're still in the process of building about 350,000 square feet of retail now and we have more that's in the pipeline.

But despite all of these successes there are still some things that we can better on. We've got a development potential in the TDR receiving zones that exists but for various reasons I can get into later can actually be reached or achieved.

One of the reasons we think that the retail hasn't worked as well as we'd like is because there hasn't been enough of a market. We need more housing downtown to support the retail. Anybody that's worked with combine lot developments knows just how complex they are and the people that have worked with them have realized that the trade areas within which you can trade uses are too small and getting smaller by the day in terms of what you can move from one area to another. There have been so
many text amendments over the last 20 years since the DD was established that it's really become a regulatory maze and the downtown regulations we've discovered aren't just within the downtown chapter. They're actually many buried within other chapters of the regulations.

But the successes that we've had downtown we're not actually able to make available to the larger central area of the city that actually comprises the downtown. What OP is proposing and we're recommending to you are about nine major proposals for downtown zoning that are based on the guidance that we received from you about a year ago. We're keeping that similar approach of having some requirements and incentives for the types of uses that the market might not favor as much as others, but we're rebalancing some of the specifics based on the experience of the last 20 years.

We want to expand the downtown zone area. We want to strengthen the development potential by up to 44 million square feet.
That would include the 17 million square feet that we can't access -- the development can't access in the TDR receiving zones. And then through a series of incentives to get basically more housing, we would be expanding some development potential within the downtown zones.

We'd be consolidating and simplifying the types of the regulations essentially into zone-based regulations and what we're calling the location-based regulations. Right now they exist as subarea regulations, design regulations, etcetera, and then we'd be leaving the parking to the marketplace. This is based on the kind of input that we received from various people who showed up at the downtown task force working groups.

When it comes to expanding the coverage of downtown, that's what we have now in the downtown zoning area. It's pretty much defined by Pennsylvania Avenue on the south and for the most part either Massachusetts and K
Street on the north. Not in the Comprehensive Plan but in the downtown zoning.

Now, the Comprehensive Plan on the other hand, all these red areas are areas in central Washington that the Comprehensive Plan says would be appropriate to have either high density commercial uses or high density mixed uses including housing.

So, we're looking to expand the downtown zoning to be comparable to the area in red that the Comprehensive Plan has already defined.

These would be the boundaries of the new downtown zoning. You can see that, again, for the most part it would be south of Massachusetts Avenue from about New Hampshire Avenue over to Noma and then it would go through the Federal Center Southwest and down into parts of the near Southeast, just north of M Street.

And these would be the zones and the different colors we can look at later if you ant to that would define some of the different intensities.
Now, right now we have 20 plus downtown zones if you consider all of the complexities that are in the various overlays and subareas. We analyzed these as you might remember from a couple of years ago and found that most of the requirements in these 21 zones can be boiled down into 10 different zones that have pretty much the same similar requirements already. So, we're proposing that there be just 10 different zones.

The important thing to remember here is that in these 10 different zones we would be maintaining the existing commercial entitlements and although we'd be getting more housing, we wouldn't be actually requiring housing in any of the areas where housing isn't already required.

In addition to the zones, we would be again trying to clarify all of these geographically based requirements into what we're calling location-based requirements. We
already have eight areas where there are geographically based requirements on either uses or designs or in some cases setbacks in upper stories.

What we're suggesting is that we consolidate those eight area and two areas that the Comprehensive Plan talks about as needing more of an emphasis on having retail mainstreets. And look at 10 different areas. You can see slightly in red there would be twx new areas. Eight already exist. There would be two new areas. One would be on lower Connecticut Avenue from about K Street to Rhode Island Avenue and another one would be what we hope will become the main street in NoMA which would be First Street, Northeast from about K and New York Avenue. Again, these are already mentioned as areas for increased emphasis in the Comprehensive Plan.

For these location-based regulations -- sorry. That sort of green haze that at least to my poor eyesight appears was
actually a very precise delineation of certain streets on which we already have these kind of location-based regulations. They range from things like having to have .5 FAR of retail in the shop district to having to have .5 FAR of arts uses along certain parts of 7th Street to other kinds of things like having 14 foot ground floor heights within the Mt. Vernon Triangle Areas and then there are other things that are buried in the regulations like having to have upper story setbacks above 110 feet on Mass Avenue, on Mt. Vernon Square and even you have to have certain setback requirements along M Street Southeast in the CG zone and on two special blocks that represent the transition from downtown into the Blangdon Alley area.

So, these are the ones that are already there. As you'll see there aren't too many new ones.

These red areas are the areas that we would actually be focusing on. All of these are called primary streets. These primary
streets already exist in the zoning regulations with the exception of these two areas that were just circled in red, lower Connecticut Avenue and again, NoMA.

They have already got either use restrictions or design restrictions and incentives or requirements and we would just be consolidating these in a more easy defined fashion.

Right now the area that's sort of circled in that cross, that's Mt. Vernon Triangle. That's about the only area now in downtown where we have ground-based retail building requirements. Fourteen feet high, a certain number of openings, a certain number of feet, some restrictions on entrances for parking and loading. These kinds of restrictions exist already in a lot of the neighborhood overlays for commercial uses like Tacoma and CG and what not. But we would be wanting to expand some of these proven successes in attracting retail into these other areas that
you can see in red on the map.

VICE CHAIR COHEN: Can I --

MR. COCHRAN: Sure.

VICE CHAIR COHEN: In adding housing in the downtown, I mean we've been very successful I think in increasing, you know, the singles into moving downtown, you know, by size of units and, of course, amenities. My concern is that if we're going to make it a more broader attraction, we need open space and then, of course, we need to coordinate with, you know, the schools to see -- I see some people with baby carriages in Mt. Vernon Triangle and they're going to have to move out to another place. My colleague is shaking his head so I'd like to hear his -

COMMISSIONER MAY: They're not moving out or at least not all of them.

VICE CHAIR COHEN: But there's no schools down there.

COMMISSIONER MAY: Well, yes, there are. There's John Thompson and -- well, there
are others. I used to know them all. But they're not moving out yet but you're right about open space. There is a need for open space and they're talking to the Park Service about needs for playgrounds and things like that and we're trying to work with them bout what we can do.

VICE CHAIR COHEN: How convenient to have --

COMMISSIONER MAY: More open space and potential for playgrounds and things like that would be a very, very good thing. I'm less concerned about the schools --

MR. COCHRAN: I'm going to talk a little bit about some of the mechanisms we're proposing for open space in just a couple more slides. But when it comes to things like larger units which we would like to see, we've definitely struggled with that and not come up with anything that could easily modify the trend in the marketplace now.

Now, if the market for downtown
housing changes to more family housing, presumably developers would respond and I'm not sure that the Zoning Commission would want to get into the whole provision, regulation of the schools.

VICE CHAIR COHEN: No, I'm just saying coordination.

MR. COCHRAN: Right. Absolutely. We have a Capitol planning division in our Office of Planning that works with the school system regularly and tries to work with the State data office which is also in our office to give an idea of what the demographics are, where people are moving, where new school might be needed and, if so, what type of school. So, we are trying to coordinate that as best we can now.

So, we're trying to expand those kinds of restrictions and incentives that we have in Mr. Vernon now to the rest of these primary street areas in downtown.

One of them that's potentially
controversial is to restrict the kinds of openings that you can have for parking vehicles or for loading. To my surprise, when I looked at this again this afternoon I found that most of these red streets with a couple of exceptions already have those kinds of restrictions in the downtown development district. The only ones that would be new under what we're suggesting to you and, again, I emphasize "suggesting" because we know that we'll still have to do a little bit more study on them would be the NoMA main street, First Street, Northeast. Sixth Street only on the East side for about a half block south of H. Seventh on the east side between New York and Mass Avenue which is basically Mount Vernon Square. Ninth and Tenth Streets around the FBI Building and that area of lower Connecticut Avenue that I mentioned. All the other ones already have similar restrictions of vehicular entrances.

Now, to achieve this we do think though that we need to change the existing system
of transferrable development rights and combine lot developments into something new. So, we've tried to come up with an enhancement for those tools. It's called the credit system. They would replace the TDRs and CLDs. They would address long-term shortage of the generating capacity that we have now in areas that generate transferrable development rights versus the ones that the potential development within the receiving zones. That imbalance is about 17 million square feet and the credit system could help to actually achieve that 17 million square feet.

There's also been an imbalance in the kinds of uses in some areas. In some respects TDRs have exported office into areas where we would have liked to have more of a mix of uses.

Now, the benefits of this credit system would be, we'd have broader trade areas and I'll be showing you the broader trade area map in just a second, which would allow for
easier trading and a broader mixing of uses.

The transition rules from TDRs and CLDs to credit are structured in order to preserve the relative values of existing CLDs and TDRs. We've talked to people who have ownership rights in these things and they're concerned that they don't want to undercut the value of combined lot developments with the sort of cheaper transferrable development rights. Again, I'll go into the mechanisms that we've come for making sure that nobody loses the value that they now have in their combined lot developments. It would enable the access to that 17 million square feet and because of the system of trading and increased FAR that would come from providing more housing, we think that this would actually enable another 27 million square feet of mixed use development in this larger expanded downtown area.

We also estimate that about 35 percent of that new development would be housing.
These are the expanded credit trade areas. You can see they'd be within all of the much larger downtown. The trade areas wouldn't be nearly as geographically small as they are now which means that there's just more flexibility in trading kinds of uses within fairly cohesive neighborhoods. Again, I can get into more of that, but we might want to wait until a later date for some of the details.

The types of credits would be for housing, for arts, for parks and plazas and open space, for historic preservation, for those unassigned combined lot development rights and for the unused TDRs. The rules would entail purchasing and using credit to get the access to the maximum FAR, the non-residential FAR up to the maximum total FAR that you saw on that earlier table of the new zones.

The credits couldn't be used in the current R-5-E and SP-2 zones because we want to keep them in the one case all residential and in the other case we don't want to put too
much pressure on the SP-2 zones which were
supposed to be transition areas and we tend to
have a lot of historic buildings in them.

We're going to maintain the combined
lot development value by not allowing the TDRs
to get converted into credits that could be
used in areas where there's currently a housing
requirement. We found that the value of
combined lots is greater in the areas where there
is a housing requirement than outside of the
housing requirement. So, when we're doing
these one for one TDR and CLD for credit trades,
we just want to make sure that they're not
basically adding a lot more value to TDRs for
people who didn't pay for that value in the way
that the CLD owners did.

And, finally, the credits would have
to be actually applied for before you could come
to the Zoning Commission and ask for an increase
in your non-residential floor area ratio.

That's it for the slides on
downtown. I'm certainly happy to answer any
questions.

VICE CHAIR COHEN: Again, you know, I haven't even met my first anniversary so this might not ever be relevant. But one of the things that I want to see is I'm concerned about signage. I think there's going to be -- there's some ugly things happening, not only downtown but also in neighborhoods that I'm seeing so I would really like if this is relevant for that to be part of this whole, may come at a later date just tell me.

MS. STEINGASSER: Signage. The sign regulations are currently being reviewed and revised and they've been rewritten. They've advertised. They're out for public comment and will be available for public comment through December and I'll be happy to send you a copy.

They're in D.C. One of the beauties of our job is that signage are regulated to the building code which is a really good place for them to be. There are some limitations and I'm
not clearing my throat out for a dramatic effect.

I'm not that clever. But I will be happy to share those and talk to you about them because they open for public comment for several months and as you can imagine, we're getting a lot. OP is on the sign team and we're trying what we called designated entertainment areas and that that's where the wild signs and the animated signs should be as opposed to be city-wide. So, we're happy to meet with you on that.

VICE CHAIR COHEN: Okay. Another questions which I don't know how relevant it is but there's a housing task force that's been created and their report, I believe, is coming out the beginning of 2013 is my understanding. And so some of what they're going to come up with may impact what you're doing. And especially I have to just tell you. I was astounded to hear this number. Sixty-seven thousand people are on the waiting list for the Housing Authority. That means there's 67,000 individuals and households that fall within
making 3 percent of the area median income that are rent-burdened or living in distressed housing or, you know, they can't afford or they're doubled up. So, I really feel that, you know, we're omitting an opportunity that is a severe impact on the cities liveability if there are that many people who are on the waiting list. It may not ever see -- the Housing Authority estimated over 30 years if you need a two-bedroom unit. And so I think a lot of the zoning and the housing groups studies need to coordinate and I know that the timing you're moving ahead and they're on a different schedule. But that's critical.

MR. COCHRAN: My partner in crime in working on these zoning regulations is Art Rogers. So, we are coordinating it every day.

VICE CHAIR COHEN: And I sit on that task force so I am also attempting to, you know, be creative in that area.

MR. COCHRAN: Thank you.
Cochran, I wonder if you could go back to the slide showed the downtown expanded coverage with the zones.

What is DB-7-B-1? Like north of Louisiana there.

MR. COCHRAN: DB-7?

COMMISSIONER TURNBULL: Or D-7, I'm sorry. D-7-B-1.

MR. COCHRAN: that is the PADC area.

COMMISSIONER TURNBULL: And what's included in that?

MR. COCHRAN: Everything that's now C-5.

COMMISSIONER TURNBULL: So, now it's basically going to stay the same then?

MR. COCHRAN: Yes.

COMMISSIONER TURNBULL: Okay. All right. Thank you.

MR. COCHRAN: We've tried to make it -- there's much more having to do with organization than there is with significant
substitutive change.

COMMISSIONER TURNBULL: Changes.

Okay.

MR. COCHRAN: We're just trying to use the tools that are working in a larger area that's more of a realistic look at downtown.

COMMISSIONER TURNBULL: Okay. All right. Thank you.

MR. EMERINE: Any other questions on downtown?

MS. STEINGASSER: The rest of these are going to move pretty quickly. They are cases that the Commission or issues that the Commission has already looked at in detail.

PDR which are the industrial zones. CM and the M. The Commission has already had some hearings on these. We're just recodifying them, moving them forward. I don't think there's any change since the Commission has last seen these. We are proposing if you remember that there be a minimum required industrial use. We've seen a lot of pressure on our industrial
zones over the years to be converted to non-industrial uses pushing industrial uses either into inappropriate areas of the city or out of the city altogether. So, we're proposing that there be a limit on those non-industrial uses that can be into industrial zones.

We've also expanded the setback protections that are provided in the Langston Overlay to be city-wide so any residential property that's adjacent to industrial will now have the same setbacks and transition protections.

CHAIRMAN HOOD: Ms. Steingasser?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: You meant the Langdon Overlay?

MS. STEINGASSER: Langdon, yes, sir.

CHAIRMAN HOOD: Okay. Being a neighbor of the Langdon Overlay, I'm going to peruse -- that's actually what's probably in the Zoning Commission. I want to look at this
definition again. I know I mentioned this at one of our concept hearings. The word "processing". I think I mentioned that and I asked us to look at that. Did we do that because I see it's still there? If not, let's look at that word because that word -- let me back up.

The solid waste, I've been talking about this since '98. The solid waste -- I can't think of the name of it now. But anyway solid waste regulations that we currently have which were voted on two weeks before I got on the Commission which was my issue.

In this new rewrite how is that going to take effect or the PDR, is this what's going to guide us? Because when you talk about processing, those of us who live next to industrial zones or areas processing an open air trash. I mean, what are we going to do to either put those solid waste regulations into this new system or deal with that word "processing"? I just see us going right back to where we've been in the early '90s.
MS. STEINGASSER: We did hear your concerns and we created a waste-related services use category. So, any of those -- in Tab D you'll see the very first final order listed there on the very last page, page 18 of that first order. Waste-related services is called out and it's going to be regulated -- our proposal is to regulate it separately from PDRs.

It would be a use that would be permitted but there are conditions that relate to it and all the same conditions come forward. So, processing in and of itself would not be sufficient to allow our waste, whether it's recycling, whether it's solid waste transfer.

CHAIRMAN HOOD: And help me. Where is it at again?

MS. STEINGASSER: Tab D.

CHAIRMAN HOOD: Tab D.

MS. STEINGASSER: The very first order is 08-06A. It should be page 18.

CHAIRMAN HOOD: Page 18, okay.

Okay.
MS. STEINGASSER: There it is. And that upper page, 206.30, Waste Related Services and that would be any use involving the collection, transportation, recycling or elimination of trash or other refuse, disposing and processing. But if it gives you more comfort we can also include in the definition of PDR but it explicitly, you know, conditions of the waste-related would be treated separately.

CHAIRMAN HOOD: Okay. I'm going to look at it again --

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: -- because I'm looking at it now. I made the motion so anyway.

MS. STEINGASSER: Yes, and we put this in after hearing your concerns and working forward. So, hopefully it still addresses it, but, you know, there's plenty of time to make any amendments.

CHAIRMAN HOOD: Okay, thank you.
MR. EMERINE: And if I could add one more thing. It's our intention to carry forward the same restrictions on waste services that we have now in the current code and those should be reflected in the use requirements that you'll eventually see.

MS. STEINGASSER: The last tab is special districts. This is just going to be an embodiment of what the District has seen now as Union Station North, Southeast Federal Center, Hill East, Capital Gateway and when completed St. Elizabeth's would also be included in this subtitle.

These are zones that are written specific to enact a small area or joint development plan that the District has participated in with the Federal Government in terms of the Southeast Federal Center. A small area planned for Hill East. Union Station North, as you know has had very distinct development concerns because of the platform and the historic structures with hit. So, we
felt these didn't fit into a standard template. We wanted to keep the unique protection so they'll be reflected here.

Parking and loading.

MR. EMERINE: Okay. So, we have three more topics to go through before we wrap up and talk about next steps and parking and loading, planned unit development and the green area ratio.

We've already talked about the areas where we've proposed to remove minimum parking requirements. Again, just by way of quick summary, the apartment and mixed use transit zones as well as further discussions that we had in the parking working group, the downtown zones and the PDR zones. Beyond that, we're proposing to make it easier to share parking between different land uses so that if one use has excess capacity they can enter into an arrangement with a neighboring or adjoining use.

We're proposing to promote car
sharing more than we do now by requiring set 
asides for car share spaces and large parking 
facilities. And where the minimum parking 
requirements still are in effect, allowing car 
share spaces to count toward those minimums 
which they currently are not allowed to do.

And in other areas where there are 
minimum parking requirements we're proposing 
to allow greater flexibility through special 
exception than we currently allow. We do allow 
kind of a variety of reductions based on 
different criteria. We're proposing to 
consolidate those into a single set of special 
exception rules that allow you to reduce the 
parking requirement or potentially even reduce 
up to 100 percent of your requirement.

There are a lot of conditions 
associated with that review including 
submitting information about the traffic 
management plans that you have for that site. 
What are the alternative modes of 
transportation that you're going to proactively
promote in order to get out of requirement. We've also suggested some changes to reduce the impacts that large surface parking lots have on our neighborhoods and on the environment, beefing up the landscaping standards and imposing new requirements for tree canopy coverage and making any super-large surface parking lots go through a special exception process.

What we're suggesting is that if you go above 100,000 square feet, which is admittedly very rare, but that should be a triggering point where you go into some kind of a review, whether that's the right number, we're certainly open to feedback on that.

Compact spaces. Allowing more of them, allowing greater flexibility in how they can be located. We're currently fairly restrictive on forcing them to be kind of co-located within a facility but a lot of times it's very difficult with those sort of leftover spaces between columns and so forth that make
it difficult to put five in a row. So, freeing up the ability to kind of work with odd-shaped lots and the restrictions that sometimes get built into parking garages.

And then finally some enhancements to the bike parking requirements. I'll get into those in a little bit more detail in a moment.

Really the major changes that we've proposed since you last dealt with this issue are things that we've proposed in response to feedback that we've gotten from the task force, from interactions with people in the community who had concerns about parking. One of them was the parking requirements for schools. We went through a lot of work trying to development parking standards based on the floor area of the schools. They are currently based on the number of staff now.

We really think that that's an important move to make sure that the requirement is based on something that you can verify in a building permit that isn't going to be subject
to, you know, how many people you happen to have on staff from month to month. And we had some feedback about the original number we proposed was just too low. It wasn't really capturing the potential impacts that occur, particularly with the private schools. So, we've proposed to increase the number to about double of what we had originally proposed.

Again, the maximum limits. We talked with you at the hearing on parking about other maximum limits, whether the ratios were total numbers. As Jennifer pointed out we had those kind of as placeholder sections in the parking chapter at that point because we don't have the data to support particular numbers. We're proposing not to include any at this time.

And then finally, the other major change. I wouldn't call it a major change but a significant ones. But when we talk about the special exceptions, a lot of people have raised the concern that the BZA may not take
full advantage of the authority that they have to insure parking for special exception uses if there's greater impacts than might otherwise be suggested. So, we want to make sure it's explicit particularly with uses like private schools. The BZA can require more or less parking than what the code would confer as a matter of right requirement.

And with bicycle parking we, again, this is something that we went through and the Zoning Commission took action on. We're proposing to maintain the same standards that we reviewed with you a couple of years ago. Just as a refresher, the current requirements are tied to vehicle parking. That's going to be problematic in the future so we really want to make sure that each use category has its own requirements. And you can see the numbers there, but they haven't changed at all since you dealt with this issue previously.

CHAIRMAN HOOD: I want to --

MR. EMERINE: Yes.
CHAIRMAN HOOD: -- revisit that. Maybe I didn't understand what I was doing at the time.

I was walking the other day with a young couple up the street downtown. I was on my way to an event. And I noticed that the bicycle locks were taking up like four or five parking spaces. I'm not against bicycles but, you know, I think we really need to -- I don't know what we can do hear but we need to revisit that because we're taking up spaces -- car spaces with this. I don't know what they call it. I know Commissioner May could probably help me.

But I think --

COMMISSIONER MAY: Bike Share?

CHAIRMAN HOOD: Is that what it's called, the one --

COMMISSIONER MAY: The red bikes and --

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: Yes, yes. Bike Share.
CHAIRMAN HOOD: It's all taking up -- it's like 20 bicycles.

COMMISSIONER MAY: This isn't Bike Share though. This is just bicycle parking for people like me who ride their own bike.

CHAIRMAN HOOD: Well, even that too, so I'll probably be reassigned. But I'm just saying. I really think that -- I don't now what the numbers are but I think that's a discussion that needs to be had and there is a whole lot of stuff involved with bicycles. But at least with the Bike Share. If this doesn't pertain to that then I'm out of school.

But here's the thing. When I see bicycles taking up four parking spaces, and I know that's not --

COMMISSIONER MAY: How many bicycles though? Has to be like -- four spaces.

CHAIRMAN HOOD: It was like four spaces.

COMMISSIONER MAY: Four car spaces.
CHAIRMAN HOOD: Twenty bikes and guess what? All of them were in the rack. All of them were in the rack.

COMMISSIONER MAY: Many people probably replacing maybe eight. Twenty people getting there as opposed to eight parking their cars there.

CHAIRMAN HOOD: Obviously they don't move them because those bicycles are there probably all night. So, nobody moved. They didn't go anywhere.

COMMISSIONER MAY: But if there were cars there wouldn't they be moving? People come and go all the time. If you're getting four or five bike spaces --

CHAIRMAN HOOD: I probably shouldn't have gone down this line but I can tell you that we need to balance that whole discussion.

COMMISSIONER MAY: It will be an interesting discussion when we have it.

CHAIRMAN HOOD: and I'm sure if my
job is watching me, I'll probably be in trouble because we're talking about bicycle parking there too. Okay.

VICE CHAIR COHEN: I thought that Bike Share was on the sidewalk, not on the --

COMMISSIONER MAY: Some places it's in the street, yes.

CHAIRMAN HOOD: Okay. Well, that will interesting.

Commissioner May you have your bicycle spot so don't worry about it.

MR. EMERINE: Any other questions on parking or bike parking? Okay. And we'll get you more information on loading. There was a little snafu at the end so we didn't -- but basically again you've seen this information before and acted upon it. We'll get you the text when it's the appropriate time.

MS. STEINGASSER: So, the Planned Unit Developments are probably our last substitutive topic to talk to you about.

So, what this chart shows, this is
the current comparison of by-right, inclusionary zoning standards and PUD standards. And everything covered in the mustard color are PUD standards that under which you get less with a PUD than you would get through inclusionary zoning. So we'd expect to see no PUDs in those zones.

Those that are blue, it's a marginal difference in FARs. So, as you can see there's only three or four zones left that we can reasonably under the current practice of inclusionary zoning and PUDs expect to see anything. So, we sat back and we took a more comprehensive look at the zones and proposed that the FAR be consistent. And we discussed this earlier with the guidance from the Commission that 20 percent and that it be consistent across the zones instead of the incredible fluctuation that we see now.

We're proposing that the heights remain the same as proposed in the current PUD reg, that our established PUD with the exception
of these three zones. And these three zones get more height under inclusionary zoning than they do under the PUD in combination with the guidance that we received on the W zones where the Commission was willing to consider higher heights in the W zones, but no greater FAR to create veracity down to the waterfront. So, we are going to be recommending these three height adjustments. Whether these are the right heights, we felt for the W zones they should at least match the inclusionary zones.

So, we've been tracking all the PUDs over the last 10 years, very closely over the last 6 years. And we have proposed that there be two types of PUDs and that they be dealt with slightly differently. Type 1 is where there's no map amendment. It's just a single PUD request that was within the 20 percent, within the height established and that that be considered by one vote, very much the way the Zoning Commission addresses the design review...
process for the Capitol Gateway that we have now. It would be one vote. It would not be considered a change in zoning and so it would not require a referral to NCPC.

The Type 2 is what we deal with most often. That's a PUD-related map amendment. It would have the same set of two votes, proposed action and final action. We had originally looked at doing the benefits and amenities through a kind of weighted system with points. The Commission expressed caution and discomfort with how that would affect the negotiation and the proffer.

We found it very difficult to establish those weighted values and create the necessary nexus, especially since so much of it was market-related. So, we have proposed to continue with the current process of proffers and negotiations.

One of the major changes we're proposing is that the current housing linkage that's in the current reg does not reflect
inclusionary zoning. We're proposing that that be amended which is a pretty significant move to the current text that it reflect IZ and that it be triggered by the base zone, not the requested zone.

The requested zone allows for that housing linkage to seldom be used. So, we're proposing that change.

We also have --

COMMISSIONER TURNBULL: And this is for the basic eight percent?

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: And also in terms of AMI, duration of the units, all of that is completely different in the housing linkage from the IZ. We never amended the housing linkage requirements. So, we're proposing that that be consistent the eight to ten percent --

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: -- of the base zone that it be triggered.
COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: Extensions.

That's something we've noticed that has been coming to the Commission repeatedly and there's been a lot of consternation and discussions both between the Commission and the applicant and OP and the applicant. We're proposing that the same standards of good cause be maintained but that there be a limit to the extensions and that limit be two. So, a PUD is good for two years to pull a building permit. Three years to begin construction. They could come to the Commission and request an extension twice so that would basically give it a six-year cycle which is pretty much -- that's a full Comprehensive Plan amendment cycle as well as an economic cycle.

So, that's our proposal at this point. We expect to get some feedback from that.

We're also noticed that there's been a lot of early filing. I think, you know, some
up to 18 months of their expiration. We propose to put a cap on that saying that it can't be granted any sooner than six months before the expiration. They can file it but the approval can't be valid any sooner to try to keep that sense of continuity moving.

So, this one gets to modifications and we've been a lot of trouble with modifications in the last couple of years. We're proposing that modifications be defined and to basically three to four categories. Technical corrections or what we're calling modifications of no consequence. That correction would be just a correction. These are actions that the Commission could consider by consent agenda as you do now. We typically call them minor modifications now. And a modification of now consequence is to change something that was not germane to the Commission's decision. So, maybe it's landscape trees that they're changing or we've seen a lot of these come forward and we're trying
to define this out as ones that were not germane to your decisions.

And a modification of consequence, we're proposing to be a modification of something that the Commission discussed and had as part of your deliberation but it was not a condition. It wasn't called out as a condition of the approval. And this is the gray area where we really wrestle with most of the modification requests. And in this one we're proposing that the Zoning Commission take proposed action, leave the record open for 30 days and notification to the ANC and there be no public hearing but there would be open records so you could get written comments.

And, again, these would be issues that were not a condition that the Commission placed on an order. And then modifications that we're calling significant modifications. And these would be modifications of either a condition that the Commission put on an approval. It would be possibly something that
required additional relief through whatever
their modification is proposed or things in that
realm. This would require basically a
reprocessing of the application. It would be
setdown.

Under the current regs it's
considered a stage 2 processing. We're
proposing that that process be continued,
setdown, public hearing, notification, two
votes, referral. So, it allows a little bit
of that.

We've had a couple of hearing where
no one has come. It's not really been an issue
but it was of such consequence the Commission
couldn't conclude it was minor. So, that's what
we're proposing in the terms of modifications.

COMMISSIONER TURNBULL: This would
also include a design, a major change to the
design?

MS. STEINGASSER: If the design was
a point of deliberation for the Commission,
then, yes.
COMMISSIONER TURNBULL: Okay.

VICE CHAIR COHEN: On the granting of an extension, I think some developers may be coming in earlier because their financial source may be asking them sooner to come in. So, I would appreciate it if you would check with the development community if that's --

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: -- reasonable because we may wind up finding some issues there. Due diligence takes awhile. They promise, you know, 90 days.

MS. STEINGASSER: Right.

VICE CHAIR COHEN: But it could take 900.

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: So, I would just confirm that please.

MS. STEINGASSER: We'll reach out to them.

COMMISSIONER MAY: With regard to the modification of consequence. First of all,
I assume when you say record open there would be notification of parties and ANC and that stuff, right?

MS. STEINGASSER: Yes.

COMMISSIONER MAY: And then the second thing is that, you know, when we come to the end of that three-day period and we get a boat load of comments, I assume at that point we could still opt to set it down for a hearing.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Okay.

MS. STEINGASSER: Absolutely. And I've been working with OAG on the language to make sure that the Zoning Commission always has the prerogative to determine --

COMMISSIONER MAY: Right, so you could propose something or someone could propose something as a modification of consequence and we can decide, no, it's a significant modification and set it down immediately?

MS. STEINGASSER: Right.

COMMISSIONER MAY: Yes, I think
that's wise, you know, just because something was not specifically debated doesn't mean that it wasn't something that we paid attention to and had specifically in mind. And particularly when it comes to things that are simply, you know, are not discussed in great detail but may be memorialized in the plan.

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: And then, again, I just have a point I want to make and that has to do with the inclusionary zoning regulations. Housing task force probably going to be dealing with it. It needs, I think, some fixing because it doesn't seem to be producing the units that were contemplated and so I just want to make sure that that's not going to be overlooked.

MS. STEINGASSER: Yes, ma'am.

So, we're wrapping up with our final slide of green area ratio. This is just a summary of what we've already proposed to be included in the existing zoning regulations as well as the new zoning regulations.
So following up, the next two slides are going to be about our next steps. These are the websites that are available for tracking the ZRR and current amendment to the current code. Planning website and the Zoning website and then we also have two websites that are dedicated solely to the zoning regulation updates.

The first one is the one that's been online, been active for about four years. The bottom on, zoningdc.org is an interactive blog that we've established that's supposed to be going live Monday.

Next steps are our outreach. We have a meeting facilitation consultant that we're getting under contract this week. They'll be helping us with our outreach. We will also be working as Chairman Hood suggested with the D.C. Office of Cable TV, Channel 16. We're going to have them broadcast and tape at least one of the meetings that will be available On Demand so if people want to watch
it after the fact.

We're going to be hosting facilitated outreach meetings in every ward October through December. As we get the feedback we'll be adjusting our draft proposals. We'll then submit the final draft proposal to the task force and get their feedback, hopefully in December or January depending on how quickly we can edit.

Then once that's been adjusted based on task force feedback we'll be bringing it to the Zoning Commission where we're hoping by February of 2012.

And then we'll figure out from there how the Commission wants to address setbacks and public hearings.

VICE CHAIR COHEN: But I assume it's just what we've gone through today, the changes or are you going to have everything?

MS. STEINGASSER: You'll have everything.

VICE CHAIR COHEN: Including
inclusionary zoning?

    MS. STEINGASSER: Inclusionary zoning will be included in the zoning regulations. The amendments that you're working on will probably be amended to the current regulations so they become effective immediately. So, what we're looking at is a code that's probably not going to take effect for another two years and so the IZ is something that we would be working on in the context of the current code so that it becomes effective and stays active immediately.

    CHAIRMAN HOOD: Let me just ask this.

    These next steps, Commissioners, colleagues, does anybody have a problem with these next steps? I actually think it looks very good, especially since you all adopted my suggestion about cable TV, so I appreciate it.

    I think the next steps as far as I'm concerned looks good.

    Okay. Any other questions?
COMMISSIONER TURNBULL: I just had one. On the Hill East area.

MS. STEINGASSER: Yes, sir.

COMMISSIONER TURNBULL: Was the only time we've used the form-based codes or zoning. How is that going to fit in? How are we going to deal with that?

MS. STEINGASSER: It's basically been brought forward -- I'll look to Mr. Lawson who does that.

MR. LAWSON: Sure. Well, Hill East, you're absolutely right. The Hill East is a little bit different from most of our other zones and that's why we decided to include it in the special purpose zones in Subtitle I. So, it's its own separate chapter. We simply took the existing regulations, the regulations in the existing code and translated it into the new form. Like all of the zones in Subtitle I, the intent was that there would be no changes to what is permitted, you know, Southeast Federal Center, Capitol Gateway, Hill East.
All of them basically just have the existing regulations translated forward.

We presented those to the task force at the task force's last meeting and requested that if the task force wished to review those regulations, we would appreciate it because, of course, things can fall through the cracks. And the intent is that, again, that nothing, you know, essentially nothing would change in those zones other than the format. So, we requested that the task force get back to us if they found anything that did look like a more substantive change because it's probably inadvertent and we'd like to make sure that we get that correct.

COMMISSIONER TURNBULL: Okay. Thank you.

VICE CHAIR COHEN: And just one other point. There is a Spanish-speaking population that I think needs to be included. So, are we going to have some of the outreach done in Spanish?
MS. STEINGASSER: We had not planned on hiring a translator, no. We are happy to work with the ANCs and I guess we would ask if they feel if that's necessary. We would certainly host that but that would--

VICE CHAIR COHEN: I think there are a couple of ANCs that might want that if there are more Spanish-speaking people in certain wards.

MS. STEINGASSER: We'll absolutely follow up on it.

MR. LAWSON: If I can add to that. We could also look at. We're producing a number of handouts that will be available and we could look at having those basic handouts translated into other languages as well.

VICE CHAIR COHEN: I think that would be a very good idea because there is a larger population and growing.

CHAIRMAN HOOD: And I was glad to hear you say, Mr. Lawson, other languages because Spanish is one and there are a lot of
others out there. So, okay.

Any other questions or comments?

I want to thank the Office of Planning for the presentation. I greatly appreciate it. I think it was very well done and I would encourage everyone to keep this handout. A lot of work went into this and I greatly appreciate it.

And I want to thank the public for coming out and those who are watching us Webcast live.

Anything else, Ms. Schellin?

Okay. Again, thank you very much and with that, this Special Meeting is adjourned.

(Whereupon, the above matter was concluded at 9:18 p.m.)