GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +
MONDAY

MAY 12, 2014

+ + + + +


ZONING COMMISSION MEMBERS PRESENT:

ANTONY J. HOOD, Chairman
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF THE ZONING STAFF PRESENT:

SHARON B. SCHELLIN, Secretary

(Continued)

OFFICE OF PLANNING STAFF PRESENT:

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JOEL LAWSON
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the Regular Meeting held on May 12, 2014
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(6:31 p.m.)

CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen.

This is the public meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me are Commissioner Miller, Commissioner May and Commissioner Turnbull. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin. Office of Attorney General, Mr. Ritting. Office of Planning Staff, Mr. Lawson, and Ms. Vitale.

The contents of today's meeting agenda are available to you and are located in the rear near the door. We do not take any public testimony in our meetings unless the Commission requests someone to come forward.

Please be advised that this proceeding is being recorded by a court report.

It is also webcast live.
According, we must ask you to refrain from any disruptive noises or actions in the hearing room, including a display of any signs or objects. Please turn off all beepers and cell phones.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: If not, I do have one. Again, as I announced previously, the Zoning Commission has moved their relaxation of the dress code two weeks.

We did look at the weather and we figured we would be comfortable during the summer months, and so we are asking everyone to join us and wear -- if you are able and can, and it depends on our schedules, we would ask you to come in front of us, you would wear relaxing clothes, like we are doing.

Okay. Ms. Schellin, let's go to the consent calendar item. Ms. Schellin.

MS. SCHELLIN: Yes, sir. This is a
request from the Applicant for a minor modification to clarify the proposed university use of leased space on two floors of a building proposed to be constructed at 2300 H Street, Northwest, does not require second-stage PUD approval.

The Applicant has separately filed for a campus plan amendment and for the processing to approve the proposal of university use at this site. And, I believe the owner of this property has filed a BZA case for variance and special exception use or request.

The Applicant is asking the Commission only confirm this evening at the request of modification in those cases. In fact, minor, and the vote could be held in abeyance until the vote on the campus plan amendment and for the processing case, which is scheduled for June 23rd.

West End Citizen's Association filed a letter today in response to this request
for minor mod and we find that at Exhibit 5.

CHAIRMAN HOOD: Okay Thank you, Ms. Schellin.

Again, Commissioners, this is in the interest of consolidating the proceedings, but I think the issue is right now, it is a consent calendar item and because of all the different moving parts for me, I would recommend unless -- not opening it up.

I would recommend that we hold this decision of whether this minor in abeyance and try to deal with other moving parts and then figure out we go from there. We can get the discussion started.

Anyone else?

Commissioner Miller.

COMMISSIONER MILLER: Yes. I would agree with that, Mr. Chairman. I think that we should consolidate the campus plan for the processing case for GW with the variance and special exception case that -- application that is pending before the VXA.
A hearing is scheduled on both of those, one by the Zoning Commission and -- and they are both in dates in June. I think the Zoning Commission should hear all the issues related to this one project which needs all of these -- and including to hear the campus plan for the processing -- here are issues about whether it is minor or not, and here the variance, the special exceptions in one Zoning Commission hearing that we would -- and then take action at a later date.

I think that would be best for all the parties, the Applicant, the co -- the owner of the building, the investor, the public convenience.

Each of these parts, as necessary for this project to move forward. So, I think that is a good suggestion you made, to consolidate it and I would support that.

CHAIRMAN HOOD: Okay. Let me find out, do we have representatives of both separate cases?
Mr. Avitabile, if you come forward.

Let me ask you -- let me ask you this before my other colleagues speak. If you can identify yourself.

Does the Applicant have a problem with consolidating both of these cases for the sake of us hearing them?

MR. AVITABILE: This is David Avitabile with Wolfson & Suarez. I am representing separately but both GW and Hillel. We have no issue with consolidating the cases. We agree that it would be more efficient and allow, you know, the Commission, as one body, to consider everything together.

CHAIRMAN HOOD: Okay. Commissioners, let me -- hold your seat, Mr. Avitabile.

Any other comments?

Commissioner May?

COMMISSIONER MAY: So, I don't want to confuse things any further, but I assume that this hearing is going to cover everything that
we might be deciding about this, including the potential, either minor modification or modification, and if there is additional notice that is necessary, to cover that, but that be done in time for the June 23rd hearing.

I that right?

I see nods of heads from the Commissioners, but Ms. Schellin is --

CHAIRMAN HOOD: Well, anything -- anything -- in this case, I think it is very unique. I would hope that other applicants wouldn't come down and say, "Well, you did it here."

I think there are a lot of moving parts here and I think it is more beneficial for the Commission, and it is also more efficient to move in exactly your stance.

And if we need to -- the Commission, normally, we don't like to waive a lot of rules, but I think in this case, with all the moving parts, I think this is warranted.

So, for all other people who are
going to be coming down in front of the Zoning Commission, let's not use this one and wave that up and say "You did it here."

I think this is a total different circumstance for us to be able to move forward in this fashion. I probably will never see another situation like this with all these different moving parts.

And I think, Commissioner May, you are right. We should be able to deal with everything we want at that particular hearing on June the 23rd.

So, I am asking Ms. Schellin, whatever notice needs to be done, let's just get it done.

Any questions?

Mr. Turnbull.

COMMISSIONER TURNBULL: No. I -- I would agree with all the comments.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: I think that, especially with a campus plan and this
particular campus plan, I think the community needs to be there present and to hear all these things.

So, I think it is better, instead of having bits and pieces, to do it as a consolidated case. It makes sense for everyone.

CHAIRMAN HOOD: I do recognize that the staff, while I am on my other job and we are doing other things, the staff is the one who is responsible for getting this done, along with OAG.

I want to ask them, do they see any potential problems with what we have done and if we need to remedy it here, we will, once they get finished.

Okay. Let's have additional conversation. I think we might have some confusion. I think that what we will do at the hearing, we will deal with the three potential -- well, I think it is three potential moving parts.
And we will hold the -- and I am saying this to you, Commissioner May. We will hold the minor mod in abeyance. While we can still ask questions and deal with it at that point, because I think, if we decide at some point when it is -- if it is not minor, then we have to have a hearing on the minor -- well, on the modification, if we take -- if we say that is not minor.

Is everybody on the same page, or any questions?

COMMISSIONER MAY: Well, Mr. Chairman, if I could, I understand that, but I think what we don't want to do is wind up having the hearing and then deciding, you know what, this modification is not minor and therefore, have to schedule another hearing.

And that is why I was suggesting that we -- we relax those provisions if necessary so that we could have a single hearing where we address everything all at one time.

CHAIRMAN HOOD: So, -- so, if we do
-- according to our rules, if we do it that, and I agree with you. I am just trying to figure out, if we do it that way, then we are saying it is not minor already.

COMMISSIONER MAY: I don't know. I mean, if we are --

CHAIRMAN HOOD: It is going to be an easy night. When I see two things, I say, "Oh, this won't be that hard." But, anyway.

COMMISSIONER MAY: Maybe Mr. Ritting wants to answer this, but I seem to recall that we had another case where we set something down because we thought a -- it was not a minor modification, and then we got clarifying information from the Applicant, and we -- we wound up changing it back to a minor -- or, treating it as a minor modification.

I mean, I think there is a -- something of a parallel there. I guess my point is just that there is -- is there anything that says that we can't have a hearing on a minor modification, and then decide it and say, "You
know what, in the end, this was a minor modification after all"?

MR. RITTING: Well, I mean, I think that the -- the Commission's rules about minor modifications and their consent calendar rules, and Chapter 3030 seem to contemplate that either you decide it is a minor modification or you set it down for a hearing.

Now, maybe the solution here is you just waive those portions of the rules so you could have a hearing, and then decide that it is minor. I mean, right. From the standpoint of advising the public, and interested parties where those issues are going to be heard and soliciting their comments, I don't --

COMMISSIONER MAY: Right.

MR. RITTING: -- see what difference it makes whether you call it now a minor modification or not, so long as they have a general summary of what the issues and an opportunity to comment.

COMMISSIONER MAY: So, I mean, I
think that the general notion here is that we want to have a single hearing here we address the entirety of the issues and that we -- whatever we have to do to cover this question in advance, that those all be addressed so that we don't wind up in the odd circumstance of saying, you know what, in the end, this was not a minor modification and so, therefore, we cannot fully decide this until we have another hearing.

MR. RITTING: Yes.

COMMISSIONER MAY: That is the trap I am trying to avoid entirely.

MR. RITTING: Yes. I don't see how, any way that that would be a problem, given that there has been adequate notice of all -- you know, the further processing request already and that it involves the same change that has been requested as a part of this -- this minor modification that is on the agenda tonight.

COMMISSIONER MAY: Right. But, I
mean, doesn't that assume that, in the end, we -- if we decide to approve the case, that we are -- we are assuming now that it -- it would, in effect, be minor modification, that particular aspect of it?

MR. RITTING: I mean, only if you are affirmatively saying tonight that it -- it is not minor. And what I heard you say previously is that you are -- you are putting off that aspect of the decision until after you have had the hearing.

CHAIRMAN HOOD: It seems like we are ending up at the --

COMMISSIONER MAY: No. I almost want to -- I almost want to just approve it as a minor modification, knowing that we can't do anything, anyway, until we do the further processing, just so that we know we don't have that issue.

CHAIRMAN HOOD: I am not ready to -- because we can't figure out this loophole, I am not ready to just go ahead say deal with this
and then move to that.

I think that what we said earlier, if we don't take it off to consider, we can hold that in abeyance, and just unfortunately, this is the moving parts.

Once we get all the information -- I just don't want to stifle us and put us at a disadvantage of not being asking those questions about what specifically is a minor mod.

That is kind of why, when you hear those three factors -- and I think at the end, once we get all that information, we can still ask questions about minor modification, and then, after all that is said and done, if somebody thinks we need to take it off the consent calendar item, we will do it at that point in time.

I think that makes it legal. I think it keeps it with our regulations, and then we can move forward.

Because, what is happening is, we
just did a full circle. We went right back to where we were.

MR. RITTING: I agree. I think that is perfectly sensible.

CHAIRMAN HOOD: Okay. All right.

MS. SCHELLIN: And I don't think that we have to advertize the minor mod. You just said you wanted to just wait and hold -- take it up. You just stated that you are going to take it up at the hearing.

So, there is nothing for us to advertize because typically you don't have a hearing on minor mods.

CHAIRMAN HOOD: Right.

MS. SCHELLIN: So, you just stated that, and so we don't need to do anything with that. But we will combine the other -- we will actually not combine. We will -- Mr. Avitabile will amend his application to include this others.

And, what we will do, just to put the public on notice, we will just go ahead and send
out an amended public hearing notice just so that they will have notice that it has been amended, as soon as he does that.

CHAIRMAN HOOD: Okay. Mr. Turnbull.

COMMISSIONER TURNBULL: Sir, do we need to set this down for hearing?

CHAIRMAN HOOD: No.

COMMISSIONER TURNBULL: We don't need to set it down?

CHAIRMAN HOOD: No. We just need to make a motion that we accept consolidating both cases. You have already agreed to it, right?

MR. AVITABILE: Yes, we have.

CHAIRMAN HOOD: Okay.

MR. AVITABILE: We actually -- we completely agree, actually. Part of the problem was we couldn't figure out quite how to get a BZA case up you all when Hillel wasn't didn't otherwise have a reason to be here.

But, we agree that it makes sense to
consider it all at once.

CHAIRMAN HOOD: But, let me just say, there may be some questions about the minor mod at the hearing, so I want to make sure that we --

MR. AVITABILE: We will be ready and willing to answer them as well.

CHAIRMAN HOOD: Good.

MR. AVITABILE: And persuade you all that it is minor.

CHAIRMAN HOOD: Okay. Mr. Turnbull, I am -- Mr. Turnbull, anything else? Commissioner?

COMMISSIONER TURNBULL: No. I am good.

CHAIRMAN HOOD: Okay. Commissioner Miller.

COMMISSIONER MILLER: No. I -- I think we need to have just one hearing on all the issues related to this project.

CHAIRMAN HOOD: Okay. Is that a motion? It this is worded -- yes. Don't we?
Yes. Yes, we need a motion.

COMMISSIONER MILLER: I don't think I have all the cases with me.

CHAIRMAN HOOD: I don't know where they are. Just whatever you have.

COMMISSIONER MILLER: I would move that we consolidate the campus plan for the processing case and the variance -- for GW and the variance and special exception case for that -- for Hillel that is currently scheduled before the BZA, and one case before the Zoning Commission at our previously-scheduled June 23rd hearing on the campus plan for the process, say, and take up all issues related to this project, including whether or not it is a minor modification.

CHAIRMAN HOOD: Okay. Go ahead. It has been moved and I will second that. Any further discussion?

(No response.)

CHAIRMAN HOOD: I will say that this does not set precedent in any other cases.
This is unique.

It is moved and properly seconded.

Any further discussion?

(No response.)

CHAIRMAN HOOD: All those in favor?

(Chorus of Aye's.)

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

MS. SCHELLIN: Yes, sir. The quota is four to zero to win, to consolidate the campus plan for the processing and the variance and special exception case that is currently with the BZA.

Mr. Turn -- excuse me. Mr. Avitabile will be filing the amendment to his case. Commissioner Miller moving. Commissioner Hood second, and Commissioner's May and Turnbull in support. Commissioner Cohen not present and not voting.

CHAIRMAN HOOD: Okay. Thank you.

Let's move to correspondence. This is on
a Commission Case No. 14-01. Ms. Schellin.

MS. SCHELLIN: Yes, sir. In this case we have a letter from Holland and Knight requesting that the Commission review the revised plans that they have submitted to determine that they can be considered at the June 12th hearing.

They have made some changes to the plans, and they just want to make sure that the Commission is okay with proceeding with that hearing, with those changes.

OP has provided a memo with regard to those revisions, and then, tonight, you received a letter in support from the ANC.

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

Commissioners, any comments on this request, or any comments, even about what is being presented?

And I did note that, in the submission, I think I read where the Applicant stated that they took some of the comments from
the Commission as set-down.

COMMISSIONER TURNBULL: Mr. Chair.

CHAIRMAN HOOD: Mr. Turnbull.

COMMISSIONER TURNBULL: I am ready to accept it.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Yes. I am essentially read, too. I think that there are still some work that needs to be done to refine the design, but I think, generally speaking, the notion of enlarging the building in this fashion is actually beneficial in many ways, and so I am glad to see that information in advance of a hearing.

CHAIRMAN HOOD: Okay. Do we need to make a motion on that or do we just accept it? Commissioner Miller. I am sorry.

COMMISSIONER MILLER: Yes. I just wanted to say also, to agree with my colleagues and I think that I -- I appreciate the applicants moving in the direction of revising the plans that -- in the way that the applicant
has by increasing the number of -- of housing
units totally, which will increase the -- from
207 units to 338 through an addition at the roof
of the existing Hecht's Company warehouse
building, which has apparently been vetted
through the staff of the Historic Preservation
Office as well.

So, I think it is a good direction
that it has been moving in, and I would -- and
maybe you have already noted that we have a
letter from the ANC in support of -- in support
of this direction, as well, 5D.

CHAIRMAN HOOD: Okay. And again,
in that letter they ask us to support this and
they still continue their -- asking us to
support the project as a whole.

So, I guess we need a motion. I
would move that we accept the revisions as
presented and move forward in a fashion that was
-- that we had already voted on and ask for a
second.

COMMISSIONER MILLER: Second.
CHAIRMAN HOOD: It has been moved an properly seconded. Any further discussion?

(No response.)

CHAIRMAN HOOD: All those in favor, "Aye."

(Chorus of Ayes.)

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

MS. SCHELLIN: Yes. Staff accepts the request at a four to zero to one, to accept the revisions as submitted and proceed as already -- already scheduled.


CHAIRMAN HOOD: Okay. Do we have anything else, Ms. Schellin?

MS. SCHELLIN: Just if there is any discussion of the ZR. That would be it.

CHAIRMAN HOOD: I need to make a
clarification as soon as I get this in front of me. There was a letter submitted to us from Ms. Hamburger, Sue Hamburger, of my comments at the budget oversight.

And I want to make sure that -- and I am going to make sure that -- here it is. -- that we are not taking anything out of context.

What I simply said at the oversight -- I mean, at the budget hearing. Was it the budget hearing?

What I was doing was the correction to something I said at the oversight hearing, when I asked -- and I am not sure how many years ago.

I was basically reading to Chairman Mendelson what actually happened about asking for input. I mean, this is okay, but I didn't ask for input about how we are going to deliberate. That is not what I was -- what I was doing at the oversight -- at the budget hearing.

What I was asking for, the input of...
how much -- the question was how much time we
gave residents to be able to speak. And that
-- and what I was saying was that, early on in
the process, when we were in our deliberations
and discussions, that I had said, well, I had
asked everyone to help us, whether it be three
minutes, four minutes, five minutes, and I have
asked people to give recommendations on how
much time they got through that hearing process
through the ZR zoning revision review process
of how much time you would get, an individual
or organization.

It was not of how to plan the ZRR
proceedings. I mean, maybe that -- that may be
something we want to look at, but right now, we
are still trying to get our arms around how we
are going to do some certain things and how we
are going to make comments at officer planning.

So, I just wanted to -- while I
appreciate Ms. Hamburger taking the time to do
this, but I just wanted to make sure that this
was not confusing because, if you look at the
-- if you go back and look at the budget hearing, I was responding to something that I said at the oversight hearing about something that happened in the past.

So, any questions on that?

(No response.)

CHAIRMAN HOOD: I just wanted to clarify that because sometimes when we get the wrong information out there and it expands, then it gets -- grows bigger and bigger, and we have given the wrong information.

So, I -- Ms. Hamburger, if you are watching, I appreciate what you did, but that was not the intent. That is not what I was talking about. I was talking about something that happened prior to this.

So, anyway -- and if you have any questions, you can call Ms. Schellin, and I think Ms. Schellin, can you help explain to Ms. Hamburger if she calls? Thank you.

Okay. Let's open it up. Any comments thus far on the comments that we
received from the Office of Planning about our hearings?

Somebody to start us off and -- and I can tell you that we are going to have to do more of this. This is not going to be -- it is going to be a lot more.

COMMISSIONER MAY: Yes. I do think there will be more. I mean, there is a lot to digest and it is -- as much as I would have loved, to have spent the last several months reviewing and studying all of this, and providing astute comments, there are a few other things that I had to do in the last few months, so it has been hard to sort of go in and out of ZRR and be able to make a lot of sense of this.

I do appreciate the analysis that was provided by the Office of Planning and it is helpful in some ways. It is -- there is a little bit less analysis and distilling of comments that I would have thought.

I mean, you really -- I really feel
like I have to read every single comment once -- you know, once again in order to understand what is being said, and that is -- I am not asking for the analysis to be redone, but I was kind of hoping for something that kind of broke them into more, you know, into sort of distilled comments, not necessarily coming from any given individual or identified as such, just saying, you know, that -- let's -- I will pick a random issue.

You know, parking requirements for auditoriums are being relaxed too much, and if 15 people said it, then we would get that one comment and then you would explain your rationale why you think you have the right approach.

That is kind of what I was expecting. Again, I am not asking this to be redone. I think we have to slog through this the way it is, but I was kind of hoping that we would get something that was more of a distillation of the general -- or of the
specific comments, and an overall consolidation so we can look at it, you know, each issue one-by-one and then see, well, these are the -- these are the issues within the accessory dwelling unit category, and these are the issues within parking as opposed to how to look at six pages of accessory drilling unit comments.

Anyway, that is just a general observation. The -- I have -- the question I have, though, is, on the parking analysis that you provided, I am wondering if, since you provided a series of these examples, and we see some pretty significant reductions in parking requirements based on hypothetical scenarios, I am wondering if you were actually surprised when you ran through some of these analyses.

I mean, for example, I am surprised to see that churches in all districts other than C3CC4 and C5, the requirements.

Then the proposed requirements are substantially below the existing requirements.
for a couple of the scenarios that you showed. This is on -- it is page seven.

And so, for a 270-seat church, the existing requirements, 27 seats. The proposed requirement is zero. And I am wondering if -- if any of these numbers caught by surprise because they are kind of catching me by surprise in some -- some small ways.

MR. LAWSON: Good evening. Joel Lawson from the Office of Planning. I wouldn't say they caught us by surprise. We had run a number of hypothetical kind of options for -- for all of the parking proposals, including the much more restrictive, or sorry, much more permissive original proposal.

So, I wouldn't say they caught us off-guard. We think it is pretty graphic. We think that it is good information for you to have to see just what these numbers mean.

You know, we are excited about the opportunity to get some Zoning Commission feedback on -- on what these actual numbers do
mean.

COMMISSIONER MAY: Okay. So, I am going to have to look at those more carefully. I just saw a few of those things and thought that there were pretty significant changes.

MR. LAWSON: And so I guess I would just add, just in case people are watching out there, just a reminder that what is being talked about here is a proposal for the minimum requirements.

We are not talking about maximums. We are not talking about what parking people would be allowed to do. We are talking about the minimums that are required, that people would be required to do.

So, you know, again, we fully expect that most developments just -- as is the case right now, most developments will come forward exceeding the minimum parking requirement.

They may exceed it if some lower minimum comes along or is eventually approved, they may exceed it by more than what they do
right now. But, certainly right now, most projects exceed the minimum requirement and they would be able to do that in the future.

COMMISSIONER MAY: And I think that is generally true, and there is some comfort to be taken in that, but while that may be true for a medical office building or, you know, higher-end apartments where parking is an absolute requirement or a certain number of parking spaces is an absolute requirement for marketing purposes, that is not necessarily the case when it comes to a church.

Not necessarily the case when it comes to an auditorium because there isn't really much -- I mean, I guess, for an auditorium, maybe there is some market reasons why they want to make sure there is sufficient parking for their guests to come but, boy, there are a lot of churches around town that have inadequate parking and it causes a lot of problems in the neighborhoods.

And I am not sure that building new
churches they are going to be building, you know, ample parking to handle that.

MR. LAWSON: Right. Yes. Well, we don't see a lot of new churches, but they certainly can be built. And I think you hit it on the head.

There are an awful lot of churches that provide very little parking now.

COMMISSIONER MAY: Right.

MR. LAWSON: You know, there are a lot of office buildings and residential buildings and retail buildings and doctor's offices and everything that provide no parking right now, and they -- they seem to get by.

But, you know, again, we are happy to received the feedback that the Zoning Commission wants to give us and if there are things that you would like us to reexamine, if there are -- for example, just for parking, if there are particular uses that you feel should be reexamined, we will -- we will happily accept that feedback.
You are absolutely right, that there is an awful lot of comments from people who are concerned about specific aspects of the parking, whether it is a specific use or specific portion of the city or -- or a specific zone, and there are a lot of other people who think that we haven't gotten nearly far enough.

So, you know, we are trying to strike that balance and we are trying to bring forward what we think is a reasonable response, given the current situation we are in.

COMMISSIONER MAY: Okay. Thank you.

So, we will have to review the parking chart more carefully. I may have some areas where I think we need to look at it further.

The -- in the area of more general comments, at one point we were considering changes to penthouse regulations and I don't know that we -- I mean, I think that might have gotten tabled at some point, you know, having
to do with the overall height, raising the height from eighteen six to twenty.

    I think that -- didn't that get dropped?

    MR. LAWSON: That did get dropped.

We heard from a lot of people that that 20-foot height limit really wasn't that necessary.

    COMMISSIONER MAY: Okay. So -- and I am not so concerned about the 20-foot limit, but I guess, given the -- the change to the height at which, as I understand it is awaiting the President's signature that would allow human occupancy of penthouses.

    Is that something that you intend to now incorporate into the zoning regs?

    MR. LAWSON: I think we would only do that with instruction from the Zoning Commission. I suspect that it is not going to be a small issue --

    COMMISSIONER MAY: Right.

    MR. LAWSON: -- in the community.

    I am a little bit worried. This is
not the Office of Planning position because, to be honest, we haven't discussed it, as an office.

COMMISSIONER MAY: Right.

MR. LAWSON: But I would be a little bit concerned about trying to wrap that up into ZRR and when I expect that the community will expect that discussion to happen kind of fully and on its own.

On the other hand, if the Commission would like us to wrap all other portions of that into ZRR, we would be happy to do that.

COMMISSIONER MAY: Okay.

MR. LAWSON: So, we would be happy to take direction.

COMMISSIONER MAY: All right. So, I mean, I could see it either way. And certainly there is enough contentious issues within the overall zoning reg rewrite that we maybe want to defer this.

But then, again, there is a certain logic to taking it all on at the same time and
being holistic. So, I don't know. Maybe other members of the Commission have thoughts on whether they want to take up human occupancy in penthouses as part of the ZRR or not.

COMMISSIONER MILLER: Mr. Chairman, I am not sure whether I want to do that part of ZRR, but I think it has to be taken up pretty soon, and I would -- I would like some analysis from the Office of Planning and OAG and ZA and whoever needs to provide -- have input into it as to what changes are necessary in the -- or desired -- what are the range of changes that are necessary or desired or options in our own zoning regulations to -- to implement the -- the recent Federal change, the recent congressional change to the height.

I would like the Zoning Commission to be able to decide, with public input and public hearing input as to -- as to what -- what might be -- if there are choices to be made I would rather -- I think it should be made in a public forum after a public hearing and not by
the Zoning Administrator, getting an application the first day this becomes law and just interpreting what -- whether as human occupancy, whether that application -- or us getting PUD applications the day after the law takes effect without us having some standards.

I mean, once -- I had always argued when we were having the discussion at NCPC that -- that the comp plan and the zoning process would -- would govern whatever change was made in -- in the Federal Height Act.

And, I -- and I always thought that we -- that -- and citizens, a lot of -- there is a lot of public hearing testimony that we should be getting something for that.

It just -- it shouldn't be just a windfall that is suddenly available that -- and I have some, my own ideas about -- and I think I articulated at NCPC that I think, you know, if somebody is getting human occupancy on the rooftop which they weren't getting before, I think affordable housing has to be one of the
things that is tied to that.

COMMISSIONER MAY: Right. So, if you are suggesting that we need to have, I don't know, a white paper or something like that, an analysis provided by the Office of Planning and OAG, and ZA in order to move it forward, and then we defer the question of when we actually take it up.

COMMISSIONER MILLER: Right.

COMMISSIONER MAY: For now. I mean, I think that is -- that is fine. I think you are raising great questions and we should have some -- give some thought to those issues before we jump straight into language changes.

COMMISSIONER MILLER: Right. And, just to be -- just to clarify, I wasn't saying that I thought that affordable housing should be what is provided on the rooftop, but it is just that if someone is going to get that in-house apartment now, 20 feet high, that there should be a linkage, an inclusionary zoning linkage in every case and at a deeper
level than is currently provided in our current regulations, and with no exemptions for any -- any zone, as there currently are exempt zones, because they were already at the maximum.

COMMISSIONER MAY: Right.

COMMISSIONER MILLER: This is a new maximum that is going to be everywhere, and so it is -- the Affordable Housing requirement and a deeper housing requirement, almost a one-to-one should be triggered I think as a result of it.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: Can I just add -- I know you have -- I didn't mean to cut you off, but I think what Commissioner Miller mentioned was by public input.

And one of the ways I see -- we can do the white paper, and obviously I think we want to do it prior to ZR, which is putting more work on us, and the Office of Planning and the citizens.

But, as Commissioner Miller
mentioned, we need to deal with this before -- it is in our bill and we need to deal with it first.

So, one of the things I would suggest, white paper, let's have a round table. Let's get that public input, and then let's move at that point.

Now, I don't know what schedule -- might have to do it on a Tuesday night, but I am not sure, but we need to -- we need to get out in front of it before the Zoning Administrator, the cases start coming in.

So, I like everything I heard. And, it isn't necessary to do it Tuesday. Maybe do it Wednesday night. But I know our schedule is very much booked. But we need to get out in front of that sooner than later.

So, I guess -- do we need to nail down -- I know we are talking about ZR, but I don't know how far, Mr. Lawson, you want to go with nailing down the white paper and then we maybe set up a round table, and then, from that
point, we can get public input.

I know we have to wait for the sign
of it. That hasn't happened.

COMMISSIONER MAY: Right. It
wasn't -- it hasn't been signed yet.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: Mr. Chair,
I -- I agree with all of you and to -- and part
of the thing is that the Federal Height Act sets
up a framework, but it is going to be the zoning
regulations which are going to define that
framework.

I mean, to what percent is
habitable, what does "habitable" mean? Is it
a community room? Is it sleeping? It is not
defined.

I think it is up to the zoning
regulations that are going to define what you
can and cannot do within that framework. I
think that is our responsibility, and that is
the input we are going to need, because right
now you have simply got a statement that says,
"Here is what can happen," but it is very loose.

I mean, we are the ones that have really got to establish how far -- what you can really do up there, and we are the ones that have got to -- I mean, we have got setbacks and this will be a change now.

If you have a habitable space next to -- we have got setbacks, I mean, and party walls. How is that -- how is that going to change? I mean -- or is it going to change?

I think those issues are going to come up that we think we are going to need a lot of input on.

CHAIRMAN HOOD: So, could we have a proposed schedule, Ms. Schellin and Mr. Lawson, -- when is our next meeting?

Oh, that is right. This is -- this is -- wait a minute. I mean, like this is a hearing.

Do you think our next -- will our next meeting be too late, because don't meet again until June. We have two meetings in
June, right?

I think -- what happens if we go -- if we sit -- try to map out a plan for our first meeting in June? Is that the -- does that seem like it is -- is that too far away?

I am looking at the commissioners now.

COMMISSIONER MAY: I don't know if it is too far away. I mean, I am -- I guess I am not too worried that -- that things are going to be coming across the ZA's desk and they are not going to know what to do because I think that right now the zoning regulations are clear about what you can and can't do on the roof and you can't do human occupancy if you are at the Height Act. I mean, the Height Act height. Right?

But I think that, once it is passed it is going to be legal to have it, but it is still not going to be run by Zoning.

So, it -- in any case --

COMMISSIONER MILLER: But -- well,
that is part of what I don't even understand.

COMMISSIONER MAY: Right. Right.

COMMISSIONER MILLER: Because of how it relates to the way that our --

COMMISSIONER MAY: Right.

COMMISSIONER MILLER: -- our Act reads, up to the Height Act.

COMMISSIONER MAY: Right.

COMMISSIONER MILLER: What does even that mean?

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: Well, why don't we just do this? Why don't we do this? I will withdraw that I said. Let's just do the white paper. Let's revisit this at our next meeting, since it doesn't seem -- I was thinking it was an urgency, but from what I am hearing now, I -- I really don't know. I can't predict it.

But, we -- let's come up with a plan. Let's look at the white paper. Let's have another discussion about this at our next meeting, and then we will go from there and we
may institute maybe having a round table of some sort so we can get public input. Okay.

    All right. Commissioner May.

    COMMISSIONER MAY:  Thank you.

Okay. So, there are just a few things that I will mention.

    Accessory dwelling units, you know, given the volume of comments that we had and the concerns about accessory dwelling units, I feel like we need to do something to address that concern, and maybe we need to have a broader use of special exceptions for accessory dwelling units, or maybe some stronger conditions to address it, because I think there are a lot of people are concerns that this is going to have an extraordinary impact on their neighborhood and I think that, well, you know, we can say, "Well, no, it really isn't because of X, Y and Z."

    I am not sure that that is going to be satisfactory for a lot of people. I am not quite --
CHAIRMAN HOOD: So, I won't duplicate -- and I hate to cut you off, but let me echo that. I would like for them to revisit that exactly, so I am not really sure about this argument about the affordability issue.

I would like for us to really -- you know, that is a whole 'nother argument. But -- so I don't have to go down to ADU's, I have some deep concerns about that.

It looks -- one of the impacts of doing some of this in some of the areas -- there are a number of things about ADU's. Let's -- let's re-look at that and, like you say, I think there needs to be some public input. Major. But, anyway.

COMMISSIONER MAY: Well, and I think there already has been a lot of public input. I think, unfortunately, there is also a lot of public confusion about what it actually means. So, I think that we --

CHAIRMAN HOOD: Well, when I say "public input," I mean matter of right stuff
from --

COMMISSIONER MAY: Oh, I see.

CHAIRMAN HOOD: That is what I mean. Yes, I know we have plenty of public input, but I mean, when it comes time for an ADU --

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: -- there needs to be a process.

COMMISSIONER MAY: And, I mean, I -- I come at this from the perspective that I am -- I actually strongly support ADU's in -- in broad, broad circumstances, but I also do recognize that there are issues associated with them, and that we need to either make sure that people understand what they are concerned about is not as big a concern or that the restrictions that we place on it will address those concerns.

CHAIRMAN HOOD: You know what I think I need to do, because I think you and I disagree on that to a certain point.

So, what I need to do is not
interrupt you and let you answer your questions.

COMMISSIONER MAY: Thank you.

So, and the other thing is that I know that there was a restriction about having a 24-foot alley in order to provide access. And I think that needs to be revisited.

I think that is based on, you know, fire trucks being able to get back there and so on but, you know, there are a lot of circumstances where you can access an ADU by going 20 foot, you know, or 40 feet down a 15-foot alley in order to get to it, and it is a relatively safe circumstance.

And maybe one way to address that is to say it has got to be on a 24-foot alley, or it has to be within 50 feet of a public way, you know, the entrance point, something like that.

And, I mean, I don't want to run afoul and create fire hazards, but I think that is something to loosen that requirement, actually, would be beneficial.
There was a lot of support for big box shopping centers being subjects of special exception across the board and I know that you are revisiting that so I think that that is a good thing to consider.

The -- and I am not sure where we wound up landing on -- on this, but I do think that we have to figure out a way to allow the granting of party status in advance of hearings.

And I am not sure what -- how we can do that, what the right process is for doing it, but it just -- it still is, practically speaking, very difficult for parties to, you know, plan for the possibility that they are going to get party status, but then have it being denied on the night of, or not planning for it very well because they think they may not get it, and then they get it.

So, I think that being able to grant that in advance -- and maybe it is a matter of, you know, party status applications being acted
on independent of the hearing in -- in some other process that is, you know, done on paper or something like that, and it doesn't deny the possibility that somebody could do it under the current system, but maybe if you -- if a case is filed, and you -- and you file your application for party status 45 days in advance and there is enough time for the -- the applicant to respond to that, and then the Commission can take it up at another meeting, you know, at the next regularly-scheduled meeting, something like that, just a slightly different process for handling that.

And then, the custom zones and overlay question, I know that there is some clarification of overlays and making sure that the current overlays translate specifically into the -- into those zone districts that we have defined, and I know that has to be completed and clarified and make sure that we do that all.

But, I think that there is -- we are,
to some extent, suffering from the success that
Georgetown had in defining their own custom
zone overlay and everybody kind of wants it that
way.

So, -- and maybe there are -- maybe
there is something that can be done between. I
know that doing customized zones for a number
of the neighborhoods or a lot of the
neighborhoods kind of all at once is very
difficult to do, and it takes a lot of effort,
and even on the part of the community, as it did
in Georgetown, but some effort to try to address
some of those concerns may be helpful.

Maybe there is already some menu, if
you will, of -- of restrictions that might be
available to neighbors with some minimal amount
of study. I don't -- I don't know if there is
some halfway measure. Maybe I am just barking
up the wrong tree entirely.

But, since we heard so much comment
on it and we want people to be comfortable with
the new regulations, as well as wanting them to
be good in a positive change, I think it is worth some examination.

But those are the initial comments that I have and I am still evaluating and may have further comments to provide, hopefully in a timely fashion.

CHAIRMAN HOOD: Okay. Anyone else like to start?

Mr. Turnbull.

COMMISSIONER TURNBULL: Yes.

Thank you, Mr. Chair.

Well, first of all, let me thank you for this monumental work that you have put on. I think it is -- it is very good. Are the comments in here, do they reflect some of the comments you had in the meetings that the Zoning Commissioner Hearings weren't at or things that were sent in?

MS. VITALE: Good evening. Elisa Vitale with the Office of Planning.

This summary reflects only testimony that was officially submitted into
the record.

COMMISSIONER TURNBULL: Okay.

MS. VITALE: So, this doesn't reflect open houses or other --

COMMISSIONER TURNBULL: That is what I was wondering. Are there any other of those comments that you have got that -- are they similar to what we have seen here?

MS. VITALE: I think a lot of what we heard during the open houses were similar, but frequently, those discussions were maybe more property-specific, more neighborhood-specific, an individual might have stopped in and said, you know, "I am wondering, in my neighborhood, could I do this with my property?" or "What -- what might result from the -- from the proposals that would be," you know, more specific to their particular community.

COMMISSIONER TURNBULL: Yes.

MS. VITALE: So, those aren't reflected in here specifically, but I think
from the general kind of tone of the comments, you can get a sense of what the -- what concerns we heard.

COMMISSIONER TURNBULL: So, you have those comments and it is annotated somewhere for -- okay.

MS. VITALE: We do. We do have that, but that wasn't in the summary.

COMMISSIONER TURNBULL: Okay. I guess some of my comments were similar to Commissioner May's, and I guess I was kind of looking at the red line areas, obviously, and didn't feel that -- those are the ones that I really -- obviously, the ones that either you are changing or -- that there are a lot of these things that are -- relate to either missing items that people have noticed, corrections. You have talked about clarifications and changes. So, it is -- it is hard to get your arms around all of that and what that is going to look like.

At some point you are talking about
process, will people provide analysis with respect to matter of right, special exceptions and variance requirements. And I didn't know what that -- how you were going to do that, or what you were going to do.

MR. LAWSON: I think what you are referring to is the Zoning Commission -- are we going to be asked to take a look at what aspects of the current regulations are by right or by special exception require BZA review.

COMMISSIONER TURNBULL: Yes.

MR. LAWSON: And then the proposal, how that might change. So, we are still working on that one. It is actually a bit more complicated than you would think because there are, for example, brand new regulations for things that are requirements.

And if you want relief from those, that would be a new form of special exception relief. There are other things that -- you know, there are, right now, subject to special exception in some zones but not in other zones.
In some instances -- you know, it is -- it is just -- there is a lot to it. Now, so we are working on that now, and we hope to get that to you shortly, and that will also be made -- you know, put up on our website and made public as well.

COMMISSIONER TURNBULL: Yes. And there are a lot of comments that we had at the hearings about certain things that could become a matter of right, and they are saying, no, no, we still want them to be special exception. We want the ANC's. We want the neighborhood to be able to still weigh on them.

So, you have taken all those comments?

MR. LAWSON: We have definitely heard all of those comments, and certainly a lot of our -- some of our recommendations are -- are based on issues that we saw in front of the Board of Zoning Adjustment, things that neighborhoods seem to be relatively comfortable with that were typically being
recommended approval of by the ANC's and -- and approved by the BZA and things that were maybe less commonly recommended approval on that.

That has really entered into our original decisionmaking about what should and should not change.

We are trying to make sure, you know, with special exception, with the BZA cases that it is as effective as possible, of course, so that is what we are after.

But, as I say, we will get that document completed and get that to you as soon as we can.

COMMISSIONER TURNBULL: Okay. And one of the things, on the ADU's and was getting to this lot occupancy, the 900 square feet, and there was question, and we had a lot of comments from certain neighborhoods like Mt. Pleasant, talking about historic area, very concerned about the things that this might allow and the changes.

There was a -- there was a few places
like that.

MR. LAWSON: Yes. Actually, we heard kind of two sides of that coin. We heard from some neighborhoods who felt that the lot area for an ADU was much too high. It would restrict too many properties from having an ADU.

So, we are absolutely looking at that, and I think you will be seeing a proposal from us to lower that lot requirement, that lot size requirement, because it -- you know, as we know, in the current regulations, more properties are nonconforming than are conforming, you know, in our low-density areas, in most of our low-density -- or some of our low-density areas.

And there are significant numbers of nonconforming lots. In other words, they wouldn't meet the current requirement under the current zoning because they existed before the current zoning and when the zoning was established in '58.
They basically used to average things out. So, using the lot area, the current lot area requirement is the minimum requirement for an ADU, would have kicked a number of properties out from even being eligible for an ADU.

And so, we are taking a look at that now and, you know, that will be part of the proposal that we bring forward to you.

The other issue that we are hearing from some other neighborhoods, though, and this is where we are in the flip side is really more in our four zones where people are talking about conversions of buildings from warehouses to apartments.

The R-4 conversion that many of you will have dealt with, you know, in your BZA work, and so some neighborhoods are certainly raising some concerns about the ability to do that, so that is the other kind of side of that that we are looking at. So --

COMMISSIONER TURNBULL: Yes, and
that sort of leads into the whole pop-up question.

MR. LAWSON: It certainly can because, particularly recently we have seen an awful lot of -- or we have seen -- I shouldn't say "an awful lot." We have seen some cases in the R-4 of conversions that include extensive additions to the row house which some neighborhoods feel are similar to pop-up's.

COMMISSIONER TURNBULL: And then you are looking -- you are reviewing those neighborhoods or --

MR. LAWSON: We are, yes.

COMMISSIONER TURNBULL: Okay.

MR. LAWSON: Well, we are reviewing that provision.

COMMISSIONER TURNBULL: That provision.

MR. LAWSON: Exactly. And we have heard from at least a couple of neighborhoods who have contacted us directly. We are working with them directly --
COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: -- on their -- on
their neighborhood.

One of them, I think, is, you know, has been going on for a while now. Linear Heights. And there are other neighborhoods who are contacting us now with that concern, so we are working with them individually.

COMMISSIONER TURNBULL: Okay.

Good. I guess one of the things here -- and I am looking at the -- I agree with Commissioner May. This would be good to get the party status thing ahead of time.

And those are a couple of comments -- there are several people that commented on party status, and especially as it relates to organizations.

And I know we have run into that a couple of times and there is a question of whether the organizations really represent the area or they will often say we have members in the area.
And I don't know if we need to have addresses submitted to verify who is -- either organization -- I am not -- I am not sure how we get a grip on it -- I mean, we know certain organizations in certain areas have been representing their constituents for many, many, many years, and they are well-established, but there are other neighborhood -- organizations that seem to pop up, as per a case, or as per some instance where it is suddenly and issue that, oh, they have only been around for about a year or so.

So, it is those kinds of organizations that I think we struggle with, and whether we grant them party status or not, it would be good to have most of that, at least vetted out ahead of time.

And, I mean, so that at least when it comes before us, at least they have either already been granted it, or it is simply a nod of the head or consent by us in a very simple way.
So, if there is any way that we can meliorate that whole thing, that would -- I would agree with Commissioner May, it is something to look into.

We have talked about the Height Act and the rooftop things and you are going to look at this as kind of a separate issue, but one of the things that has troubled me a lot are these temporary structures that get stuck up on roofs, tents that seem to be up there for four to six months. I am going to say quasipermanent, and some of them seem to avoid the setback requirements and everything else.

So, I don't know what -- how that -- how that gets governed. Is that a zoning right? I mean, I don't think it is covered anywhere in our zoning rights about a temporary rooftop structure that can be allowed up there.

And I don't know if that is something -- I would be interested in hearing your comments on that. On how that is allowed and what we allow.
MR. LAWSON: I don't really have much of a comment on that.

COMMISSIONER TURNBULL: Okay.

MR. LAWSON: We are certainly happy to follow up with the Zoning Administrator on that question. I assume that those are things that go through the Zoning Administrator.

COMMISSIONER TURNBULL: I would assume, too.

MR. LAWSON: If they get, you know, official permission at all. It is possible that some of them just kind of go up, but I will check with the Zoning Administrator. We can get back to you on that.

COMMISSIONER TURNBULL: And is that something we need to address? Are we -- I don't know how many -- how many rooftops you have looked at with these, but I have seen a few of them that are just -- I am just --

MR. LAWSON: If the Zoning Commission would like us to address it, we can address it.
COMMISSIONER TURNBULL: I will let
the Chair -- I don't know if the Chair wants us
to -- to look at that or not, but --

CHAIRMAN HOOD: Whatever you ask
for, Mr. --

COMMISSIONER TURNBULL: I would
like to ask for it all. I would like to look
at that.

I mean, there were a couple of
comments -- there were several people who made
a comment and they had -- they talked about
residential uses versus residentially-zoned
properties.

And that was one of the issues.
There were several people and you were saying
you were going to look at that and review that.
And I don't know to what extent you have really
gotten into that yet.

I mean, I guess that there are some
of these things that you said you are going to
look at and I don't know if it is just you are
going to look at it, or if it is not necessarily
going to be changed.

So, I guess when we get changes back and we get a new section, are you going to highlight obviously very clearly what changes have been made?

MR. LAWSON: Absolutely. We will make sure the Commission clearly understands what changes are being made.

You have asked us to look at that issue separately from ZRR, in relation to -- you specifically requested that in relation to the animal boarding situation.

COMMISSIONER TURNBULL: Right.

MR. LAWSON: And we can't really look at it for that one issue without looking at it a little bit more broadly, so that is something we are looking at somewhat independently of ZRR.

COMMISSIONER TURNBULL: In your binder, you gave us several maps, several large-scale maps which I appreciate.

But one of them says "Areas proposed
for transit parking reduction." And you have got orange and purple areas. And some of the -- I guess what is -- what I am worried about is some of the purple areas, I am not sure I understand why they are totally going to be reduced parking.

I mean, one of the things is a certain area up by a certain reservoir which calls for reduced parking, but I don't want to get into it, but from what we have seen, it doesn't really look like the parking is that reduced, and it could be an impact.

So, I -- I am just wondering if you could clarify what neighborhoods are represented.

MR. LAWSON: Sure. Well, first of all, we are not proposing to reduce parking. We are proposing to reduce the minimum parking requirement.

COMMISSIONER TURNBULL: Okay.

MR. LAWSON: I think that is an important distinction that sometimes gets, you
know, confused in the neighborhood.

Commissions --

Commissioner Turnbull: Yes. I think we need to clarify that.

Mr. Lawson: Basically, we haven't done this by neighborhood. What we proposed is that the 50 percent reduction from the otherwise required amount would be areas that are within a half a mile of a Metro station, or a quarter mile of what is called a priority bus corridor.

We presented those maps to you some time ago, and we can certainly resubmit them. So, a lot of the purple that you see, that is what that is -- that is what that is showing. It doesn't include areas that are zoned low-density residential because we are proposing that the reduction not apply in those areas.

Commissioner Turnbull: Okay.

Mr. Lawson: So, it is really just commercial and higher-density multi-family
areas.

Now, the other part of the map is the orange portion, and that is the downtown. In the downtown, currently, there is no parking requirement for some uses in -- in the current downtown overlay, and we are proposing that the parking requirement be eliminated throughout the downtown for -- for all uses.

For the most part -- I am going to get an evil glare here in just a moment. But, for the most part that has been well-received by most people.

There is one exception. There are certainly being concerns raised about the elimination of the parking requirement kind of towards the west end of that area which is towards the west end and Foggy Bottom.

So, that is where the concerns about that have been mostly coming from. For the most part, we have not heard a lot of concern about that.

COMMISSIONER TURNBULL: Okay. I
guess, getting onto -- I mean, one of the things
we have, we have had a lot of people talking
about the corner stores, and certain
neighborhoods more than others, where a lot of
people were acceptable -- I mean, accepting of
it. Certain neighborhoods were obviously
concerned.

I am thinking of Fox Hall, for
instance. And so, when you go about looking at
that, are you making a change totally, or are
you looking at specifically addressing those
areas that maybe don't fit the overall
character of what -- what it was intended
originally.

MR. LAWSON: First, I think I want
to make clear that, to some extent, we are
looking for -- we are waiting for the public
process to complete.

COMMISSIONER TURNBULL: Okay.

MR. LAWSON: And to get feedback
from the Zoning Commission before we make too
many drastic changes.
COMMISSIONER TURNBULL: Okay.

MR. LAWSON: We have already amended the corner store provisions significantly to require them, by special exception, rather than be by right.

COMMISSIONER TURNBULL: Right. Okay.

MR. LAWSON: With the exception of a grocery store. We have heard some very detailed, very specific concerns from -- from individuals about specific conditions.

The one that is springing to my mind right now is the sale of alcoholic beverages -- sorry, the sale of alcohol.

There would be no -- the way we proposed it, there would be no sale of alcoholic beverages, but there has been some concern raised about the 15 percent of floor area being allowed for the sale of alcohol.

So, that is something that we could take another look at. I think that Jennifer addressed that to some extent in -- in some of
the comments that she gave back to you in the
Zoning Commission comment sheet.

But --

CHAIRMAN HOOD: Let me just say
this, Mr. Lawson. She actually did say that
you all want to take another look at it, because
that was one of my issues. I think that was in
the comment section.

MR. LAWSON: Yes. Exactly. Yes.

So, it is one thing to take a look
at specific comments. It is another thing to
maybe take a look at the whole program.

So, if the Zoning Commission --
again, if the Zoning Commission instructs us to
do that, then absolutely, we will do that, but
to some extent we are waiting for the public
comment period to end and get the -- get your
direction before we -- before we go too far
afield.

COMMISSIONER TURNBULL: Okay.

Well, I thank you for your -- all your comments,
and I guess -- I guess, I guess I am ending --
my little comment on this is that so many of them are talking about reviewing that, and I am not sure how that is going to get finalized or how you are going to address all of those, and are we going to -- I mean, some of them may say no change to what you proposed.

So I -- I am not sure what the next step is for you on the -- on the annotated, in this wonderful book where it says we are going to look at it, we are going to clarify it.

So, what would be the next step?

MR. LAWSON: I -- well, the next step is that the record is being open, and so we are receiving more comments. If -- if you are asking what is the most useful comment to us, and I think to the Zoning Commission, obviously, the more detailed the comments are, the more useful they are.

The ones that are -- are -- that we are finding more useful -- most useful to us are when people make a specific comment like, you know, "I am very concerned about the -- the 15
percent alcohol sale in corner stores."

That -- that is very specific. It is really helpful, and we are happy to address, you know, a comment like that.

Very general comments are good to get, whether it is, you know, we like everything you are proposing or we hate everything you are proposing and we certainly hear lots of both.

COMMISSIONER TURNBULL: Yes.

MR. LAWSON: But, it is hard to kind of hone in on just what the actual issue is when -- when we hear that.

COMMISSIONER TURNBULL: Well, I guess -- I guess my last comment or question is, I mean, we had some comments about how certain things were dropped from the original regs into the transition, and I am looking at 1-A and C. 6-B talked about -- and 26 was not included. And the comment was, "We are going to go back and include that."

And have you also done a back check, yourself, on some of those things that got
dropped along the way?

MR. LAWSON: Yes. We are certainly continuing to do that. Elisa has spent a lot of time kind of going through the regulations and we are certainly constantly coming up with things and some of those are from the public as they say, "Where is this section?" and sometimes we say, "Well, that is been dropped because" and --

COMMISSIONER TURNBULL: Right.

MR. LAWSON: -- sometimes we say, "That shouldn't have dropped so we will put it back in." And sometimes we are finding them, ourselves, as we go through it.

COMMISSIONER TURNBULL: Yes.

MR. LAWSON: So -- so, yes. Absolutely. At some point there will be revised documents.

COMMISSIONER TURNBULL: Yes.

MR. LAWSON: We have already mentioned in some things we gave you, some of the formatting changes that we are already
starting to look at and, certainly, lots and lots of clarifications are needed.

You know, corrections -- corrections to references and that kind of stuff and, certainly, in future editions, a lot of the redundancy that people are commenting on will be able to go away.

That was purposeful redundancy for the draft to help people kind of walk their way through it, so a lot of that can go away.

So, yes, we are -- we are finding them, the public is finding them. You may have found some. We are happy to hear those comments.

COMMISSIONER TURNBULL: All right. Well, thank you for all your work on this.

CHAIRMAN HOOD: Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman.

I just wanted to thank the Office of Planning for putting together this notebook of
summarizing all of the public hearing testimony and Zoning Commissioner comments thus far and -- and providing in the red line -- in the red letters what you -- what you are doing in response to that, whether you are reviewing it, whether you are clarifying it, whether you have already made a change because a majority of the commissions already expressed of you, such as on the private school parking issue going back to the employee-based standard versus the square footage standard that had been proposed in the -- in the CRR.

So, I appreciate all of that effort. And, just for the benefit of the public, all of this is available, I believe, on both Office of Zoning's website and the Office of Planning's website, and -- and the public can go and look at that, and where they disagree, the public record is still open and they can still comment on that.

So, I am still reviewing all of your -- all of the -- going through all of this, and
if I -- I think I will be having more to say later about specifics, but -- and I think -- the parking comparison proposal I think is very helpful in specific -- in specific districts with specific uses, but I need to go through that.

I need to go through the neighborhood commercial overlay zones because it was repeatedly stated by the Office of Planning and by some of us that there wasn't any intent to change it, but there is a big feeling among those neighborhoods that there had been a change.

So, I needed to just think in my own mind whether or not we need to go back to the way -- the nomenclature that is currently used, just because people are comfortable with that, and if it is going to be providing the same protections, anyway. But I need to evaluate that further, myself.

But, let me just ask, Mr. Chairman, so where it says we will review and provide
clarifying text or will make this change, we are
going to see these changes by a date certain.
Is that set up already in our process?

CHAIRMAN HOOD: I think we have a --
do we have a date, Ms. Schellin?

MS. SCHELLIN: Yes. If we could
get the comments back from OP by June 16th.

COMMISSIONER MILLER: You mean the
actual -- would that be the actual textual --

MS. SCHELLIN: Yes.

COMMISSIONER MILLER: Where they
say, "We will make the textual changes?

CHAIRMAN HOOD: Where they are
making the change and it will show up in the text
already made.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: June 16th?

MS. SCHELLIN: Yes. The
Commission will have it before the June 30th
meeting.

COMMISSIONER MILLER: And, of
course, that will be available for the public
to see -- well, and --

MS. SCHELLIN: Everything that comes in.

COMMISSIONER MILLER: -- continue to comment on. So -- so -- and I appreciate all of your work. It is very, very helpful and I just haven't had a chance to digest it all.

But, it is very helpful in organizing and focusing our evaluation of it and I appreciate it.

CHAIRMAN HOOD: Okay. Let me first start with Commissioner Cohen's comments. She submitted an email. She is unable to -- she is still recuperating, so she submitted an email today.

First of all, she wanted to thank -- oh, she says, "I want to thank the Office of Planning." She thought that the Office of Planning did a terrific -- terrific job in the summarizing of the comments, and she wrote in parentheses, "Especially using my magnifying glass. So, I hope you will commend them for
their effort."

So, I wanted to do that. It is a little small, but I understand. First, when I saw this, I said, "I am going to need glasses, myself, and a magnifying," but I understand why we had to do it like this, on this 11-by-17, which was fine.

She also mentions that one of the things that she did not see, live/work space. Her concern was people should be allowed to work from their homes and on garages under certain requirements, such as noise level.

That is one of the things that she would like for you all to look at. And, if she is watching, I am sure that she knows -- she mentioned that here, how Steve Jobs invented Apple in his garage and Einstein discovered electricity in his garage.

So, I want her to know she is not the only one that knows about Einstein, because Einstein's parents were told from his teachers that he -- he was not going to amount to
anything, and look what he did.

So, her -- and actually, he was
to home-schooled. So, anyway, I want Ms. Cohen to
know she is not the only one that reviews things
like that.

She -- let me see. Business
license. Oh, she also has -- talking about
business license control number, business
hours, number of employees and type of
businesses.

Many, many cities allow live/work.

So, she is really pushing that, and she talks
about how San Francisco and Oakland and others
have really wanted to do that, so she is asking
that you look into that.

I have a few quick things I want to
run down right quick. I would like to really
understand what are we proposing here as a
matter of right as opposed to some of the things
now that -- that, in the old code, required
special exception and public input.

If you can just give me that list,
that would be very helpful for me to have to go search and find it.

And one of the things that I thought -- and I actually agree with Chris Otten. I am sorry he wasn't here to hear this. He mentioned that the -- we thought that the code was going to get easier.

Maybe it is. Maybe it -- I am like everyone else. I need to understand and have a tutorial, which I have asked Ms. Steingasser for, a new Zoning Code 101 so I can understand how we are going from an old code which -- which worked, to a new code which is supposed to be better and more effective and efficient, but it has more pages.

Here is another issue that I have. I have learned to deal with the conversion table and the codes. At first I had a problem with it, but I would just ask, for example, where we have subtitle G in mixed use, instead of just saying "M," can say "MU"?

I mean, I am just putting this up for
consideration because, to me, "M" -- I mean, would -- initially, when I came in, I wanted to keep the classifications as we had them.

But now I am looking and I am saying, "Well, okay, we have got M down here for mixed use. What about "MU"? Yes, there are a couple of them.

And I actually mentioned that about the apartment use. I see this on the residential apartment, or whatever we said.

But, I think, as close as we can get to what we are doing, like we have neighborhood commercial. Let's say "NC." You know, I don't know of any other codes -- I have never been involved, I wasn't here in '58, but I just think for -- for easiness and being able to apply from the layman's perspective and from the community, I think it just -- when you say "N," okay, what does "N" mean?

But if you say "NC" it means neighborhood commercial. I think that will help us retain it and make it easier for -- and
if we can do that with some of the other classifications.

But, let me ask, what is the -- on page five, and I know you might not have this handy, but page five of the conversion table that was given to us, you have a legend existing and legend proposed.

Help me understand that. If you don't have it in front of you, don't worry about it. That is something I need --

MR. LAWSON: I am sorry. I don't have it in front of me.

CHAIRMAN HOOD: Okay. All right. That is something I need help with.

MR. LAWSON: If somebody had a copy, I am sure we could figure it out quickly.

I see what this is now. This is a legend that we added at the end to -- so that people who aren't familiar with either the new, the existing or the new code, understand what these letters refer to.

So -- so, for the existing codes,
"R" stands for "residential." In the proposed new code, "R" stands for "residential house," and so on down the list.

We absolutely agree with you that the -- the names for the zones can be made much more descriptive and Elisa and Jennifer have already started to work on that, and that will be part of what we bring forward, you know, along with the reformatting.

We got some excellent suggestions, particularly on -- on some of the -- some of the areas that were current covered with overlays of taking those zones and putting them in one place so that all those zones are together.

We think that is a great idea. That came from Billy Simpson, I think. That came from Commissioner Simpson, and we thought that was a great idea, so we are going to start looking at that.

That will help as well, so that people can navigate their way through the new code.
We still -- we still think that the new code will be easier for people to use. It will take some time because anything new takes some time for people to understand, but we think particularly now that we are in an electronic age and 99 percent of people will be looking at the code electronically, that it will help people use it that way.

Although, we think even the paper version will be easier to use than the current one, we are constantly dealing with people who do not understand what an overlay is and, in the new code it won't be relevant anymore because all those provisions will be just part of the zone that they see.

So, we think it will be easier to use, but it does have a way to go before it gets there. And, you know, and again, we tried to make it clear when that issue -- when that version was issued that it was very much a draft and it was intended to be that. So --

CHAIRMAN HOOD: I am actually glad
to hear it, and I know that we have a lot of other things that we need to do, but let me just run down a quick list.

I have a concern about the ADU's. I think I commented while Commissioner May was -- the overlays. I am still concerned about -- about overlays because I know, over the years, residents of this city worked hard to put overlays in place, and I am still not sure -- I am still not following that argument.

And I use the one in my neighborhood about the Lincoln overlay. I am just -- I am just not -- I am not there. Again, that may be part of the process for me to have to -- and I am going to be the example.

I may be the one that has to go through the code 101. I am not going to sit up here and pretend like I know it all, because I don't, but I know that residents' concerns I have heard at the -- the many hearings that we have had is that the overlays will work hard by communities and they are germane to their
specific needs in their specific areas. So, for me, that is going to be a hard sell.

Now, this -- this special condition or overlay or whatever we put in for Georgetown, that has caused a lot of -- I don't want to say "controversy," but other neighborhoods have gotten upset.

And I know that Georgetown put the time into it. There are some things that they are getting that is not universal to the whole code, and I think that needs to be looked at because, you know, Georgetown is a part of the city also, and I think other areas of the city deserve the same.

While I know they might not have some of the expertise, we still need to make sure that this code is for the -- for the -- for all the residents of the city where it is germane and where it improves.

I am glad to hear about the grocery stores. I think that came across stunning. But the way -- but, as mentioned earlier about
the sale of alcohol, but I am glad to hear that public input for the groceries store -- I mean, the corner stores, as opposed to grocery stores, is still going to have some type of special exception tool where we can still have public comment.

Again, I have asked about what has changed in this code from a matter of right, from some kind of public input, special exception or variance or some type of public process to a matter of right, which takes away the voice of the community. I am very concerned about that.

Let's see. And there was one about data. Ms. Vitale, I am not going to say I didn't like your answer, but maybe I just didn't understand it.

Oh. The other one that I asked specifically, in Ward 5, I know we have those little houses that -- they call them "tiny houses," and I mentioned that many times, and what we have here says the building code
controls minimum residential size and when a use is temporary.

Those tiny houses are operating and I know specifically in one ward where they are in the alley lot, and they are supposed to be for planting of flowers. They are having parties and everything else, and how to get around the zoning code.

And I think I mentioned this in the hearing. We have to deal with that, just like we need to deal with pop-up's. They sit on a trailer and people are living and everything else in there, and I can -- I can assure you that that is happening and that is something we need to deal with.

I think that there is -- well, something that needs to dealt with within the zoning code. And again, how they get around zoning is they sit up on a trailer.

I don't figure all that out, but you have this referenced in -- call it micro units on trailers. That is what you had a proposed
lease to address micro units on trailers. That is what I am looking for.

And you said you have it, but I don't see any notes, so I guess do's and don't's on alley lots is what I wrote, made myself a note.

Okay. You have already looked at the classifications. There was something about data, and I may have -- you all have a few minutes. I am not -- is anybody rushing?

Okay. Let me -- let me find it.

I was glad to hear about -- see about the big box. It looks like we have heard about big box, and we are looking to do a special exception. Am I correct on big box?

MR. LAWSON: We are certainly looking at that. We -- yes. Yes, we are looking at that.

CHAIRMAN HOOD: Okay. And I noticed that one of the things we heard, that we were expanding -- and I really didn't see any notes here, but one of the comments was that the Zoning Commission -- well, what is being
proposed is expanding the downtown area and it looks like the CEA, Central Employment Area, is defined by the comp plan.

The way I read all of that, the comp plan is adopted by the City Council, so it will take an action from the City Council to expand the downtown area. Is that it? That is what I read.

There is nothing here in the conclusions for the Office of Planning notes, but that was -- I forgot who it was that said that we were -- the Zoning Commission in the proposal was expanding the downtown area, but I don't see anything that says that we are not doing that.

MR. LAWSON: Well, what we are proposing to do is expand the area within -- within which the downtown provisions, the provisions that currently apply to the downtown overlay would apply.

And that expanded area is all shown on the comprehensive plan as high-density,
high-density mixed use, high-density residential, high-density commercial.

Much of the area we would expand to is already a TDR receiving zone, so it is already tied to the downtown and in those areas you can already do maximum height, maximum density by right, without a POD, without any kind of a process.

We are proposing some changes in those areas. In other words, the additional density that you would achieve would be only for residential and that additional density would be -- and it would also be subject to inclusionary zoning for affordable housing.

So, yes, we believe there is absolutely language in the comprehensive plan to support what we are proposing and -- but it has certainly generated some discussion, yes.

CHAIRMAN HOOD: So, basically we are not expanding it now, we are expanding some of the uses and some of the items that are now taking place in downtown.
So, in essence, we are expanding downtown.

MR. LAWSON: Where -- well, first of all, we are not expanding it to any place that is not already downtown. Like, I mean, are subject to provisions similar to the downtown.

So, yes, we are capturing the existing downtown, what is the downtown, what functions as the downtown in -- in providing the same, or -- requirements, the same zoning that exists in the current downtown overlay and then updating it and, you know, for these new areas.

CHAIRMAN HOOD: Okay. One of the things, Mr. Lawson, that I have heard previously is that whenever -- and I have heard this a lot during the hearings, but the Zoning Commission gave us guidance.

I want to correct and say this, the Zoning Commission's guidance on a lot of our concept, things that were being proposed to us was very vague.

I really think that we looked at a
lot, and it didn't have any specifics. We always say let's look at text. So, one of the things that I know my colleagues -- I think Mr. Turnbull and myself asked for was a comparison of changes.

"We would like to see" -- this is what it says. The comment was, "We would like to see a statement of reasoning included with the comparisons."

And the comment is, "OP will provide the background reports and Zoning Commission guidance and rationale for proposed changes."

I want to see a little more than that. I want to see why that was even proposed like that. A lot of times we would get ten questions, and I thought it was good going along, but to understand the full intent of what was saying, okay, should we go this way or should we make a left at this street, and then what happens after that.

That is the problem. How do we get to even saying we should make a left here? I
mean, go straight on this and then make a left at this street.

So, the statement of reason of why some of the things were proposed, besides what the Zoning Commission said, why was it even brought to us in the proposal? What was the statement of reason?

I think that came from one of the residents, or somebody during the hearings. And we mentioned it here. And I looked at this last night and I didn't see where we had any comments.

So, if we could find out what some of the change -- I know about the BZA. I understand that. I understand about it. We looked at some of the cases that the BZA hadn't tried to make -- I understand that, but what are some of the other statement of reasons of why we are making some of the changes?

MR. LAWSON: Sure. Well, that would have been all in the Office of Planning reports that went to you before you issued your
CHAIRMAN HOOD: Okay.

MR. LAWSON: So, -- and we certainly didn't mean to imply that we felt that the Zoning Commission guidance gave us kind of unfettered direction on exactly what direction the Zoning Commission wanted us to go because absolutely, in many cases, you made it clear that what you were interested in was seeing what this looked like, or investigating options.

What we are trying to say is that we don't feel that we brought anything further that is inconsistent with the guidance that you gave us, except in some, you know, some very specific areas where we have -- where we have made that very clear.

For example, the original guidance was to review sideyard setback requirements for low-density residential, and I think we discussed with you, with the Zoning Commission, why we decided not to go forward with that proposal, and that was due to neighborhood...
concerns.

So, -- so I think it is all there. I guess I am not quite clear what it is that the Chair is looking for at this time.

CHAIRMAN HOOD: I am probably looking for some -- there are so many different moving parts. It is unfortunate I don't do this all day, so -- so I may miss some things.

But, anyway, I will go back and look at some of those reports, if I have them. If not, I will ask for them again.

The other thing is, let's go to the party status. That party status issue -- and I heard my colleagues mention it again. We looked at that once before. We looked at it again, and I agree. We need to find a way to where we can deal with that party status issue prior to the hearings, some kind of way.

I am not sure -- you know, we have tossed a number of things around about ten years ago, and we are still in the same place that we were then. At some point in time we need to at
least come up with a solution and stop, maybe, putting it on down years and years. I think this is the time to do that.

MR. LAWSON: Yes. We are happy to work with the Office of Zoning and OAG on that question.

CHAIRMAN HOOD: I have a lot more, but I am going to stop this. I can tell you that when we get ready to have some more discussions and then deliberate, we are probably going to need a little more time so we can take our time and really go through this and hash some of the things out.

Because, I am sure some of the things that I said that my colleagues may not necessarily agree. Some of the things they said, I may not necessarily agree, or we may not necessarily agree.

So, I think -- I think this is going to be a very long process to the point where we need to really make sure that we have adequate times, colleagues, when we discuss...
this, because I know we have much more, not just try to run through that right quick.

Okay. Again, -- what are the dates, Ms. Schellin? January -- I mean, June.

MS. SCHELLIN: June 16th if OP could submit that by June 16th, then we can put this on the June 30th agenda for the Commission to take up.

CHAIRMAN HOOD: And you know what would be very helpful now, my colleagues and I have -- and I am going to speak for myself. You all let me know if you disagree.

For those who are providing this information, try to get straight to the point. The background from 1930 is helpful, but try to make sound bites. It is very helpful, because we have a lot to read.

We have our normal caseload, and it helps us, at least this Commissioner, if we get straight to the point about what your concern is or whatever we are doing because we -- we want to make sure we get public input to continue as
we left the record open till the 16th.

MS. SCHELLIN: And this also, because there will be a meeting before the due date, the June -- I think it is the 9th, whatever the first June meeting is.

If OP has any questions about anything that the Commission has said they would like them to bring back, if they need any clarification, if they have any questions for clarification, they could bring that up at the first June meeting and ask those questions in time for -- before the due date also.

CHAIRMAN HOOD: All right.

MS. SCHELLIN: So, if they need to come back and a clarification question they could do that at the first meeting.

CHAIRMAN HOOD: First meeting is June the 16th? No?

MS. SCHELLIN: The due date is June 16th and I am just saying if that -- if they have any questions, if they need to get any clarification, that would be the June 9th
CHAIRMAN HOOD: June 9th meeting?

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. Not the 12th. Don't listen to me.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: I also want to thank the Office of Planning. I think you all have done a yeoman's job in putting all this together.

You have taken some hits from us and from all of us. We all are taking hits, but I think, as my colleagues have already mentioned, we appreciate what you do and it is not personal, but we are trying to make sure we get the best code that we can for the city.

I know you say, well, we just did that. We have to go back and look at that again. And, again, you can ask -- tell Ms. Steingasser for me, I need my new code 101 and I am going to publicize that because I think that I will not be the only person who is going
to benefit from that session.

MR. LAWSON: We think that is absolutely necessary, as well, and I know the Office of Zoning has also already started to think about how any changes, if there are any changes, get rolled out, how they get explained, how people are made very comfortable, you know, whether they end up liking or not liking what is eventually approved.

They, at least understand what it is and can work with it.

And I would just like to thank the Commission. I found this just unbelievably helpful tonight. This was -- this was really, really good. Thank you very much.

CHAIRMAN HOOD: Okay. Again, we thank you all. We appreciate all the work and the time you all are putting in, as well as the Office of Zoning, as well as the Office of Attorney General, and my colleagues, alike, and the public. We appreciate everything.
Okay. So, do we have anything else, Ms. Schellin?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. So, we will be back tomorrow night for our hearing. But, anyway, with that, this meeting is adjourned.

(Whereupon, the meeting was adjourned at 8:00 p.m.)