

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

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THURSDAY

OCTOBER 17, 2002

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The Special Meeting of the District of Columbia Zoning Commission convened at 6:07 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., Carol J. Mitten, Chairperson, presiding.

COMMISSIONERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner
JAMES H. HANNAHAM	Commissioner

COMMISSION STAFF PRESENT:

ALBERTO P. BASTIDA	Secretary, Z.C.
SHARON SANCHEZ	Office of Zoning

OTHER AGENCY STAFF PRESENT:

STEVEN COCHRAN	Office of Planning
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D.C. OFFICE OF CORPORATION COUNSEL:

ALAN BERGSTEIN, ESQ.

AGENDA ITEM

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PRELIMINARY MATTERS 3

NONE

PROPOSED ACTION:

A. Z.C. Case No. 02-24 (Solar Building) 3

FINAL ACTION:

A. Z.C. Case No. 00-02C (MedStar 1st Stage) 5

B. Z.C. Case No. 01-32TA (Concrete Plants) 8

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

(6:07 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Special Public Meeting of the Zoning Commission of the District of Columbia for Thursday, October 17th, 2002. My name is Carol Mitten. Joining me this evening are Vice Chairman Anthony Hood, and Commissioners Peter May, John Parsons and James Hannaham.

The agendas for the Special Public Meeting are on the table near the door if anyone would like to avail themselves of that. And the first item for proposed action is Zoning Commission Case No. 02-24. I am recusing myself from this case and so I'll turn the meeting over to Vice Chairman Hood.

VICE CHAIRPERSON HOOD: Thank you, Madam Chair. Commissioners, we'll give the Chair a few moments to leave the room. The proposed action for Zoning Commission Case No. 02-24, the Solar Building, Ms. Bastida.

SECRETARY BASTIDA: Mr. Chairman, the Staff has received a letter from Mr. McCarty withdrawing his objection to the approval of the PUD.

And accordingly, the Staff has provided you a copy of that memo, and the Staff requests an action on this

1 matter.

2 VICE CHAIRPERSON HOOD: Thank you, Mr.
3 Bastida. Commissioners, I will say that I did have an
4 issue at first when I first heard about the incident
5 from Mr. Roddy, which causes me some pause in Section
6 24-3.3 of our regulations, but I think that has -- the
7 correspondence in front of us I think has solved that
8 issue. Any other comments? If not, colleagues, I'd
9 like to hear your pleasure. Any comments? If not,
10 I'll move approval of Zoning Commission Case No. 02-
11 24, the Solar Building modification.

12 COMMISSIONER MAY: Second.

13 VICE CHAIRPERSON HOOD: Moved and second.
14 All those in favor.

15 (Vote.)

16 VICE CHAIRPERSON HOOD: Any opposition?
17 So ordered. Mr. Bastida, would you record the vote.

18 MS. SANCHEZ: Yes. Staff would record the
19 vote 4-0-1, Commissioner Hood moving, Commissioner May
20 seconding, Commissioners Hannaham, and Parsons in
21 favor, Chairman Mitten not voting, not participating.

22 VICE CHAIRPERSON HOOD: I wonder should we
23 call the Chair and colleagues, or should we proceed?
24 One second.

25 CHAIRPERSON MITTEN: Thank you, Mr. Hood.

1 The second item on the agenda is final action. The
2 first item under final action is Zoning Commission
3 Case No. 00-02C, which is the First Stage PUD
4 Application from MedStar. I believe everyone has a
5 draft order in front of them. Are there any comments
6 or questions from the Commission?

7 COMMISSIONER PARSONS: Madam Chair, I
8 wanted to go to page 11, number 11. And this goes to
9 the issue of the ANC-5C which recommended approval,
10 and then asked for free or affordable parking for
11 patients and visitors. I'm not sure whether it's free
12 or affordable. I've seen two different things in two
13 different locations. And the finding that's been
14 provided does not seem appropriate to me, because if
15 the issue is free parking, to say there's sufficient
16 parking spaces to accommodate the needs doesn't
17 respond to the question, as I grasp it.

18 It's possible that we could -- although I
19 agree with the outcome of the finding, talk about on-
20 street parking which is free, adjacent to the hospital
21 as a possible remedy.

22 CHAIRPERSON MITTEN: I had the same
23 concern. And I think we should add a note about the
24 availability of on-street parking. I would propose to
25 add to the last sentence after ANCs-4D and 5C,

1 "because no adverse impact from parking is anticipated
2 from the proposed development", so that it ties our
3 unwillingness to grant that particular request because
4 it doesn't arise from an adverse impact, and it
5 certainly wasn't being proffered by the applicant as
6 an amenity at this point.

7 COMMISSIONER PARSONS: Page 12 2(a)
8 through (k) are troubling to me. This implies that
9 there will be discretion on the part of MedStar to
10 resolve a number of issues. And that's not the way
11 this is working. This is a Stage 1 approval. We
12 would expect these kinds of issues, and many more to
13 come back to us in Stage II, but to imply that there's
14 some discretion to resolve these issues, that's a
15 joint process between us and them, so I would
16 recommend we strike the entire provision, 2(a) through
17 (k).

18 CHAIRPERSON MITTEN: I would agree with
19 that. Anyone else have comments about that? That
20 certainly does grant MedStar a lot more discretion
21 than we had intended.

22 While we're in that section on the
23 following page, 13, number 11, the first sentence, "No
24 more than two and a half million square feet of below
25 grade non-FAR countable space shall be constructed

1 without a PUD modification review". I just wanted to
2 add some kind of clarification that that would be
3 following the second stage, not that there's some
4 permission arising out of the first stage alone, so
5 maybe the best thing to do is to say without a PUD
6 modification review or application to the anticipated
7 second stage or the subsequent -- I don't know. It
8 hasn't come forward yet, but I'll leave the language
9 to the Corporation Counsel, but the notion is one I
10 would like to incorporate.

11 Anybody else? I know I have a number of
12 editorial changes, but I don't think that they're
13 particularly substantive, so I'll just pass those on
14 to Staff. Anyone else have anything substantive on
15 the first stage order for MedStar? All right.
16 Anybody else? Is there a motion to approve?

17 COMMISSIONER PARSONS: I move approval of
18 the order as we have revised it here this evening, and
19 any editorial comments you wanted to pass forward.

20 CHAIRPERSON MITTEN: All right. Is there
21 a second?

22 COMMISSIONER MAY: Second.

23 CHAIRPERSON MITTEN: All right. We have a
24 motion and a second to approve Zoning Commission order
25 969 with the amendments that have been offered orally

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1 here this evening. All those in favor please say aye.

2 (Vote.)

3 CHAIRPERSON MITTEN: Those opposed, please
4 say no. Ms. Sanchez, would you record the vote?

5 MS. SANCHEZ: Yes. Staff would record the
6 vote 5-0-0, Commissioner Parsons moving, Commissioner
7 May seconding, Commissioners Mitten, Hood and Hannaham
8 in favor of approving order number 969 with amendments
9 as stated.

10 CHAIRPERSON MITTEN: Thank you. The next
11 item is Zoning Commission Case No. 01-32TA, which
12 relates to Concrete Plants in the CM Zones. We have a
13 draft order number 950-B. I think everyone has had a
14 chance to review that. Are there any concerns?

15 VICE CHAIRPERSON HOOD: Madam Chair, I
16 move approval of Zoning Commission order number 950-B,
17 Zoning Commission Case 01-32TA.

18 CHAIRPERSON MITTEN: Second. Is there any
19 discussion? All those in favor, please say aye.

20 (Vote.)

21 CHAIRPERSON MITTEN: Those opposed, please
22 say no. Ms. Sanchez.

23 MS. SANCHEZ: Staff would record the vote
24 5-0-0, Commissioner Hood moving, Commission Mitten
25 seconding, Commissioners Parson, May and Hannaham to

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1 approve order 950-B.

2 CHAIRPERSON MITTEN: Thank you. That
3 concludes our Special Public Meeting. We'll be back
4 in about ten minutes to start the hearing on the
5 antenna regulations.

6 (Whereupon, the proceedings were adjourned
7 at 6:17 p.m.)

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