GOVERNMENT OF THE DISTRICT OF COLUMBIA

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    FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN  Secretary
DONNA HANOUSEK      Zoning Specialist
ESTHER BUSHMAN      General Counsel
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
ARLOVA JACKSON
STEPHEN MORDFIN
LAINÉ 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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P-R-O-C-E-E-D-I-N-G-S

(6:37 p.m.)

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

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

(Laughter)

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

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

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

MS. SCHELLIN: Yes, sir. This is a
request from the applicant to revise Condition
Number 10 of their order, which sets out the
schedule of payments of the proffers.

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

Any comments? Vice Chairman Schlater.

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

One question I did have, however, is on the -- is that the original order really
didn't contemplate the phasing of the project,
which is why we are being asked to change the
phasing of the payments. I would like to see
how this impacts the timeline for development
of the overall development.

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

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

CHAIRMAN HOOD: Okay. Vice
Chairman, staff, I think that is a good point.
Commissioners, anyone else? Any comments?
And I think that's a very good point.

Commissioner Turnbull.

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I don't think there is this issue here, but when you see a proffer for a certain amount of money I guess the only question is: is it just a certain amount of money? Or does that represent a program?

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

That would be my only question. It may just be a set amount of money that was agreed upon with the ANC and the organizations to provide that amount of money, and -- but I
guess in looking at this in the long run is it would be better to have clarification at some point to say if you were -- like the services for the aging is, does that represent a program, or is that simply money given to them for just giving them that amount of money?

CHAIRMAN HOOD: Okay.

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

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

COMMISSIONER MAY: I have -- I agree with Commissioner Turnbull and Commissioner Schlater's questions, particularly with Commissioner Schlater and the concern about the phasing of the project. I think the -- you know, the effectiveness of the proffer is hopefully that is -- you know, if it is -- if the payment of
money for the proffers is phased, hopefully that is still going to have the same beneficial effect. But it would be nice to have some assurance to that effect.

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

I would like to see -- hopefully, the applicant could get back to us as soon as possible to give us -- and I'm sure they have heard us -- get back to us as soon as possible with those two -- answers to those two issues. And we will try to take this up -- when can we take this up, Ms. Schellin?

MS. SCHELLIN: We have a meeting in three weeks, November 8th. We could set a deadline for the applicant to file their
responses to what the Commission has addressed on the dais by 3:00 p.m. on October 29th.

CHAIRMAN HOOD: Okay.

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Vice Chairman.

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

CHAIRMAN HOOD: And we just might -- I'm not going to -- we just might come back and see the same -- see exactly what you just asked for. So let's just give them that time. So is everybody on the same page?
And also, let me just acknowledge we do have a letter from the East Central Civic Association, and also ANC-2C, asking us to support this, but we do have some outstanding questions and which we will be taking this up at our next special -- I mean, not special, but our next meeting. So that is as quick as possible.

And everyone has the schedule, right?

(No response.)

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

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

MS. SCHELLIN: Yes, sir. The applicant in this case is asking for four minor modifications -- modification to the mix of ground floor uses, the change from
mezzanine office level to a full floor of office space, roof plan modifications, and a modification to the rear east elevation.

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

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

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

MS. SCHELLIN: My understanding is that it does not. Is that correct? I'm
getting a nod that that is correct.

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

MS. SCHELLIN: Right.

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

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

MS. SCHELLIN: Okay.

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

So I would make a motion that we approve the minor modifications in Zoning Commission Case Number 07-07 as submitted in the record and ask for a second.
COMMISSIONER TURNBULL: Second.

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

(No response.)

Are you ready for the question?

All those in favor, aye.

(Chorus of ayes.)

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

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

CHAIRMAN HOOD: Is that what --

MS. SCHELLIN: -- in your motion?

07-07 is what you said. I just want to make sure --

CHAIRMAN HOOD: Okay. 07-07C.

MS. SCHELLIN: C, okay. We have so many cases these days coming in. Staff would
record the vote five to zero to zero to approve Zoning Commission Case Number 07-07C, Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Schlater, May, and Selfridge in support.

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

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

CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. I will open it up for comments. And let me just say we have Exhibit 3, which gives us -- really depicts exactly how that is
going to play into that effect, the sculptural effect.

Let me open it up. Mr. Turnbull.

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

COMMISSIONER MAY: Second

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

(No response.)

Are you ready for the question?

All those in favor, aye.

(Chorus of ayes.)

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

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

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

(Laughter)

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

CHAIRMAN HOOD: Oh, okay.

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

(Laughter)
MS. SCHELLIN: That's what it is.

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

(Laughter)

Okay. Ms. Schellin.

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

CHAIRMAN HOOD: Thank you very much, Ms. Schellin. I think, colleagues, we have -- I guess we have asked for some things that are in Exhibit 46, and also we have compliance with the procedural order, which is Exhibit 47. Well, actually, another one came in after that, which is Exhibit 48.
So I will open it up. I'm not sure who asked for what, but we have revised architectural plans, memorandum of supporting figures from Grove Slade, and also the construction of the unimproved alley. We were submitted the cost of that.

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

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May.

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


COMMISSIONER SELFRIDGE: Thank you,
Mr. Chairman. Exhibit C speaks to the paper alley. I think we were just looking for -- or I was looking for an idea of what that would cost. I'm not sure there was any support for the DDOT request or recommendation, but we can see here that they provided cost estimates from Bazzudo Construction in the amount of $140,118. So we appreciate the applicant submitting this, and I have no further questions.


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

CHAIRMAN HOOD: Okay. It seems like we've got everything we've asked for. Everyone is satisfied. So I'll entertain a motion or accept a motion any time. I will move approval. Okay. Commissioner Turnbull.
COMMISSIONER TURNBULL: I hate to deny you, Mr. Chair, really.

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

COMMISSIONER TURNBULL: Want to arm wrestle over this?

(Laughter)

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

COMMISSIONER MAY: Second.

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

(No response.)

Are you ready for the question?

All those in favor, aye?

(Chorus of ayes.)
Not hearing any opposition, Ms. Schellin, would you please record the vote.

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

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

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

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

CHAIRMAN HOOD: Any objection?
(No response.)

No objection. Yes, we can --

MS. SCHELLIN: Thank you.

CHAIRMAN HOOD: -- open it up.

Thank you, Ms. Schellin.

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

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

Second, the university requests approval of a second stage PUD to facilitate
the development of Square 103. Lastly, they request further processing of their Foggy Bottom campus plan.

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

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

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

The second stage PUD request would
facilitate the first phase of a development project within Square 103. This square, bounded by G Street to the north, 20th Street to the east, F Street to the south, and 21st Street to the west, is located within the R-5-D zone.

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

The proposed second stage PUD is primarily comprised of below grade improvements, which include a four-level parking structure with 392 spaces and over 23,000 square feet of administrative and office space for the GW Law School. The proposed underground garage would supply needed parking in light of the planned
demolition of the university parking garage and a desire to decentralize parking on campus.

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

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

The project site was designated for institutional uses in the 2006 future land use and generalized policy maps. So the current request to construct an underground structure
with parking, academic, and administrative space for the GW Law School is not inconsistent with the future land uses envisioned for this site.

The request is also not inconsistent with several policies and actions found in the land use, transportation, education, environment, urban design, historic preservation, and near northwest elements.

The approved campus plan and first stage PUD contain a variety of conditions, requirements, and review standards for new development projects.

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

An analysis of the project against each is found within the applicant's submittal and OP staff report. So I won't go over them
in detail, but generally OP finds that the applicant has addressed and met the relevant review criteria for the proposed development of the site.

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

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

To conclude, the Office of Planning recommends that the Zoning Commission set down the proposed PUD modification, second stage planned unit development, and further
processing of the campus plan for public hearing, and will take any questions you have at this time.

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

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

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

MS. JACKSON: That's a difficult question to answer. I know that GW has regular meetings with the Advisory Committee and the ANC. The only feedback that I have
heard about was regarding traffic, so far. But since it has been set down, we formally haven't really been in a position to receive much comment.

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

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

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

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

MS. JACKSON: Yes.

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

MS. JACKSON: I think it was being used as a fraternity.
COMMISSIONER TURNBULL: Right.

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

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

I was just curious how it seemed to -- in the last couple of years it seemed to take a different -- you know, whatever they were planning before is going to be the first -- again, I'm not sure how they were scheduling what squares were going to go. It just seems kind of ironic I guess to pick the
one square that you really don't have all the
property on.

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

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

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

VICE CHAIRMAN SCHLATER: Mr.
Chairman, I don't have a lot of questions or
concerns about this. The two things that I
would point out that I am going to be
interested in if we set this down at the
hearing is the -- one of the forms of release
that -- relief they are asking for is rear
yard relief, which in and of itself is not a
huge deal. It is 12 feet, eight inches against what normally would be 26 and two-thirds feet on an 80-foot building.

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

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

And the other thing is that we are being asked to approve a surface parking lot for -- I don't remember -- 58 spaces, which
may or may not be fine, but I guess I'm going
to have questions about how that surface lot
is being treated in such a way that minimizes
stormwater runoff.

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

That's it. Thank you.

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

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

MS. JACKSON: No.

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

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

I am concerned about the development of the site overall. I don't quite get the landscape design, the sort of rolling lawn or big humps. I'm not sure what the design idea is there, so I'll be interested to find out more about that. It
may be that it needs to be refined, put it that way.

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

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

So I'm hoping that there might be a little bit of flexibility in how that is planned or how -- you know, whether it really has to be exactly as big as it is, because I don't see a lot of opportunity to move spaces
around on the site without making the whole thing into just a landscaped parking lot, which I don't think is the right solution either.

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

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

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

Or if it's something that, you
know, the surface parking lot could -- if we know that in five years another project is going to come along that is going to make that surface parking lot unnecessary, that would be helpful to know, because I would be interested in time limiting the surface parking lot. Even if we can't, you know, demand that the whole building be built, maybe we can put an expiration date on the surface parking lot. So, thanks.

CHAIRMAN HOOD: All right. Any other questions?

(No response.)

Okay. Well --

COMMISSIONER TURNBULL: Mr. Chair, I was just -- I just wanted to concur with the Vice Chair. You know, and I know it's awkward. I know that the university gets committed to start building, and you've got -- but I guess the underground structure does set some kind of finite limits for us that we
don't know about it in the future.

And the book ends on either side -- at either end are these little historic houses, so there is -- it's kind of a strange mix. We are being asked to look at these things in sort of blind faith, and assuming that it's going to be a very workable plan.

So I guess I'd just like to have some sense of a feeling where we are going with this, just echoing the Vice Chair's concerns.

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

Vice Chairman.

COMMISSIONER MAY: I'm getting --

CHAIRMAN HOOD: Vice Chairman. I'm sorry.

COMMISSIONER MAY: I was just going to -- I was going to -- thanks for the promotion. I just -- I wanted to pick up
immediately on Commissioner Turnbull's statement. It might be worth it to understand what the -- a little bit about what the eventual development of -- full development of that site will be, what's in mind.

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

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

COMMISSIONER MAY: Yes.

CHAIRMAN HOOD: Okay. But never say you're going to be here, because you never
know when you're going to really be here, so
-- I'm a witness to that.

COMMISSIONER MAY: That's right.

(Laughter)

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

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

VICE CHAIRMAN SCHLATER: Second.

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

(No response.)

Are you ready for the question?

All those in favor, aye?

(Chorus of ayes.)

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

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

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

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

MS. STEINGASSER: Planner of the Year.
COMMISSIONER TURNBULL: Planner of the Year. There you go. So kudos and congratulations.

(Applause)

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

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

But, anyway, hearing actions, Zoning Commission Case Number 08-06. This is the Office of Planning comprehensive zoning regulations review, general green area ratio
chapter. Mr. Parker.

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

CHAIRMAN HOOD: Ms. Cidlowski.

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

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

So just to give you a sense of where the concept came from, in our sustainability working group in 2008, the
concept was initially developed as a way to combine a number of other recommendations from the group. It went through the task force, through the Zoning Commission, conceptually, and now we are here today with proposed text.

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

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

This is an example on the right.
from the Seattle system, which has a similar system in place in their city now.

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

So we will just go step by step through the different sections of the chapter, and then we will have questions afterwards, if that's all right.
So, generally, the introduction, Section 1300, provides what the green area ratio is, why it is being implemented, what we are attempting to achieve through this requirement in a way that we are not able to achieve through our current requirements.

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

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

The idea at the time was that the
requirement would capture all of the areas in
the city not captured by DDOE stormwater
regulations.

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

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

We also had talked about maybe
setting the applicability of the GAR based on
lot size or different building types, but what
we found, at least initially, is that we could
do it on a zone-by-zone basis for all sort of
larger buildings, things that require a certificate of occupancy, in a sustainable way.

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

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

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

We have a tool already that can
help them do it in an automatized way without sort of having too much of the burden of doing the math of figuring out, you know, if my square green -- vegetated green roof is 300 square feet, and my multiplier is this, then how do I divide that by my lot area?

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

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

So, for example, we say that when
you measure the caliper of your tree, you have to measure it at diameter at breast height, which is four and a half feet above the ground level. So it gives people very clear guidance, this is where you need to measure, and this is how you need to measure it.

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

So we made sure that there is a requirement in there, so that it's not possible to simply pave your whole lot with pervious pavers and actually achieve your required GAR score, because beyond just stormwater improvements we also have other environmental benefits such as air quality,
heat island impacts, that we want to try and get to through the green area ratio.

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

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

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

So also in the chart we have some things that people may not be familiar with. So in the definitions we are going to very
clearly define what some of these things are, so when we say bioretention we mean things like rain gardens. When we say trees, we want to be clear that we are talking about the same types of standards that the Urban Forestry Administration at DDOT uses. We want to give specifics on things like how to measure vegetated walls and what counts for credit for vegetated walls.

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

So we help you figure out what that would be in advance, that sort of thing, through the Section 1304.
We come to specifications about enhanced tree growth. Some of you may be wondering what that means exactly. We had -- called structural soils earlier, which is an additive stone or sand/gravel additive that you can put in soil to help tree root growth around tree boxes and other areas to enhance how well they are able to live over time.

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

Native plant species are something that were encouraged through the recommendations. We made sure that these are set to the same standards as DDOE. Food cultivation was one of the recommendations.
from the sustainability working group, so we wanted to have that as a bonus item.

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

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

Section 1305 talks about what you have to do in order to meet the requirements, what you have to submit, and who can oversee your meeting your requirement.
In the city of Seattle, which does have this -- a similar type of system in place, they have a certified landscape architect that has to sign off on all their plans. In the District of Columbia, we don't have a certification for landscape architects.

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

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

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

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

So if they find that they can't meet the green area ratio requirement, we want to be flexible about how they can go about
meeting it in other ways.

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

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

So that is the sort of gist of it. The specific green area ratio will be set in the different land use subtitle. So it won't be within this chapter at all. It will be in
the development standards chart, same as some of our other requirements.

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

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

   So we understand that this is draft text, but we know that there is a lot more that has to be done. We have already started talking to DCRA and DDOE about, you know, who will administer this program, what are the
steps that applicants will have to go through, who will go and do the site inspection, and that sort of thing.

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

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

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

COMMISSIONER MAY: Yes, I've got a couple of questions. First is on the -- where
this applies. You see existing buildings with 100 percent renovation or 100 percent cost that -- and new buildings, and the key thing is the requirement for the certificate of occupancy. So then this would apply for flats.

MS. CIDLOWSKI: Yes.

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

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

COMMISSIONER MAY: If it is a gut renovation of an existing townhouse, and chances are it would be, so -- I'm not sure that that's necessarily what you want to do, because it can -- very often somebody who does that is just a regular homeowner, not a developer. So that's just something to think
When you talk about the measurement of trees, you showed a slide that showed a tape measure around the tree measuring the circumference. I assume that it's not circumference at breast height, it is --

MS. CIDLOWSKI: It is --

COMMISSIONER MAY: -- the diameter.

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

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

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

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

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

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

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

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

COMMISSIONER MAY: Right. I understand that, but I would expect that, you know, it -- that the -- well, let's just take the two and a half inch to eight inch -- 100 square foot per tree I would expect to be somewhere in between there, right? I mean, might be on a rule of thumb kind of thing. But my rule of thumb, it isn't, so I'm just --

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

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

MR. PARKER: Diameter to diameter.
COMMISSIONER MAY: Yes.

MR. PARKER: Okay.

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

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

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

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

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

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

MS. CIDLOWSKI: Yes.

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

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

MS. CIDLOWSKI: Enhanced tree
growth?

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

MS. CIDLOWSKI: If you'd like, we
can include at the hearing our draft
definitions. We do have those. They are just not a part of this chapter.

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

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

When it comes to soil, did you take into consideration anything, or does anybody who has done this before take into consideration the actual quality of the soil? Because I know if -- you know, if you're talking about the soil in my yard, if you go down, you know, 10, 12 inches, it is just solid clay. It might as well be impermeable surface.

MS. CIDLOWSKI: It's not something
that we took into consideration, not because it's not true that it does make a substantial difference in terms of what sort of --

COMMISSIONER MAY: Yes.

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

COMMISSIONER MAY: Yes, measure the --

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

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

MS. CIDLOWSKI: Well, to the best of my knowledge, zoning doesn't apply to our public space. So, unfortunately, unless we
wanted to change the Zoning Act, I don't know that we could make it, even though, for example, in Seattle they do have the requirement apply in public space, and it is part of their sort of city-wide beautification program. But I'm not sure that we can legally.

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

COMMISSIONER MAY: Okay. We may want to think about that a little bit more, because I'm thinking about things at the smaller end of the spectrum. I mean, it's one thing -- a lot of buildings that are going to
be subject to GAR are not going to be on streets where there is a streetscape plan.

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

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

MS. CIDLOWSKI: Well, I mean, I think my level of understanding about it is it will be like the other zoning requirements, in that we sort of rely on a citizen reporting
system for the large part. We don't have a lot of zoning inspectors in the city.

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

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

MS. CIDLOWSKI: I mean, I think the
fast answer is we are still working on developing what the administrative process would be with DDOE and DCRA. I don't think we could tell you just yet.

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

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

MS. CIDLOWSKI: Right. Well, one of the things that is in the report that I didn't mention in my presentation at all is
our partnership with a professor at George Washington University, Dr. Melissa Keeley. And she has been nice enough to allow us to use some of her data to determine existing conditions for GAR within the city.

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

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

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

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

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

MR. PARKER: Right.

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

MR. PARKER: Correct.

COMMISSIONER MAY: And, as I
understood it, that GAR is going to be --

to be based on some research that has been
done about the existing GARs, right?

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

COMMISSIONER MAY: Right.

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

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

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

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

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

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

COMMISSIONER TURNBULL: No, I just
had --

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

And, again, I think it's an issue of taxing who -- even when you come in to get your permit and you've got a certified landscape architect from -- is this all of this documentation, then, that the ZA now has to have to have go through? I guess I'm just concerned how you -- how do we put this all together to make it manageable for everybody?

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

MR. PARKER: Ms. Cidlowski has really done a good job of working with DCRA and DDOE to make sure that this sort of
seamlessly fits into the existing development process. Basically, this will be just another piece of applying for a building permit.

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

When the inspectors are checking for stormwater regulations and all the -- you know, the building code regulations, they will also check and, you know, bring a copy of this landscape plan, make sure that the site has been built as it was -- as it was proffered. That is the end of it. If it's built as it was -- as it was promised, then they get their
C of O just like any other -- any other application.

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

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

MS. CIDLOWSKI: When we have been talking to DDOE, it sounds like we have an opportunity to train their existing stormwater inspectors in these sort of things
specifically, and hopefully to have them provide some assistance to DCRA about how to look at these sort of things.

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

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

CHAIRMAN HOOD: Any other comments or questions? Vice Chairman Schlater.
VICE CHAIRMAN SCHLATER: One question I have about the whole system, and I think this is just echoing some of the comments of my fellow Commissioners, but is cost -- and I guess there is a couple -- there's three buckets that I could put into the cost buckets.

First is, how much is it going to cost the applicant to hire the landscape architect professional just to take you through this process and get you certified? And I think it would be helpful to understand what burdens we are putting on the applicant in that regard.

I think OMB, when they promulgate -- when they review regulations, they ask how much it's going to cost to implement it as well. I think it would be helpful to understand the overall bureaucracy that you are creating in order to implement this particular regulation.
And then, the other one is --
probably can't be answered right now, because
it is zone by zone. But it is just cost to
comply with the particular regulation. We
don't know how high the GARs are going to be
in specific zones, but I know if you're in a
particularly dense area it may be expensive to
comply.

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

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

Do I have to hire somebody to tell
me whether I'm compliant with zoning at this
point? And if I'm not compliant with zoning,
am I at risk of losing my certificate of
occupancy, because a tree died or I have just landscaped it in a different way?

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

And so a lot of it has to do with, you know, just creating a regulatory process. Right now, the zoning regulations actually are pretty easy to -- they are not easy to read, as you know, Mr. Parker. But once you know your lot occupancy, and you know your height, and you know your rear yard and your side yard, it doesn't take much to figure out what kind of building you can get.
But if I read these regs and see the numbers and the multipliers and the dividers, to a layperson it is actually not understandable at all. It is very confusing, and you are basically requiring that somebody go out and hire somebody with knowledge of the regs. And I think that is a little bit of a concern.

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

CHAIRMAN HOOD: Commissioner Selfridge.

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

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

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

And then, just the idea of we are introducing a new professional into the building permit process of the certified landscape expert, which I don't know how else you would do it, but I just wonder what the cost is, the burden there, as you are drawing
up new landscape plans and the review and even
if you -- even if you remove flats, and on
some of the smaller applicants it just seems
like it's another layer of -- another hoop you
have to jump through. I just wonder if it
gets, you know, burdensome from an expense
standpoint.

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

So we are looking at it that way,
and it may turn out that, you know, it is not
feasible everywhere. But we at least want to
do the initial determination, if that is the
case, before we count anything out.

CHAIRMAN HOOD: Any other comments or questions?

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

Because I have a question of how this new -- what is it, DMS4 permit that is going to be issued, where there is overlap with what we are doing here. Just so that we understand where we are being redundant and not redundant with these regulations, because my personal bias is that there are different parts of the government that regulate this issue. And the ones that are most competent to regulate them should be the ones who are taking the lead on writing those regulations.
CHAIRMAN HOOD: Anybody else?

(No response.)

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

COMMISSIONER TURNBULL: Mr. Chair?

CHAIRMAN HOOD: Yes.

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

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

(No response.)

Are you ready for the question?

All those in favor, aye?

(Chorus of ayes.)

Not hearing any opposition, Ms. Schellin, would you record the vote?
MS. SCHELLIN: Yes. Staff would record the vote five to zero to zero to set down Zoning Commission Case Number 08-06, with regard to the ZRR process topic being the general green area ratio chapter. And this is being set down as a rulemaking case.

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

Okay. Do we have anything else before us today?

MS. SCHELLIN: No, sir.

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

(Whereupon, at 7:52 p.m., the proceedings in the foregoing matter were adjourned.)