

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY  
NOVEMBER 18, 2019

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 7:00 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

- HARRIET TREGONING, Director
- JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic Preservation
- JOEL LAWSON
- KAREN THOMAS
- ELISA VITALE
- JONATHAN KIRSCHENBAUM

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

ALEXANDRA CAIN, ESQ.

PAUL GOLDSTEIN, ESQ.

The transcript constitutes the minutes from the regular meeting held on November 18, 2019.

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

(7:00 p.m.)

1  
2  
3 CHAIRMAN HOOD: Okay, good evening, ladies and  
4 gentlemen. This is a public meeting for the Zoning  
5 Commission for the District of Columbia.

6 My name is Anthony Hood. Joining me,  
7 Vice Chair Miller, Commissioner Shapiro, Commissioner May,  
8 and Commissioner Turnbull. We're also joined by the Office  
9 of Zoning staff, Ms. Sharon Schellin; Office of Attorney  
10 General, Mr. Tondro, Ms. Cain and Mr. Goldstein; Office of  
11 Planning staff, Ms. Steingasser, Mr. Lawson, Ms. Vitale, Mr.  
12 Kirschenbaum and Ms. Thomas.

13 Copies of today's meeting agenda are available in  
14 the bin near the door. We're not going to take any public  
15 testimony at the meetings unless the Commission requests  
16 someone to come forward.

17 The proceeding is being recorded by a court  
18 reporter and is also webcast live. We ask you not -- to  
19 refrain from any disruptive noises or actions in the hearing  
20 room including the display of signs or objects.

21 At this time -- hold on a second. At this time,  
22 please turn off your electronic devices. And does the staff  
23 have any preliminary matters?

24 MS. SCHELLIN: Just to announce for anyone else  
25 who doesn't know, that case numbers 12-14b and 12-14c were

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1 removed from the agenda. They will be taken up at the  
2 December 9th meeting.

3 CHAIRMAN HOOD: I'm going to ask, did I introduce  
4 the Commission? I did? Okay. I see it here. So I'm trying  
5 this new way of doing things and I -- but anyway, let me  
6 introduce them again since my colleagues don't seem to  
7 remember that I did it.

8 I'm Anthony Hood, Chairman, joined by  
9 Vice Chair Miller, Commissioner Shapiro, Commissioner May and  
10 Commissioner Turnbull. Everybody else has been officially  
11 introduced.

12 And when I watch the tape, I'm going to call the  
13 two people who told me that I didn't do it, that I did do it.

14 VICE CHAIR MILLER: I said I didn't remember.

15 CHAIRMAN HOOD: Didn't remember that? Okay.

16 All right, so what I would like to do, and I just  
17 thought about this as I came out, I would like to move one  
18 case that we have down for final action because of the  
19 sequence of events.

20 Zoning -- hold on a second.

21 (Pause.)

22 CHAIRMAN HOOD: Okay, what I'd like to do is move  
23 final action, because I notice we have a lot of people here  
24 for this case, Zoning Commission Case Number 19-10, Valor  
25 Development, LLC, Consolidated PUD @ Square 1499.

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1           Let me just move that first, and then we will go  
2 with the regular order, unless there is any objection to  
3 this. And not seeing any, Ms. Schellin, would you please  
4 call the case?

5           MS. SCHELLIN: Yes, sir. So for Valor, there is  
6 a -- the new exhibits that came in, let me just give those.  
7 It's Exhibits 230 through 248, 253 and 254. Those were post-  
8 hearing submissions that came in.

9           However, there's a preliminary matter in this  
10 case. At Exhibit 249, the Applicant filed a Motion to Strike  
11 CRD's shadow study. And at Exhibits 250, you have CRD's  
12 opposition thereto. And 251 and 252, you have Spring Valley  
13 Neighborhood Association and Ward 3 Vision's support of the  
14 application's Motion to Strike.

15           So if the Commission would please take up the  
16 preliminary matter, the motion from the applicant and the  
17 opposition and support thereto and proceed however you'd like  
18 after that, I'd appreciate it.

19           CHAIRMAN HOOD: Okay, commissioners, as stated,  
20 we do have some preliminary matters in this final action,  
21 Motion to Strike. We have the motion properly before us.  
22 That's Exhibit 7 -- I'm sorry, 249, the Motion to Strike  
23 CRD's Shadow Studies.

24           So let's talk about the submission and the Motion  
25 to Strike.

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1           COMMISSIONER MAY: Mr. Chairman, this case has  
2 been going on for a long time and this is its second  
3 incarnation. And I would just have to say, you know, as much  
4 as I would like to move this along quickly through decision  
5 making, I think that there is something that we need to  
6 resolve here with regard to this new Shadow Study that had  
7 been submitted.

8           And I'm not quite ready with -- to simply strike  
9 that submission from the record. But I would be inclined to  
10 allow the applicant time to submit information or a response  
11 to that particular submission, just out of an abundance of  
12 caution.

13           CHAIRMAN HOOD: Okay, any other comments on that?

14           I would whole-heartedly agree. I think we would  
15 let the applicant respond to those, the information that came  
16 in. And then, I think all parties will be able to respond.  
17 And I think that's where we need to cut it off.

18           Typically, our procedures, I think, allow for the  
19 applicant to get the final word. This is very unique and  
20 different, and I'm sure counsel will correct me, if I'm  
21 incorrect.

22           But I would say that -- let the applicant respond  
23 to the Shadow Studies. And I think all parties -- parties  
24 only -- then will respond in that fashion. And I think that  
25 will cut it off. Some point in time, we got to end. That's

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1 what we're going to do.

2           Okay, any other comments? All right, Commissioner  
3 Shapiro.

4           COMMISSIONER SHAPIRO: So then we would -- I would  
5 move that we deny the Motion to Strike. Would that be our  
6 first action?

7           CHAIRMAN HOOD: Okay, I'll second that. It's  
8 moved and properly seconded. Any further discussion?

9           All in favor, aye?

10           (Chorus of ayes.)

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

13           MS. SCHELLIN: Staff records the vote 5 to zero  
14 to zero to deny the applicant's Motion to Strike.  
15 Commissioner Shapiro moving, Commissioner Hood seconding;  
16 Commissioners May, Miller and Turnbull in support of denial.

17           COMMISSIONER SHAPIRO: Mr. Chair, if I may, I  
18 would move that we've heard the applicant's motion to reopen  
19 the record, to allow the applicant to respond to the Shadow  
20 Study submitted by the CRD, and that was a October 31, 2019  
21 filing.

22           If this -- if we take this action, then we can  
23 just describe a bit what the process will be. But that would  
24 be my motion.

25           CHAIRMAN MAY: Second.



1 CHAIRMAN HOOD: Okay, it's been moved and properly  
2 seconded. Any further discussion?

3 All in favor, aye?

4 (Chorus of ayes.)

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

7 MS. SCHELLIN: Staff records the vote 5 to zero  
8 to zero to grant the applicant's motion to reopen the record  
9 to respond to the CRD's Shadow Study only. And that was  
10 Commissioner Shapiro moving, Commissioner May seconding.  
11 Commissioners Hood, Miller and Turnbull in support.

12 And I believe I need to set a schedule for that?

13 CHAIRMAN HOOD: Schedule it again. Let me just  
14 say, this process. They're going to be -- the applicant,  
15 well, we did what we did, but the applicant then will be able  
16 to respond.

17 And after the applicant responds to the Shadow  
18 Studies, the parties will have, what, seven days?

19 MS. CAIN: Yes, it will be seven days from the  
20 applicant's submission to the record.

21 CHAIRMAN HOOD: Seven days from the applicant's  
22 submission to the record, to respond. And that's it. Cut  
23 it off.

24 COMMISSIONER SHAPIRO: Mr. Chair --

25 CHAIRMAN HOOD: Yes.

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1 COMMISSIONER SHAPIRO: -- further clarification  
2 that the record is currently closed and is being reopened  
3 only for this limited submission. So it's the applicant's  
4 submission only responding to the specific issues raised by  
5 the Shadow Study, including the data and methodology used to  
6 generate the study.

7 And all other parties' submissions shall only  
8 respond to the specifics of the applicant's filing. This is  
9 a very, very limited scope.

10 CHAIRMAN HOOD: I would agree. And I'm going to  
11 ask the secretary, if we get anything other than that, I'm  
12 going to let you know now, you don't have to call me to ask  
13 me to do with it. Send it back.

14 MS. SCHELLIN: Okay.

15 CHAIRMAN HOOD: I wanted to say that publicly  
16 because at some point we got to be able to start  
17 deliberating.

18 VICE CHAIR MILLER: Did you announce the date of  
19 deliberations?

20 MS. SCHELLIN: I'm going to do that now.

21 VICE CHAIR MILLER: Okay, good.

22 MS. SCHELLIN: I was waiting for you guys to  
23 finish your discussion. So the applicant has until Monday,  
24 November 25th, to provide their response. And the parties  
25 have until Monday, December 2nd, to provide their responses

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1 to the applicant's submission.

2           And then we can put this on for the next meeting,  
3 December 9th. And all submissions are due by 3 o'clock p.m.

4           CHAIRMAN HOOD: So also, I've been advised that  
5 we are going to memorialize our decision on this in the  
6 record so it'd be public notice and everybody can see it.

7           Anything else on that?

8           MS. SCHELLIN: No, sir.

9           COMMISSIONER SHAPIRO: Are we doing an early  
10 meeting that day? And we start at 6:30. That's our regular,  
11 we're going to do a regular meeting.

12           MS. SCHELLIN: Regular meeting.

13           CHAIRMAN HOOD: Yeah, okay. All right, okay,  
14 let's go back to the agenda-ized agenda in the order that is  
15 given. So consent calendar might -- amount of changes and  
16 technical corrections Zoning Case Number 19-22, MR 622 Eye  
17 Street Land, LLC three-year extension of combined lot  
18 development covenant per subtitle I 805.14 at Square 453.  
19 Ms. Schellin?

20           MS. SCHELLIN: Yes, in this case, the applicant  
21 is requesting a three-year extension of the combined lot  
22 development covenant to allow for the architect certification  
23 to be due no later than February 19th, 2023.

24           At Exhibit 4, you have an OP report in support.  
25 Exhibit 5, ANC 2C report in support. I would ask the

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1 Commission to consider taking final action.

2 I'm sorry, I think I spoke before you asked if  
3 anyone wanted to remove it from the consent calendar.

4 CHAIRMAN HOOD: Oh, I was getting ready to do that  
5 next. Does everybody see that this needs to be moved off the  
6 consent calendar item? All right.

7 MS. SCHELLIN: Okay, so if the Commission would  
8 consider taking final action on this this evening.

9 CHAIRMAN HOOD: Okay. All right, commissioners,  
10 as we've been noted already, the date would expire February  
11 19th, 2023, which is the correction. This is, I think, the  
12 problem before us is the applicant is requesting a three-year  
13 extension of the combined lot development covenant that  
14 allows the architects certification to be due February 9th,  
15 2023.

16 Office of Planning's in support. The ANC, 2C, is  
17 also in support. Let me open up for discussion and comments.

18 VICE CHAIR MILLER: Mr. Chairman, I just had to --

19 CHAIRMAN HOOD: Yes.

20 VICE CHAIR MILLER: -- have a quick question on,  
21 not that it affects my support for this extension of the  
22 escrow account.

23 Does the Office of Planning happen to know how  
24 much, what the dollar amount is in the escrow account? I  
25 think it's tied to the Affordable Housing formula and the

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1 zoning regulations or --

2 MS. STEINGASSER: We don't have that number.

3 VICE CHAIR MILLER: Okay.

4 MS. STEINGASSER: I'm sorry.

5 VICE CHAIR MILLER: All right.

6 CHAIRMAN HOOD: Any other questions or comments  
7 on this? Would somebody like to make a motion?

8 COMMISSIONER TURNBULL: Mr. Chair, I would move  
9 that we take a final action on Zoning Case Number 19-22, MR  
10 622 Eye Street Land, LLC, three-year extension of combined  
11 lot development covenant per subtitle 1, subsection 805.14  
12 at Square 453 and look for a second.

13 VICE CHAIR MILLER: Second.

14 CHAIRMAN HOOD: It has been moved and properly  
15 seconded. Any further discussion? All in favor, aye. Any  
16 opposition? Not hearing any, Ms. Schellin, would you please  
17 record the vote?

18 MS. SCHELLIN: Staff records the vote 5 to zero  
19 to zero to approve final action in Zoning Case Number 19-22,  
20 extending that to February 19th, 2023, Commissioner Turnbull  
21 moving, Commissioner Miller second, Commissioners Hood, May  
22 and Shapiro in support.

23 CHAIRMAN HOOD: All right, next we will do Zoning  
24 Commission Case -- first, does anyone believe that Zoning  
25 Commission Number 15-13C should come off of the modification

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1 of consequence determination?

2           Okay, not seeing anything, Ms. Schellin, would you  
3 please call the case?

4           MS. SCHELLIN: Yes, sir. Next case is 15-13C,  
5 1309 E Street, LLC PUD modification of consequence at Square  
6 1043.

7           The applicant seeks to modify three conditions of  
8 Order Number 15-13, namely Condition 2B regarding  
9 establishing an escrow account for the Potomac Avenue Metro  
10 Plaza, Condition 2F regarding modifying the fence repair at  
11 Potomac Gardens and Condition 2G regarding replacing a no  
12 longer existing active organization designated to receive a  
13 contribution with a new organization.

14           An Exhibit 5 OP report agrees this is a  
15 modification of consequence and supports approval. I would  
16 ask the Commission to consider scheduling on this case.

17           CHAIRMAN HOOD: Okay, my recommendation,  
18 colleagues, I think that everyone has responded and it looks  
19 like there's overwhelming support -- ANC, the Office of  
20 Planning. It's like it has overwhelming support.

21           I think this is ready for us to move forward on  
22 this tonight. I know that there were some things about a  
23 waiver request and some other concerns that have been brought  
24 up, and I think we can address those here this evening unless  
25 I hear something otherwise.

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1           Okay, so who would like to get us going?  
2 Commissioner May?

3           COMMISSIONER MAY: Mr. Chairman, you know, this  
4 is a sort of a situation that occurs every once in a while  
5 where the proffers related to a particular PUD case have to  
6 evolve because of changing circumstances that not within the  
7 control of the applicant.

8           And I think that all three of those occurred in  
9 this circumstance. Well, one -- I mean, the one having to  
10 do with the fence, that was an evolution but it was a  
11 condition that just needs tweaking based on a better  
12 understanding of exactly what was proffered.

13           The other two, the grant of DC Safety Net and --  
14 I can't remember what the other one was. But anyway -- and,  
15 excuse me. Yeah, I wrote down what the third one was and I'm  
16 losing it.

17           Anyway, I think that those are also changes that  
18 are understandable. I think that when it comes to the  
19 particulars of -- I have to pull this up, sorry, 15-13.

20           (Off-microphone comments.)

21           COMMISSIONER MAY: Yeah, so putting money into the  
22 Potomac Metro escrow because the WMATA project timeline is  
23 slipping, that makes sense.

24           And then the donation to the one group, I mean,  
25 normally a donation we want to know that it's going to

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1 something specific and concrete. But this is a relatively  
2 small dollar amount, and as far as I'm concerned, we can  
3 consider it complete once the donation is made rather than  
4 getting into the weeds of exactly how the money was at being  
5 spent by the non-profit organization.

6 So I'm prepared to move forward with this. Now  
7 this is, this was submitted as a modification of consequence,  
8 but given that we have ANC's support. And I don't think  
9 there was -- there were any other parties on this, so there's  
10 no reason why we couldn't move forward tonight, right? I'm  
11 getting -- seeing a lot of nodding of heads.

12 CHAIRMAN HOOD: Right, yeah. I would just echo  
13 your comments about the fund, the Neighborhood Assistance  
14 Fund, which supports individuals and/or their families.

15 Typically, it's a fine line. We don't usually  
16 care for how that's done, giving money, but this is an  
17 organization that's set aside to do a specific duty. And I  
18 think this is unique and this is different from what the  
19 Commission's process has been going forward.

20 So I think that they already know what they need  
21 or what they're going to try to ascertain with that money as  
22 opposed to it being some type of organized that we would  
23 normally require. And I think that's already set up, and I  
24 think this is a very unique case and it's different.

25 And I'm saying that for the record so, when the

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1 others come down with something that's not as specific as  
2 this, then they know that we don't really go with that. But  
3 I think this is a different situation. Commissioner Shapiro?

4 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.  
5 The only thing I would add is, just to be clear about the  
6 action that we're likely to take, it sounds like, is that  
7 we're actually not waiving this condition.

8 We're instead supporting their repurposing of the  
9 funds toward a like use. So this would -- as described,  
10 going to the CCA, to celebrate Capitol Hill for use in the  
11 Neighborhood Assistance Fund which supports individuals and  
12 their families who've been affected by violent crime.

13 So it's relatively specific. And, again, it's a  
14 repurposing, not a waiver, of the condition.

15 CHAIRMAN HOOD: Okay. So with all that said, any  
16 other comments? Okay, I would move the, as a modification  
17 of consequence on Zoning Commission Case Number 15-13C and  
18 incorporate the comments as discussed in the deliberation and  
19 ask for a second.

20 VICE CHAIR MILLER: Second.

21 CHAIRMAN HOOD: It's been moved and properly  
22 seconded. Any further discussion? All in favor, aye?

23 (Chorus of ayes.)

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

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1 MS. SCHELLIN: Staff records the vote 5 to zero  
2 to zero to approve final action Zoning Commission Case Number  
3 15-13C, Commissioner Hood moving, Commissioner Miller  
4 seconding, Commissioners May, Shapiro and Turnbull in  
5 support.

6 CHAIRMAN HOOD: All right --

7 MS. SCHELLIN: Next case.

8 CHAIRMAN HOOD: Next, I'll call it. I'll call it,  
9 Ms. Schellin.

10 MS. SCHELLIN: Okay.

11 CHAIRMAN HOOD: I don't want you to have to do  
12 everything. I can do a little bit.

13 All right, next case is deliberation -- for  
14 deliberation Zoning Commission Case Number 11-15J, Howard  
15 University modification of consequence. This is Zoning  
16 Commission Order Number 11-15F, extraction of properties from  
17 CP at Square 2877. Ms. Schellin?

18 MS. SCHELLIN: Yes, so at the October 21st  
19 meeting, the Commission found this case to be a modification  
20 of consequence and allowed time for the remaining parties to  
21 respond.

22 No other responses have been received, so this  
23 case is ready for final action if the Commission decides to  
24 move in that way.

25 CHAIRMAN HOOD: Okay, esteemed colleagues, this

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1 is again an extraction of what Howard University is  
2 requesting of properties from their campus plan at Square  
3 2877.

4 As I mentioned at that hearing, we know a lot of  
5 universities are doing this now to supplement some of their  
6 financial needs. And I think this is right in line with what  
7 has been done in other areas, and I will continue to support  
8 that as well.

9 But let me open it up for any comments or  
10 questions.

11 VICE CHAIR MILLER: I would concur, Mr. Chairman,  
12 and extracting those properties from the campus plan process  
13 so that development can happen maybe more quickly but still  
14 allow public review, community review to occur because I  
15 think there's a date there. They're both historically  
16 designated properties and it will have to go through an HPRB  
17 process.

18 CHAIRMAN HOOD: Any other comments/questions?  
19 Would someone like to make a motion?

20 VICE CHAIR MILLER: I move, Mr. Chairman, that the  
21 Zoning Commission approve Zoning Commission Case Number 11-  
22 15J, Howard University modification of consequence to Zoning  
23 Commission Order Number 11-15F, extraction of properties from  
24 the campus plan at Square 2877 and ask for a second.

25 COMMISSIONER SHAPIRO: Second.

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1 CHAIRMAN HOOD: Okay, it's been moved and properly  
2 seconded. Any further discussion? All in favor, aye.

3 (Chorus of ayes.)

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

6 MS. SCHELLIN: Staff records the vote 5 to zero  
7 to zero to approve final action on Zoning Commission Case  
8 Number 11-15J, Commissioner Miller moving, Commissioner  
9 Turnbull seconding, Commissioners Hood, May and Shapiro in  
10 support.

11 CHAIRMAN HOOD: All right, sometime I just have  
12 to say this, say have a little fun sometime. But to the  
13 gentleman who I saw earlier in the -- I'll tell you, in the  
14 restroom, and I told him how terrible these guys are up here,  
15 he must have known who I was.

16 But I just wanted him to know he passed the test.  
17 Raise your hand. You passed the test. You passed the test.

18 I want you all to know he didn't even comment.  
19 I mean, didn't comment. That was supposed to be a trick  
20 comment, but I didn't get anything back, so you passed the  
21 test.

22 All right, I shouldn't do that. Now where am I,  
23 Ms. Schellin?

24 MS. SCHELLIN: 15-27 --

25 CHAIRMAN HOOD: Okay. Zoning Commission Case

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1 Number 15-27D, CP Market Terminal, LLC PUD modification of  
2 consequence to Square 3587. Ms. Schellin?

3 MS. SCHELLIN: Yes, sir. Again, at the October  
4 21st meeting, the Commission found this case to be a  
5 modification of consequence also and allowed time for the  
6 parties to respond.

7 No other responses have been received and so this  
8 case also is ready for action this evening.

9 CHAIRMAN HOOD: Okay, let me open it.  
10 Commissioner Shapiro? I'm sorry, any other questions or  
11 comments on this? I think this is ready for us to proceed  
12 as stated. Make sure we have everything covered.

13 COMMISSIONER SHAPIRO: Mr. Chair, OP recommends --

14 CHAIRMAN HOOD: Okay.

15 COMMISSIONER SHAPIRO: -- approval. The ANC has  
16 submitted a resolution in support. All parties have been  
17 served. So I'm ready to make a motion.

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER SHAPIRO: I move that we take final  
20 action on Zoning Commission Case Number 15-27D, CP Market  
21 Terminal, LLC PUD modification of consequence at Square 3587  
22 and look for a second.

23 VICE CHAIR MILLER: Second.

24 CHAIRMAN HOOD: Okay, it's moved and properly  
25 seconded. Any further discussion? All in favor, aye.

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1 (Chorus of ayes.)

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

4 MS. SCHELLIN: Staff records the vote five to zero  
5 to zero to approve action Zoning Commission Case Number 15-  
6 27D, Commissioner Shapiro moving, Commissioner Miller  
7 seconding, Commissioners Hood, May and Turnbull in support.

8 CHAIRMAN HOOD: Okay, next we have Zoning  
9 Commission Case Number 16-06C, Jemal/PTM Lazriv Water II  
10 design and review modification of consequence to Square 666.  
11 Ms. Schellin?

12 MS. SCHELLIN: Yes, this one, like the previous  
13 two, at the October 21st meeting the Commission found the  
14 case to be a modification of consequence and allowed time for  
15 OP to take a position on the case after coordinating with  
16 DDOT and for the ANC to submit its report.

17 At Exhibit 6, ANC 6D's report was submitted in  
18 support with two conditions, asking for two conditions.  
19 Exhibit 8 is an OP report that recommends approval subject  
20 to the applicant submitting a public space permit  
21 application.

22 And Exhibit 9 is a DDOT report advising that the  
23 applicant has stated it proposes to construct a temporary  
24 painted sidewalk and, therefore it has no objections. So  
25 this case is ready for the Commission to consider final

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1 action this evening.

2 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.  
3 Colleagues, let's go right to the conditions that the ANC  
4 had, this ANC-6D.

5 I'll read them. Therefore, the ANC supports the  
6 application with the following conditions. The applicant's  
7 obligation to construct 200 feet of bicycle infrastructure  
8 should be maintained.

9 The applicant should be required to construct of  
10 pay for the construction of 200 feet of bicycle  
11 infrastructure at the time of -- DDOT determines that a cycle  
12 track is appropriate in the previously approved location or  
13 otherwise in the immediate vicinity.

14 And the applicant shall install pedestrian traffic  
15 and crossing signage on its property adjacent to the street,  
16 alerting pedestrians of safety concerns and warning vehicles  
17 of pedestrians in the surrounding area.

18 Two conditions that the ANC had asked us to  
19 incorporate, let's open it up for comments on that. And that  
20 vote was 5 to zero to one to support with the condition.

21 Any questions or comments? Commissioner Shapiro?

22 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
23 have no concerns at all with the second condition, but the  
24 first condition, I think, is complicated for us, for the  
25 Commission to impose this.

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1 First of all, this is a design review case and so  
2 there are proffers. Also, DDOT essentially has said that  
3 they can't do it. And it leaves this hanging open kind of  
4 in perpetuity. So I wouldn't support that first condition.

5 We give it great weight, but I wouldn't support  
6 that first condition. But I've no issues at all with the  
7 second condition.

8 CHAIRMAN HOOD: Okay. So yeah, I don't -- I would  
9 agree. I don't think we could even impose that from a legal  
10 standpoint as well. But I think the second condition, I  
11 think that's what you were saying, there are no problems with  
12 that.

13 COMMISSIONER SHAPIRO: Yes, sir.

14 CHAIRMAN HOOD: Okay, let me open -- any other  
15 questions or comments?

16 VICE CHAIR MILLER: I would concur, Mr. Chair.

17 CHAIRMAN HOOD: Okay, Mr. Vice Chair. All right,  
18 anything else on this? Okay, we have a request before us.  
19 Somebody like to make a motion?

20 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
21 move this case that we're on, that the Commission would take  
22 a final action on Zoning Commission Case Number 16-06C,  
23 Jemal/PTM Lazriv Water II, design review modification of  
24 consequence at Square 666. Look for a second.

25 COMMISSIONER TURNBULL: Second.

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1 CHAIRMAN HOOD: Okay, it's been moved an properly  
2 seconded. Any further discussion? All in favor, aye. Any  
3 opposition? Not hearing any, Ms. Schellin, would you please  
4 record the vote?

5 MS. SCHELLIN: Yes. Staff records the vote five  
6 to zero to zero to approve final action Zoning Commission  
7 Case Number 16-06c, and that includes the ANC's second  
8 condition. Correct?

9 Okay, and Commissioner Shapiro moving,  
10 Commissioner Turnbull seconding and Commissioners Hood, May  
11 and Miller in support.

12 CHAIRMAN HOOD: 05-28V, correct? Okay, next we  
13 have time extensions for Zoning Commission Case Number 05-  
14 28V, Lano Parcel 12, LLC, two-year PUD time extension of  
15 Square 5055. Ms. Schellin?

16 MS. SCHELLIN: Yes, the applicant is requesting  
17 a two-year time extension of Order Number 05-28 stating that  
18 the Zoning Commission approve five 2nd stage applications  
19 immediately prior to the extension approved in Order Number  
20 05-28U.

21 As such, the last two years have been focused in  
22 large part on moving forward, effectuating those approvals.  
23 The applicant further stated that the extension is necessary  
24 in order to move forward with the PUD.

25 So they are asking that the Commission approve

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1 this request for the two-year extension. And I believe --  
2 I'm sorry, I don't have the -- there's a report from OP in  
3 this case at I'm looking at -- I'm sorry, I pulled up the  
4 wrong case number.

5 But I believe OP did submit a report in support  
6 of the two-year extension. I just want to check and see if  
7 the ANC submitted anything. My computer's little slow.

8 CHAIRMAN HOOD: I don't see anything from the ANC.

9 MS. SCHELLIN: I don't think they did, yeah.

10 CHAIRMAN HOOD: But I think they've had -- they've  
11 been properly noticed.

12 MS. SCHELLIN: Just OP, yes, at Exhibit 5.

13 CHAIRMAN HOOD: All right. All right, let me --  
14 thank you Ms. Schellin. I'm going to open it up. Any  
15 comments or questions?

16 VICE CHAIR MILLER: Yeah. Mr. Chairman I support  
17 Office of Planning's recommendation that the, that that  
18 approval be subject to all of the requirements that were  
19 included in the previous time extension request including  
20 current inclusionary zoning and green area ratio requirements  
21 that had not been in effect at the time of the original  
22 approval of this many years ago.

23 So I would make a motion to approve that time  
24 extension with the, subject to the inclusion of those  
25 conditions that were in the previous extension.

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1 COMMISSIONER SHAPIRO: Second.

2 CHAIRMAN HOOD: Okay, thank you Vice Chair. Thank  
3 you, Commissioner Shapiro. It's been moved and properly  
4 seconded. Any further discussion? Commissioner May?

5 COMMISSIONER MAY: Yeah, I appreciate moving this  
6 along quickly. I feel like I have to say something because  
7 this is, you know, we've done multiple extensions on this and  
8 we don't like doing multiple extensions.

9 And we have complained about doing extensions,  
10 particularly on this project. It is just such a big and  
11 complicated project. And I know they've had numerous  
12 setbacks.

13 In this circumstance, at this moment, I'm feeling  
14 mildly optimistic because of the reporting that we got on the  
15 things that are starting to happen with the bridge that's  
16 long overdue.

17 And I also am quite pleased to see more  
18 construction happening on the site because it's a road that  
19 -- I go up and down Kenilworth Avenue with some frequency,  
20 going to volleyball. I said that for you, Mr. Chairman.

21 Anyway, it's, I think I'm feeling better about it.  
22 I'm really looking forward to some of the bigger parcels  
23 being developed. Hopefully, sometime soon we'll hear more  
24 about those, so.

25 MS. CAIN: Mr. Chairman?

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1 CHAIRMAN HOOD: Yes.

2 MS. CAIN: I just want to know, building off of  
3 what Commissioner May said, that the applicant actually  
4 requested a waiver of the limit on the number of time  
5 extensions. So that should be, actually, the first action  
6 the Commission takes prior to final action.

7 VICE CHAIR MILLER: I can make that part of my  
8 motion to move --

9 CHAIRMAN HOOD: So, yeah, why don't include that?  
10 Thank you.

11 VICE CHAIR MILLER: So I amend my motion to  
12 approve of the extension with the previous conditions in the  
13 previous extension but with the waiver to allow for this to  
14 -- multiple extension.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER SHAPIRO: I'll give it a second  
17 accept.

18 CHAIRMAN HOOD: Did you second? Second accept.  
19 Anything else? You want to add anything else Commissioner  
20 May?

21 Okay, so, yeah, every time I hear this, this is  
22 the Herbert Franklin Rule. When I first got here in the 90s,  
23 I will always remember him because he used to sit beside me  
24 and he used to always talk about these extensions.

25 And here I am, 20 years later, given this -- so

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1 I think, due to the comments of Commissioner May, I would  
2 agree that this is the right for an extension.

3 But I will always remember the Herb Franklin Rule.  
4 Anything else?

5 Okay, it's been moved and properly seconded. Any  
6 further discussion? All in favor, aye.

7 (Chorus of ayes.)

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

10 MS. SCHELLIN: Yes, staff records the vote five  
11 to zero to zero to approve final action Zoning Commission  
12 Case Number 05-28V, and that includes OP's conditions and the  
13 waiver requested. Commissioner Miller moving, Commissioner  
14 Shapiro seconding, Commissioner Hood May and Turnbull in  
15 support.

16 CHAIRMAN HOOD: Now I think we're moving to  
17 hearing action, Zoning Commission Case Number 10-03D, H  
18 Street Residential, LLC PUD modification of significance at  
19 Square 912.

20 Whose case -- oh, Ms. Thomas.

21 MS. THOMAS: Yes, right.

22 CHAIRMAN HOOD: Okay.

23 MS. THOMAS: Good evening, Mr. Chairman, members  
24 of the Commission, Karen Thomas with the Office of Planning.

25 The Office of Planning is recommending set down

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1 for a modification of significance to the approved plans for  
2 the mixed use building at 901 H Street NE.

3 It would permit a veterinary hospital use on the  
4 ground floor of the building and the requested modification  
5 relates to conditions, plans of the order and would include  
6 special exception relief from the stated provisions under  
7 subtitle H outlined in our report.

8 OP also supports the applicant's waiver request  
9 to consider set down of the application within 33 days  
10 instead of 35 days from the application's filing.

11 With that, I'll rest on the record of our report  
12 and I will be happy to take any questions. Thank you.

13 CHAIRMAN HOOD: Okay, thank you, Ms. Thomas.  
14 Commissioners, do we have any comments or questions?  
15 Commissioner May?

16 COMMISSIONER MAY: Yeah, so what's the state of  
17 the construction of this project? Is it completed yet?

18 MS. THOMAS: It's almost completed, yes.

19 COMMISSIONER MAY: Almost completed? So, but  
20 there's nobody living in the --

21 MS. THOMAS: No, no.

22 COMMISSIONER MAY: -- apartments directly above  
23 it?

24 MS. THOMAS: No, it's being retrofitted to provide  
25 for this use so it would have all the applicable samples and

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1 --

2 COMMISSIONER MAY: Right, well, I mean, that's why  
3 we're having the hearing, to make sure of that.

4 What I wanted to know, I mean, I was really  
5 curious about whether there are going to be tenants living  
6 immediately or owners. I'm not sure what kind of a building  
7 it is, but people living directly above the veterinary --

8 MS. THOMAS: Yes, and --

9 COMMISSIONER MAY: -- function and -- but there's  
10 nobody there now?

11 MS. THOMAS: No.

12 COMMISSIONER MAY: So anybody who moves in will  
13 know they're right above it?

14 MS. THOMAS: Yes.

15 COMMISSIONER MAY: Okay.

16 CHAIRMAN HOOD: Any other questions or comments?  
17 Let me just ask Ms. Cain, is the waiver -- do we have to deal  
18 with that in the motion?

19 MS. CAIN: I think I regard that as a separate --  
20 or deal with that separately and then move on to scheduling  
21 for set down.

22 CHAIRMAN HOOD: Okay, so we need -- so we do that  
23 tonight?

24 MS. CAIN: Yeah.

25 CHAIRMAN HOOD: Okay, all right. So any other

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1 questions or comments? All right, let's talk about the  
2 waiver first, commissioners. Any -- well, I think I can just  
3 do general consensus on that. I don't know if I need --  
4 yeah, any issues with granting the waiver?

5           Okay, so by general consensus that will be noted.  
6 All right, would someone like to set it down or make a motion  
7 to set it down?

8           VICE CHAIR MILLER: Mr. Chairman, I would move  
9 that the Zoning Commission set down for public hearing Case  
10 Number 10-03D, H Street Residential, LLC PUD modification of  
11 significance at Square 912 and ask for a second.

12           COMMISSIONER SHAPIRO: Second.

13           CHAIRMAN HOOD: Okay, it's moved and properly  
14 seconded. Any further discussion? All in favor, aye.

15           (Chorus of ayes.)

16           CHAIRMAN HOOD: Any opposition? Not hearing any,  
17 Ms. Schellin, could you please record the vote.

18           MS. SCHELLIN: Staff records the vote 5 to zero  
19 to zero to set down Zoning Commission Case Number 10-03D as  
20 a contested case. Commissioner Miller moving, Commissioner  
21 Shapiro seconding, Commissioners Hood, May and Turnbull in  
22 support.

23           CHAIRMAN HOOD: Okay. Next Zoning Commission Case  
24 Number 19-24, Children's National at Walter Reed, LLC text  
25 and map amendments to Subtitle K, Chapter 9, to create the

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1 WR-9 and WR-10 zones and Map Square at 2950.

2 Ms. Thomas? Ms. Thomas.

3 MS. THOMAS: Yes, again, Mr. Chair. Good evening.  
4 OP is recommending the set down of Children's National  
5 Petition for a zoning text amendment and related map  
6 amendment which would commit the hospital to locate its  
7 research facility and some of its hospital functions within  
8 the boundaries of the Walter Reed Medical Center campus.

9 The applicant acquired this property from the  
10 Federal Government, and the deed prescribed the types of uses  
11 for the property including medical related uses.

12 The property is currently zoned R-1-B and the  
13 proposed text amendment to Subtitle K would introduce two new  
14 zones, WR-9 and WR-10 along with their related development  
15 standards which would be applied to the individual land base  
16 as shown in the table.

17 Let me just get a -- these are the land base shown  
18 in this map and the table. The map amendment would follow  
19 after the Commission's action on the text.

20 Our report highlights relevant compliant policies  
21 and guidance. And on balance, the proposed amendments are  
22 not inconsistent with the policies and goals of the  
23 comprehensive plan.

24 I would like to point out that the proposed  
25 section, 920, titled Affordable Housing may need specific

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1 clarification regarding the inclusionary zoning and its uses.  
2 OP requests the flexibility to work with the Office of the  
3 Attorney General and the applicant on any conforming language  
4 to refine the proposed text as necessary. Thank you.

5 CHAIRMAN HOOD: Okay, thank you, Ms. Thomas.  
6 Commissioners, is there any questions or comments on this  
7 case? You can have a seat -- Vice Chair?

8 VICE CHAIR MILLER: Mr. Chairman, so  
9 what we have before us, as I understand it, is a petitioning  
10 for a text amendment to create the WR, Walter Reed 9 and  
11 Walter Reed 10 zones and a map amendment from R-1-B which is  
12 currently zoned to the WR-9 and WR-10.

13 And I believe that the applicant was requesting  
14 rulemaking for both the text amendment and the map amendment,  
15 but I think we've been advised by counsel that the rulemaking  
16 should be a text amendment and the map amendment should be  
17 a contested case.

18 But I think we schedule both for this, both cases.  
19 I think also the Office of Zoning is prepared to bifurcate  
20 the cases, but is it capable of scheduling them for the same  
21 hearing date?

22 MS. SCHELLIN: No. If you set them down, the  
23 applicant would be directed to file the map amendment case.  
24 So they would be bifurcating it.

25 VICE CHAIR MILLER: Okay.

1 MS. SCHELLIN: And we just wouldn't schedule it  
2 until they do that and pay the fee for the contested map  
3 amendment.

4 VICE CHAIR MILLER: Thank you for clarifying that.  
5 So I would encourage the applicant to do that and encourage  
6 Ms. Schellin to try to schedule both the map amendment and  
7 text amendment for the same date, just for efficiency  
8 purposes.

9 So I support the setting down of both the text  
10 amendment and the map amendment issue. And there seems to  
11 be, needs some clarity in my own mind as to what -- there  
12 seems to be some kind of affordable housing exemption for the  
13 -- I guess that's in the text amendment.

14 I don't understand that at the moment. And I'm  
15 not prepared to set that down as part of the case. But at  
16 the hearing, if Office of Planning and the applicant provide  
17 more clarity as to what the impact, what the purpose of that  
18 is -- and there may be a perfectly good purpose of -- it  
19 might be housing to support the medical facilities that are  
20 proposed to be developed there.

21 But we can always -- so I think we'll need  
22 testimony at the public hearing or the pre-hearing submission  
23 on whether that is necessary. I wouldn't be supportive, at  
24 the outset of setting it down with such an affordable housing  
25 exemption, without understanding that issue more.

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1           If we think it's justified, after we get the  
2 hearing testimony, we can add that in later. So that would  
3 just be my comment, Mr. Chairman.

4           CHAIRMAN HOOD: Okay. Any other questions or  
5 comments?

6           I would agree. I think, as Vice Chair Miller  
7 mentioned about the map amendment being contested and the  
8 rulemaking for the text, I think that's the way to fashion  
9 it. And hopefully we can hear those the same night, once you  
10 file it.

11           I would like to deal with this all in one night.  
12 I would think that would be more advantageous for us to go  
13 ahead and move this, to be able to deal with it the same  
14 night.

15           All right, anything else? Can I see -- Ms.  
16 Schellin, did you look at the -- I don't usually look in the  
17 crowd, even though I do. Could you make sure that they can  
18 understand this exactly? If not, they can work with you.

19           MS. SCHELLIN: Yes.

20           CHAIRMAN HOOD: Okay.

21           MS. SCHELLIN: Sure. And when the Commission  
22 decides, if they decide to move forward with setting that  
23 down, if you could -- the text amendment would be 19-24, and  
24 I will, once I file it, give 19-24A to the map amendment for  
25 purposes, when you make your motion.

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1 CHAIRMAN HOOD: Okay. So I will make a motion  
2 that we set down 19-24, and once they file for the contested,  
3 it'll be 19-24A, if they choose to do so, with the comments  
4 as discussed by the Vice Chairman, myself and others and ask  
5 for a second. We had two cases, contested and one  
6 rulemaking.

7 COMMISSIONER SHAPIRO: Second, Mr. Chair.

8 CHAIRMAN HOOD: All right, so it's been moved and  
9 properly seconded. Any further discussion? Did we leave  
10 anything out?

11 MR. TONDRO: Chairman, just to clarify with regard  
12 to Commissioner Miller's question about removing the  
13 exemption, whether or not the rest of the Commission was in  
14 agreement with that or whether your motion included that?  
15 Just wanted to clarify that.

16 (Off-microphone comments.)

17 CHAIRMAN HOOD: So we will -- what the Vice Chair  
18 has -- my motion will not include that. But we will deal  
19 with that at the hearing once we get additional information.  
20 Is that going to be a major setback or -- because I don't  
21 want to do anything major with WR.

22 MR. TONDRO: No, I apologize. It may be my fault.  
23 To clarify that the text, as proposed, when it goes for a  
24 public hearing notice, will not include the affordable  
25 housing exemption with the understanding that OP and the

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1 Applicant can file responses as to why that would be  
2 appropriate and for consideration by the Commission at the  
3 hearing?

4 CHAIRMAN HOOD: Okay, so I'm going to incorporate  
5 my motion with Mr. Tondro's comments. Who made the motion?  
6 Did I make the motion?

7 VICE CHAIR MILLER: Yes.

8 CHAIRMAN HOOD: I really got confused. I made the  
9 motion. No, who did?

10 VICE CHAIR MILLER: And Shapiro seconded it.

11 CHAIRMAN HOOD: Oh, you seconded it?

12 VICE CHAIR MILLER: I agreed with it.

13 CHAIRMAN HOOD: All right, so everybody agrees  
14 we'll incorporate those comments. Mr. Tondro, thank you --

15 (Off-microphone comments.)

16 CHAIRMAN HOOD: Who needs to second it again?

17 COMMISSIONER SHAPIRO: I seconded it with the  
18 language that Mr. Tondro brought in as well.

19 CHAIRMAN HOOD: Okay, so he's accepted it. It's  
20 been seconded and accepted. Any further discussion?

21 Hopefully not. Any further discussion? All in favor, aye.

22 (Chorus of ayes.)

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

25 MS. SCHELLIN: Yes. Staff records the vote 5 to

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1 zero to zero to set down Zoning Commission Case Number 19-24  
2 as a rulemaking case and Zoning Commission Case Number  
3 19-24A, the map amendment, as a contested case. Commissioner  
4 Hood moving, Commissioner Shapiro seconding, Commissioners  
5 May, Miller and Turnbull in support.

6 And 19-24A is set down contingent upon the  
7 applicant filing a map amendment case and paying the \$650  
8 fee.

9 CHAIRMAN HOOD: Okay. Let's go to Zoning  
10 Commission Case -- Ms. Steingasser?

11 MS. STEINGASSER: Yes, sir. I'm sorry to go back  
12 to it. I'm just wondering how, if it's not -- if the  
13 language on affordable housing which Ms. Thomas pointed out,  
14 we would be working with the applicant to refine it, if  
15 that's not actually advertised, how would we provide comment  
16 in the public hearing? And the second --

17 CHAIRMAN HOOD: I'm going to let the Vice Chair  
18 answer that.

19 MS. STEINGASSER: -- would have to be reset down  
20 after the fact or could we set it down and then, if the  
21 Commission's not happy with it, of course, then you would  
22 just exclude it from action?

23 VICE CHAIR MILLER: As long as we have -- I was  
24 under the impression that we had the flexibility to put the  
25 exemption in even after the hearing. But if that's not the

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1 case, if it's not advertised in the hearing, then I don't  
2 have a problem with it being include, but with the caveats  
3 that we need a lot more information as to the purpose and  
4 effect.

5 MR. TONDRO: I think it can be done either way  
6 since it would rulemaking. If the situation were -- if there  
7 was a proposal for it to be in, as modified by OP in the  
8 hearing report, then it could be adopted by the Commission  
9 as part of the proposed action and then would --

10 (Simultaneous speaking)

11 VICE CHAIR MILLER: And it wouldn't slow down --  
12 and it would not slow down the process.

13 MR. TONDRO: You could do it either way.

14 VICE CHAIR MILLER: Well, then, I think what we  
15 intended was to not have the exemption in there from the  
16 outset. At least that was that my intention. As long as it  
17 doesn't slow down the process and it could be added in, a  
18 proposed action -- I don't know what we're -- because I'm not  
19 comfortable with an affordable housing exemption that I don't  
20 understand. And I don't -- so.

21 COMMISSIONER MAY: I mean, it does strike me that,  
22 in circumstances like this, we have had to re-advertise. And  
23 I -- I mean, out of an abundance of caution, could we not  
24 advertise the exemption and the alternative so that it's at  
25 least in there?

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1 VICE CHAIR MILLER: Yeah, well why don't you do  
2 that? We don't we do that?

3 CHAIRMAN HOOD: Yeah, I -- we can put  
4 -- move it in, and I would agree to that. Let's do it and  
5 the alternative. Do we need to do another motion? I move  
6 the -- I would move to add to the motion that we already  
7 have. I don't know if this is proper, but somehow I'll fix  
8 it up, that we add the affordable component in and the  
9 alternative.

10 VICE CHAIR MILLER: Second on it?

11 CHAIRMAN HOOD: Okay, I need a second.

12 COMMISSIONER SHAPIRO: Second.

13 CHAIRMAN HOOD: It's been -- is that  
14 legally sufficient? At least for now? Okay, so it's been  
15 moved and properly seconded. Any further discussion? All  
16 in favor, aye.

17 (Chorus of ayes.)

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

20 MS. SCHELLIN: Staff records the vote 5 to zero  
21 to zero to amend the motion and to include the extra language  
22 in Zoning Commission Case Number 19-24. Commissioner Hood  
23 moving, Commissioner Shapiro seconding and Commissioners May,  
24 Miller and Turnbull in support.

25 CHAIRMAN HOOD: So I want to thank you, Ms.

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1 Steingasser, for bringing that up because I think sometimes  
2 it's better for us to have it in and then we can take it out.  
3 Maybe that's the way, so thank you for that.

4 All right, let's go to Zoning Commission Case  
5 Number 19-26, Office of Planning text amendment to Subtitles  
6 C, G, K, X, and Z to align covenant text. Ms. Thomas? Oh,  
7 Ms. Steingasser?

8 MS. STEINGASSER: I'll be doing this one, sir.

9 CHAIRMAN HOOD: You -- Ms. Thomas, you was doing  
10 all the rest of them. So I just called you -- no, I'm just  
11 kidding.

12 MS. STEINGASSER: You're not going to push your  
13 luck.

14 CHAIRMAN HOOD: Okay, Ms. Steingasser?

15 MS. STEINGASSER: The Office of Planning is  
16 recommending that the Commission set down the language to the  
17 zoning regulations to make all the language relative to  
18 covenants the same.

19 It would require that all covenants run with the  
20 land and be reviewed and approved by the zoning administrator  
21 for technical sufficiencies in the Office of the Attorney  
22 General for legal sufficiencies.

23 CHAIRMAN HOOD: Okay, thank you. Any  
24 questions/comments? Commissioner May? And then I'll come  
25 to -- okay, Commissioner May? Oh, okay.

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1 All right, so we have the request before us.  
2 Somebody like to make a motion?

3 COMMISSIONER TURNBULL: Mr. Chair, I would move  
4 that we approve -- that we set down Zoning Case Number 19-26,  
5 Office of Planning text amendment to Subtitles C, G, K, X,  
6 and Z to align covenant text, and I'd ask for a second.

7 CHAIRMAN HOOD: I'll second it. It's been moved  
8 and properly seconded. Any further discussion? All in  
9 favor, aye.

10 (Chorus of ayes.)

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

13 MS. SCHELLIN: Staff records the vote 5 to zero  
14 to zero to set down Zoning Commission Case Number 19-26 as  
15 a rulemaking case. Commissioner Turnbull moving,  
16 Commissioner Hood seconding; Commissioners May, Miller and  
17 Shapiro in support.

18 COMMISSIONER MAY: Mr. Chairman?

19 CHAIRMAN HOOD: Yes.

20 COMMISSIONER MAY: If I could note one thing on  
21 this. I mean, this particular text amendment is very, very  
22 technical and is most likely not going to garner that much  
23 interest amongst the general public.

24 And I would venture to say that we could handle  
25 it in a very quick hearing and that, whenever it gets

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1 scheduled, that it be scheduled with another case so we don't  
2 come down here for a five-minute hearing.

3 CHAIRMAN HOOD: I would -- well, I'm not going to  
4 say I would agree because the room may be full and then I  
5 would need somebody to blame it on. But I would take -- we  
6 will take your recommendation.

7 All right, next let's go to Zoning Commission Case  
8 Number 19-27, Office of Planning text amendment to Subtitles  
9 D, E, and F, zoning reorganization. Ms. Vitale?

10 MS. VITALE: You got two of us tonight.

11 CHAIRMAN HOOD: Mr. Kirschenbaum? Okay.

12 MS. VITALE: Both of us. Good evening, Mr. Chair,  
13 members of the Commission. Elisa Vitale with the Office of  
14 Planning.

15 We are pleased to bring forward the proposed  
16 reorganization of Subtitles D, E, and F to you this evening  
17 and request that the reorganization be set down for a public  
18 hearing.

19 This is a reorganization of existing Subtitles D,  
20 E and F and does not contemplate any amendments to  
21 development standards or other regulations contained in these  
22 subtitles.

23 As you know, when the update to the zoning  
24 regulations was completed in 2016, the Office of Planning  
25 made a commitment to monitor the effectiveness of the changes

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1 as well as the ease of use for the updated regulations.

2           And we've been listening and learning over these  
3 last three years. We have heard concerns about zone names,  
4 and we brought forward a new -- well, some may say older, at  
5 least a bit more familiar naming structure in Zoning  
6 Commission Case 18-16.

7           And at that time, we gave you a bit of a preview  
8 of the organizational changes that we have before you this  
9 evening. We've also heard concerns about the length of the  
10 existing subtitles, and this reorganization is an attempt to  
11 address that.

12           Finally, as we've brought forward text amendments,  
13 we've experienced the challenge of editing a document that  
14 contains a good deal of duplication within the development  
15 standards.

16           Therefore, we're proposing a reorganization of the  
17 land use subtitles, and this is intended to reduce  
18 duplication of development standards and ensure a clear  
19 relationship between zones including base zones and  
20 geographically identified zoned and reduce the opportunity  
21 for error as we bring forward additional text amendments in  
22 the future.

23           We have worked closely with the zoning  
24 administrator, the Office of Zoning and the Office of  
25 Attorney General in drafting this proposal.

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1 In our report, we've provided you a redline  
2 version of each subtitle that shows new text in blue, revised  
3 text in red and text that has been moved in green.

4 We've also provided a clean copy of the proposed  
5 text, and that may actually be the easiest way to review the  
6 proposal. And we've also prepared crosswalks for all of the  
7 subtitles, similar to the crosswalks that we did for ZR16.

8 Those weren't included in the set down report, but  
9 we're certainly happy to get that information to the  
10 Commission at a later date.

11 But again, we do want to reiterate that we're not  
12 proposing substantive changes to the text. We do have  
13 pending and proposed text amendment cases. And you will see  
14 those noted in the draft document that we provided this  
15 evening.

16 With this brief introduction, I'll turn it over  
17 to my colleague, Jonathan Kirschenbaum, to walk through in  
18 more detail how and where things have moved in this  
19 reorganization.

20 MR. KIRSCHENBAUM: Good evening, Chair Hood and  
21 members of the Zoning Commission.

22 We thought it was important to take a step back  
23 and look at where we've come from for the 1958 zoning  
24 regulations, what we have currently, with the 2016 zoning  
25 regulations and where we would like to go with the

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1 reorganization in 2020.

2           As you'll recall, the 1958 ZR was completely  
3 chapter based without subtitles. The general structure of  
4 the 1958 ZR was as follows.

5           A base zone -- in this example, we're using the  
6 R zones -- was divided into several chapters to provide use  
7 permissions in one chapter and height area and density  
8 regulations in another chapter.

9           If an overlay zone was applicable and modified but  
10 did not repeat use permissions and development standards from  
11 the base zone, these regulations were listed in a completely  
12 separate chapter from the base zone.

13           Due to the lack of subtitles and the resulting  
14 lack of ease in adding new chapters, these overlay zone  
15 chapters were often placed far apart from a base zone  
16 chapter.

17           For instance, in R-1-A, a Tree and Slope  
18 Protection Naval Observatory Zone, had development standards  
19 in both Chapter 4 and two different sections within Chapter  
20 15.

21           Additional miscellaneous regulations, such as  
22 parking and inclusionary zoning were placed in various other  
23 chapters throughout the 1958 ZR. The 2016 ZR substantially  
24 reorganized the structure of the 1958 ZR by introducing  
25 subtitles.

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1           The use of subtitles was proposed as a more  
2 efficient way to organize the ZR and allow all development  
3 standards for a zone to be located in one subtitle.

4           The general structure of the 2016 ZR is as  
5 follows. Subtitle B essentially contains the instructions  
6 for how to use the ZR, such as definitions, rules of  
7 measurement and use categories.

8           Subtitle C contains the general rules or  
9 regulations that apply to multiple zones, such as  
10 inclusionary zoning and parking. Subtitle U contains the use  
11 permission.

12           Subtitles D, E and F, respectively, which is the  
13 focus of tonight's set down, contained the development  
14 standards for all zones within a single subtitle.

15           In other words, the use of these zones and overlay  
16 zones was eliminated. A zone that contained both the base  
17 zone and the overlay zone development standards were merged  
18 into a new, single zone.

19           In the example used earlier, in R-1-A, Tree and  
20 Slope Protection Naval Observatory Zone became the R-11 zone.

21           As Ms. Vitale mentioned earlier, this resulted in  
22 every zone repeated the same development standards from the  
23 previous zone and has created a significantly lengthy 2016  
24 ZR.

25           Tonight we are proposing to reduce redundancy



1 across the ZR through this reorganization that would be a  
2 blend between the 1958 ZR and the existing 2016 ZR. The  
3 general structure would remain the same.

4 No changes are proposed to Subtitles B, C or U.  
5 Subtitles D, C and F, respectively, would be reorganized to  
6 provide the general development standards for all base zones  
7 in a new Chapter 2 and to provide only a modified  
8 geographical development standards in a proceeding chapter.

9 Thus, development centers that are not modified  
10 by a geographic identifier zone would not be repeated over  
11 and over again and would only be located in Chapter 2.

12 This slide provides an illustrative crosswalk of  
13 how the proposed reorganization would work. For instance,  
14 Chapter 2 would prescribe all general development standards  
15 for the R-1-A zone and a proceeding chapter would prescribe  
16 modified regulations and development standards pertaining to  
17 the geographic identified zone.

18 For instance, Chapter 5 in this crosswalk example,  
19 which is the R-1-A Tree and Slope Protection Naval  
20 Observatory Zone, would provide geographic modified  
21 development standards for purpose and intent, street  
22 protection, height, lot occupancy, special exception and  
23 special PUD requirements.

24 Another crosswalk example is the R-1-A, Wesley  
25 Heights zone. Again, Chapter 2 would prescribe all general

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1 development standards for the R-1-A zone and Chapter 7 would  
2 prescribe for modified development standards pertaining to  
3 the geographic identified zone, such as purpose and intent,  
4 density, front setback and law occupancy.

5           This concludes my portion of the presentation, and  
6 I will turn it back over to my colleague, Ms. Vitale. Thank  
7 you.

8           MS. VITALE:     So we hope that crosswalk and  
9 additional information was helpful. And this is one step in  
10 the process. We do anticipate bringing forward additional  
11 subtitles in the future. And we would look to bring forward  
12 Subtitle G in December and Subtitle H in January if the  
13 Commission is comfortable with this reorganization and sets  
14 down Subtitles D, E, and F this evening.

15           This concludes our report, and we're happy to  
16 answer any questions that you might have. Thank you.

17           CHAIRMAN HOOD:   Okay, thank you, Ms. Vitale and  
18 Mr. Kirschenbaum. Let's see if we have any follow-up  
19 comments or questions. Commissioner May?

20           COMMISSIONER MAY:   Yeah, so I'm glad to see this  
21 coming and I'm glad to see this sort of simple information  
22 that we're seeing in the crosswalk. I was floored, trying  
23 to look at the redline version. It is incredibly complicated  
24 and I will never be able to understand that.

25           Toward this end, I mean, I know you're struggling

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1 with the same thing, trying to make this all easily  
2 understood. But I think the basic concept of taking a  
3 particular zone, say R-20, R-20 will become R-3/Georgetown  
4 or whatever it is, right?

5 I think that it makes more sense to be able to  
6 have side-by-side comparisons of those section, sort of  
7 section-by-section rather than seeing a redline that shows  
8 how these things get edited.

9 And then, when we actually take action to adopt  
10 them, I'd rather adopt the whole chapter rather than adopting  
11 specific language changes. And I think that's something that  
12 you could work with the Office of Attorney General on.

13 MS. STEINGASSER: So we have much more detailed  
14 crosswalks --

15 COMMISSIONER MAY: Yes.

16 MS. STEINGASSER: -- that actually have the  
17 Section numbers.

18 COMMISSIONER MAY: Yes.

19 MS. STEINGASSER: Is that what you're --

20 (Simultaneous speaking.)

21 COMMISSIONER MAY: I mean, that's certainly very  
22 helpful, but all I'm saying is that when we -- in order for  
23 people to feel like everything is covered and correct, that  
24 they probably need to see, you know, a more -- well --

25 MS. STEINGASSER: So --

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1           COMMISSIONER MAY: Maybe it's only just a sampling  
2 of things, like this is the way it was; this is the way it  
3 will be, but in any case, I mean, the bigger thing, to me,  
4 is that when we adopt it, I don't want to adopt the language  
5 that is based on the redline/strikeout version of it but sort  
6 of the wholesale revision.

7           MS. STEINGASSER: Right. Okay, so we --

8           COMMISSIONER MAY: Does that make sense?

9           MS. STEINGASSER: We have a couple different other  
10 versions of the same information. We have a version that has  
11 delete Section such-and-such in its entirety and replace it  
12 with this.

13          COMMISSIONER MAY: So long as it's big sections,  
14 that's okay. But if it's like a paragraph here, a paragraph  
15 there, it's going to be just as confusing.

16          MS. STEINGASSER: Okay, we have a table, like  
17 this, that goes through every single section and identifies  
18 where it's been relocated.

19          COMMISSIONER MAY: Uh-huh.

20          MS. STEINGASSER: And that -- we've organized this  
21 in many ways just to help us work through it. And then, for  
22 the Commission's reference, we also attached a document at  
23 the end where everything's been accepted so you can see --

24          COMMISSIONER MAY: I see.

25          MS. STEINGASSER: -- what the -- I think it's at

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1 the very end of our report. And it has the -- all the  
2 tracked changes have been accepted. So we could take -- as  
3 you're suggesting, chapter by chapter. I'm not sure how we  
4 would put them side-by-side and put the words there.

5 COMMISSIONER MAY: Yeah, yeah.

6 MS. STEINGASSER: Because some of the words move  
7 to --

8 COMMISSIONER MAY: I mean, as I talk through it,  
9 I sort of get -- I start to see what the complications are.

10 MS. STEINGASSER: Yeah.

11 COMMISSIONER MAY: Well, what I was going to  
12 suggest, maybe, is that -- I mean, I'm perfectly fine with  
13 setting this down tonight, but that, and that we actually  
14 have a little more discussion of how this gets presented to  
15 the Commission because I don't -- I mean, I don't really want  
16 you to have to go through a whole lot of exercises and then  
17 just to look at them and say, well, this makes sense; this  
18 doesn't make sense and then have to have more hearings and  
19 so on.

20 But maybe a sampling of how the information might  
21 be presented to us in the hearing at an upcoming meeting, so,  
22 you know --

23 MS. STEINGASSER: Okay.

24 COMMISSIONER MAY: -- when you come back and tell  
25 us about Section G, if you could be -- give us a little bit

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1 of a demonstration of how you would --

2 MS. STEINGASSER: Okay.

3 COMMISSIONER MAY: -- how best to communicate it.

4 Is that --

5 CHAIRMAN HOOD: That's what I was going to say.  
6 I think that would be easier. You said you all have like  
7 three or four different ways.

8 MS. STEINGASSER: Right.

9 CHAIRMAN HOOD: Before you do a whole lot -- just  
10 give us one page of each as an example.

11 MS. STEINGASSER: Okay.

12 CHAIRMAN HOOD: And exactly what the Commissioner  
13 was saying. That'd be easier, less work for you all to do.  
14 So we can all, so the five of us can understand it. And then  
15 --

16 COMMISSIONER MAY: A sampling of it so that we,  
17 you know, give a small bit of it and then we have clear  
18 direction about what goes into the record.

19 MS. STEINGASSER: That would be easy. We struggled  
20 with whether to give you more, give you less, to put it in  
21 a table and then would people be worried about that they  
22 didn't see this exact sentence get stricken. So we gave you  
23 the Full Monty in all its colored --

24 COMMISSIONER MAY: Yeah, well, I think in the end  
25 --

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1 MS. STEINGASSER: -- parade.

2 COMMISSIONER MAY: -- you can still do that for  
3 the people who want to see that, but it won't be me.

4 MS. STEINGASSER: Okay, we will -- we can get you  
5 those pretty quickly because, like I said, we have various  
6 forms.

7 CHAIRMAN HOOD: So I guess we'll --

8 (Simultaneous speaking.)

9 COMMISSIONER MAY: We'll just get a report on that  
10 at the next meeting.

11 MS. STEINGASSER: Okay. Okay.

12 CHAIRMAN HOOD: And then we can discuss it in full  
13 detail after examples, so that way --

14 MS. STEINGASSER: Because, I mean, I also draw the  
15 Commission's attention to Page 2 of our report where we lay  
16 out the process that we've been through already.

17 Mr. Kirschenbaum went through most of it, but, you  
18 know, that we -- the new zone names have been up to the point  
19 of proposed action. And then each of the -- the bulk of the  
20 -- the reorganization, we'll get to that same point and then  
21 the Commission would, through multiple votes, but do it in  
22 one evening so that it all becomes effective at the same  
23 time.

24 Okay, that is important.

25 COMMISSIONER MAY: That's similar with the way we

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1 did --

2 MS. STEINGASSER: Originally.

3 COMMISSIONER MAY: -- the zoning rewrite, right.

4 MS. STEINGASSER: Right. Yes, sir. Okay.

5 COMMISSIONER TURNBULL: Yeah, Mr. Chair I just  
6 have a -- I also did not print out the whole -- all the  
7 pages. I printed out five pages. I went through it all, but  
8 I -- I got lost in going through it all with the three  
9 different -- with the blues and the red and the -- but I did,  
10 like on Page 5 --

11 MS. STEINGASSER: Of the OP report or --

12 COMMISSIONER TURNBULL: Of the OP report.

13 MS. STEINGASSER: Okay.

14 COMMISSIONER TURNBULL: You've got the ZR-16 names  
15 and then you've got the name changes. So are all of the names  
16 changing?

17 MS. STEINGASSER: Only those that are in the  
18 right-hand column that say name change.

19 COMMISSIONER TURNBULL: But I mean, like RF-3?

20 MS. STEINGASSER: RF-3 is not changed. No, RF-3  
21 is changing, yes.

22 COMMISSIONER TURNBULL: It's going to become --  
23 well --

24 MS. STEINGASSER: It's going to become --

25 COMMISSIONER TURNBULL: -- up on Capitol Hill it's

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1 going to be RF-1 Cap.

2 MS. STEINGASSER: Right. Yes, sir.

3 COMMISSIONER TURNBULL: But if those RF-3s in  
4 other areas are -- was that only for Capitol Hill RF-3? I  
5 seem to remember there was that change.

6 MS. STEINGASSER: That's correct.

7 COMMISSIONER TURNBULL: Okay.

8 MS. STEINGASSER: Yes.

9 COMMISSIONER TURNBULL: I got you. All right,  
10 thank you.

11 CHAIRMAN HOOD: Okay, so any other questions or  
12 comments? Vice Chair Miller?

13 VICE CHAIR MILLER: Okay, just quickly, Mr.  
14 Chairman. Yeah, I wanted to thank Office of Planning for  
15 listening and learning and, as we all do. And I appreciate  
16 this proposed restructuring and reorganizing.

17 I think it gets back to what the original purpose  
18 of -- one of the original main purposes of ZR16 was, which  
19 was to simplify, reduce redundancy, reduce duplication, make  
20 it more easily understandable to practitioners, the public,  
21 us.

22 So I think that's all very useful. I think it'd  
23 be important for Office of Planning and Office of Zoning to  
24 work with OAG to make sure that when this is set down for a  
25 hearing or a series of hearings, for the later ones, that

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1 it's -- that there are no substantive changes being proposed  
2 to the zoning text.

3           It's strictly a reorganization and restructuring  
4 and I don't know if we can restrict, in the hearing notice,  
5 that we're not -- that we don't want substantive  
6 recommendations for changing.

7           But when you have a whole chapter out there,  
8 people might think that it's up for grabs. So we have to  
9 make that clear, that it's the reorganization and the  
10 restructuring and it isn't the whole zoning regulations that  
11 are suddenly open for --

12           MS. STEINGASSER: No, not at all, and we've said  
13 that on our, on the first page of our report, there,  
14 emphatically, that this does not represent any substantive  
15 changes. The substantive changes that are out there are  
16 separate cases.

17           We've noted where they would be placed in the  
18 reorganization, but they are not in debate as part of this  
19 case.

20           COMMISSIONER MAY: And I understood that. I just  
21 think that when we -- as you prepare the hearing notice, as  
22 we prepare the hearing notice, that just needs to be upfront  
23 and in bold so that there isn't any misunderstanding as to  
24 what this is about.

25           CHAIRMAN HOOD: I would agree, so we can cut down

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1 on any confusion, maybe we need to -- I don't know, we do  
2 color. Sometimes I put things in red, in bold letters,  
3 bigger font. And you may want to consider, through your  
4 report, maybe you can put it on Page 1, Page 20 and kind of  
5 give us a reference to keep remembering that we're not doing  
6 any substantive stuff here.

7 MS. STEINGASSER: Okay.

8 CHAIRMAN HOOD: So I think that would also help  
9 the public out. It'll definitely help us out when we're  
10 getting ready to start to deal with it, okay?

11 All right, anything else? Okay, would somebody  
12 like to make a motion?

13 MR. TONDRO: Chairman Hood?

14 CHAIRMAN HOOD: Yes?

15 MR. TONDRO: So just one quick question, picking  
16 up on Commissioner May's comment. I'm wondering, for the  
17 public hearing notice, I just want to clarify with the  
18 Commission but also give OP an opportunity to respond if they  
19 think differently, if the appropriate thing would be to  
20 propose the repeal and replacement with the new text. That  
21 way, it's nice and clean, but -- so you would just see what  
22 the next text is.

23 But then, with an appendix being the crosswalk  
24 that OP just referenced so that people have that ability to  
25 figure out what were the old sections, where are the new

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1 sections. But at the same time, they're not confused by all  
2 of the cross-outs and so forth. They just see the clean new  
3 text, as what it would be.

4 CHAIRMAN HOOD: You all fine with that? You'll  
5 all fine?

6 VICE CHAIR MILLER: I'm fine with it, but I think  
7 the appendix with the redline version should be somehow made  
8 available so that people  
9 can actually see it for themselves and don't think that we're  
10 hiding anything.

11 MS. STEINGASSER: Well, we could always -- well,  
12 we could make a reference that there's a full redline  
13 available on the Office of Zoning website in this case file  
14 rather than publish -- because it'll be about 130 pages of  
15 redline.

16 COMMISSIONER MAY: Right. That's why I didn't  
17 print it out either, so --

18 MS. STEINGASSER: Yeah, and then we could just do  
19 either of the options that we'll be bringing to you for the  
20 other --

21 COMMISSIONER MAY: I think that's useful.

22 COMMISSIONER TURNBULL: I would go along with that  
23 because I think we're all worried about the optics. And at  
24 least people have got a chance to go back, get into the weeds  
25 if they want to and see all the markups. But I would be in

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1 favor of that.

2 MS. STEINGASSER: Okay.

3 CHAIRMAN HOOD: Okay, so seeing as that we're  
4 making some progress --

5 MS. SCHELLIN: There's a few.

6 CHAIRMAN HOOD: There's probably a few other  
7 people.

8 VICE CHAIR MILLER: If he heard that.

9 CHAIRMAN HOOD: Yeah, but actually that's good.  
10 We need verifiers, read and verify. We need that. All that  
11 helps us to make our decision.

12 All right, so I'm not sure what kind of motion to  
13 make so I'll let somebody else make it.

14 COMMISSIONER TURNBULL: Mr. Chair, I would move  
15 that we set down Zoning Case Number 19-27, Office of Planning  
16 text amendment to Subtitles D, E and F for zoning  
17 reorganization and look for a second.

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: Okay, it's been moved and properly  
20 seconded. And I will just make a friendly amendment that we  
21 also include some of the comments of the discussions that we  
22 --

23 COMMISSIONER TURNBULL: Actually all the comments  
24 that we've talked about.

25 CHAIRMAN HOOD: All right, it's been moved and

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1 properly seconded. And it's been accepted both by the --  
2 make it a motion and a second to the motion. Any further  
3 discussion?

4 All in favor, aye.

5 (Chorus of ayes.)

6 CHAIRMAN HOOD: Not hearing any -- any opposition?  
7 Not hearing any, Ms. Schellin, please record the vote.

8 MS. SCHELLIN: Staff records the vote 5 to zero  
9 to zero to set down Zoning Commission Case Number 19-27 as  
10 rulemaking case. Commissioner Turnbull moving, Commissioner  
11 Miller seconding. Commissioners Hood, May and Shapiro in  
12 support.

13 CHAIRMAN HOOD: Do we have a status report, Ms.  
14 Steingasser?

15 MS. STEINGASSER: Yes, sir. I wanted to just give  
16 the Commission a heads-up on something that Office of  
17 Planning's been working on as a result of both our work on  
18 the comprehensive plan and through the mayor's recent housing  
19 equity report and the mayor's order on housing.

20 And that has to do with this concept of what we're  
21 calling anecdotally IZ Plus. And it's a way to look at  
22 capturing more housing and affordable housing through the up-  
23 zonings that are possible under changes to the future land  
24 use map.

25 And so there are many areas of the future land use

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1 map where the designation of anticipated land use and density  
2 has been changed. It's what we casually now all up-FLUM'ed,  
3 where it's the future land use map has increased the density.

4           Mostly it's around Metro stations, along major  
5 corridors and large properties like Armed Forces Retirement  
6 Home where there'll be large amounts of land coming into the  
7 city's system.

8           And we've been looking at various ways to capture  
9 some of that density and make sure that it meets the purpose  
10 of the up-FLUMing, which is to get that more housing and more  
11 affordable housing. So we've been looking at this concept  
12 of inclusionary zoning-plus, and it would be -- now we're  
13 going to be bringing forward in December, hopefully, some  
14 concepts for set down.

15           It won't be exact text language, but, as the  
16 Commission may remember, when we first brought IZ forward,  
17 we did a series of round tables and some concepts. And we  
18 would like to start that as well, looking at both a sliding  
19 scale where the more increase, the more the IZ percentage  
20 would go up.

21           We're also looking at PUDs. What we're seeing, you  
22 know, we're seeing a little bit of slowdown, though a bit  
23 more interest in the Planned Unit Developments and how that  
24 moves forward. And since there seems to be some reticence  
25 in doing a whole lot of PUD work right now, we're seeing more

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1 and more pressure from APIMEM and therefore we started  
2 thinking about how do we get that message out there that --  
3 why OP has brought forward a lot of the change in the future  
4 land use map has to do with meeting the mayor's goals on  
5 housing, affordable housing.

6           So I just wanted to kind of give you a heads-up  
7 that we'll be bringing that forward next month. And if you  
8 had any comments you wanted us to look at before we bring it  
9 back? And again, it's just coming to the Commission as  
10 concepts for public comment, yeah, so we're going to ask you  
11 to set down the concepts and then we'll work through the  
12 language afterwards.

13           CHAIRMAN HOOD: All right, any questions or  
14 comments? I guess, Commissioner May?

15           COMMISSIONER MAY: No, that's fantastic. I mean,  
16 this is something I've -- we've struggled with on PUDs where  
17 we have, in some cases, massive up-zonings and, you know,  
18 where they were proffering 10 percent and calling it  
19 exceptional. It would be great to have a sliding scale. Is  
20 the idea that a sliding scale could actually apply in  
21 straight-up map amendments as well and not just PUDs?

22           MS. STEINGASSER: Well, this would apply only to  
23 map amendments.

24           COMMISSIONER MAY: Only to map amendments?

25           MS. STEINGASSER: Only to map amendments, right.

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1 COMMISSIONER MAY: But it could be a guide for how  
2 we handle a PUD?

3 MS. STEINGASSER: It could be, mm-hmm.

4 COMMISSIONER MAY: Right.

5 MS. STEINGASSER: Yeah.

6 COMMISSIONER MAY: Okay, because I'd always been  
7 thinking of it in terms of PUDs, but that was back when we  
8 were doing PUDs a lot, right.

9 MS. STEINGASSER: Right, and because we're seeing  
10 now so many people preferring to go with a map amendment, we  
11 feel like we're losing a lot of the benefits and amenities  
12 that we were getting, especially for affordable housing.

13 COMMISSIONER MAY: Yeah.

14 MS. STEINGASSER: Okay.

15 COMMISSIONER MAY: Think big. Okay, thanks.

16 CHAIRMAN HOOD: Ms. Steingasser, I'm not sure if  
17 you're able to answer this tonight, but I was just -- you  
18 know, I have to ask my normal questions that I haven't asked  
19 for a while. But this question is what's the status of --  
20 and I purposely stay away from some of those conversations.  
21 What's the status of the Comp Plan? I don't know if you're  
22 -- I mean, where are we at? Where is it at?

23 MS. STEINGASSER: Well, the Office of Planning,  
24 the framework element, the very first element the city  
25 council has adopted. The rest of the elements, the remaining

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1 23, the Office of Planning has released our recommendations  
2 and they're now out for public review.

3 We're encouraging people, if they have comments  
4 on that, to work through their ANCs and have the ANC provide  
5 the resolution to the Office of Planning. We expect, let's  
6 see, at the end of January, the comment period, the review  
7 period will close and we will then spend a couple months  
8 responding to all the ANC resolutions that we have. We'll  
9 then take the resolutions and the comments and the  
10 recommendations and pass them to the City Council, probably  
11 in late Spring.

12 CHAIRMAN HOOD: Okay. All right. Thank you, so --  
13 and I appreciate you all entertaining my question about  
14 short-term rental.

15 MS. STEINGASSER: Yes, sir.

16 CHAIRMAN HOOD: That's back behind us now, so I  
17 may ask from time to time, an update on what's going on with  
18 the Comp Plan, so --

19 MS. STEINGASSER: And we'd be happy to do it.  
20 Right now, we're in the middle of public comments. The --

21 CHAIRMAN HOOD: Is my time up? I'm sorry.

22 MS. STEINGASSER: No, you get at least five  
23 minutes. We are out doing presentations and of the process,  
24 one in every ward, and I think this week it's Ward 5 -- 5,4,  
25 3.

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1 CHAIRMAN HOOD: Oh, that's -- okay, 5.

2 MS. STEINGASSER: And 2, I think are the next  
3 couple of weeks.

4 CHAIRMAN HOOD: Okay. All right, so thank you  
5 very much. Anything else up here?

6 VICE CHAIR MILLER: Yeah, I just wanted -- thank  
7 you for sharing. I just wanted to concur with my colleague  
8 that I think it's, in general, since all we have is a general  
9 concept, it's a great concept and I look forward to seeing  
10 more specificity for this inclusionary zoning plus proposals  
11 that we're calling IZ-Plus?

12 MS. STEINGASSER: IZ-Plus is what we're calling  
13 it.

14 VICE CHAIR MILLER: Are there going to be any  
15 other -- I know we've talked about content -- other ways to  
16 strengthen IZ? I guess this is not part of that concept,  
17 whether it's removing certain exemptions that exist under the  
18 existing regulation for certain geographical areas or --

19 MS. STEINGASSER: We're not -- we're looking --  
20 we are looking at different parts of IZ. We're looking more  
21 broadly at barriers to housing, and that's something the  
22 mayor's order asked us to do. So we are looking through the  
23 zoning regulations of just areas where there are barriers to  
24 housing and how can we make amendments that might facilitate  
25 --

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1           VICE CHAIR MILLER: And is the IZ-Plus concept  
2 going to include more specificity on the size of units than  
3 the existing IZ regulations in terms of trying to get a goal  
4 of more family-sized units, for example, or --

5           MS. STEINGASSER: It'll be one of the options.

6           VICE CHAIR MILLER: Okay.

7           MS. STEINGASSER: Yeah.

8           VICE CHAIR MILLER: Great. And I started to look  
9 through the hundred of pages of your -- of the land use map  
10 elements and great to see all the work that's gone into that  
11 effort to try to capture -- to increase density around the  
12 Metro stops and major commercial corridors so that we can get  
13 the benefits of affordable housing, mostly, from such kind  
14 of increased elements, so thank you.

15           MS. STEINGASSER: There's a -- on the OP website  
16 or the Comp Plan link from the OP website, there's a great  
17 map we borrowed from the Office of Zoning's website where you  
18 can scroll back and forth over property and see what's  
19 existing on the future land use map and what's being  
20 proposed. So you can kind of zoom in. It's really a fabulous  
21 tool.

22           CHAIRMAN HOOD: All right, anything else on that?  
23 All right, Ms. Schellin, do we have anything else? All  
24 right, I want to thank everyone. Ms. Schellin, I need you  
25 to put Paul Young's name in my opening because I always leave

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1 Paul out, and I don't want to leave -- Paul does a fabulous  
2 job from what I'm hearing from the public, so I want to make  
3 sure that I also include him in our opening statement.

4           So I want to thank everyone for their  
5 participation in this meeting tonight. And this meeting is  
6 adjourned.

7           (Whereupon, the above-entitled matter went off the  
8 record at 8:20 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Regular Meeting

Before: DC Zoning Commission

Date: 11-18-19

Place: Washington, DC

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