

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

OCTOBER 18, 2010

+ + + + +

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 SCHLATER	Vice Chairman
GREG SELFRIDGE	Commissioner
PETER MAY	Commissioner (NPS)
MICHAEL TURNBULL (AOC)	FAIA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO.null
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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
ARLOVA JACKSON
STEPHEN MORDFIN
LAINE CIDLOWSKI
TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on October 18, 2010.

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

2 (6:37 p.m.)

3 CHAIRMAN HOOD: Okay. This meeting
4 will please come to order. This is the
5 October 18, 2010, public meeting of the Zoning
6 Commission.

7 My name is Anthony Hood. Joining
8 me are Vice Chairman Schlater, Commissioner
9 Selfridge, Commissioner May, and Commissioner
10 Turnbull. We are also joined by the Office of
11 Zoning staff, Ms. Sharon Schellin, Ms. Donna
12 Hanousek, and Ms. Bushman; also, the Office of
13 the Attorney General, Ms. Monroe; and the
14 Office of Planning staff, Ms. Steingasser, Mr.
15 Lawson, Ms. Jackson, and Mr. Mordfin. And I
16 think that's all we have from the Office of
17 Planning. If they're over there behind the
18 pole, I will acknowledge them at that time.

19 (Laughter)

20 Okay. Copies of today's meeting
21 agenda are available to you and are located in

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1 the bin near the door.

2 We do not take any public testimony
3 at our meetings unless the Commission requests
4 someone to come forward. Please be advised
5 that this proceeding is being recorded by a
6 Court Reporter and is also webcast live.
7 Accordingly, we must ask you to refrain from
8 any disruptive noises or actions in the
9 hearing room. Please turn off all beepers and
10 cell phones.

11 Does the staff have any preliminary
12 matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: If not, let's
15 proceed right with our agenda. We have three
16 items on the consent calendar. Let's begin
17 with Number A, Zoning Commission Case Number
18 08-14A, Kelsey Gardens Property Company, LC,
19 minor modification to a PUD at Square 421.
20 Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. This is a

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1 request from the applicant to revise Condition
2 Number 10 of their order, which sets out the
3 schedule of payments of the proffers.

4 CHAIRMAN HOOD: Okay.

5 Commissioners, I think it is pretty self-
6 explanatory. I'm going to open it up and see
7 if anyone has any questions. But if we look
8 at Exhibit 1, we will see what they are trying
9 to achieve here, or what they are trying to
10 do. But let me open it up to my colleagues.

11 Any comments? Vice Chairman Schlater.

12 VICE CHAIRMAN SCHLATER: Mr.
13 Chairman, I think this is a pretty simple
14 case, and I certainly support the phasing of
15 the payments. It's got the support of the
16 ANCs, and nobody is opposing it.

17 One question I did have, however,
18 is on the -- is that the original order really
19 didn't contemplate the phasing of the project,
20 which is why we are being asked to change the
21 phasing of the payments. I would like to see

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1 how this impacts the timeline for development
2 of the overall development.

3 So Condition 15 of the current
4 order says that the applicant shall file for a
5 building permit within their two years, and
6 then construction shall start within three
7 years. If I am reading that correctly, given
8 the new phasing of the project, once
9 construction started on the townhouse portion
10 of the project the entire PUD would be vested
11 for all time.

12 And I don't know if that the
13 intention of the applicant, but I think for me
14 to feel comfortable with it, I still want to
15 see there be a time limit for construction of
16 the vertical portion -- the multi-family
17 portion of the development, which is the vast
18 majority of the density on this project.

19 CHAIRMAN HOOD: Okay. Vice
20 Chairman, staff, I think that is a good point.
21 Commissioners, anyone else? Any comments?

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1 And I think that's a very good point.
2 Commissioner Turnbull.
3 COMMISSIONER TURNBULL: Thank you,
4 Mr. Chair. I don't think there is this issue
5 here, but when you see a proffer for a certain
6 amount of money I guess the only question is:
7 is it just a certain amount of money? Or
8 does that represent a program?

9 So that if you were to give 25
10 percent of a program for funds, is that really
11 helping to affect the idea that was really
12 behind the proffer in the first place? In
13 other words, if there was something there for
14 \$20,000, and you are only going to give 25
15 percent, is that just -- does that really do
16 anything to the original proffer as far as
17 what it was meant to do?

18 That would be my only question. It
19 may just be a set amount of money that was
20 agreed upon with the ANC and the organizations
21 to provide that amount of money, and -- but I

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1 guess in looking at this in the long run is it
2 would be better to have clarification at some
3 point to say if you were -- like the services
4 for the aging is, does that represent a
5 program, or is that simply money given to them
6 for just giving them that amount of money?

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER TURNBULL: That's my
9 only question, whether it hampers the long-
10 range fulfillment of the proper as listed.

11 CHAIRMAN HOOD: Okay. That's a
12 good point also. Anyone else? Commissioner
13 May.

14 COMMISSIONER MAY: I have -- I
15 agree with Commissioner Turnbull and
16 Commissioner Schlater's questions,
17 particularly with Commissioner Schlater and
18 the concern about the phasing of the project.

19 I think the -- you know, the
20 effectiveness of the proffer is hopefully that
21 is -- you know, if it is -- if the payment of

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1 money for the proffers is phased, hopefully
2 that is still going to have the same
3 beneficial effect. But it would be nice to
4 have some assurance to that effect.

5 CHAIRMAN HOOD: Okay. So it looks
6 like, colleagues, that we are not ready to
7 move forward. It seems like there are two
8 questions, and Mr. -- Vice Chairman Schlater's
9 question about phasing and a time limit, and
10 also Commissioner Turnbull's question about
11 the -- attached to the programs.

12 I would like to see -- hopefully,
13 the applicant could get back to us as soon as
14 possible to give us -- and I'm sure they have
15 heard us -- get back to us as soon as possible
16 with those two -- answers to those two issues.

17 And we will try to take this up -- when can
18 we take this up, Ms. Schellin?

19 MS. SCHELLIN: We have a meeting in
20 three weeks, November 8th. We could set a
21 deadline for the applicant to file their

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1 responses to what the Commission has addressed
2 on the dais by 3:00 p.m. on October 29th.

3 CHAIRMAN HOOD: Okay.

4 VICE CHAIRMAN SCHLATER: Mr.
5 Chairman?

6 CHAIRMAN HOOD: Vice Chairman.

7 VICE CHAIRMAN SCHLATER: Just to be
8 clear what my concern is, I would like to see
9 the multi-family portion of the project be
10 subject to the same time commitments that it
11 is currently under and contemplated under the
12 order and not -- I don't want just any phasing
13 schedule to come forward. I think, you know,
14 right now they have a commitment to getting a
15 building permit within a certain number of
16 years, and I'd like to see that stay the same.

17 CHAIRMAN HOOD: And we just might
18 -- I'm not going to -- we just might come back
19 and see the same -- see exactly what you just
20 asked for. So let's just give them that time.

21 So is everybody on the same page?

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1 And also, let me just acknowledge we do have a
2 letter from the East Central Civic
3 Association, and also ANC-2C, asking us to
4 support this, but we do have some outstanding
5 questions and which we will be taking this up
6 at our next special -- I mean, not special,
7 but our next meeting. So that is as quick as
8 possible.

9 And everyone has the schedule,
10 right?

11 (No response.)

12 Okay. Great. Okay. Thank you,
13 Ms. Schellin, let's move right along.

14 Zoning Commission Case Number 07-
15 07C, Broadcast Residential Partners, LLC, and
16 all minor modifications to PUD at Square 441.

17 Ms. Schellin.

18 MS. SCHELLIN: Yes, sir. The
19 applicant in this case is asking for four
20 minor modifications -- modification to the mix
21 of ground floor uses, the change from

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1 mezzanine office level to a full floor of
2 office space, roof plan modifications, and a
3 modification to the rear east elevation.

4 I should add also that there is ANC
5 support, ANC-1B, at Exhibit 6.

6 CHAIRMAN HOOD: Okay. Thank you,
7 Ms. Schellin. Commissioners, I will open it
8 up. Again, the major piece on this, I think
9 there is a tenant change, and this -- this was
10 a previously approved PUD, and there have been
11 some minor modifications which the applicant
12 has presented to us. And I think there's four
13 specifically, and I'll open it up. Any
14 questions or comments? Vice Chairman
15 Schlater.

16 VICE CHAIRMAN SCHLATER: Just a
17 quick question. Ms. Schellin, does the
18 expansion of the mezzanine floor increase the
19 overall FAR of the building?

20 MS. SCHELLIN: My understanding is
21 that it does not. Is that correct? I'm

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1 getting a nod that that is correct.

2 VICE CHAIRMAN SCHLATER: It was
3 described as a full office floor in the
4 package I saw.

5 MS. SCHELLIN: Right.

6 VICE CHAIRMAN SCHLATER: Which made
7 me think it would --

8 MS. SCHELLIN: I think with some of
9 the other changes that it equals out. So it
10 doesn't actually change the overall.

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: Okay. Anybody
13 else? Any other -- I think this is fair
14 enough to move it in the fashion it is -- I'm
15 sorry. Commissioner Turnbull, did you --
16 okay. I think this is ready for some movement
17 in the fashion it is.

18 So I would make a motion that we
19 approve the minor modifications in Zoning
20 Commission Case Number 07-07 as submitted in
21 the record and ask for a second.

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1 COMMISSIONER TURNBULL: Second.

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

5 (No response.)

6 Are you ready for the question?
7 All those in favor, aye.

8 (Chorus of ayes.)

9 Not hearing any opposition from
10 anyone, Ms. Schellin, would you please record
11 the vote?

12 MS. SCHELLIN: Yes, sir. Just so
13 I'm correct, it's 07-07C. I just want to make
14 sure that that's what you meant --

15 CHAIRMAN HOOD: Is that what --

16 MS. SCHELLIN: -- in your motion?
17 07-07 is what you said. I just want to make
18 sure --

19 CHAIRMAN HOOD: Okay. 07-07C.

20 MS. SCHELLIN: C, okay. We have so
21 many cases these days coming in. Staff would

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1 record the vote five to zero to zero to
2 approve Zoning Commission Case Number 07-07C,
3 Commissioner Hood moving, Commissioner
4 Turnbull seconding, Commissioners Schlater,
5 May, and Selfridge in support.

6 CHAIRMAN HOOD: Okay. Next, let's
7 move right along, Zoning Commission Case
8 Number 06-35A. This is RH 1229 through 1231
9 25th Street, LLC, minor modification to a PUD
10 at Square 24. Ms. Schellin.

11 MS. SCHELLIN: Yes, sir. This
12 again is, as you said, a minor modification,
13 and they are requesting -- or making a request
14 to allow a sculptural sign element that
15 identifies the building that would be
16 installed at the courtyard entrance to the
17 building.

18 CHAIRMAN HOOD: Okay. Thank you,
19 Ms. Schellin. I will open it up for comments.
20 And let me just say we have Exhibit 3, which
21 gives us -- really depicts exactly how that is

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1 going to play into that effect, the sculptural
2 effect.

3 Let me open it up. Mr. Turnbull.

4 COMMISSIONER TURNBULL: That is a
5 very complicated sign to look at. I see Mr.
6 Baroness is laughing, so -- I think this is
7 perfectly fine. I'm surprised it came before
8 us, actually. But, no, I would -- Mr. Chair,
9 I would -- if I could, I would recommend
10 approval of Zoning Case Number 06-35A, request
11 for minor modification, and look for a second.

12 COMMISSIONER MAY: Second

13 CHAIRMAN HOOD: Okay. It has been
14 moved -- thank you, Mr. Turnbull and
15 Commissioner May. It has been moved and
16 properly seconded. Any further discussion?

17 (No response.)

18 Are you ready for the question?
19 All those in favor, aye.

20 (Chorus of ayes.)

21 Not hearing any opposition, Ms.

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1 Schellin, would you please record the vote?

2 MS. SCHELLIN: Yes. Staff records
3 the vote five to zero to zero to approve final
4 action in Zoning Commission Case Number 06-
5 35A, Commissioner Turnbull moving,
6 Commissioner May seconding, Commissioners
7 Hood, Schlater, and Selfridge in support.

8 CHAIRMAN HOOD: Okay. Let's move
9 right into final action. This is Zoning
10 Commission Case Number 10-11, AWA Holdings,
11 consolidated PUD and related map amendment at
12 Square 5148. Does everybody leave when their
13 case is over? Because I noticed the audience
14 is thinning out.

15 (Laughter)

16 MS. SCHELLIN: It's thinning out.
17 They're not interested anymore.

18 CHAIRMAN HOOD: Oh, okay.

19 VICE CHAIRMAN SCHLATER: They're
20 going home to watch it online.

21 (Laughter)

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1 MS. SCHELLIN: That's what it is.

2 CHAIRMAN HOOD: Oh, yes. They're
3 running home to do that. Let me hurry up, so
4 I can get home and watch it.

5 (Laughter)

6 Okay. Ms. Schellin.

7 MS. SCHELLIN: Yes, sir. This case
8 is before you for final action, as you said.
9 At Exhibit 49 we have the NCPC report. They
10 have no issues with this case. There were a
11 couple additional filings that came in
12 pursuant to the procedural order process, and
13 we would just ask the Commission to consider
14 final action this evening.

15 CHAIRMAN HOOD: Thank you very
16 much, Ms. Schellin. I think, colleagues, we
17 have -- I guess we have asked for some things
18 that are in Exhibit 46, and also we have
19 compliance with the procedural order, which is
20 Exhibit 47. Well, actually, another one came
21 in after that, which is Exhibit 48.

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1 So I will open it up. I'm not sure
2 who asked for what, but we have revised
3 architectural plans, memorandum of supporting
4 figures from Grove Slade, and also the
5 construction of the unimproved alley. We were
6 submitted the cost of that.

7 And also, we have behind Tabs A and
8 B that information -- A, B, and C, I'm sorry
9 -- that information. So let me open it up.

10 COMMISSIONER MAY: Mr. Chairman?

11 CHAIRMAN HOOD: Commissioner May.

12 COMMISSIONER MAY: The elevation
13 drawings with the revised coursing I think are
14 an improvement, so I'm very pleased to see
15 that. I hope my colleagues agree on that
16 point. That was one of the concerns that I
17 had at proposed action. So thank you very
18 much.

19 CHAIRMAN HOOD: Okay. Great.

20 Anyone else? Commissioner Selfridge.

21 COMMISSIONER SELFRIDGE: Thank you,

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1 Mr. Chairman. Exhibit C speaks to the paper
2 alley. I think we were just looking for -- or
3 I was looking for an idea of what that would
4 cost. I'm not sure there was any support for
5 the DDOT request or recommendation, but we can
6 see here that they provided cost estimates
7 from Bazzudo Construction in the amount of
8 \$140,118. So we appreciate the applicant
9 submitting this, and I have no further
10 questions.

11 CHAIRMAN HOOD: Okay. Great.
12 Anyone else? Commissioner Turnbull.

13 COMMISSIONER TURNBULL: I had just
14 asked for some diagram showing truck turning
15 radiiuses into the lots, and we have those and
16 they're fine.

17 CHAIRMAN HOOD: Okay. It seems
18 like we've got everything we've asked for.
19 Everyone is satisfied. So I'll entertain a
20 motion or accept a motion any time. I will
21 move approval. Okay. Commissioner Turnbull.

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1 COMMISSIONER TURNBULL: I hate to
2 deny you, Mr. Chair, really.

3 CHAIRMAN HOOD: No, no. We have
4 all these satisfied. Everybody is satisfied,
5 so I --

6 COMMISSIONER TURNBULL: Want to arm
7 wrestle over this?

8 (Laughter)

9 All right. Mr. Chair, I would move
10 approval of Zoning Case Number 10-11, AWA
11 Holdings, consolidated PUD and related map
12 amendment at Square 5148, and ask for a
13 second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: All right. It has
16 been moved and properly seconded. Any further
17 discussion?

18 (No response.)

19 Are you ready for the question?
20 All those in favor, aye?

21 (Chorus of ayes.)

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1 Not hearing any opposition, Ms.
2 Schellin, would you please record the vote.

3 MS. SCHELLIN: Yes. Staff would
4 record the vote five to zero to zero to
5 approve final action in Zoning Commissioner
6 Case Number 10-11, Commissioner Turnbull
7 moving, Commissioner May seconding,
8 Commissioners Hood, Schlater, and Selfridge in
9 support.

10 And, Chairman Hood, if I could, I
11 would ask permission for the staff to reopen
12 the record in this case to accept a final set
13 of plans in this case, if we could?

14 CHAIRMAN HOOD: Okay. We have a
15 request from the office, from Ms. Schellin, to
16 open up the record for just a final set of
17 plans.

18 MS. SCHELLIN: Just a final -- I
19 have them here. It's something I asked for.
20 If the Commission would allow me to do so.

21 CHAIRMAN HOOD: Any objection?

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1 (No response.)

2 No objection. Yes, we can --

3 MS. SCHELLIN: Thank you.

4 CHAIRMAN HOOD: -- open it up.

5 Thank you, Ms. Schellin.

6 Okay. Let's go to -- we have
7 nothing under proposed action. Let's go to
8 hearing action, Zoning Commission Case Number
9 06-11A/06-12A, George Washington University
10 second stage PUD and PUD modification to
11 Square 103. Ms. Jackson.

12 MS. JACKSON: Good evening, Chair,
13 members of the Commission. For the record, my
14 name is Arlova Jackson with the Office of
15 Planning. The request before you is being
16 made by George Washington University and has
17 three components. The first is a request to
18 modify a previously approved first stage PUD
19 for their Foggy Bottom campus.

20 Second, the university requests
21 approval of a second stage PUD to facilitate

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1 the development of Square 103. Lastly, they
2 request further processing of their Foggy
3 Bottom campus plan.

4 To give a bit of background, the
5 Zoning Commission approved the GW Foggy Bottom
6 campus plan in March, for the campus over the
7 next 20 years, which included the
8 identification of 16 development sites and
9 specific guidance on appropriate land uses and
10 development densities for each.

11 The Zoning Commission also approved
12 a first stage PUD for the entire campus, which
13 laid out numerous conditions for its future
14 development, including a requirement that all
15 new construction be reviewed using a second
16 stage PUD process.

17 The PUD modification request would
18 allow Lot 18 of Square 103, a property not
19 previously controlled by the university, to be
20 incorporated within the first stage PUD.

21 The second stage PUD request would

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1 facilitate the first phase of a development
2 project within Square 103. This square,
3 bounded by G Street to the north, 20th Street
4 to the east, F Street to the south, and 21st
5 Street to the west, is located within the R-5-
6 D zone.

7 The square was identified as an
8 academic, administrative, or medical
9 development site in the campus plan, as well
10 as a potential location for underground
11 parking. The development site encompasses
12 most of the northern half of the square, which
13 faces G Street.

14 The proposed second stage PUD is
15 primarily comprised of below grade
16 improvements, which include a four-level
17 parking structure with 392 spaces and over
18 23,000 square feet of administrative and
19 office space for the GW Law School. The
20 proposed underground garage would supply
21 needed parking in light of the planned

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1 demolition of the university parking garage
2 and a desire to decentralize parking on
3 campus.

4 The proposed above-grade
5 improvements are interim features that will
6 remain until the second phase of the project
7 comes before the Zoning Commission as a future
8 second stage PUD. These temporary surface
9 improvements include landscaping, covered
10 bicycle parking, surface parking and loading
11 spaces, an entry pavilion, mechanical
12 equipment, and a roofed garage entry ramp.

13 The proposed second stage PUD meets
14 all of the requirements of the R-5-D zone as
15 well as development limits established within
16 the campus plan, with the exception of
17 requested flexibility for rear yard relief.

18 The project site was designated for
19 institutional uses in the 2006 future land use
20 and generalized policy maps. So the current
21 request to construct an underground structure

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1 with parking, academic, and administrative
2 space for the GW Law School is not
3 inconsistent with the future land uses
4 envisioned for this site.

5 The request is also not
6 inconsistent with several policies and actions
7 found in the land use, transportation,
8 education, environment, urban design, historic
9 preservation, and near northwest elements.
10 The approved campus plan and first stage PUD
11 contain a variety of conditions, requirements,
12 and review standards for new development
13 projects.

14 In addition, the project would be
15 subject to general PUD review standards found
16 within Section 2403, further processing
17 standards found in Section 201, and the
18 special exception criteria of 3104.

19 An analysis of the project against
20 each is found within the applicant's submittal
21 and OP staff report. So I won't go over them

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1 in detail, but generally OP finds that the
2 applicant has addressed and met the relevant
3 review criteria for the proposed development
4 of the site.

5 The public benefits and amenities
6 proposed were also initially identified and
7 approved as part of the previous campus plan
8 and first stage PUD. These include a
9 commitment to sustainability, efficient site
10 design, and transportation demand management
11 efforts.

12 To this end, the applicant proposes
13 to utilize an extensive stormwater management
14 and gray water reuse system, provide a total
15 of 450 parking spaces to help decentralize
16 parking facilities on campus, and provide 64
17 covered bike spaces onsite.

18 To conclude, the Office of Planning
19 recommends that the Zoning Commission set down
20 the proposed PUD modification, second stage
21 planned unit development, and further

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1 processing of the campus plan for public
2 hearing, and will take any questions you have
3 at this time.

4 CHAIRMAN HOOD: Okay. Thank you
5 very much, Ms. Jackson. I just have one quick
6 question. Is Square 103 -- is Lot 18,
7 Square 103, within the GW campus boundaries?

8 MS. JACKSON: Yes. The boundary
9 wouldn't be changing.

10 CHAIRMAN HOOD: Okay. Okay. All
11 right. That's all the questions I -- and
12 also, so far, because we are not privy to any
13 discussions with the community, is there any
14 opposition? I know you might not be able to
15 tell me right off. But from the discussions
16 thus far, is there -- is there more community
17 buy-in as it was 13 years ago?

18 MS. JACKSON: That's a difficult
19 question to answer. I know that GW has
20 regular meetings with the Advisory Committee
21 and the ANC. The only feedback that I have

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1 heard about was regarding traffic, so far.
2 But since it has been set down, we formally
3 haven't really been in a position to receive
4 much comment.

5 CHAIRMAN HOOD: Okay. All right.
6 Well, thank you very much.

7 Commissioners, let me open it up
8 for any questions. Commissioner Turnbull.

9 COMMISSIONER TURNBULL: Yes. Mr.
10 Chair, I just have one.

11 Ms. Jackson, I'm just curious, Lot
12 18 is almost in the middle of the block?

13 MS. JACKSON: Yes.

14 COMMISSIONER TURNBULL: I'm just
15 curious, history-wise, it was owned by someone
16 else and then now they are going to make a
17 trade. But was this -- this was never
18 contemplated back when we were doing the PUD
19 for the whole -- the campus PUD?

20 MS. JACKSON: I think it was being
21 used as a fraternity.

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1 COMMISSIONER TURNBULL: Right.

2 MS. JACKSON: And under control of
3 their larger organization. So I don't know
4 if, at that time, perhaps they were still
5 negotiating the future use of it. But I can't
6 speak to why it wasn't included initially,
7 except that it wasn't under their control at
8 that time. They have since come to an
9 agreement and --

10 COMMISSIONER TURNBULL: I guess I
11 was just kind of curious that since they
12 didn't have the whole square set up, ready to
13 go, that it's the first one out of the box
14 sort of under the new campus PUD.

15 I was just curious how it seemed to
16 -- in the last couple of years it seemed to
17 take a different -- you know, whatever they
18 were planning before is going to be the first
19 -- again, I'm not sure how they were
20 scheduling what squares were going to go. It
21 just seems kind of ironic I guess to pick the

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1 one square that you really don't have all the
2 property on.

3 MS. SCHELLIN: Commissioner
4 Turnbull, if I may, the applicant approached
5 staff and advised that this lot was
6 contemplated as part of the original PUD that
7 was approved, and it was stated they knew they
8 would have to come back to the Commission to
9 add it. So it was contemplated.

10 COMMISSIONER TURNBULL: Thank you.
11 I hadn't realized.

12 CHAIRMAN HOOD: Okay. Any other
13 questions? Vice Chairman Schlater?

14 VICE CHAIRMAN SCHLATER: Mr.
15 Chairman, I don't have a lot of questions or
16 concerns about this. The two things that I
17 would point out that I am going to be
18 interested in if we set this down at the
19 hearing is the -- one of the forms of release
20 that -- relief they are asking for is rear
21 yard relief, which in and of itself is not a

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1 huge deal. It is 12 feet, eight inches
2 against what normally would be 26 and two-
3 thirds feet on an 80-foot building.

4 But the point is that the column
5 lines and spacing are being set, and it says
6 in the application that the applicant is going
7 to come back before the Commission and ask for
8 a rear yard variance on a building we haven't
9 seen yet.

10 So we are going to be making
11 decisions, as part of this action, that are
12 going to impact what the building is going to
13 look like in the future. And so I don't know
14 -- I guess when I -- I'd like to see more
15 about what is going to be happening with the
16 building in the future, so that I can feel
17 comfortable about the underground parking lot
18 that we are approving now.

19 And the other thing is that we are
20 being asked to approve a surface parking lot
21 for -- I don't remember -- 58 spaces, which

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1 may or may not be fine, but I guess I'm going
2 to have questions about how that surface lot
3 is being treated in such a way that minimizes
4 stormwater runoff.

5 Does it do everything it needs to
6 do in order to be not just a paved lot in the
7 middle of the block? Is it -- you know, is
8 there going to be -- we've been talking about
9 in some of our zoning rewrite processes having
10 green areas on the lots, having shading. I
11 don't know how long this is contemplated to be
12 a surface lot, but I think we want to make
13 sure that it's done nicely and it's not
14 detrimental to the neighborhood.

15 That's it. Thank you.

16 CHAIRMAN HOOD: Thank you very
17 much, Commissioner Schlater. That's a very
18 good point about finding out exactly what is
19 going on on top of that lot, on that surface
20 parking lot.

21 Commissioner May.

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1 COMMISSIONER MAY: Do you happen to
2 long how long they contemplate this being just
3 a below grade facility, or, you know, is it
4 going to be like this for 10 years, 20 years,
5 30 years? No idea?

6 MS. JACKSON: No.

7 COMMISSIONER MAY: Okay. Well,
8 hopefully we will get -- be able to get some
9 sense of that when we have the hearing.

10 I will be very interested to know
11 more about the bicycle facilities, because it
12 is a little bit hard to understand based on
13 the information that is in the plans. And I
14 think this is a terrific opportunity to really
15 improve the bicycle facilities on the campus.

16 I am concerned about the
17 development of the site overall. I don't
18 quite get the landscape design, the sort of
19 rolling lawn or big humps. I'm not sure what
20 the design idea is there, so I'll be
21 interested to find out more about that. It

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1 may be that it needs to be refined, put it
2 that way.

3 And I also share Commissioner
4 Schlater's concerns about that big surface
5 parking lot, and I would question whether it
6 is -- you know, I mean, are we -- is it just
7 that big and -- I mean, it's not just big and
8 no green space in it like we're trying to
9 design into the requirements for surface
10 parking lots.

11 In the new regulations, it is
12 stacked, and it is stacked three deep on one
13 side. So it's just nothing but cars. It's --
14 I mean, it's as big and ugly -- well, maybe
15 not as big, but it's as ugly a parking lot as
16 one can get on the surface.

17 So I'm hoping that there might be a
18 little bit of flexibility in how that is
19 planned or how -- you know, whether it really
20 has to be exactly as big as it is, because I
21 don't see a lot of opportunity to move spaces

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1 around on the site without making the whole
2 thing into just a landscaped parking lot,
3 which I don't think is the right solution
4 either.

5 So I will be interested in seeing
6 more on that. Some further development might
7 be good.

8 MS. STEINGASSER: I can assure the
9 Commissioners it is part of an overall parking
10 strategy. It is not -- it will enable to
11 other parking garage to come down, and they do
12 -- it is part of a larger strategy that will
13 be very explained.

14 COMMISSIONER MAY: Yes, I believe
15 that. I'm just -- it's the question of
16 whether, if it's -- I don't know, what's the
17 total number? 400 and some spaces? If it's
18 20 less, is it going to be -- is that going to
19 wreck the strategy? Those are the sort of
20 questions that I might have.

21 Or if it's something that, you

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1 know, the surface parking lot could -- if we
2 know that in five years another project is
3 going to come along that is going to make that
4 surface parking lot unnecessary, that would be
5 helpful to know, because I would be interested
6 in time limiting the surface parking lot.
7 Even if we can't, you know, demand that the
8 whole building be built, maybe we can put an
9 expiration date on the surface parking lot.
10 So, thanks.

11 CHAIRMAN HOOD: All right. Any
12 other questions?

13 (No response.)

14 Okay. Well --

15 COMMISSIONER TURNBULL: Mr. Chair,
16 I was just -- I just wanted to concur with the
17 Vice Chair. You know, and I know it's
18 awkward. I know that the university gets
19 committed to start building, and you've got --
20 but I guess the underground structure does set
21 some kind of finite limits for us that we

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1 don't know about it in the future.

12 CHAIRMAN HOOD: I would agree,
13 though. It's like approving in the blind, and
14 I would agree with that.

15 Vice Chairman.

16 COMMISSIONER MAY: I'm getting --

17 CHAIRMAN HOOD: Vice Chairman. I'm
18 sorry.

19 COMMISSIONER MAY: I was just going
20 to -- I was going to -- thanks for the
21 promotion. I just -- I wanted to pick up

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1 immediately on Commissioner Turnbull's
2 statement. It might be worth it to understand
3 what the -- a little bit about what the
4 eventual development of -- full development of
5 that site will be, what's in mind.

6 I mean, we know something about
7 what the height limits are and such, but
8 seeing that in the context of the historic
9 buildings that flank it and, you know, knowing
10 a little bit more than just sort of amassing
11 of what it might be, some kind of study of
12 what the building might be might be very
13 helpful to help us imagine what we're setting
14 ourselves up for in the future, because I know
15 I'll be here when it's worked on, but -- you
16 know, if my tenure is like my predecessor.

17 CHAIRMAN HOOD: Oh, yes. You will
18 definitely be here.

19 COMMISSIONER MAY: Yes.

20 CHAIRMAN HOOD: Okay. But never
21 say you're going to be here, because you never

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1 know when you're going to really be here, so
2 -- I'm a witness to that.

3 COMMISSIONER MAY: That's right.

4 (Laughter)

5 CHAIRMAN HOOD: Okay. Any other
6 comments or questions? If not, I will take a
7 motion. Commissioner Selfridge.

8 COMMISSIONER SELFRIDGE: Mr.
9 Chairman, I'd make a motion to set down Zoning
10 Commission Case Number 06-11A/06-12A, George
11 Washington University campus plan, second
12 stage PUD, and PUD modification at Square 103.

13 VICE CHAIRMAN SCHLATER: Second.

14 CHAIRMAN HOOD: Good. It has been
15 moved and properly seconded. Any further
16 discussion?

17 (No response.)

18 Are you ready for the question?
19 All those in favor, aye?

20 (Chorus of ayes.)

21 Not hearing any opposition, Ms.

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1 Schellin, would you record the vote?

2 MS. SCHELLIN: Yes. Staff would
3 record the vote five to zero to zero to set
4 down Zoning Commission Case Number 06-11A/06-
5 12A, Commissioner Selfridge making the motion,
6 Commissioner Schlater seconding, Commissioners
7 Hood, Turnbull, and May in support. And this
8 is being set down as a contested case.

9 CHAIRMAN HOOD: Okay. Before we
10 move to the -- I didn't know that Mr. Parker,
11 our award recipient, was in the audience. He
12 was over there hiding behind the column. But
13 I'm not sure exactly -- I don't have my e-
14 mail, and we don't have the e-mail, but, Mr.
15 Turnbull, if you could tell us --

16 COMMISSIONER TURNBULL: Yes. Mr.
17 Parker received the Frederick C. Guthheim
18 Award for Planning for the Washington Regional
19 Chapter I think, something to that effect.

20 MS. STEINGASSER: Planner of the
21 Year.

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4 (Applause)

5 CHAIRMAN HOOD: So, Mr. Parker, on
6 behalf of all of us on the Zoning Commission,
7 and I'm sure everyone in attendance tonight,
8 we want to congratulate you for the hard work
9 that you do. It's well deserved. As I've
10 seen in all the thousands of e-mails,
11 everybody feels the same. So keep on keeping
12 on, and keep on persevering, and keep on with
13 the good work. We appreciate it.

14 So with that, we will get right to
15 you. We won't beat up on you too much,
16 because we want to make sure we honor you for
17 your award tonight.

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1 chapter. Mr. Parker.

2 MR. PARKER: Thank you, Mr.
3 Chairman. Tonight I am going to stay out of
4 the way, so you don't have to worry about
5 beating me up. I am going to turn over the
6 floor tonight to Laine Cidlowski, who has done
7 most of the work on the green area ratio.

8 CHAIRMAN HOOD: Ms. Cidlowski.

9 MS. CIDLOWSKI: Good evening,
10 Chairman, members of the Board. I'm just
11 going to go briefly through a presentation
12 that explains the proposed chapter this
13 evening, just to give you a little context or
14 reminder where we are in the process.

15 This is a section of the general
16 regulations, so it will be an overarching
17 level of the code, rather than a specific
18 requirement for a particular zone.

19 So just to give you a sense of
20 where the concept came from, in our
21 sustainability working group in 2008, the

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1 concept was initially developed as a way to
2 combine a number of other recommendations from
3 the group. It went through the task force,
4 through the Zoning Commission, conceptually,
5 and now we are here today with proposed text.

6 So just to give you a reminder
7 about what it is, the idea is it's a flexible,
8 sustainable site design that allows an
9 applicant to use a variety of options for best
10 management practices for sustainability on the
11 site surrounding the building.

12 So how does that work exactly?
13 Generally, it works where you have a number of
14 choices for landscape elements, such as trees,
15 green roofs, rain gardens, number of plants
16 and impervious surfaces -- pervious surfaces,
17 excuse me. So you add all of these up for
18 your site, you divide them by the area, the
19 lot area of your lot, and you get your green
20 area ratio score.

21 This is an example on the right

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1 from the Seattle system, which has a similar
2 system in place in their city now.

3 So in getting from the sort of
4 conceptual process and early concept of
5 developing our recommendations to the text
6 today, we made a number of decisions based on
7 the research that we have done. We have
8 talked about and decided where it will apply
9 in our recommendations, what the levels of
10 environmental multipliers, i.e. what the
11 values of the different options would be,
12 which options you could have to include in the
13 green area ratio, such as trees, rain gardens,
14 etcetera, and who will actually certify that
15 things are done to the proper standards, so
16 that the environmental performance is actually
17 achieved in the way that we want it to be.

18 So we will just go step by step
19 through the different sections of the chapter,
20 and then we will have questions afterwards, if
21 that's all right.

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1 So, generally, the introduction,
2 Section 1300, provides what the green area
3 ratio is, why it is being implemented, what we
4 are attempting to achieve through this
5 requirement in a way that we are not able to
6 achieve through our current requirements.

7 Section 1301 basically gives a
8 context for the chapter. This is something
9 you have seen before. It lets you know that
10 these are generalized requirements that apply
11 everywhere and that the zone-specific items
12 will be located in the land use subtitles.

13 Section 1302 explains the
14 applicability of the green area ratio
15 standards. So we have recommended that this
16 apply to all new buildings which require a
17 certificate of occupancy. This is a change
18 from our initial recommendation, which was
19 that it apply to all lots under 5,000 square
20 feet at the time.

21 The idea at the time was that the

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1 requirement would capture all of the areas in
2 the city not captured by DDOE stormwater
3 regulations.

4 Well, we did some more research
5 about this, and we found that it would really
6 be very administratively burdensome, not just
7 for the city but we believe for single-family
8 home members who maybe don't have the level of
9 familiarity as larger developers with this
10 type of implementation. So we didn't really
11 feel like that was the right way to apply the
12 requirement.

13 It will also apply to renovations
14 over 100 percent of the assessed value. This
15 is similar to our current DD overlay
16 recommendation for renovations right now.

17 We also had talked about maybe
18 setting the applicability of the GAR based on
19 lot size or different building types, but what
20 we found, at least initially, is that we could
21 do it on a zone-by-zone basis for all sort of

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1 larger buildings, things that require a
2 certificate of occupancy, in a sustainable
3 way.

4 In Section 1303, we sort of delve a
5 little bit more into how you calculate the
6 GAR. We understand this is a new requirement,
7 and we want to make it as clear as possible
8 about the steps that are necessary while
9 providing people with the actual tools to make
10 the calculations that they need to make.

11 So in Section 1303.2, we have the
12 chart which explains what your landscape
13 element options are, and then what their
14 environmental values are specifically.

15 Now, this will be something that
16 applicants will be able to be given an
17 interactive tool that allows them to do these
18 calculations automatically, so they won't need
19 to sit and use this and get out their
20 calculator and do it themselves.

21 We have a tool already that can

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1 help them do it in an automatized way without
2 sort of having too much of the burden of doing
3 the math of figuring out, you know, if my
4 square green -- vegetated green roof is 300
5 square feet, and my multiplier is this, then
6 how do I divide that by my lot area?

7 So we also wanted to make sure that
8 we are very clear about how you can measure
9 some of the elements that are included in the
10 landscape requirements, because things like
11 trees and shrubs, they're not -- they don't
12 come in uniform sizes in the way that we are
13 used to other types of requirements in zoning.

14

15 So we understand that it may be a
16 little bit of a stretch to what people are
17 used to measuring and how they are used to
18 measuring things. We want to make it as clear
19 as possible what we mean by these types of
20 things.

21 So, for example, we say that when

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1 you measure the caliper of your tree, you have
2 to measure it at diameter at breast height,
3 which is four and a half feet above the ground
4 level. So it gives people very clear
5 guidance, this is where you need to measure,
6 and this is how you need to measure it.

7 We also have a section 1303.4,
8 which came up out of the recommendations of
9 the task force, who had a concern that, you
10 know, we are putting in place this
11 environmental site sustainability metric.
12 What if someone can just pave the entire lot
13 with pervious pavement? Because that's not
14 what we're trying to achieve.

15 So we made sure that there is a
16 requirement in there, so that it's not
17 possible to simply pave your whole lot with
18 pervious pavers and actually achieve your
19 required GAR score, because beyond just
20 stormwater improvements we also have other
21 environmental benefits such as air quality,

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1 heat island impacts, that we want to try and
2 get to through the green area ratio.

3 So in Section 1303.7, like I said,
4 all the trees are not created equal. So we
5 want to make sure that people know how to
6 calculate approximate equivalencies for how
7 much credit you get for something.

8 So when you get a new tree, you can
9 measure it at the diameter at breast height --
10 that's in the diagram on the right -- and see
11 this is what the width is and this is how much
12 area credit you get for it.

13 And that way it is in a
14 standardized way, and we don't have people,
15 you know, measuring each individual tree and
16 saying, "Oh, this one has an extra branch, so
17 I get more credit." We want to make it
18 standardized as much as possible.

19 So also in the chart we have some
20 things that people may not be familiar with.
21 So in the definitions we are going to very

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1 clearly define what some of these things are,
2 so when we say bioretention we mean things
3 like rain gardens. When we say trees, we want
4 to be clear that we are talking about the same
5 types of standards that the Urban Forestry
6 Administration at DDOT uses. We want to give
7 specifics on things like how to measure
8 vegetated walls and what counts for credit for
9 vegetated walls.

10 So, for example, if you look at the
11 picture of the vegetated wall there in the
12 middle, that's a vegetated wall that was very
13 newly planted. Our requirement is that it has
14 to be within two years in order for you to get
15 credit. They are probably claiming credit for
16 that entire screened area. It has to cover
17 that entire screened area or you can't
18 actually get credit for it.

19 So we help you figure out what that
20 would be in advance, that sort of thing,
21 through the Section 1304.

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1 We come to specifications about
2 enhanced tree growth. Some of you may be
3 wondering what that means exactly. We had --
4 called structural soils earlier, which is an
5 additive stone or sand/gravel additive that
6 you can put in soil to help tree root growth
7 around tree boxes and other areas to enhance
8 how well they are able to live over time.

9 So something like that may be
10 called structural soils right now, but there
11 are other options that aren't called that. So
12 by calling it enhanced tree growth it helps us
13 to open it up to the possibilities for new
14 technology. So even if it's not a technology
15 that is in place now, we wanted to have
16 options for those sorts of things.

17 Native plant species are something
18 that were encouraged through the
19 recommendations. We made sure that these are
20 set to the same standards as DDOE. Food
21 cultivation was one of the recommendations

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1 from the sustainability working group, so we
2 wanted to have that as a bonus item.

3 It's not the primary goal of the
4 green area ratio, but there are other city
5 policies that encourage us to work on our
6 city's food deserts and the access to fresh
7 and healthy foods. So this is just one more
8 way that we can encourage people to try and
9 get there.

10 Storm water irrigation was an
11 addition that we got from working with the
12 District Department of Environment. They had
13 some recommendations for how we could
14 incorporate the reuse of stormwater into the
15 requirement in a way that is correct and
16 actually going to achieve the desired
17 benefits.

18 Section 1305 talks about what you
19 have to do in order to meet the requirements,
20 what you have to submit, and who can oversee
21 your meeting your requirement.

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1 In the city of Seattle, which does
2 have this -- a similar type of system in
3 place, they have a certified landscape
4 architect that has to sign off on all their
5 plans. In the District of Columbia, we don't
6 have a certification for landscape architects.

7 So we put in place a list of
8 options that is intended to get to existing
9 landscape architects in the area, such as you
10 have to be certified in Maryland or in
11 Virginia.

12 And the idea is to capture people
13 who are already out there practicing and
14 people who have the skills and understanding
15 in order to meet the requirement, but without
16 having to create a whole new separate
17 certification system for people, because we
18 know that this is sort of a difficult time to
19 be launching a whole separate certification
20 program.

21 We do want to make -- point out

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1 also that we understand that this is a largely
2 plant-based system, and we want to be flexible
3 to allow for changes in weather, seasons,
4 reasonable sort of site design and
5 construction standards, so that people aren't
6 not receiving their certificate of occupancy
7 just because there was a large rainstorm.
8 That's not our goal at all.

9 We also have a special exception
10 section, 1306, to allow for flexibility for
11 our sustainable historic fabric. You have
12 probably heard it before, and you'll probably
13 hear it again, but the existing building is
14 probably the most sustainable one there is,
15 because it is already built. And we have a
16 large number of historic resources in the
17 city, and we certainly don't want to penalize
18 them for being historic.

19 So if they find that they can't
20 meet the green area ratio requirement, we want
21 to be flexible about how they can go about

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1 meeting it in other ways.

2 We also want to make sure that
3 there is a maintenance requirement, because
4 this is a great concept. You know, it is
5 something that is sort of on the cutting edge
6 of what people are doing as far as
7 environmental site sustainability. But if
8 people don't maintain it over time, we won't
9 actually achieve the intended environmental
10 performance.

11 So we have a requirement that sort
12 of vests the people, the certified landscape
13 architect expert who signs off on the papers,
14 that they are ensuring -- they are signing
15 that they will be maintaining it over time,
16 just as they would any other zoning
17 requirement.

18 So that is the sort of gist of it.
19 The specific green area ratio will be set in
20 the different land use subtitle. So it won't
21 be within this chapter at all. It will be in

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1 the development standards chart, same as some
2 of our other requirements.

3 I mentioned before a score sheet
4 that is going to allow people to figure these
5 things out in an automated way. We have
6 developed in Excel a sort of standard template
7 where people can put in the area of their lot
8 and play around with different options for how
9 they want to meet their green area ratio.

10 We can make this available to
11 people who are coming into DCRA. That way
12 they have an automatic way to do it. We sort
13 of take the work out of their requirement. We
14 have the calculations in the zone for anybody
15 who wants to see it. But we try and make it
16 easier for people to actually implement it.

17 So we understand that this is draft
18 text, but we know that there is a lot more
19 that has to be done. We have already started
20 talking to DCRA and DDOE about, you know, who
21 will administer this program, what are the

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1 steps that applicants will have to go through,
2 who will go and do the site inspection, and
3 that sort of thing.

4 And we realize that this isn't --
5 in some sense it is just another requirement,
6 like the other things that we are recommending
7 to the zoning changes, it is something that
8 will require a lot of education to the public
9 and to members of the government about how
10 things will be changing.

11 So we are anticipating that, and
12 that's about it. If we want to hit the
13 lights, I'm happy to answer any questions you
14 might have.

15 CHAIRMAN HOOD: Right. Thank you
16 very much for that overview on GAR. Let me
17 open it up. Commissioners, any questions?
18 Any questions? We are being asked to set this
19 down. Commissioner May.

20 COMMISSIONER MAY: Yes, I've got a
21 couple of questions. First is on the -- where

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1 this applies. You see existing buildings with
2 100 percent renovation or 100 percent cost
3 that -- and new buildings, and the key thing
4 is the requirement for the certificate of
5 occupancy. So then this would apply for
6 flats.

7 MS. CIDLOWSKI: Yes.

8 COMMISSIONER MAY: Okay. So if
9 somebody is going to renovate an existing
10 townhouse that has a basement apartment, they
11 are going to have to have a GAR.

12 MS. CIDLOWSKI: If it's over 100
13 percent of the assessed value of the existing
14 property.

15 COMMISSIONER MAY: If it is a gut
16 renovation of an existing townhouse, and
17 chances are it would be, so -- I'm not sure
18 that that's necessarily what you want to do,
19 because it can -- very often somebody who does
20 that is just a regular homeowner, not a
21 developer. So that's just something to think

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1 about.

2 When you talk about the measurement
3 of trees, you showed a slide that showed a
4 tape measure around the tree measuring the
5 circumference. I assume that it's not
6 circumference at breast height, it is --

7 MS. CIDLOWSKI: It is --

8 COMMISSIONER MAY: -- the diameter.

9 MS. CIDLOWSKI: It is diameter, the
10 -- I'm sorry. The photo was intended to be
11 illustrative.

12 COMMISSIONER MAY: Right. Well,
13 somebody will take that quite literally. So
14 they'll go out there and they'll say, "Wow,
15 I've got a 35-inch tree," when in fact it's
16 really only -- well, I can't do the math in
17 reverse that fast, but --

18 MS. CIDLOWSKI: We'll do a
19 disclaimer on the photo before we put it
20 online.

21 COMMISSIONER MAY: Or maybe you

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1 want to just use a different -- you know, go
2 out and somebody hold a tape measure. It's a
3 small point, but, you know, I get hung up -- I
4 get caught on stuff like that all the time.

5 I'm also curious about the
6 calculations for the equivalent square footage
7 based on diameters of the trees. Is that
8 based on some standard for what a canopy is?
9 Because my rule of thumb for canopy is, you
10 know, one foot per inch of diameter at breast
11 height. And that's just my rule of thumb. I
12 don't know that it's really based on anything.

13 But it doesn't correspond to what yours are,
14 so --

15 MS. CIDLOWSKI: So we -- it
16 probably wouldn't correspond specifically to a
17 standard measurement like that. We looked at
18 the different options for either using a set
19 canopy number or a diameter breast height, and
20 then sort of converting that forward.

21 So we use some of the options that

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1 are standard in the Forest Service, but then,
2 because we are not giving specific -- we are
3 not letting people get so specific that they
4 can say, "My tree is 21 inches, not 20," sort
5 of aggregate it up or down to make groups of
6 sizes of trees that are equivalent, so it
7 wouldn't be exact.

16 MR. PARKER: Is your one inch
17 diameter to one inch -- to one foot diameter?

18 COMMISSIONER MAY: One inch
19 diameter to one foot of canopy -- one foot
20 diameter of canopy, yes.

21 MR. PARKER: Diameter to diameter.

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1 COMMISSIONER MAY: Yes.

2 MR. PARKER: Okay.

3 COMMISSIONER MAY: But, again, that
4 is not -- I mean, that is just something that
5 I had in my head as a rule of thumb, like, you
6 know, 300 square feet per parking space,
7 because it's in my head.

8 MR. PARKER: Yes. I mean, this --

9 COMMISSIONER MAY: I don't know
10 that it's a real standard.

11 MR. PARKER: -- diameter to area
12 versus diameter to diameter.

13 COMMISSIONER MAY: I understand
14 that. I did the math.

15 And on the -- I guess this is how
16 you deal with new trees. Are we actually
17 going to -- well, that's all right. The way
18 these are clustered and you go from 100 to
19 350, so if you have an eight and a half inch
20 diameter tree, it's going to be worth 350. If
21 you have an eight inch tree, it's going to be

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1 worth 100. So --

2 MS. CIDLOWSKI: Yes.

3 COMMISSIONER MAY: -- I'm not --
4 the scale might need a little tweaking, is all
5 I'm suggesting.

6 It seems that this section has a
7 number of really new terms in them --
8 bioretention and, you know, permeable paving,
9 and what was the other one? The -- not
10 structured soils, but your term for --

11 MS. CIDLOWSKI: Enhanced tree
12 growth?

13 COMMISSIONER MAY: Yes, enhanced
14 tree growth. I think it's important for us to
15 actually start to flesh out some of the
16 definitions that will actually appear in the
17 definition section, because some of them I
18 think are going to. So we might want to give
19 that some thought.

20 MS. CIDLOWSKI: If you'd like, we
21 can include at the hearing our draft

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1 definitions. We do have those. They are just
2 not a part of this chapter.

3 COMMISSIONER MAY: Right. And I
4 wouldn't suggest we go out and approve them,
5 but I think having the definitions, the draft
6 definitions, would probably be worth seeing.

7 And this goes through things like
8 extensive vegetated roof, intensive vegetated
9 roof. I know what they are. A lot of people
10 don't. It's not part of the standard
11 nomenclature now.

12 When it comes to soil, did you take
13 into consideration anything, or does anybody
14 who has done this before take into
15 consideration the actual quality of the soil?

16 Because I know if -- you know, if you're
17 talking about the soil in my yard, if you go
18 down, you know, 10, 12 inches, it is just
19 solid clay. It might as well be impermeable
20 surface.

21 MS. CIDLOWSKI: It's not something

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1 that we took into consideration, not because
2 it's not true that it does make a substantial
3 difference in terms of what sort of --

4 COMMISSIONER MAY: Yes.

5 MS. CIDLOWSKI: -- stormwater
6 growth you can have. I'm just not sure how we
7 would include it.

8 COMMISSIONER MAY: Yes, measure
9 the --

10 MS. CIDLOWSKI: We don't have
11 really a good precedent for how to deal with
12 that.

13 COMMISSIONER MAY: How to measure
14 permeability of soils. Okay. Did you take
15 into consideration the public space at all,
16 whether people can get credit for their front
17 yards, for example, when they are actually in
18 the public space?

19 MS. CIDLOWSKI: Well, to the best
20 of my knowledge, zoning doesn't apply to our
21 public space. So, unfortunately, unless we

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1 wanted to change the Zoning Act, I don't know
2 that we could make it, even though, for
3 example, in Seattle they do have the
4 requirement apply in public space, and it is
5 part of their sort of city-wide beautification
6 program. But I'm not sure that we can
7 legally.

8 MR. PARKER: Another consideration
9 we had is that we put a lot of work into, you
10 know, getting public space improvements
11 through streetscape plans, through amenities,
12 through other facets of zoning, and it would
13 not only, you know, give -- potentially give
14 GAR credit for things that we're getting
15 elsewhere, but also throw off the calculation
16 of a ratio of onsite improvements to lot size.

17 COMMISSIONER MAY: Okay. We may
18 want to think about that a little bit more,
19 because I'm thinking about things at the
20 smaller end of the spectrum. I mean, it's one
21 thing -- a lot of buildings that are going to

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1 be subject to GAR are not going to be on
2 streets where there is a streetscape plan.

3 They are just going to be, you
4 know, small apartment buildings or what have
5 you, and they do have sizeable front yards,
6 and they could be paved and it wouldn't affect
7 their GAR. And maybe we want to -- I don't
8 know if we can require it by zoning, but maybe
9 there has to be some sort of -- I mean, I
10 don't know, maybe there is a companion
11 regulation that goes with it.

12 How are we going to deal with sort
13 of policing this in the future? I mean, what
14 happens when somebody's GAR drops because, you
15 know, their trees die? Are you going to have
16 -- are the zoning police going to go out and
17 force you to plant new trees?

18 MS. CIDLOWSKI: Well, I mean, I
19 think my level of understanding about it is it
20 will be like the other zoning requirements, in
21 that we sort of rely on a citizen reporting

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1 system for the large part. We don't have a
2 lot of zoning inspectors in the city.

3 Part of the reason to put in place
4 the signed agreement that you will maintain it
5 in the future is that, if you do come forward
6 for some other sort of relief, and, you know,
7 the person who is checking your zoning
8 worksheet sees that you are not actually in
9 compliance with your signed landscape
10 management plan, that will be the time you
11 would have to bring it up to code.

12 COMMISSIONER MAY: Who is going to
13 maintain that database of signed management
14 plans, then? Is that -- I mean, it's -- I
15 mean, I don't see any indication that it is
16 going to be recorded as a covenant with the
17 land, which, you know, like a PUD or something
18 like that. And when it's not recorded with
19 the land records, very often it is simply
20 forgotten.

21 MS. CIDLOWSKI: I mean, I think the

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1 fast answer is we are still working on
2 developing what the administrative process
3 would be with DDOE and DCRA. I don't think we
4 could tell you just yet.

5 COMMISSIONER MAY: Okay. Well, if
6 we don't know the exact answers on things like
7 that, it might be worthwhile to at least
8 understand some of the things that are under
9 consideration, because I'm just a little
10 afraid that it's -- that it isn't going to be
11 -- it's not just going to be not easy to
12 enforce, but it could be impossible to
13 enforce. Not that it's not -- not that that's
14 a reason not to attempt it, it's just we ought
15 to go into this I think with eyes open.

16 And what sorts of -- I mean, how
17 are you going to establish in the zone-by-zone
18 what GAR is appropriate for a given area?

19 MS. CIDLOWSKI: Right. Well, one
20 of the things that is in the report that I
21 didn't mention in my presentation at all is

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1 our partnership with a professor at George
2 Washington University, Dr. Melissa Keeley.
3 And she has been nice enough to allow us to
4 use some of her data to determine existing
5 conditions for GAR within the city.

6 So we intend to use that model that
7 we have of existing conditions, use some cost
8 data that she has also helped us develop, and,
9 you know, take into consideration thoughts
10 that you all might have about how we determine
11 what it should be in different areas based on
12 those types of information.

13 COMMISSIONER MAY: Is it possible
14 to come up with some sort of sample? I mean,
15 you did in the report have a sample of an
16 existing building, and how that would be
17 calculated. But maybe we could look at a --
18 you know, a portion of a zone that is
19 currently, you know, mapped already in a
20 particular way and that you could show us what
21 that calculation is and just some kind of

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1 demonstration of what that would mean.

2 I mean, I don't want to ask the
3 impossible in terms of a demonstration, but
4 just to get some sense of, when this gets
5 mapped, how it might apply, how it might be
6 calculated, how it might apply within a given
7 zone.

8 MR. PARKER: Absolutely we can do
9 that. I mean, the important thing to remember
10 is it is calculated lot by lot. So what we
11 can bring you is a series of sample lots
12 within zone acts or --

13 COMMISSIONER MAY: It's -- the
14 individual property is going to get calculated
15 individually.

16 MR. PARKER: Right.

17 COMMISSIONER MAY: But the zone
18 that they're in is going to have a single GAR,
19 correct?

20 MR. PARKER: Correct.

21 COMMISSIONER MAY: And, as I

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1 understood it, that GAR is going to be --
2 might be based on some research that has been
3 done about the existing GARs, right?

4 MR. PARKER: Correct. We -- yes,
5 we can bring you, you know, what the existing
6 GAR of an area is.

7 COMMISSIONER MAY: Right.

8 MR. PARKER: But in terms of what
9 it would cost to raise the GAR from this to
10 that, from .3 to --

11 COMMISSIONER MAY: I'm not looking
12 for anything like that. I'm just sort of
13 looking at, you know, if -- take, you know, a
14 portion of the city where you have the -- you
15 know, three or four different zones coming
16 together, you know, C-2-A and R-4 and R-3, and
17 what is in the -- within those, what is the
18 GAR for those? Just to get sort of a sample
19 mapping, so we understand what it might be and
20 what those numbers might be.

21 And then, maybe an example -- I

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1 mean, it was very useful to me to see that
2 that one apartment building could be mapped
3 out. I mean, it could be done at a .523 GAR,
4 532 GAR, and the existing GAR is .23. I mean,
5 that was helpful, because I couldn't -- the
6 numbers didn't mean anything to me until I saw
7 that. So a little bit more expansive about an
8 area.

9 That's it for me. Thank you very
10 much.

11 CHAIRMAN HOOD: Thank you. Also,
12 Ms. Cidlowski, we would like to -- I think I
13 got it right -- we would like to get a copy of
14 the PowerPoint for the record.

15 Any other comments or questions?
16 Did Commissioner May leave any questions, or
17 --

18 COMMISSIONER TURNBULL: No, I just
19 had --

20 CHAIRMAN HOOD: Commissioner
21 Turnbull.

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1 COMMISSIONER TURNBULL: Thank you,
2 Mr. Chair. I just had one sort of
3 comment/observation, kind of following on the
4 lines with Commissioner May. I have this
5 terrible vision of Matt Legrant and his team
6 getting on Seways with little hard hats going
7 around with little black books trying to
8 check, you know, all of this GAR.

17 I mean, because I'm assuming the ZA is still
18 the point that will dogging all of this.

19 MR. PARKER: Ms. Cidlowski has
20 really done a good job of working with DCRA
21 and DDOE to make sure that this sort of

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1 seamlessly fits into the existing development
2 process. Basically, this will be just another
3 piece of applying for a building permit.

4 You will, you know, get this
5 worksheet, you will have your landscape
6 architect or your certified landscape expert,
7 you know, certify that, you know, you are
8 agreeing to provide X amount of pervious
9 pavement, X number of trees, and X square feet
10 of green roof, and that it -- those standards
11 will meet the standards required when the C of
12 O comes up and you apply for your certificate
13 of occupancy.

14 When the inspectors are checking
15 for stormwater regulations and all the -- you
16 know, the building code regulations, they will
17 also check and, you know, bring a copy of this
18 landscape plan, make sure that the site has
19 been built as it was -- as it was proffered.
20 That is the end of it. If it's built as it
21 was -- as it was promised, then they get their

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1 C of O just like any other -- any other
2 application.

3 And just like, you know, conditions
4 on PUDs, or other zoning conditions, the only
5 time the ZA gets involved again, then, is if
6 there is, you know, complaints. It is
7 complaint-driven enforcement, basically.

8 COMMISSIONER TURNBULL: I guess one
9 of my questions is going to be Laine talked
10 about not having landscape architects on
11 staff. But I'm assuming that inspectors --
12 you know, we have plumbing inspectors,
13 electrical. I'm assuming there is going to be
14 somebody who has had some training in
15 landscape plant material that knows what they
16 are looking at when they go out there. I
17 mean, I'm just throwing that out there.

18 MS. CIDLOWSKI: When we have been
19 talking to DDOE, it sounds like we have an
20 opportunity to train their existing stormwater
21 inspectors in these sort of things

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1 specifically, and hopefully to have them
2 provide some assistance to DCRA about how to
3 look at these sort of things.

4 So as I mentioned in the
5 presentation, we know that we are in a
6 situation where a lot of training will have to
7 be done. But luckily the sort of timing of
8 the zoning reprocess is such that by the time
9 the requirements are put in place we hope to
10 have that training complete.

11 COMMISSIONER TURNBULL: Yes, I was
12 just hoping to get on at some point on --
13 something that says, "Well, did you measure
14 that caliper?" and the guys, "What is a
15 caliper?" And I just -- hopefully, we are --
16 we will get some people that have knowledge,
17 you know, even from like Home Depot or Lowe's
18 or something that at least recognize certain
19 aspects of it.

20 CHAIRMAN HOOD: Any other comments
21 or questions? Vice Chairman Schlater.

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1 VICE CHAIRMAN SCHLATER: One
2 question I have about the whole system, and I
3 think this is just echoing some of the
4 comments of my fellow Commissioners, but is
5 cost -- and I guess there is a couple --
6 there's three buckets that I could put into
7 the cost buckets.

15 I think OMB, when they promulgate
16 -- when they review regulations, they ask how
17 much it's going to cost to implement it as
18 well. I think it would be helpful to
19 understand the overall bureaucracy that you
20 are creating in order to implement this
21 particular regulation.

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1 And then, the other one is --
2 probably can't be answered right now, because
3 it is zone by zone. But it is just cost to
4 comply with the particular regulation. We
5 don't know how high the GARS are going to be
6 in specific zones, but I know if you're in a
7 particularly dense area it may be expensive to
8 comply.

9 So those are questions I have, some
10 concerns I have I guess.

11 The other concern is on
12 maintenance. I think I would be worried if,
13 in 2030, I am purchasing a home, and I want to
14 do a landscape project, you know, to improve
15 the backyard. And do I have to go back to
16 DCRA to determine whether I still meet my GAR
17 ratio?

18 Do I have to hire somebody to tell
19 me whether I'm compliant with zoning at this
20 point? And if I'm not compliant with zoning,
21 am I at risk of losing my certificate of

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1 occupancy, because a tree died or I have just
2 landscaped it in a different way?

3 And I think these are inevitable
4 questions that come up with something new like
5 this. I think it is a -- I have some
6 concerns, although I don't think I was here
7 for the set down -- for the initial zoning
8 review on this. This is -- it's another leap,
9 and I think it's great. I think the goals are
10 great, which is trying to green these sites.
11 But we have to be careful that we don't
12 overreach.

13 And so a lot of it has to do with,
14 you know, just creating a regulatory process.

15 Right now, the zoning regulations actually
16 are pretty easy to -- they are not easy to
17 read, as you know, Mr. Parker. But once you
18 know your lot occupancy, and you know your
19 height, and you know your rear yard and your
20 side yard, it doesn't take much to figure out
21 what kind of building you can get.

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1 But if I read these regs and see
2 the numbers and the multipliers and the
3 dividers, to a layperson it is actually not
4 understandable at all. It is very confusing,
5 and you are basically requiring that somebody
6 go out and hire somebody with knowledge of the
7 regs. And I think that is a little bit of a
8 concern.

9 So overall I think it is really
10 interesting. I am excited that we are on the
11 cutting edge of this, and I think we just have
12 to be very careful that we are not creating an
13 administrative burden on the applicants, on
14 the city government, just go into it with our
15 eyes wide open.

16 CHAIRMAN HOOD: Commissioner
17 Selfridge.

18 COMMISSIONER SELFRIDGE: Thank you,
19 Mr. Chairman. I just wanted to -- I think it
20 was all well covered. I just wanted to
21 reiterate a couple of points of my fellow

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1 Commissioners.

2 I think, Commissioner May, about
3 the flats was a pretty relevant point there.
4 I can see that being difficult on the average
5 homeowner.

6 And then, just a couple of points
7 that Vice Chairman Schlater made. I was glad
8 to hear him say that he found it confusing,
9 because he is much smarter than me, and I find
10 it confusing. So I can imagine, as he said,
11 that other people -- there are just so many
12 ratios and numbers and the way that you
13 measure these things it seems -- I don't know
14 that there is an easy way to do it, but it
15 just seems really complex.

16 And then, just the idea of we are
17 introducing a new professional into the
18 building permit process of the certified
19 landscape expert, which I don't know how else
20 you would do it, but I just wonder what the
21 cost is, the burden there, as you are drawing

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1 up new landscape plans and the review and even
2 if you -- even if you remove flats, and on
3 some of the smaller applicants it just seems
4 like it's another layer of -- another hoop you
5 have to jump through. I just wonder if it
6 gets, you know, burdensome from an expense
7 standpoint.

8 MS. CIDLOWSKI: I think that's
9 something we are trying to take into
10 consideration very carefully. In one of our
11 original recommendations, it was just for
12 single-family homes and residential areas. So
13 the more we look at it, the more I think we
14 get a better sense of, you know, where it is
15 going to be too burdensome to put in place,
16 but we have been asked to sort of look at it
17 on a citywide scale.

18 So we are looking at it that way,
19 and it may turn out that, you know, it is not
20 feasible everywhere. But we at least want to
21 do the initial determination, if that is the

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1 case, before we count anything out.

2 CHAIRMAN HOOD: Any other comments
3 or questions?

4 VICE CHAIRMAN SCHLATER: One last
5 question, which is the -- we are not -- when
6 it comes to stormwater and those sorts of
7 regulations, certainly not the experts, it may
8 be helpful to have somebody from DDOE at the
9 hearing when we actually do talk about the
10 text?

11 Because I have a question of how
12 this new -- what is it, DMS4 permit that is
13 going to be issued, where there is overlap
14 with what we are doing here. Just so that we
15 understand where we are being redundant and
16 not redundant with these regulations, because
17 my personal bias is that there are different
18 parts of the government that regulate this
19 issue. And the ones that are most competent
20 to regulate them should be the ones who are
21 taking the lead on writing those regulations.

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1 CHAIRMAN HOOD: Anybody else?

2 (No response.)

3 All right. All right,
4 Commissioners, what is your pleasure? We have
5 a request from Ms. Cidlowski and the Office of
6 Planning to set this down for a hearing.

7 COMMISSIONER TURNBULL: Mr. Chair?

8 CHAIRMAN HOOD: Yes.

9 COMMISSIONER TURNBULL: I would
10 like to move that we set down Zoning Case 08-
11 06, zoning regulations review, general green
12 area ratio, and ask for a second.

13 CHAIRMAN HOOD: I'll second it. It
14 has been moved and properly seconded. Any
15 further discussion?

16 (No response.)

17 Are you ready for the question?

18 All those in favor, aye?

19 (Chorus of ayes.)

20 Not hearing any opposition, Ms.
21 Schellin, would you record the vote?

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1 MS. SCHELLIN: Yes. Staff would
2 record the vote five to zero to zero to set
3 down Zoning Commission Case Number 08-06, with
4 regard to the ZRR process topic being the
5 general green area ratio chapter. And this is
6 being set down as a rulemaking case.

7 CHAIRMAN HOOD: Thank you. I think
8 there were a lot of good comments that were
9 made by my colleagues, and in particular I am
10 just interested and looking forward to the
11 hearing. That's where I am.

12 Okay. Do we have anything else
13 before us today?

14 MS. SCHELLIN: No, sir.

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

18 (Whereupon, at 7:52 p.m., the proceedings in

19 the foregoing matter were
20 adjourned.)

21

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