

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY,

MARCH 28, 2011

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

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JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
TRAVIS PARKER
MAXINE BROWN-ROBERTS
LAINE CIDLOWSKI

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:
ALAN BERGSTEIN, ESQ.

This transcript constitutes the minutes from the Regular Meeting held on March 28, 2011.

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1 P-R-O-C-E-E-D-I-N-G-S

2 6:44 p.m.

3 CHAIRMAN HOOD: We're ready to get
4 started. This meeting will, please, come to
5 order and good evening, ladies and gentlemen.

6 This is the March 28, 2011 Public Meeting of
7 the Zoning Commission for the District of
8 Columbia.

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

13 Also, the Office of Zoning staff,
14 Ms. Sharon Schellin, Ms. Hanousek and Ms.
15 Bushman, Office of Attorney General, Mr.
16 Bergstein, Office of Planning, Ms.
17 Steingasser, Mr. Lawson, Mr. Parker, Ms.
18 Brown-Roberts and Ms. Cidlowski.

19 Okay. Copies of today's meeting
20 agenda are available to you and are located in
21 the bin near the door.

22 We do not take any public

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1 testimony at our meetings, unless the
2 Commission requests someone to come forward.

3 Please, be advised this proceeding
4 is being recorded by a Court Reporter and is
5 also webcast live. Accordingly, we must ask
6 you to refrain from any disruptive noises or
7 actions in the hearing room.

8 Please, turn off all beepers and
9 cell phones.

10 Does the staff have any
11 preliminary matters?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. If not,
14 let's move right into the agenda.

15 Final Actions. Zoning Commission
16 Case No. 08-06, Office of Planning -
17 Comprehensive Zoning Regulations Review:
18 Parking, Bicycle Parking and Loading. Ms.
19 Schellin?

20 MS. SCHELLIN: Yes, sir. At
21 Exhibit 121, we have an NCPC report that,
22 basically, states that there would be no

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1 adverse effects to federal interest. And then
2 we have two public comments at Exhibit 133 and
3 Exhibit 134.

4 CHAIRMAN HOOD: Okay. Thank you
5 very much, Ms. Schellin.

6 Commissioners, we went through a
7 lot of this previously, but we do have Exhibit
8 134 and 133, as stated by Ms. Schellin. And
9 let's just open it up for discussion or any
10 additional discussion. I'm not sure if we
11 asked for anything, but let's open it up.

12 COMMISSIONER MAY: Mr. Chairman?

13 CHAIRMAN HOOD: Commissioner May?

14 COMMISSIONER MAY: Yes. First, we
15 have sort of a technical question. I
16 appreciate the addition of language having to
17 do with reductions that may be granted by the
18 BZA for parking requirements and also for
19 bicycle parking requirements. And so I
20 appreciate having that new language. I think
21 that addresses the concerns that we had.

22 But my technical question is that

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1 on the bicycle -- reduction of bicycle parking
2 where the paragraph was added at 1608.3, it
3 occurred to me that we start talking about a
4 reduction in bicycle parking under the
5 paragraphs that follow.

6 I mean, it's sort of -- the way it
7 is done here, does not parallel what is done
8 in the reduction for parking. It precedes the
9 paragraph that addresses how you get a
10 reduction as opposed to being incorporated
11 into the paragraphs having to do the
12 reduction.

13 And I'm wondering if it's just a
14 technical thing? It's a question of wording
15 it, should the two -- should how this issue is
16 addressed be structured the same way in both
17 parking and in bicycle parking? And maybe
18 it's something that we need to get the Office
19 of the Attorney General to consult with us on.

20 CHAIRMAN HOOD: We will give Mr.
21 Bergstein a moment. I don't know if he needs
22 the question repeated.

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1 MR. BERGSTEIN: I'm trying to
2 figure out exactly what Mr. May is referring
3 to. I'm looking at 1513.3 because "The Board
4 may grant a full or partial reduction." And
5 I'm looking at 1608.3 which says "The Board
6 may grant a special exception of reduction."
7 And so I'm wondering what it is that you think
8 is inconsistent between the two?

9 COMMISSIONER MAY: 1513.3, we have
10 "The applicant must demonstrate that the user
11 structure demonstrates the" -- it lists the
12 circumstances.

13 MR. BERGSTEIN: Yes.

14 COMMISSIONER MAY: Right. And
15 then after all that occurs, it is followed by
16 a statement that a reduction of parking
17 granted under the, what are, preceding
18 paragraph 3BP2 -- oh, I'm sorry. They are
19 following the paragraphs.

20 MR. BERGSTEIN: Yes, it's in
21 1608.5 the comparable paragraph. 1608.5 to
22 1513.4.

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1 COMMISSIONER MAY: Yes, but what's
2 1608.3? 1608.3 is the same language or it's
3 parallel language to the last paragraph of
4 1513.3(a), right?

5 MR. BERGSTEIN: Yes, I'm trying to
6 remember the difference between .3 and .4.

7 MR. PARKER: You two seem to be
8 working off different versions.

9 MR. BERGSTEIN: I'm looking at the
10 municipal proposed rulemaking that is in your
11 packet.

12 MR. PARKER: But I see Mr. May's
13 point about 1608.3, which is not a special
14 exception. It's a reduction in bicycle --
15 must be proportionate.

16 I think in answer to your
17 question, Mr. May, we can make the change. We
18 can take .3 and incorporate it within .4 and
19 .5 just like it is done in the parking, in the
20 vehicle parking.

21 COMMISSIONER MAY: Okay. And I'm
22 not advocating for, you know, exactly where it

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1 should be, just that it ought to be parallel
2 in construction.

3 MR. PARKER: Agreed.

4 COMMISSIONER MAY: And if it is,
5 in fact, parallel and I'm missing it somehow,
6 then I apologize.

7 MR. PARKER: I understand your
8 point.

9 COMMISSIONER MAY: Okay.

10 CHAIRMAN HOOD: Mr. Bergstein, did
11 you want to comment also?

12 MR. BERGSTEIN: No, I'll leave it
13 at that. I'll confer with Mr. Parker later.

14 CHAIRMAN HOOD: Okay. Mr. May,
15 are you finished?

16 COMMISSIONER MAY: Then that
17 satisfies my, I guess, technical question.

18 I do have a concern about some of
19 the other later submissions that we received
20 or one of them coming from the Friendship
21 Neighborhood Association on Notice of Proposed
22 Rulemaking.

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1 And I think that the, you know,
2 concern that is raised about consistency with
3 the Comprehensive Plan is, I think, a serious
4 question. And, you know, I have my own
5 thinking on that, but I'm actually very
6 interested in hearing what the Office of
7 Planning has to say about the particular
8 issues that were raised in this submission.

9 So rather than say more, I would
10 just ask that the -- if the Office of Planning
11 has a comment in reply to that submission?

12 CHAIRMAN HOOD: All right. Mr.
13 Parker, this is our Exhibit 133. It's from
14 Friendship Neighborhood Association, who made
15 comment on a series of planned amendments and
16 elements.

17 COMMISSIONER MAY: And I think it
18 is page 2 is where it sort of goes into it in
19 some detail.

20 MR. PARKER: I haven't had a
21 chance to examine this submission in detail,
22 but I would be happy to do it and respond.

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1 COMMISSIONER MAY: Okay. Well,
2 maybe other Commissioners have questions and
3 we can give Mr. Parker a minute.

4 CHAIRMAN HOOD: Okay. And even if
5 we don't finish, what we'll do is just hold
6 off on this, so Mr. Parker will have a chance
7 to look at it. We can come back after we are
8 finished with some of the other things on our
9 agenda.

10 COMMISSIONER MAY: Okay.

11 CHAIRMAN HOOD: Any other
12 questions? Let's see, Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Thank you,
14 Mr. Chair. I just had one item and I don't
15 want to appeal anal, but there is just some
16 language I'm confused at.

17 On 1600.4, the change, it reads
18 "The Zoning Administrator may, at his
19 discretion, request DDOT review and request
20 that approval of recommendation regarding any
21 item on the Bicycle Parking Plan prior to
22 approving the building permit application."

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1 To me, it's just -- should say
2 request DDOT's review and recommendation or
3 request DDOT review and its recommendation
4 regarding. It's just English, it's semantic.

5 Maybe it reads fine, but it's just my own
6 look at it just looks like it might need to be
7 clarified.

8 MR. PARKER: Understood. And I
9 agree. And I just spoke briefly to Mr.
10 Bergstein and I think I'm prepared to give a
11 response to Mr. May's earlier question, if not
12 the response that you are looking for.

13 The discussion I just had with Mr.
14 Bergstein is that their concerns aren't
15 germane for this particular body of text. The
16 body of text that you are approving now is the
17 general rules for parking. We don't set or
18 not set any minimums here.

19 When we have Subtitle D for low
20 density residential, we will set minimums or
21 that group of zones. When you have Subtitle E
22 for high density residential, we will set

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1 minimums for that group of zones.

2 And when we get to the transit, we
3 will be proposing no minimums for those
4 transit areas. That's when this discussion
5 will be germane.

6 COMMISSIONER MAY: And I'm sure we
7 will have plenty of discussion on it, at that
8 point. I'm looking forward to that, because I
9 do think we need to address this thoroughly,
10 because I am concerned about the impact of
11 spill-over. But that was exactly what I was
12 thinking that this is simply not germane at
13 this moment and I just wanted to give you the
14 opportunity to put that on the record.
15 Thanks.

16 CHAIRMAN HOOD: Any other
17 questions? Vice Chairman?

18 VICE CHAIRMAN SCHLATER: Mr.
19 Chairman, thank you. My question involves
20 1507.6. And it's something we touched briefly
21 upon at the hearing, and when taking Proposed
22 Action, but I still think it needs some

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1 attention and focus.

2 It speaks specifically to
3 requirements on the location of driveways for
4 various -- for all buildings in the District.

5 It is a zoning requirement.

6 So the first concern I have is we
7 have got three standards: One is that you are
8 60 feet from a street intersection. One is
9 that you are 32 feet from another driveway
10 opening. And the third one is you are at
11 least 36 feet from alley opening on the same
12 street.

13 And your driveway needs to meet
14 all three of those tests at the same time.

15 The first thing, I know there is a
16 lot of curb cuts out there that do not meet
17 this standard, so I'm concerned that because
18 this is a zoning text and a zoning
19 requirement, that this is going to put a lot
20 of buildings -- basically, make them
21 nonconforming as it pertains to zoning.

22 So I just want to hear OP's

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1 thought about that.

2 MR. PARKER: In the brief
3 discussion I had with OAG today, would be that
4 this is not a structural requirement, so this
5 wouldn't make any existing -- existing curb
6 cuts wouldn't make existing buildings
7 nonconforming.

8 In fact, their preliminary opinion
9 would be that existing curb cuts could be
10 rebuilt and/or expanded, that this particular
11 provision would govern the creation of new
12 curb cuts.

13 VICE CHAIRMAN SCHLATER: Do we
14 need any text to clarify that interpretation?

15 MR. PARKER: It couldn't hurt.

16 VICE CHAIRMAN SCHLATER: I would
17 lean towards that.

18 The second question I had about
19 this is this distance from a street
20 intersection requirement. In the text today,
21 it's 25 feet. And it has grown to 60 feet.
22 But in the text today, it is 25 feet and does

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1 not apply to single-family homes.

2 So now, we are broadening this
3 requirement to apply to single-family homes,
4 which I would think would be the ones that are
5 most impacted, because they have small lots.
6 People on a corner lot, you may not be able to
7 have a driveway.

8 So why did we decide to apply this
9 to the single-family homes?

10 MR. PARKER: This was language
11 that we worked out with DOT. And I put a
12 request in and haven't received an answer back
13 yet about whether their policies differ for
14 single-family homes, but this was language
15 that had been suggested and approved by them.

16 I don't think we have, necessarily
17 have, a problem with making a distinction and
18 removing that, but I would like to confer with
19 DDOT to see if they do.

20 VICE CHAIRMAN SCHLATER: Okay.
21 I'm concerned about it. Concerned enough that
22 I would be willing to wait for a response from

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1 them.

2 And the other thing that is just
3 due to the Zoning Regs is this standard that
4 you would have to have a driveway at least 36
5 feet from an alley opening. I just feel like
6 we are adding all these requirements in a
7 dense urban environment. You are creating a
8 situation where you are possibly making it
9 impossible for people to locate driveways in
10 conformance with zoning.

11 So I don't know why -- I'm not
12 comfortable layering in these requirements. I
13 think as guidelines, I understand why DDOT
14 wants them. I understand the good policy
15 outcomes that come from them, but they are
16 more stringent and potentially they push you
17 into a BZA process, which can add cost and a
18 lot of time for the development.

19 And that's not what we are -- we
20 are trying to make it easier and simpler here,
21 not harder and more expensive.

22 MR. PARKER: I understand. One

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1 discussion that I had with OAG on this subject
2 was that, in this instance, you know, curb
3 cuts are first regulated by DOT. And this is
4 a Zoning Regulation intended to reflect that,
5 but be responsive to DOT's regulations.

6 So one possible suggestion to
7 remove that BZA requirement would be to keep
8 the zoning requirement in, but allow the
9 Zoning Administrator to waive it if DDOT
10 waives or changes their curb cut policy.

11 So on an individual project, DDOT
12 allows a curb cut at 45 feet or 35 feet. The
13 Zoning Administrator could waive this
14 provision to match.

15 VICE CHAIRMAN SCHLATER: I think
16 that's a step in the right direction. I just
17 feel uncomfortable taking DDOT's broad
18 standards, which I know for a fact that they
19 waive all the time.

20 So here is a DDOT standard. You
21 cannot have Pepco vaults in public space.
22 That's a DDOT standard that they have and

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1 that's how everybody who comes through the
2 Public Space Committee that that's their
3 standard.

4 98 percent of the time, they waive
5 that standard. But what this -- what we are
6 doing here is putting that standard in the
7 Zoning Code and potentially pushing people
8 into a variance or special exception process.

9 It's just insane. I'm worried about it.

10 And I have raised it on other
11 issues where we have been trying to take DDOT
12 standards and put it into the Zoning Code. I
13 think it needs to be thought about a little
14 bit more. That's it, Mr. Chairman.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER MAY: Mr. Chairman,
17 can I follow-up on just the driveway?

18 CHAIRMAN HOOD: Go ahead and
19 follow-up.

20 COMMISSIONER MAY: I just want to
21 -- I had a question on the diagram at
22 1507.6(c). Is that spacing between the two

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1 driveways at the top there supposed to be 28
2 feet or 36 or 32 rather?

3 MR. PARKER: It should be 32.

4 COMMISSIONER MAY: Should be 32,
5 okay.

6 CHAIRMAN HOOD: Mr. Parker, I
7 remember when we dealt with this in proposed,
8 I took an issue with 1704.3. And I'm not sure
9 if that changed. Does that read just like it
10 did the first time? "Loading facilities in
11 PDR Zones are not subject to the requirements
12 of 1704.2."

13 And will that be covered? Is that
14 covered in 1704.2? Is that the reason why we
15 said that?

16 MR. PARKER: So, basically, 1704.2
17 restricts the location of loading on a lot to
18 the rear yard or within the building or. in
19 certain instances, within the side yard.

20 1704.3 says that in Industrial
21 Zones, you don't have that limitation. So you
22 could park in a side or a front yard or not

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1 park, excuse me, load, basically, anywhere on
2 the lot within an Industrial Zone.

3 CHAIRMAN HOOD: And I think, if I
4 recall, I had a problem with it then and I
5 still have a problem with it, because
6 Industrial Zones, as you know in this city,
7 industrial areas are real close together. And
8 I think the issue, and I'm trying to remember,
9 we had this conversation extensively, is that
10 when you load like in the front of an
11 industrial building, your vehicle is sitting
12 out in the street.

13 So those are some of the things
14 that -- I don't know why this was not -- and I
15 asked this to look into it to see what we can
16 do to revise that or hone some language. And
17 I thought you had agreed to do that.

18 MR. PARKER: I think, Mr. Hood,
19 your issue was actually later on in the code,
20 if I remember correctly. It was in 1709, it
21 was in the screening.

22 CHAIRMAN HOOD: 1709, okay. Well,

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1 I know, yes. I had that issue, too. But I
2 think you --

3 MR. BERGSTEIN: Actually, that
4 issue when Mr. Hood raised it, I indicated
5 that, in fact, the specific regulations for
6 recycling facilities and solid waste transfer
7 facilities had specific prohibitions from
8 loading or queuing on the public space.

9 And, in fact, the provision that
10 was referring to was 802.4(f) "No truck
11 dumping or picking up solid waste shall park,
12 stand, queue for the facility from any public
13 right-of-way."

14 So I think the reason that we
15 didn't make the change was that the specific
16 uses within PDR Zones, which actually is
17 before you tonight, had specific regulations
18 for queuing from the public space when
19 servicing solid waste and recycling
20 facilities.

21 CHAIRMAN HOOD: So it's not
22 allowable?

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1 MR. BERGSTEIN: Yes, that is
2 correct. And when you -- and those provisions
3 were repeated in the new PDR Zone that you are
4 going to be looking at under proposed.

5 CHAIRMAN HOOD: Okay. I just
6 wanted to make sure we at least covered or
7 touched on that. Okay. Anything else,
8 Commissioners? All right. I think we have
9 some language. Are we waiting for some
10 language before we move forward? I'm not sure
11 who all asked for something.

12 COMMISSIONER MAY: I think there
13 were a couple of questions that Vice Chairman
14 Schlater wanted to have addressed with regard
15 to the driveways.

16 In terms of the other language, I
17 mean, I'm comfortable enough allowing the two
18 chapters where I had the concern about
19 consistency of language being addressed, by
20 whatever means.

21 CHAIRMAN HOOD: Okay. So you
22 would be inclined. But the problem is if we

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1 move forward tonight --

2 COMMISSIONER MAY: It's the --

3 CHAIRMAN HOOD: -- it's whatever
4 we have.

5 COMMISSIONER MAY: -- driveway
6 issue.

7 CHAIRMAN HOOD: Does everybody
8 have that concern or issue? Commissioner
9 Selfridge does, Commissioner Turnbull. Okay.

10 So Ms. Schellin, can we put this on the
11 agenda for --

12 MS. SCHELLIN: How long, Travis,
13 do you think you will need for this?

14 MR. PARKER: We can resolve this
15 in a week or two.

16 MS. SCHELLIN: So we will put it
17 on the next meeting?

18 MR. PARKER: It just depends on
19 how much notice you need.

20 MS. SCHELLIN: If you could get
21 this to us by the 4th, which would be next
22 Monday?

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1 MR. PARKER: Well, why don't you
2 do the one after that?

3 MS. SCHELLIN: Okay. So if you
4 could get it to us by the -- you're going to
5 work with OAG, so I don't need to account for
6 more time for them.

7 MR. BERGSTEIN: Right.

8 MS. SCHELLIN: So by the 18th of
9 April and then we will put it on for the 25th?

10 MR. PARKER: Sounds good.

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: So the 25th of
13 April we will take this back up. Okay. Thank
14 you all.

15 Now, let's move right along.
16 Proposed Action. The way we move, we might be
17 able to make the address. I said that, that
18 was a hint. Okay. Proposed Action Zoning
19 Commission Case 08-06, Office of Planning -
20 Comprehensive Zoning Regulations Review:
21 Production, Distribution & Repair Zones. Ms.
22 Schellin?

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1 MS. SCHELLIN: Yes, there is a
2 supplemental OP report at Exhibit 135 and then
3 at Exhibit 132. There was comments from a Jay
4 Waldman. I take that back. Exhibit 132 is
5 actually comments from Mr. Collins.

6 CHAIRMAN HOOD: Oh, okay. I
7 thought Mr. Collins may have changed his name.
8 I was looking for that.

9 MS. SCHELLIN: I was reading the
10 line above.

11 CHAIRMAN HOOD: Okay.
12 Commissioners, this is Proposed Action for PDR
13 in Zoning Commission Case 08-06. Let's open
14 it up for any questions.

15 You know, actually, I think -- I
16 forgot who it was that asked for additional
17 information. I think that in PDR Zones Mr.
18 Collins testified that the amount of the GAR
19 would just be abnormal for a -- would be an
20 excessive amount for this to be applied to
21 GAR.

22 Whereas, I believe from what I

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1 read from the -- we asked Office of Planning
2 to come back with a report and look into it.
3 I know you have it here on page 135, but, Mr.
4 Parker, can you just briefly give us your
5 findings?

6 MR. PARKER: The information in
7 Mr. Collins report, we agree with the general
8 principle that GAR would have disproportionate
9 cost impacts to single-family or excuse me,
10 single-story buildings versus multi-story
11 buildings.

12 In general, we are hesitant to
13 break up the application of GAR into a lot of
14 different categories within a zone. We would
15 like, generally, to keep this, but we found
16 this issue is significant enough to recommend,
17 in this case, .1 per story for the first three
18 -- up to three stories and then capping it at
19 a .3.

20 CHAIRMAN HOOD: Okay. Any
21 comments, Commissioners?

22 COMMISSIONER MAY: Mr. Chairman?

1 CHAIRMAN HOOD: Commissioner May?

2 COMMISSIONER MAY: Yes. I have
3 read over the description very carefully. It
4 wasn't much more detail than what we had
5 gotten in testimony, but it was helpful to see
6 it in writing.

7 And I think that the solution of
8 doing a .1 GAR for a single-story building and
9 then stepping it up for multiple stories, it's
10 -- that might be a reasonable compromise. At
11 least it's not -- you haven't given in
12 completely and gone down to .05 GAR, which is
13 what Mr. Collins was suggesting was
14 appropriate, because I think you really want
15 to be aggressive about this and push hard.

16 And I mean, do we -- you know, the
17 implication for this is that the cost of
18 adding a green roof to a warehouse is going to
19 increase the cost of the building by 50
20 percent. That seems to be where the bottom
21 line is, right?

22 I mean, if it's going to go from

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1 \$7 a foot to lease it out and make your money
2 back to \$10, that implies that it is going to
3 be 50 percent more expensive.

4 It's very hard for me to imagine.

5 It's really going to make -- that adding a
6 green roof to a warehouse is going to make it
7 50 percent more expensive, unless the building
8 is being built is a butler building, a prefab
9 aluminum structure or something like that, in
10 which case you are talking about a significant
11 and more expensive building that has a green
12 roof.

13 MR. PARKER: One thing that I did
14 note in the report at the end of our
15 supplemental was that the numbers Mr. Collins
16 used were off by half. We -- in a later
17 version of the GAR, we had double the credit
18 for green roofs. So the cost would actually
19 be half what was estimated by Mr. Collins, but
20 that doesn't change the argument that it would
21 still have ten times the impact on a one-story
22 as a ten-story.

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1 COMMISSIONER MAY: Yes.

2 MR. PARKER: But --

3 COMMISSIONER MAY: So --

4 MR. PARKER: -- the costs are half
5 as much.

6 COMMISSIONER MAY: I don't know.

7 I just think this is a very important area of
8 the new Zoning Regulations and I mean, I guess
9 I'm willing to go along with this, but if you
10 wanted to take a harder line on it, I would
11 support that, too. I don't know what the rest
12 of the Commission feels.

13 CHAIRMAN HOOD: Any other comments
14 or questions? I don't want to get into .05 or
15 .1, but any other comments? Does everybody
16 agree with the Office of Planning?

17 COMMISSIONER SELFRIDGE: Mr.
18 Chairman? Yes, I was just reviewing Mr.
19 Collins' submission as well. You know, I
20 think it was very helpful and I thank him for
21 providing it. I mean, I'm not an expert on
22 this.

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1 It seems to make sense. I don't
2 know what the right ratio is, but I think that
3 it intuitively makes sense that there is going
4 to be, you know, additional cost and that it
5 may be impractical to apply the same standards
6 in this case.

7 So I guess I leave it to Office of
8 Planning to tell us what that standard is or
9 what might be appropriate, because I don't
10 really know. But I think that the information
11 that was provided certainly helped provide a
12 little more light on the issue.

13 CHAIRMAN HOOD: Okay. Well,
14 Office of Planning is -- you mean on the
15 ratio?

16 COMMISSIONER SELFRIDGE: Yes, on
17 the ratio. I don't know what the right number
18 is. So I guess what I'm saying, because I'm
19 not sure I said anything, is that I'm inclined
20 to go with what the Office of Planning has
21 suggested in this case.

22 CHAIRMAN HOOD: .1?

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1 COMMISSIONER SELFRIDGE: .1.

2 CHAIRMAN HOOD: I will tell you
3 that from my standpoint, I don't know, this
4 issue would not have even, if we want to give
5 Mr. Collins some credit, been raised, I don't
6 think, if he had not brought it to our
7 attention. Even though you may not have got
8 the .05, still not the .2. So, you know, I'm
9 not sure, but we all agree with that. I
10 believe I heard you, Commissioner May,
11 Commissioner Selfridge, we all agree. Okay.

12 All right. Anything else? I'll
13 make sure my issue is covered in that.

14 There was an issue that we talked
15 about, Mr. Parker, actually it was brought up
16 by Ms. Gates. And I'm not sure if we look
17 into it, I may have missed it, she talked
18 about recycling, the parking requirement is
19 one space for every commercial vehicle, not
20 one per number of employees.

21 I think you all said you would
22 look into that issue? But it may have been

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1 addressed, because I think she might have had,
2 and I can't remember, the same issue I had
3 with recycling facilities. I'm not sure. Do
4 you recall?

5 MR. PARKER: No. I seem to recall
6 we had resolved before the end of the --

7 CHAIRMAN HOOD: Okay.

8 MR. PARKER: -- meeting her issue,
9 but I don't remember how. I think it was a
10 misunderstanding that we cleared up.

11 CHAIRMAN HOOD: Okay. So her
12 issue about PDR parking across all zones in
13 PDR -- parking across all the zones in PDRs,
14 we recited that at the hearing.

15 MR. PARKER: I believe so. It
16 didn't make my notes as something we needed to
17 address further.

18 CHAIRMAN HOOD: Okay. And we also
19 talked about one of the things we have to do
20 is make sure that people understand the
21 translation of CM Zones to PDR. And I think--
22 I'm not sure how that went with the Task

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1 Force, but that's a key piece, because PDR
2 took -- it took me a while to figure out what
3 PDR was, but I know what CM1, CM2, CM3 is and
4 M.

5 So we need to make sure that as we
6 move forward that the transition -- people
7 really understand what PDR is. Okay. I think
8 I'm covered.

9 Any other comments, Commissioners?
10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: Mr. Chair,
12 I just wanted to bring up one item from our
13 staff notes about Ms. Gates confirming with OP
14 for recycling. A parking requirement is one
15 space for every commerce vehicle, not only --
16 not one per number of employees.

17 OP said they can take a look at
18 it, but it would only apply to new recycling
19 facilities, which would be a minor issue. Ms.
20 Gates suggested fixing parking generally
21 across the PDR Zones. I think OP was going to
22 look at that.

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1 MR. PARKER: I think the issue was
2 we have -- PDR Zones don't have a parking
3 requirement in the new regs, whereas, they do
4 in the current regs. What she was quoting, I
5 think, was a particular special exception for
6 a particular use in the PDR Regs requires
7 parking based on the number of, you know,
8 commercial drivers that you have coming in.

9 That is an existing standard and
10 we don't have evidence one way or the other to
11 change that existing standard. Yes, we just
12 carry forward the existing language.

13 COMMISSIONER TURNBULL: Okay.

14 | Thank you.

15 CHAIRMAN HOOD: Okay. I want to
16 thank you, Mr. Turnbull for getting to the
17 specifics.

So I would move approval of Zoning

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1 Commission Case No. 08-06, Office of Planning
2 - Comprehensive Zoning Regulations Review on
3 Production, Distribution and Repair Zones with
4 the amendments given to us that we approve
5 tonight, that the office of -- recommended by
6 the Office of Planning. And I'll ask for a
7 second.

8 COMMISSIONER TURNBULL: Second.

12 COMMISSIONER MAY: Yes, Mr.
13 Chairman?

14 CHAIRMAN HOOD: Commissioner May?

21 MR. PARKER: We didn't. We did
22 some basic on-line research and didn't find

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1 anything to conflict, but we didn't call and
2 contact individual developers.

3 COMMISSIONER MAY: Well, and I
4 wouldn't necessarily contact developers, but I
5 think you might want to understand better what
6 the implication is of adding 28 pounds per
7 square foot to a 30 pound per square foot live
8 load. And whether that, in fact, really is
9 going to increase the cost of the building by
10 50 percent.

11 Because I'm really not convinced
12 of that. And if you can, you know, before we
13 take Final Action, give me a little bit more
14 evidence on that, I would appreciate it.

15 MR. PARKER: Well --

16 COMMISSIONER MAY: I may be
17 completely wrong, but it just doesn't feel
18 quite right to me.

19 MR. PARKER: Very well.

20 CHAIRMAN HOOD: Okay. Any other
21 discussion? Are you ready for the question?

22 All those in favor?

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1 ALL: Aye.

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

5 MS. SCHELLIN: Yes, staff records
6 the vote 5-0-0 to approve Proposed Action in
7 Zoning Commission Case No. 08-06, the Office
8 of Planning Comprehensive Zoning Regulations
9 Review with regard to the PDR. Commissioner
10 Hood moving, Commissioner Turnbull seconding,
11 Commissioners May, Schlater and Selfridge in
12 support.

13 Chairman Hood, going back to the
14 first case, I think I may have said that it
15 was deferred to May 25th, I meant April 25th,
16 if I did say May.

17 CHAIRMAN HOOD: Okay. I think you
18 said April.

19 MS. SCHELLIN: Okay. Good.

20 CHAIRMAN HOOD: I'm the only one
21 who gets the month right anyhow.

22 MS. SCHELLIN: All right. Just

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1 making sure, because for some reason I thought
2 I said May.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: Sorry, what
5 year was that?

6 CHAIRMAN HOOD: That's volleyball
7 night. We're going to do it on a Wednesday.

8 Okay. Let's go to Hearing Action.

9 Zoning Commission Case No. 11-04, SeVerna,
10 LLC & Golden Rule Apartments, Inc. - Map
11 Amendment at Square 621.

12 Office of Planning, Ms. Brown-
13 Roberts?

14 MS. BROWN-ROBERTS: Yes, Mr.
15 Chairman. Good evening, Mr. Chairman and
16 Members of the Commission. I'm Maxine Brown-
17 Roberts representing the Office of Planning.

18 SeVerna, LLC and Golden Rule
19 Apartments, Inc. proposes a Map Amendment to
20 rezone the property in Square 621, Lots 862
21 and a portion of 861, from the C-2-A Zone to
22 the C-2-C Zone.

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1 The subject site is 27,075 square
2 feet and not the 50,260 square feet that is
3 submitted in the applicant's text.

4 The C-2-A Zone is designated for
5 shopping business, housing and mixed-use at a
6 low density, low to medium density, while the
7 proposed C-2-C Zone is designated for
8 commercial, residential and mixed-uses at a
9 higher density.

10 The Generalized Land Use Map
11 recommends a mix of high density residential
12 and medium density commercial uses. On the
13 Generalized Policy Map, the property is within
14 the normal New York Avenue land use change
15 area to encourage and facilitate new
16 development.

17 The proposed C-2-C is not
18 inconsistent with these recommendations.

19 The proposal would also facilitate
20 policies outlined in the land use housing and
21 central Washington area elements of the plan.

22 The Northwest One development approved by

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1 Council in 2006 recommends new and high-rise
2 apartments for the site.

3 The existing C-2-A does not allow
4 the level of development envisioned by these
5 plans.

6 The Office of Planning, therefore,
7 recommends that the proposal be set down for
8 Public Hearing. I'm available for questions.

9 Thank you, Mr. Chairman.

10 CHAIRMAN HOOD: Okay. Vice
11 Chairman?

12 VICE CHAIRMAN SCHLATER: Mr.
13 Chairman, I just wanted to say that I'm going
14 to recuse myself from this case. I work for
15 William C. Smith & Company. We are the master
16 developer for the Northwest One New Community.

17 This project itself is not part of
18 our efforts, but it is adjacent to our efforts
19 and there will be subsequent rezoning
20 associated with the Northwest One New
21 Community Initiative and I don't want in any
22 way those efforts to seem biased, so I'm just

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1 going to step aside on this case. Thank you.

2 CHAIRMAN HOOD: Okay. Thank you
3 very much, Vice Chairman.

4 Ms. Schellin, can we make sure
5 that we double up the hearing that night so
6 the Vice Chairman still has to come. Right,
7 right.

8 All right. Any questions of the
9 Office of Planning?

10 COMMISSIONER MAY: I have a
11 question.

12 CHAIRMAN HOOD: Mr. May?

13 COMMISSIONER MAY: I'm a little
14 confused because the -- I'm looking at the
15 Comprehensive Plan Future Land Use Map on page
16 3 of your report. And it shows the site
17 being, essentially, the area that is striped,
18 which basically is sort of half the block
19 between first and the first terrace and, you
20 know, about halfway up to L Street.

21 And yet, in the applicant's
22 survey, the drawing shows the site going all

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1 the way up to L Street. So which is correct?

2 MS. STEINGASSER: Both are
3 correct. The applicant owns all of the site.
4 However, they are only requesting rezoning
5 for that which is identified as high density.

6 COMMISSIONER MAY: Oh, so it's
7 only that strip that is closest to the --

8 MS. STEINGASSER: That's correct.

9 COMMISSIONER MAY: -- to K Street.

10 Okay. Good. And I guess the -- this is a
11 minor point, but it would be helpful to have
12 some -- you know, it would be helpful if the
13 maps were a little bit better and more
14 consistent that were in the applicant's
15 submission, because there is -- you know, they
16 have blown up a lot of stuff, but I'm missing
17 like street names and things like that.

18 So I can't understand the context
19 of like the Sanborn Map and stuff like that.
20 It's a pretty minor point.

21 And also, can we -- will we be
22 able to see a master plan for Northwest One

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1 when it comes time for hearing?

2 MS. STEINGASSER: Certainly.

3 COMMISSIONER MAY: Okay. Thanks.

4 CHAIRMAN HOOD: Any other
5 questions of Office of Planning? I don't have
6 any. Commissioners, what is your pleasure?

7 COMMISSIONER SELFRIDGE: Mr.
8 Chairman, I move that we set down Zoning
9 Commission Case No. 11-04, SeVerna, LLC and
10 Golden Rule Apartments, Inc. Map Amendment at
11 Square 621.

12 CHAIRMAN HOOD: Okay. It has been
13 moved. Thank you, Commissioner Selfridge.
14 Can I get a second?

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: Thank you,
17 Commissioner Turnbull. It has been moved and
18 seconded. Any further discussion? Are you
19 ready for the question?

20 All those in favor?

21 ALL: Aye.

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you, please,
2 record the vote?

3 MS. SCHELLIN: Yes. Staff records
4 the vote 4-0-1 to set down Zoning Commission
5 Case No. 11-04 as a contested case.
6 Commissioner Selfridge moving, Commissioner
7 Turnbull seconding, Commissioners Hood and May
8 in support. Commissioner Schlater not voting
9 having recused himself.

10 CHAIRMAN HOOD: Okay. Do we have
11 a status report, Ms. Steingasser? Okay.

12 I just want to remind my
13 Commissioners and my fellow colleagues and all
14 that we will be attending the Task Force
15 meeting of the ZRR this coming Wednesday at
16 6:30. And the location is?

17 MS. SCHELLIN: 1100, yes,
18 Southwest, yes.

19 CHAIRMAN HOOD: 1100 Southwest.

20 MS. SCHELLIN: Office of Planning?

21 MR. PARKER: 1100 Southwest. We
22 will be meeting on the second floor.

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1 CHAIRMAN HOOD: Second floor. And
2 that starts at 6:30?

3 MR. PARKER: 6:30.

4 MS. STEINGASSER: 1100 4th Street,
5 Southwest.

6 CHAIRMAN HOOD: 1100 4th Street,
7 Southwest.

8 MS. STEINGASSER: Waterfront Metro
9 Station.

10 CHAIRMAN HOOD: That's the
11 Waterfront Metro Station. Okay.

12 So do we have anything else before
13 us tonight?

14 MS. SCHELLIN: No.

15 CHAIRMAN HOOD: I want to thank
16 everyone for their participation and this
17 hearing is -- this meeting is adjourned.

18 (Whereupon, the Public Meeting was
19 concluded at 7:25 p.m.)

20
21

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