GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

REGULAR MEETING

MONDAY,
MARCH 28, 2011

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:
JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic Preservation  
JOEL LAWSON  
TRAVIS PARKER  
MAXINE BROWN-ROBERTS  
LAINE CIDLOWSKI  

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:  

ALAN BERGSTEIN, ESQ.  

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CHAIRMAN HOOD: We're ready to get started. This meeting will, please, come to order and good evening, ladies and gentlemen. This is the March 28, 2011 Public Meeting of the Zoning Commission for the District of Columbia.

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

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

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 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: Okay. If not, let's move right into the agenda.


MS. SCHELLIN: Yes, sir. At Exhibit 121, we have an NCPC report that, basically, states that there would be no
adverse effects to federal interest. And then
we have two public comments at Exhibit 133 and
Exhibit 134.

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

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

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

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

But my technical question is that
on the bicycle -- reduction of bicycle parking
where the paragraph was added at 1608.3, it
occurred to me that we start talking about a
reduction in bicycle parking under the
paragraphs that follow.

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

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

CHAIRMAN HOOD: We will give Mr.
Bergstein a moment. I don't know if he needs
the question repeated.
MR. BERGSTEIN: I'm trying to figure out exactly what Mr. May is referring to. I'm looking at 1513.3 because "The Board may grant a full or partial reduction." And I'm looking at 1608.3 which says "The Board may grant a special exception of reduction." And so I'm wondering what it is that you think is inconsistent between the two?

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

MR. BERGSTEIN: Yes.

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

MR. BERGSTEIN: Yes, it's in 1608.5 the comparable paragraph. 1608.5 to 1513.4.
COMMISSIONER MAY: Yes, but what's 1608.3? 1608.3 is the same language or it's parallel language to the last paragraph of 1513.3(a), right?

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

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

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

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

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

COMMISSIONER MAY: Okay. And I'm not advocating for, you know, exactly where it
should be, just that it ought to be parallel in construction.

MR. PARKER: Agreed.

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

MR. PARKER: I understand your point.

COMMISSIONER MAY: Okay.

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

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

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

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

I do have a concern about some of the other later submissions that we received or one of them coming from the Friendship Neighborhood Association on Notice of Proposed Rulemaking.
And I think that the, you know, concern that is raised about consistency with the Comprehensive Plan is, I think, a serious question. And, you know, I have my own thinking on that, but I'm actually very interested in hearing what the Office of Planning has to say about the particular issues that were raised in this submission.

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

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

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

MR. PARKER: I haven't had a chance to examine this submission in detail, but I would be happy to do it and respond.
COMMISSIONER MAY: Okay. Well, maybe other Commissioners have questions and we can give Mr. Parker a minute.

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

COMMISSIONER MAY: Okay.

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

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

On 1600.4, the change, it reads "The Zoning Administrator may, at his discretion, request DDOT review and request that approval of recommendation regarding any item on the Bicycle Parking Plan prior to approving the building permit application."
To me, it's just -- should say request DDOT's review and recommendation or request DDOT review and its recommendation regarding. It's just English, it's semantic. Maybe it reads fine, but it's just my own look at it just looks like it might need to be clarified.

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

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

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

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

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

CHAIRMAN HOOD: Any other questions? Vice Chairman?

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

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

It is a zoning requirement.

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

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

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

So I just want to hear OP's
thought about that.

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

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

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

MR. PARKER: It couldn't hurt.

VICE CHAIRMAN SCHLATER: I would lean towards that.

The second question I had about this is this distance from a street intersection requirement. In the text today, it's 25 feet. And it has grown to 60 feet. But in the text today, it is 25 feet and does
not apply to single-family homes.

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

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

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

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

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

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

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

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

MR. PARKER: I understand. One
discussion that I had with OAG on this subject was that, in this instance, you know, curb cuts are first regulated by DOT. And this is a Zoning Regulation intended to reflect that, but be responsive to DOT's regulations.

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

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

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

So here is a DDOT standard. You cannot have Pepco vaults in public space. That's a DDOT standard that they have and...
that's how everybody who comes through the Public Space Committee that that's their standard.

98 percent of the time, they waive that standard. But what this -- what we are doing here is putting that standard in the Zoning Code and potentially pushing people into a variance or special exception process. It's just insane. I'm worried about it.

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

CHAIRMAN HOOD: Okay.

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

CHAIRMAN HOOD: Go ahead and follow-up.

COMMISSIONER MAY: I just want to -- I had a question on the diagram at 1507.6(c). Is that spacing between the two
driveways at the top there supposed to be 28 feet or 36 or 32 rather?

MR. PARKER: It should be 32.

COMMISSIONER MAY: Should be 32, okay.

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

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

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

1704.3 says that in Industrial Zones, you don't have that limitation. So you could park in a side or a front yard or not
park, excuse me, load, basically, anywhere on
the lot within an Industrial Zone.

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

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

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

CHAIRMAN HOOD: 1709, okay. Well,
I know, yes. I had that issue, too. But I think you --

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

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

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

CHAIRMAN HOOD: So it's not allowable?
MR. BERGSTEIN: Yes, that is correct. And when you -- and those provisions were repeated in the new PDR Zone that you are going to be looking at under proposed.

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

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

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

CHAIRMAN HOOD: Okay. So you would be inclined. But the problem is if we
move forward tonight --

COMMISSIONER MAY: It's the --

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

COMMISSIONER MAY: -- driveway issue.

CHAIRMAN HOOD: Does everybody have that concern or issue? Commissioner Selfridge does, Commissioner Turnbull. Okay. So Ms. Schellin, can we put this on the agenda for --

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

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

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

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

MS. SCHELLIN: If you could get this to us by the 4th, which would be next Monday?
MR. PARKER: Well, why don't you do the one after that?

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

MR. BERGSTEIN: Right.

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

MR. PARKER: Sounds good.

MS. SCHELLIN: Okay.

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

Now, let's move right along. Proposed Action. The way we move, we might be able to make the address. I said that, that was a hint. Okay. Proposed Action Zoning Commission Case 08-06, Office of Planning - Comprehensive Zoning Regulations Review: Production, Distribution & Repair Zones. Ms. Schellin?
MS. SCHELLIN: Yes, there is a supplemental OP report at Exhibit 135 and then at Exhibit 132. There was comments from a Jay Waldman. I take that back. Exhibit 132 is actually comments from Mr. Collins.

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

MS. SCHELLIN: I was reading the line above.

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

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

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

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

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

CHAIRMAN HOOD: Okay. Any
comments, Commissioners?

COMMISSIONER MAY: Mr. Chairman?

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CHAIRMAN HOOD: Commissioner May?

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

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

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

I mean, if it's going to go from
$7 a foot to lease it out and make your money back to $10, that implies that it is going to be 50 percent more expensive.

It's very hard for me to imagine. It's really going to make -- that adding a green roof to a warehouse is going to make it 50 percent more expensive, unless the building is being built is a butler building, a prefab aluminum structure or something like that, in which case you are talking about a significant and more expensive building that has a green roof.

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

MR. PARKER: But --

COMMISSIONER MAY: So --

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

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

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

COMMISSIONER SELFRIDGE: Mr. Chairman? Yes, I was just reviewing Mr. Collins' submission as well. You know, I think it was very helpful and I thank him for providing it. I mean, I'm not an expert on this.
It seems to make sense. I don't know what the right ratio is, but I think that it intuitively makes sense that there is going to be, you know, additional cost and that it may be impractical to apply the same standards in this case.

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

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

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

CHAIRMAN HOOD: .1?
COMMISSIONER SELFRIDGE: I will tell you that from my standpoint, I don't know, this issue would not have even, if we want to give Mr. Collins some credit, been raised, I don't think, if he had not brought it to our attention. Even though you may not have got the .05, still not the .2. So, you know, I'm not sure, but we all agree with that. I believe I heard you, Commissioner May, Commissioner Selfridge, we all agree. Okay.

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

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

I think you all said you would look into that issue? But it may have been
addressed, because I think she might have had, and I can't remember, the same issue I had with recycling facilities. I'm not sure. Do you recall?

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

    CHAIRMAN HOOD: Okay.

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

    CHAIRMAN HOOD: Okay. So her issue about PDR parking across all zones in PDR -- parking across all the zones in PDRs, we recitifed that at the hearing.

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

    CHAIRMAN HOOD: Okay. And we also talked about one of the things we have to do is make sure that people understand the translation of CM Zones to PDR. And I think-- I'm not sure how that went with the Task
Force, but that's a key piece, because PDR took -- it took me a while to figure out what PDR was, but I know what CM1, CM2, CM3 is and M.

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

Any other comments, Commissioners?

Commissioner Turnbull?

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

OP said they can take a look at it, but it would only apply to new recycling facilities, which would be a minor issue. Ms. Gates suggested fixing parking generally across the PDR Zones. I think OP was going to look at that.
MR. PARKER: I think the issue was we have -- PDR Zones don't have a parking requirement in the new regs, whereas, they do in the current regs. What she was quoting, I think, was a particular special exception for a particular use in the PDR Regs requires parking based on the number of, you know, commercial drivers that you have coming in.

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

COMMISSIONER TURNBULL: Okay.

Thank you.

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

Anything else? Again, if we approve this, in front of us, it will be approving the revisions recommended by the Office of Planning apparently. Anything else?

So I would move approval of Zoning
Commission Case No. 08-06, Office of Planning - Comprehensive Zoning Regulations Review on Production, Distribution and Repair Zones with the amendments given to us that we approve tonight, that the office of -- recommended by the Office of Planning. And I'll ask for a second.

COMMISSIONER TURNBULL: Second.

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

COMMISSIONER MAY: Yes, Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: I have one more question for the Office of Planning. With regard to Mr. Collins' analysis, did you actually consult with others on the structural implications and the cost associated with adding a green roof to a warehouse building?

MR. PARKER: We didn't. We did some basic on-line research and didn't find
anything to conflict, but we didn't call and contact individual developers.

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

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

    MR. PARKER: Well --

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

    MR. PARKER: Very well.

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

    All those in favor?
ALL: Aye.

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

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

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

CHAIRMAN HOOD: Okay. I think you said April.

MS. SCHELLIN: Okay. Good.

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

MS. SCHELLIN: All right. Just
making sure, because for some reason I thought I said May.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Sorry, what year was that?

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

Okay. Let's go to Hearing Action.

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

Office of Planning, Ms. Brown-Roberts?

MS. BROWN-ROBERTS: Yes, Mr. Chairman. Good evening, Mr. Chairman and Members of the Commission. I'm Maxine Brown-Roberts representing the Office of Planning. SeVerna, LLC and Golden Rule Apartments, Inc. proposes a Map Amendment to rezone the property in Square 621, Lots 862 and a portion of 861, from the C-2-A Zone to the C-2-C Zone.
The subject site is 27,075 square feet and not the 50,260 square feet that is submitted in the applicant's text.

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

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

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

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

The Northwest One development approved by
Council in 2006 recommends new and high-rise apartments for the site.

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

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

Thank you, Mr. Chairman.

CHAIRMAN HOOD: Okay. Vice Chairman?

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

This project itself is not part of our efforts, but it is adjacent to our efforts and there will be subsequent rezoning associated with the Northwest One New Community Initiative and I don't want in any way those efforts to seem biased, so I'm just
going to step aside on this case. Thank you.

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

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

All right. Any questions of the Office of Planning?

COMMISSIONER MAY: I have a question.

CHAIRMAN HOOD: Mr. May?

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

And yet, in the applicant's survey, the drawing shows the site going all
the way up to L Street. So which is correct?

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

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

MS. STEINGASSER: That's correct.

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

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

And also, can we -- will we be able to see a master plan for Northwest One
when it comes time for hearing?

MS. STEINGASSER: Certainly.

COMMISSIONER MAY: Okay. Thanks.

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

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

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

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

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

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

CHAIRMAN HOOD: Okay. Do we have a status report, Ms. Steingasser? Okay. I just want to remind my Commissioners and my fellow colleagues and all that we will be attending the Task Force meeting of the ZRR this coming Wednesday at 6:30. And the location is?

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

CHAIRMAN HOOD: 1100 Southwest.

MS. SCHELLIN: Office of Planning?

MR. PARKER: 1100 Southwest. We will be meeting on the second floor.
CHAIRMAN HOOD: Second floor. And that starts at 6:30?


MS. STEINGASSER: 1100 4th Street, Southwest.

CHAIRMAN HOOD: 1100 4th Street, Southwest.

MS. STEINGASSER: Waterfront Metro Station.

CHAIRMAN HOOD: That's the Waterfront Metro Station. Okay. So do we have anything else before us tonight?

MS. SCHELLIN: No.

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

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