THURSDAY, FEBRUARY 24, 2011

The Hearing 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
PETER MAY, Commissioner (NPS)
GREG SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
TRAVIS PARKER

The transcript constitutes the minutes

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from the Hearing held on February 24, 2011.
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Adjourn
P-R-O-C-E-E-D-I-N-G-S

6:06 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen.

This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, February 24, 2011.

My name is Anthony Hood. Joining me this evening are Vice Chairman Schlater, Commissioner Selfridge, Commissioner Turnbull, Commissioner May. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Ms. Esther Bushman, Office of Planning Staff, Ms. Jennifer Steingasser and Travis Parker.

This proceeding is being recorded by a court reporter. It's also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's hearing is Zoning Commission Case No. 0806,
Subtitle J. This is a request by the Office of Planning for text amendments to the Zoning Regulations as part of the Zoning Regulations Review process.

Tonight's hearing will consider the proposed text for a new subtitle in Zoning Regulations regulating production, distribution and repair zone. The new subtitle is intended to replace Chapter 8 of the existing Title 11 regulations, which regulates industrial zones.

Notice of today's hearing was published in the D.C. Register on December 24, 2010, and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR 3021 as follows: preliminary matters, presentation by the Office of Planning, reports of other Government agencies, report of all ANCs,
organizations and persons in support,
organizations and persons in opposition.

The following time constraints will be maintained in this hearing: organizations five minutes, individuals three minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

Upon coming forward to speak to the Commission, please give both cards to the reporter sitting to my right, and take a seat at the table.

When you are finished speaking, please turn your microphone off, so that your microphone is no longer picking up sounds and background noise.

The staff will be available throughout the hearing to discuss procedural questions.

Please turn off all beepers and
cell phones at this time, so as not to interrupt the proceedings.

At this time, the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

And, I just want to read something in the record.

"Zoning Review has held public working groups by subject area with up to 20 subject areas to be covered over the course of the process. Each subject area is reviewed in consultation with a public work group that discusses issues identified in the Comprehensive Plan, as well as any issues arising from the existing Zoning Regulations. Recommended changes are then forwarded to the 24-member appointed task force for further review and input. Finally, recommendations of each subject area are made and available for public review, including a public hearing before the Zoning Commission. Nineteen of the
20 topic areas have gone through the public working group process. After the conclusion of the public review for each subject area, OP is working with the Office of Attorney General to draft zoning language to reflect the proposed policy changes."

I think that paragraph, unless my colleagues feel otherwise, I will be reading that paragraph from now on in every CRR public meeting, and every time when we talk about the CRR. So, I'd like you please write up that paragraph, I would like to read that.

Okay. We didn't have any preliminary matters, right?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Presentation by the Office of Planning.

MR. PARKER: Good evening, Mr. Chairman, Members of the Commission. My name is Travis Parker, with the D.C. Office of Planning.
We have a short presentation tonight. The changes are fairly minor, in terms of substance. The major change to the text in front of you tonight is, actually, the organization, and this subtitle represents the sort of organization that you'll see in the future land use subtitles, the residential, the commercial, in the way that the chapters are organized, and the way that the information is found.

So, I'll leave that at that for now. If there are questions again later on about how the chapter is organized, how the information is found, I'd be certainly happy to walk through that or answer those questions.

But, in terms of substance, there are really only four changes to the industrial zone.

First, we've limited non-PDR uses in terms of their FAR. This was, as you
recall, based on Comp Plan policy and the Industrial Land Use Study recommendations, to try and preserve development potential in the District for industrial use.

We did research, you know, some additional prohibitions on non-PDR uses. We also researched the possibility of requiring an all new building to be built to accommodate PDR uses. Neither turned out to be, actually, practical, so we stick with our sort of compromise suggestion of lowering the FAR that's achievable by non-PDR uses.

And, I have, when we get to GAR I have an additional comment to add on that.

The second change is standardizing buffer requirements. You know, Chairman Hood talked a lot about this, and, you know, we certainly heard him. We, basically, put in the existing lane and overlay buffers, which are, you know, 25-foot yards around all industrial properties wherever they abut
residential, and we applied that throughout all of the industrial zone. Currently, side yards are eight and 12 feet, so now every industrial zone abutting a residential would have a 25-foot buffer. Where there's a street it would have a 15 foot.

Thirdly, right now there's a section in the Code that has standards of external effects. This is a relic from the 1950s. It has been since superseded by DDOE Regulations in Title 20 of the DCMR, so we've just removed those, and we cited in the report where these things are regulated in the current regulation.

And finally, GAR, this is, you know, you reviewed GAR, and you've given us conceptual approval of the general GAR, you know, chapter. This is the first subtitle where we've proposed what the level of GAR requirement will be, and we proposed a 0.2.

Since this report was written,
I've actually had further comments from the building community. And, actually, I think Mr. Collins from Holland & Knight will be here later to talk about this as well. They raised some concern about actual PDR uses in these zones, specifically, warehousing.

And, if you'll recall our discussion on lots that are 90 or 100 percent lot occupancy, much of the ways to accomplish GAR is through green roofs. And, he's telling me that the way that warehouses are built now, with columns widely spaced, and very, generally, narrow, these buildings aren't designed to carry more than snow load on the roof, and it would involve significant costs that we didn't take into account in our cost projections to build warehouses capable of carrying green roofs.

So, one thought that we've had, that we'll give to you tonight, and again, I apologize this was a last minute sort of
discussion with the building crowd, and it wasn't ready in time for this report. But, one idea that we've had is, perhaps, to have an additional incentive for PDR uses and disincentives for non-PDR uses in these zones, have a lower PDR requirement for industrial uses. So, warehouses, industrial uses, could be .1 or something lower than .2, and other uses, office and everything else that's allowed in these zones, could be a higher, you know, .2 or .3.

At this point, we haven't done any analysis of that. We are happy to provide further analysis, but it would both respond to that concern by the building community and also the concern that we heard at the set-down meeting that, perhaps, we weren't going far enough to encourage PDR uses and discourage non-PDR uses.

Two last notes. The black lines of the text in the public hearing notice
include two changes from the set down. First, we had mistakenly put, "Chanceries is not permitted." They, actually, are permitted in this zone. And second, in the zones, the P1 and the P2 zones, which were the CM1 zones, we had put 40 feet. That is the existing requirement, but through our discussions, and through our concept review, we had talked about raising that to 50 percent, 50 feet, and so that change has been made to reflect what had been discussed earlier in the concept phase.

That's the presentation for tonight. I'm happy to field questions on any or all of that.

CHAIRMAN HOOD: Thank you, Mr. Parker.

Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

Mr. Parker, I just had one
question, and I can understand their concern about the green roof with the kinds of trusses they might be putting up I can see that.

But, they could as an option, though, still have a go down the road toward LEED and put a white roof or a non-heat sink roof in there that would reflect the roof as an option, I would think.

MR. PARKER: That gets them toward LEED, it doesn't get them towards green area ratio.

COMMISSIONER TURNBULL: Right, and I don't know, it's not part of the green area ratio, but I'm just wondering if we could, perhaps, recommend that for the good of the community that they look at an optional roofing material, rather than asphalt, tar or something, that would be more conducive to the environment.

MR. PARKER: I think DDOE, we had, actually, considered making cool roofs a score
in GAR. We took it out because the Department
of the Environment has informed us that they
are headed towards making cool roofs a
requirement.

COMMISSIONER TURNBULL: Oh, are
they? Oh.

MR. PARKER: I think that's the
direction that it's going.

COMMISSIONER TURNBULL: Do you
know when they might be?

MR. PARKER: No, I don't have any
idea.

COMMISSIONER TURNBULL: Okay.
Well, I think that would be the way to go.

Thanks.

CHAIRMAN HOOD: Okay. Any other
questions?

Commissioner May?

COMMISSIONER MAY: Yes, those last
couple of changes that you mentioned, the 50
feet, and the chanceries, those have been
incorporated into the chapter?

MR. PARKER: Yes.

COMMISSIONER MAY: Okay. I would like to talk about the complaint by the building industry, or the concern that they have about the costs.

I have to say I'm a little bit concerned about that concern, because we are talking about, I think, a relatively minimal investment.

I remember looking at what the additional load per square foot is for green roofs, when I was actively involved in projects where we were contemplating building green roofs, or retrofitting buildings with green roofs.

And, my recollection is that we are talking about something that's less than 10 pounds per square foot, three, four, five pounds a square foot.

And, I just don't believe that
that's going to add an extraordinary cost to these warehouse buildings, and, in fact, I think that if they are building warehouses so cheaply that they can't afford that little bit of additional load, I don't know that we, necessarily -- I mean, we are talking about really building them up cheap.

I'm not saying that it's not possible that this is a real legitimate concern, maybe it is, but I just wouldn't take it on its face value, I would dig into the details, and I think that you'll find some substantial back up for the costs, additional costs, of building up, you know, beefing up the structure.

The other thing is, you know, when you look at what that cost might be, I think one of the things that you have to think about is how important is that particular feature in the overall scheme for greening the City, because you may not have a lot of warehouses,
but, you know, when you do have one that's a lot of impervious surface that's not collecting rain water, that's not, you know, not breathing, and is, you know, collecting heat into the heat island.

So, I just -- I think you have to think about how important that is in the overall scheme. And, it may -- you may well think, well, it is well worth of it, even if there is some, you know, premium associated with that.

I'd also, you know, venture a guess that many of the existing warehouses have already been engineered for some additional load. I just don't think it's that much, even when it is fully loaded with water.

That's the only real comment I have.

CHAIRMAN HOOD: Any other comments?

COMMISSIONER TURNBULL: No, I
guess I would just -- and you are right, if it's a flat roof I think they should be able to show the Office of Planning calculations as to what their design -- I mean, I'm sure the building code just doesn't have a snow load per se. I mean, we have situations where we could have a 50-year snow, and suddenly you've got all these warehouses collapsing. I mean, I'm sure there's some kind of safety factor that they put in, but you are right, I'm not sure what the cost is, and maybe that's something you should pursue and look at, to see exactly how much -- what the weight is for a green roof.

But again, you are looking at a flat roof, I would think. If you've got a bolstering trust or something on a large roof you are sort of stuck with what you've got. But, maybe that's something, Mr. Parker, I don't know, is that something you could follow up on for us?
MR. PARKER: I certainly will. I mean, I'm not going to try to answer this, because I don't have any of these answers, and I'll let Mr. Collins, if he comes tonight, speak for himself, because he brought this stuff to my attention.

But, regardless of whether he comes tonight, we'll definitely follow up with him on the source of his information.

COMMISSIONER TURNBULL: I would venture to say they are not going to be building too many complicated truss roofs for warehouses, because they carry their own costs.

CHAIRMAN HOOD: Any other questions?

Mr. Parker, I want to thank you for incorporating -- I probably never will be happy, but I want to thank you for incorporating those, at least considering my comments. I want you to know that did not go
Help me understand 503.4, and I think I asked this question before. With this whole rewrite, how are we going to deal with the solid waste regulations that we have now? Is that going to be incorporated in this? I think I asked you this, but I forgot what the answer was.

MR. PARKER: Yes, it is incorporated through the conditions. So, even in these zones which, you know, are industrial zones, industrial uses are still a conditional use. And, those conditions incorporate the conditions from the existing Code on, you know, recycling, on asphalt, et cetera.

So, those conditions are -- you hit it exactly, in 503.4, 503.5, and then later in the special exception section, that information comes directly from the current Code.

CHAIRMAN HOOD: And, we talked
about external effects. I'll give you a quick story.

The former planning director, Mr. Andy Altman, and I did a ride through when he first got to the City, and I, specifically, took him to my industrial zone area in my neighborhood first. And, we had the windows down, purposely, and it was a hot day.

And he said, "What is that?" So, when we talk about external effects now being 22, and I guess, I don't know what the title is, is there somewhere that's going to point me to that?

And, at that time, the City was not doing external effects, believe me.

So, I guess what I'm trying to get at is, how are we going to know from the Zoning Code what's being permitted, then to follow up and be able to look where the external effects regulations are? Is that going to point here?
MR. PARKER: It doesn't now. We don't reference a lot of outside regulations in our current code. It's something that we will -- yes, we'll look into it for you, about putting a reference in here towards Title 20.

External effects are really something that comes, like zoning review happens with building permits and CFO, and external effects are something that happens later, right? That's an enforcement issue.

And, DDOE tells us that they have, you know, enforcement capabilities in that area. They are the ones that are in charge of Title 20 where this stuff is.

So, it really -- you know, DDOE has grown a lot, I mean, it didn't exist, I don't think, in 2000 when --

CHAIRMAN HOOD: Right. Right.

MR. PARKER: So, I think, hopefully, they've come a long ways since you took that drive.
CHAIRMAN HOOD: I'm not simply advocating for the point here, but I want us to be consistent in the title. And, I was just wondering, you know, things get very convoluted and complicated, and at that time, I will tell you, the City did not do external effects.

MR. PARKER: Right.

CHAIRMAN HOOD: Obviously.

But anyway, other than that I appreciate you all incorporating my few comments.

MR. PARKER: You are very welcome.

CHAIRMAN HOOD: Any other comments?

Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: I'd like to just ask a couple questions on the limitations on non-PDR uses.

The limitation on PDR uses, it, basically, ranges from 1 to 2 FAR. And,
what's allowed is retail and office uses. So, I understand that.

I think the most likely circumstance, at least in the current market that we are seeing, is that PDR uses have, you know, relatively low land value throughout the City, and so they will support relatively low density development.

And, I think it's more likely than not that you'd be seeing a lot of these sites being turned into retail, which is good in some respects, because D.C. needs more retail.

But, I just wonder if, you know, the Office of Planning has given a lot of thought to that. If the goal is to truly retain PDR uses in the City, I think they are largely threatened by low density retail development, particularly, on New York Avenue, which is one of the main PDR corridors in the City.

I wonder what's your feeling on
that?

MR. PARKER: I mean, we don't disagree with that. The industrial land use study said much the same thing. It's just a question of, you know, how far, you know, the City is willing to go.

I mean, like you said, there are a lot of other priorities, and retail is one of them in the City.

This is, you know, based on our work with the public working group, task force input, with, you know, input of industrial land owners and others, this is sort of where we ended up.

You know, we feel that this will have, you know, some impact. This will protect development potential if the market changes as properties are redeveloped, but still allow use of these properties.

MS. STEINGASSER: We did originally float a purely industrial zone,
with no other uses, and I'd say we got roughed up a little bit. There was almost complete opposition to having a purely industrial zone that had no other options to it.

So, we came out, after working with a lot of the property owners, on a resolution where, okay, but, you know, we are going to minimize that option. Whereas, right now it's, you know, as we are seeing, it's pure max out your FAR with retail now, or with office now, there's just no requirement. So, we tried to make that incentive.

If we are going to a non-industrial route, they don't get the full capacity of the land, the density.

VICE CHAIRMAN SCHLATER: But, you know, there's not many retail developments that are going to occur in the PDR zone that are over 1 FAR, I would imagine. So, it's not limiting their, you know, the value from a retail perspective.
I mean, I can see we are not allowing residential in this zone, so that's certainly a limitation on the development potential of the area, but I just think, you know, we all sort of acknowledge that by allowing retail uses to 1, or, you know, up to 4 FAR, then we are putting the industrial zone at risk.

MS. STEINGASSER: Well, we are not allowing anything that's not already allowed. This is not a new allowance, I want to be clear on that. It's a diminution of the current allowance, but it's not new.

What we are seeing also is that there is, as we are more aware this week than ever, a hybrid, you know, when the big box retail is also an industrial use, the big box hardware stores, you know, there is kind of a new retail model that is somewhat industrial in its nature.

VICE CHAIRMAN SCHLATER: I agree
with, you know, what the status is now. The question is, we've got a Comprehensive Plan that gives us direction to protect industrial uses. The question is whether this zoning rewrite absolutely meets the Comprehensive Plan requirements.

MS. STEINGASSER: The Office of Planning believes it does, and, surprisingly, I think you are going to hear the Committee of 100 thinks it does later this evening.

If the Zoning Commission would like us to go further and look at that, we are happy to do so at your direction.

VICE CHAIRMAN SCHLATER: I guess I'll listen to the testimony and see how it sorts out.

COMMISSIONER MAY: Just out of curiosity, when you said that you got a lot of push back to the all industrial zone, was that coming from all participants, or only from the land owner?
MS. STEINGASSER: Mostly it was from the land owner, who wanted the -- you know, we are not an industrial City, and so to require all industrial created a supply type of balance that I think people, when you have required a lot more analysis of, and where would we sign it, and who would bear that brunt, where some others had more flexibility, so it really became that kind of issue.

COMMISSIONER MAY: Well, I guess what I'm curious about is whether there was any significant reaction for or against on the part of, you know, other interested groups, neighborhood groups, or --

MS. STEINGASSER: I think -- this was one of our earlier ones, so it's several years ago, but I think as the Chairman has raised, there is neighborhood concern about purely industrial zones, and where would they be, and which neighborhoods would then bear the brunt of having that purely industrial
zone with no opportunity for even some kind of mitigating retail or office combined within it.

CHAIRMAN HOOD: I think we talked about this also in the Regulations when we talk about emergency shelters, when we talk about hypothermia. I probably should be asking somebody else this question, but I'm just curious, because they are only supposed to be for a certain amount of time, I believe. Is that included when we talk about emergency shelters?

MS. STEINGASSER: No, the hypothermia centers are done by Council legislation. They are allowed to go wherever they need to go.

CHAIRMAN HOOD: Wherever they need to go.

MS. STEINGASSER: I think we have an expert that might be able to address that.

CHAIRMAN HOOD: Oh, okay.
MR. PARKER: My recollection, though, is with hypothermia shelters, they are, essentially, temporary uses, so there are limitations on those.

What I think your concern might be with more permanent shelters, which are not necessarily hypothermia shelters.

CHAIRMAN HOOD: Right, but I thought originally the one that was placed in the particular area I was speaking of, I think that's with the residents. These are live situations. I think that's what the residents thought, that they were going to be there for six months.

I mean, nobody wants to see anybody displaced, but I think that we need to make sure it is clear when, you know --

COMMISSIONER MAY: I believe you are right. I believe that there were some shelters that were placed as hypothermia shelters.
CHAIRMAN HOOD: So, that wasn't one.

COMMISSIONER MAY: And then, that became permanent.

Well, I'm not sure which one you are talking about. I mean, there are two that are in my --

CHAIRMAN HOOD: The one on, what's that, Adams Place?

COMMISSIONER MAY: Yes, I don't think that that was permanent. Well, I don't believe that that was -- that that one was instituted as a hypothermia shelter. It was institute, theoretically, with an intention for it to be short lived, but I don't believe it was -- but I don't believe it was permanent initially as a hypothermia shelter. Whereas, there were others in the City that have been, that were permanent initially in that manner, and those did not come before the Zoning Commission to get approved like the one on
Adams Place did.

CHAIRMAN HOOD: Who -- never mind, I won't ask that question.

Thank you, Commissioner May.

I think what I'll do is, it will come to me before we finish for the night.

Any other comments or questions?

Okay. We only have two people in the audience. I'm going to ask them, I guess I need to call for the ANC Commissioners.

Do we have anyone from any ANC that would like to testify? Not seeing any, I'm going to ask Ms. Gates and Mr. Collins to come forward.

Thank you all for being here tonight. Once you are ready, Ms. Gates, we'll let you begin, and then Mr. Collins.

Oh, we'll permit six minutes, since we have a crowd. Wait a minute, we'll let Ms. Gates have an allowance to go one minute over, seven minutes, we are graduating.
Okay, Ms. Gates, you can proceed.

MS. GATES: I just would like to make one comment, based on your conversation tonight about GAR.

This is a new section for the Code that's very important.

And, before we start figuring out ways to diminish its use, perhaps, when you have 100 percent lot occupancy, and a roof that cannot carry the load of a green roof, and I know Mr. Collins is going to be very upset when I say this, perhaps, if they want — they don't want to have the green roof, they might also consider not having 100 percent lot occupancy, and make up the difference in GAR on the ground.

So, I will begin my testimony, and I'm going to go right to the end of the pages where it says, "Committee of 100 comments," I'll give you a lot of material on the Comprehensive Plan, EPA, et cetera, but I'm
going to go right into what we feel about this. And, we did discuss this today at a meeting of the Zoning Committee.

The terms production, distribution and repair -- excuse me, on the notes from the Committee of 100, the terms production, distribution and repair do not convey the same intensity of use as is currently required by the term industrial.

While production, distribution and repair are germane, additional clarification might be added to the purpose of Subtitle J, by exchanging Section 100.1A with 100.1B, where types of PDR land zoned for particular uses are more fully delineated.

The proposed chapter headings and regulations for Subtitle J follow a logical progression. The text prior to or related to the tables provides direction for the immediate section and references as well, as other code sections would also relate to
Subtitle J.

For example, Section 201.1 identifies references to all zoning regulations applicable to PDR zones, including parking, and refers to Subsection B, General Regulations for Bicycle Parking and Loading.

The remaining system may require a degree of unlearning for those who have familiarity with the current Code that uses C and N, et cetera.

The relevant information on the relationship between old and new categories is in the set down report, but not in the text of the public hearing notice, so there's a bit -- it was difficult to sort of figure that out.

The new tables found throughout this subsection are useful, provide direction, and over all time will become familiar. However, text is needed to define P1 or P6 so it is clear which development standards column or regulatory topic applies.
Use categories in their Condition 3 need additional attention to ensure the lists of uses to further OP's goal to preserve PDR land, and PDR use. Parking minimums are not provided in the parking standards for PDR zones. However, many PDR zones are not located in areas served well by public transit. Therefore, employee parking maximums should not be applied in any PDR areas to help ensure there are no parking impacts to residential properties, and employees can reach their endpoint of destination.

Green area ratio is included in the 401 series of tables. This is an important new environmental feature.

As stated earlier, the Committee of 100 was generally supportive of this subtitle. It does not appear to be a conflict with the current grants of plan policies, and when all PDR zones are covered by these regulations the subtitle will meet the goals
set out by the Office of Planning to preserve PDR land for PDR use, improve buffering standards and protection of residential zones surrounding industrial land, and, basically, update the Zoning Code.

I don't know what that, however, is doing in there, I'm sorry.

Maps of the PDR zones for all areas of the City are needed, and I ask that you leave the record open for additional comments.

Thank you.

CHAIRMAN HOOD: Okay, so you have another two minutes if you want to say something else.

MS. GATES: I'm happy. Thank you.

CHAIRMAN HOOD: Okay. Mr. Collins, then you may want to respond at some point in time, because I think you are going to, actually, have discussion from us also.

There was a number of things that
were mentioned prior to you coming in to our building, but I'll let you testify first.

You may want to comment. I think Ms. Gates was looking for a comment from you, at the end of your testimony we'll go from there.

MR. COLLINS: Well, thank you.

My name is Christopher Collins, with the law firm of Holland & Knight. I want to talk about the green area ratio. That's the only issue that I have a concern with, and my clients have a concern with. And, I'd like to do that by just giving you an example of why the green area ratio that's proposed of 0.2 is just not a workable number for industrial uses in the PDR zones.

And, I want to compare, by way of example, compare a 100,000 square foot office building versus a 100,000 square foot warehouse. We don't know yet what the PDR requirement is going to be for office, because
of the nature of the way these regulations are being rolled out, but just to compare 100,000 square foot office building, just take one on a 10,000 square foot site. The roof is 10,000 square feet in size.

Just by way of example again, if it costs $20 a square foot to provide enough structural support to allow a green roof on a building, then the $20 a square foot, the cost of that roof would be additionally would be $200,000.

With a 10,000 square foot roof, you spread that over 100,000 square foot office building, the cost per square foot, the additional cost per square foot, is $2 for the office building.

Compare that to a warehouse, 100,000 square foot one-story warehouse has a roof area of 100,000 square feet. If it costs $20 a square foot for structural support of that roof to provide a green roof, then the
cost of that additional structural support is $2 million. For the cost of the 100,000 square foot roof, spread over the 100,000 square foot building, at $20 a square foot, is $20 per square foot for the warehouse use.

So, you've got $2 a square foot for the office versus $20 a square foot for the warehouse building.

An office lease, typically, they are running about, just for discussion purposes, about $50 a square foot in the City. If you amortize that additional $2 a square foot over ten years at 8 percent, that adds .30 cents to the $50 number for the office.

For a warehouse, warehouses generally run about $4 a square foot. If you amortize over ten years at 8 percent, that additional cost for the green roof, that adds $3 a square foot to a rental rate. The rental rate there for the warehouse jumps from $4 to $7 a square foot. It just doesn't make
economic sense to do a green roof.

And, this discussion assumes that an office building roof and a warehouse roof are the same, which they are not. An office building roof is, generally, poured concrete, and the columns are spaced like this, and there's enough support on the roof for a green roof.

A warehouse roof is designed, generally, just to handle the snow load, and nothing else. Warehouses are, generally, thinner walls, and larger spans, and lighter materials, so that they can have larger spans.

So, the delta between office and warehouse, I think, would be larger than what I just described, but just for that purpose, for just comparison purposes, the additional financial burden on a warehouse rental would be tremendous compared to an office.

So, if you can't put a green roof on a warehouse, then what's left? You can go
The warehouse building can now occupy 100% of the site under the current regulations, and we assume that’s what it’s going to be in the new regulations. The rear yard doesn’t start until you are up to 20 feet up in the air, so it can be 100% lot occupancy, and that’s shown by the drawing on the left, which is an existing warehouse. If you superimpose the regulations for GAR for this warehouse, that’s the drawing on the right, what that shows is with a combination of bio-retention area, native plants, landscaped areas, trees, ground cover, that is actually -- it’s actually, a lot square in the City that these guys pulled this information on there.
and plants at maturity, and you've got all those numbers there, to achieve the 0.2 GAR this represents, actually, .22, because certain things, like bio-retention areas, have to have a certain minimum dimension. You just can't cut them off. So, we just put them in there throughout, or the landscape architect did, and you can see that what that results in is this U-shaped landscape area around three sides of this warehouse building at a depth of 10 feet, 10 foot setback on three sides. The fourth side is the loading dock, which goes right up to the alley.

You cannot in an industrial -- in a warehouse situation, you can't use permeable paving, because the trucks are too heavy, generally, for that. You'd have to put structure underneath, and it would cease to be permeable if you put another structure underneath to support the trucks. So, that's not an option.
So, what you wind up with here is a building that's at 78 percent lot occupancy, one-story building versus what you had before, a 100 percent lot occupancy building. So, you lose 22 percent of square footage of the building by imposing this GAR requirement in an industrial use.

I had an opportunity briefly to talk to Mr. Parker about this, and we had some discussion. I'm not sure if that was shared with you previously. Okay. Okay.

So, that's the issue that you have when you apply this .2 number to a warehouse, and my suggestion is that maybe something less than .2 would be appropriate for a PDR use in a PDR zone.

CHAIRMAN HOOD: Okay, thank you very much, Mr. Collins. You, actually, have 30 more seconds.

MR. COLLINS: Can I ask whether the height proposal for PDR 1 -- P1A1 was --
okay -- adjusted. Thank you. I got a response from Mr. Parker.

CHAIRMAN HOOD: Okay. All right.

Let's open it up.

Commissioner May?

COMMISSIONER MAY: Yes. You said that -- you referred to a cost of $20 a square foot, but you said if the green roof, you know, it's $20 a square foot.

Are you saying that it does add $20 a square foot?

MR. COLLINS: No, I just used the $20 as a comparison, both for the office and the warehouse. That was the number given to me, I don't have any independent knowledge as to whether it is, but you'd have to provide additional structure.

COMMISSIONER MAY: I understand the concept. I've been involved in designing projects and construction projects building green roofs, and so I know there's an
additional load associated with it. But, it's also a fairly minimum load.

   Do you know what the load is that they are talking about having to add, how much that costs?

       MR. COLLINS:  No, I don't. I was given this $20, but I believe it's a comparison, because if you use $20 for a warehouse you also use $20 for an office building.

       COMMISSIONER MAY:  I'm not sure that it's that easily translated, and it would be helpful if you could make this sort of a calculation that we, actually, see the whole calculation. So, I don't know if we are going to take additional information, but --

       MR. COLLINS:  Okay.

       COMMISSIONER MAY:  -- I'd like to see that, because, frankly, I'm very skeptical that it adds, you know, that it, basically, is going to double the cost of a warehouse
building.

Does anybody build warehouses that are not just a single story, because there are, certainly, some that exist.

MR. COLLINS: Let me go to your point. You said that you would be surprised if it costs double to build a warehouse.

COMMISSIONER MAY: Well, no, I mean, if it translate to a double -- double the cost of the lease.

MR. COLLINS: Right.

COMMISSIONER MAY: I'm surprised that it translates to that much. I'm also surprised that the rate is $4 a foot, because when I was involved in leasing projects a few years ago we weren't finding warehouse space at $4 a foot.

MR. COLLINS: My client will be happy to lease you space at $4 a foot.

COMMISSIONER MAY: Right. Okay.

Never mind, I don't need warehouse
space now, but I would --

MR. COLLINS: I'll be happy to submit that calculation and get the exact numbers for you.

COMMISSIONER MAY: -- yes, that would be helpful. And, some idea what the actual cost is for green roofs.

I guess that's it for my line of questioning. I don't think it's -- you know, I am curious about this other diagram that you've provided, and the relative cost of that, because, you know, I mean, it seems to me that if you can meet the GAR you have a smaller footprint, and it's going to cost you 20 percent of your lot. You know, how does that translate into the effective lease rate?

MR. COLLINS: That's 20 percent lost revenue.

COMMISSIONER MAY: Right, but --

MR. COLLINS: It's $4 a foot, a 400,000 square foot office building, that's
$400,000, and if it's $80,000 that's --

COMMISSIONER MAY: Yes, I mean, but what I'm looking for is the sort of translation, the comparison of that cost versus the cost of adding the green roof.

MR. COLLINS: Okay, the cost of the lost revenue versus having the green roof.

COMMISSIONER MAY: Yes.

MR. COLLINS: Okay. I don't know how it compares. I don't know how -- you know, how long you need to run this out in a typical circumstance for the life of the building. I can check, though.

COMMISSIONER MAY: That's it for me.

CHAIRMAN HOOD: Okay. Any other questions? Comments?

Okay. Ms. Gates, if you could just repeat what you said. I just want -- I mean, Mr. Collins, if you don't mind responding, about not building all the way up
to the lot occupancy.

MS. GATES: If I would repeat what I said?

CHAIRMAN HOOD: Yes, what you said.

MS. GATES: I said that I felt that the GAR section was important, and that if a building at 100 percent lot occupancy could not support a green roof, then, perhaps, a reduction in the lot occupancy, and putting the GAR on the ground would be the solution to that.

CHAIRMAN HOOD: All right. I think, at least Mr. Collins, what you've given us, I think that's what you opted to, right, with trees around it.

MR. COLLINS: Exactly, yes.

CHAIRMAN HOOD: Okay. So, I think you all are on the same page.

MR. COLLINS: Yes.

MS. GATES: We are on the same
CHAIRMAN HOOD: Okay. Well, I don't think any of us got to the exact bottom line yet, but I think there's some room, some wiggle room there to try to see where we can go with that.

I just wanted to make sure that if he wanted to address it, he could, but I also see what you provided us.

Could you give Ms. Gates a copy, if you don't mind, if you have extras.

MR. COLLINS: I'd be happy to, I do have an extra one.

CHAIRMAN HOOD: Thank you.

MR. COLLINS: Just one point, that you wouldn't, in a typical warehouse situation, you couldn't make up the loss of space by just adding a second floor, for instance. You say, well, okay, I can build a 100,000 square foot, now I can only build 80,000 square feet because of the GAR, I'll
add another 20,000 on the second floor. You, typically, can't do that, because office -- a typical warehouse is a single-story structure.

CHAIRMAN HOOD: I think in one of the warehouses that I've been in, Mr. Collins, I think you bring up a valid point, but I think the Office of Planning has agreed for us to peruse this a little more, and I think that's what we need to do.

I think you bring a valid point. The columns are -- sometimes it winds up that the columns are so far apart. Actually, I haven't even noticed that, so I think you bring up a valid point.

So, anyway, we are going to have to kind of deal with that at some point.

Any other questions or comments?

COMMISSIONER MAY: Yes, I would just mention one other thing. You know, I have looked at a number of warehouse structures in the City, and they are not all
single-story structures. I mean, maybe that's
the current norm for what you would build new,
but it's not uncommon to have at least two
stories in a warehouse. And, it's not
uncommon to have, you know, narrower spacing
in the columns and so on.

I mean, you know, certainly, the
warehouses owned by the City are multi-story
structures, heavy concrete structures. And, it
would be very easy to put green roofs on those
existing structures.

Maybe things are simply just not
built that way anymore, the things are built a
lot more cheaply, they are not built to be
100-year buildings. They are built to be 20-
year buildings. I don't know.

MR. COLLINS: Well, we're talking
about -- we're talking about the regulations
going forward for new projects.

COMMISSIONER MAY: I understand.

MR. COLLINS: I don't think that
you'll see many, based on what I'm told, it's not likely that you in the future are going to see a multi-story warehouse.

COMMISSIONER MAY: So, nobody builds multi-story warehouses anymore?

MR. COLLINS: It's a lot easier for the truck to get the goods in and out if it's just one story, as opposed to having to put in a freight elevator. There's additional costs and things. Certainly, the revenue there on the additional space would be good, but it's just the way that they are being built, I'm told they are just single stories laid out.

COMMISSIONER MAY: I'd be interested to know if there are any multi-story structures being built.

I mean, I know nobody is building things like the Hecht's warehouse anymore, structures like that are more likely to be refurbished than used for warehouses.
But, I know that there are multi-story warehouse structures that are still in use.

MR. COLLINS: True, but again, this goes to the future.

COMMISSIONER MAY: I understand that. You know, what we do here guides the future, and so if we are guiding the future toward a multi-story structure, because that makes sense economically, I mean, you know, it would be helpful to understand whether even that might be viable.

I mean, we are talking about -- it's sort of a basic question, because if we make it too expensive to build warehouse space in the City, we are going to wind up with vacant PDR land. We are not going to wind up with the kinds of uses that we want to have, because it makes things efficient for supplying the City.

But, you know, even the things
that five years ago, the only business model for building a large lumber retailer was to do so in a big box. A lot of land with lots of parking.

And, you are seeing retail outlets like that happening in urban settings, with less parking and with multi stories and so on, because the economics are changing and, you know, the way goods are changing.

So, you know, there's a lot involved in this. It's not just a simple economic calculation for what the rates will be from here on out.

I'm not sure how to get to the right answer, but it does raise a lot of questions.

CHAIRMAN HOOD: Anybody else?

Let me ask the Office of Planning, Ms. Gates brought up a good point. You know, I remember before we started doing the ZRR, there was a conversation, I think Office of
Planning brought to the Zoning Commission some years back about PDR zones.

I know that discussion has been out there for a while, but I think, if I understand Ms. Gates' testimony correctly, I think we need to -- she said clarify, everybody knows CM, CM1, I, actually, learned it the hard way, but everybody knows what CM, CM1M zone, we know what the uses and what the impacts are to that.

But, I think, I don't know if we need to put a little more emphasis, as she stated, she just, basically, says that she's here, but she just, basically, says what types of PDR land zones for particular uses are more fully delineated. But, I think that we need to really make sure people understand that PDR is the old CM1, CM2, CM3, and M zones, and whatever.

Let me ask this. I see how requirements and conditions are for the solid
waste. I read through that. What about clubs? Is it in there? I may have missed it.

MR. PARKER: Nightclubs?

CHAIRMAN HOOD: I focused so much on solid waste, that I missed it.

MR. PARKER: Nightclubs fall under Food and Alcohol Service, and those, I will check, but --

CHAIRMAN HOOD: Like, quick, take me straight there, because I want to see -- read that.

MR. PARKER: Sure, Section 502.1, it's permitted. I don't see any -- if you are talking just nightclubs, with alcohol and entertainment, there's no limitation on those now.

CHAIRMAN HOOD: So, they could be -- you know, how we say so many feet away, and they could be right next door. So, you might have three clubs right next to each other, because it also goes back to our point about
parking.

MR. PARKER: Yes.

CHAIRMAN HOOD: And, you are talking about a neighborhood that lives -- and I hate to just keep talking about it, but this is real, at one time, until they worked out with clubs, they used to go park in the residential areas, because there was not enough parking for some of those uses in that particular area.

So, her point is really real, that's what people are witnessing, or living with. But, I think that -- let's just look at the club issue, all right? I'll probably get in trouble for saying that, but let's just look at it, because, I mean, I just don't see how you -- just like we are having so many feet away from a solid waste facility, you know, maybe we need to look at that, the impacts.

And, it goes back to the parking,
and any other business. You know, there's not a whole lot of parking, at least the way it exists now, and I'm not saying I'm advocating for it, but I just think that we need to look at it.

MS. GATES: Last night I was at a meeting at the Sibley Hospital, and they have now opened their medical office building, you recall that hearing probably, with a large parking facility.

And, an announcement was made that now we are going to take all the parking out of the neighborhood and put it in our parking facility.

So, when there isn't parking for institutional use, which is a hospital, or any of these, they go right in the neighborhood. And, it is an impact.

Thank you for bringing that up.

CHAIRMAN HOOD: So is a warehouse -- I'm almost scared to ask the next question
-- is it working at Sibley? Is it working, with the parking?

    MS. GATES: I don't know, to be honest with you, yet. I think it's too soon.
    I think that all the hospitals, Georgetown, I don't know about GW, Georgetown costs $10 an hour to park. Sibley is $3, and I'm sure now that the new facility is open it will be raised as well.
    So, there really is no incentive to park in their lot.

    CHAIRMAN HOOD: I thought that -- don't they validate -- do they validate for a couple hours, hours?

    MS. GATES: No.
    CHAIRMAN HOOD: They don't? Okay, thank you.
    Well, I want to thank you.
    Any other questions?
    Commissioner Selfridge?

    COMMISSIONER SELFRIDGE: Just
briefly. I think what Mr May said about, any information you can bring regarding the cost, the loads, all that, I don't know enough about it. I think it sounds like a serious issue, but I think anything you can provide, it sounds like your client has some pretty good background and understanding that would be very helpful to us to truly understand the impact, because that's what I'm having trouble getting my mind around.

We talk about $20 a square foot, but that's not really the number, and it would really be helpful, I think, to be able to distill the finer points of it.

MR. COLLINS: I will do that.

COMMISSIONER SELFRIDGE: Thank you.

CHAIRMAN HOOD: Any other comments?

Commissioner Turnbull?

COMMISSIONER TURNBULL: Mr. Chair,
I just have one getting back to Ms. Gates' asked a question about parking.

I'm looking at 503.5, and, Mr. Parker, the facility should provide on-site parking as follows, does that really address anything? It talks about specialty parking on site to park each commercial vehicle operated by the facility, one employee parking space for each commercial vehicle operated by the facility, and that the facility serves the public all parking for employees should be provided on site to accommodate projected peak demands.

Is that then the requisite, comes with an application that says how many spaces?

MR. PARKER: Yes, keep in mind, this is -- these are requirements from the current Code on recycling uses. And so, a new recycling use in this zone would require, yes, the applicant to identify how many employees, and provide a parking space for each one.
That just comes directly from our current Code.

COMMISSIONER TURNBULL: So, that would carry over to the PDR.

MR. PARKER: No, this is only for one. If you follow back, no, this is, specifically, for recycling use.

COMMISSIONER TURNBULL: Just for recycling, but how -- do we have another section for the other uses in order to calculate parking?

MR. PARKER: No. In general, in the new Code there is no parking required in PDR zones. That was part of our, you know, part of the overall parking, you know, paradigm shift.

This is just a specific condition that comes from our current Code on a specific use.

So, general uses in PDR zones, provide parking as the market demands, rather
than having to provide them.

COMMISSIONER TURNBULL: Okay.

MR. PARKER: This particular section that you are pointing out is just a carry over from the old Code.

COMMISSIONER TURNBULL: Yes.

Okay.

MS. GATES: I really would like an interpretation of that, because it says one employee parking space shall be provided for each commercial vehicle. You could have one commercial vehicle and ten employees. How does that help the parking?

MR. PARKER: I'm not offering any judgment on whether this is the right standard, this is the current standard, and we pulled it forward.

We can take a look at recycling.

I think this is going to be a pretty minor issue that, again, is only for recycling facilities, and only, again, for new
We are probably not going to see a lot of new recycling facilities.

MS. GATES: But, we are also talking about parking across the PDR zones. So, this might be a good time to fix it.

MR. PARKER: We'll take a look.

MS. GATES: Thank you.

CHAIRMAN HOOD: Okay. Any other questions?

Thank you, Mr. Parker, Ms. Steingasser, Ms. Gates, Mr. Collins.

Do we have anything else?

Ms. Schellin, do we have dates?

MS. SCHELLIN: We're closing the record, except for the specific items, facts from Mr. Collins.

CHAIRMAN HOOD: We have some requests to leave the record open. Ms. Gates asked to leave the record open.

MS. SCHELLIN: For just for her to
-- so, are we just --

CHAIRMAN HOOD: The ANC also asked.

MS. SCHELLIN: Did they?

CHAIRMAN HOOD: Okay. You know what, let me do this before we go there.

Let me acknowledge that we have a letter from ANC 6B. They also remind us -- well, anyway, they voted unanimously to support the Office of Planning's proposal and the Zoning Commission, the Zoning Commission's proposal in the set down report.

But it says, it cautions, "However, the Commission feels that it is important at this stage of the review to remind the Zoning Commission of these pending map amendments," and they have them on the bottom of their letter. And, they mention in some areas, this is ANC 6B, some areas they are saying are not clear on the map what the other proponent of the mix might be.
I think we'll get to that point.

When we talk about CM1 going to the P1A1, and the P5C1, and CM1 going to the P1A1, and I think some of that is unclear.

So --

MS. SCHELLIN: So, we are leaving the record open then only for the Committee of 100 to do a filing, and Chris Collins.

CHAIRMAN HOOD: Okay. Were those the only two people?

MS. GATES: No, I'm sorry, Ms. Schellin, it was for other comments to be submitted.

MS. SCHELLIN: Requests from anybody.

MS. GATES: Today when the Zoning Subcommittee met, several people commented that they thought they would like to submit something to the plan on this, if that's acceptable.

CHAIRMAN HOOD: Does anybody else
have requests? I don't see a problem, actually, with leaving it open. I don't think we are going to be flooded with papers to read. I'd, actually, like to hear as many comments as possible, as someone who lives in a PDR zone.

MS. SCHELLIN: So then, for everyone and anyone?

CHAIRMAN HOOD: Let's just leave it open.

MS. SCHELLIN: We'll leave the record open for two weeks then until March 10th, until 3:00 p.m., and then we'll allow OP to be able to respond to anything that comes in if they'd like to, and for them to look at a new filing if they choose to do so, and then we will take this up at our March 28th meeting.

CHAIRMAN HOOD: Okay. Thank you.

Anything else, Ms. Schellin?

MR. PARKER: If I could, what due
date would that put on an OP submission?

MS. SCHELLIN: March 17th.

MR. PARKER: March 17th.

Thank you.

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

MS. SCHELLIN: That's it.

CHAIRMAN HOOD: I want to thank everyone for their participation tonight, and this hearing is adjourned.

(Whereupon, the above-entitled matter was concluded at 7:37 p.m.)