

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY
DECEMBER 9, 2019

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, 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, 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
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
MAXINE BROWN-ROBERTS
BRANDICE ELLIOTT
JOEL LAWSON
KAREN THOMAS
ELISA VITALE

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.
ALEXANDRA CAIN, ESQ.
PAUL GOLDSTEIN, ESQ.
MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from
the Regular Meeting held on December 9, 2019.

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

(6:35 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, ladies and gentlemen,
4 this is the public meeting of the Zoning Commission for the
5 District of the Columbia. My name is Anthony Hood. Joining
6 me are Vice Chair Miller, Commissioner Shapiro, Commissioner
7 May, and Commissioner Turnbull.

8 We're also joined by the Office of Zoning Staff
9 Ms. Sharon Schellin, as well as behind the scenes is Mr. Paul
10 Young of the Office of Zoning, who operates our technical
11 equipment.

12 At this time I want to ask Mr. Tondro to introduce
13 his staff.

14 MR. TONDRO: Yes, from the Office of the Attorney
15 General we have Paul Goldstein, Daniel Bassett, Alexandra
16 Cain, and myself, Maximilian Tondro.

17 CHAIRMAN HOOD: And at this time I want to ask Mr.
18 Lawson to introduce his staff.

19 MR. LAWSON: Good evening. We're shortly going
20 to be joined by Jennifer Steingasser, the Deputy Director.
21 My name's Joel Lawson. We also have Karen Thomas, Elisa
22 Vitale, Maxine Brown-Roberts, and later in the meeting you'll
23 be hearing from Brandice Elliott, who's also here.

24 CHAIRMAN HOOD: Okay, thank you both. And I think
25 I'm going to do that that way from now on. I just like it

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1 that way.

2 Copies of today's meeting agenda are available in
3 the bin near the door. For hearing action items, the only
4 documents before us this evening are the application, the ANC
5 setdown report, and the Office of Planning report. All other
6 documents are in the record will be reviewed at the time of
7 the hearing.

8 We do not take any public testimony at our
9 meetings unless the Commission requests someone to come
10 forward. This proceeding is being recorded by a Court
11 Reporter. It is also webcast live.

12 We ask that you refrain from any disruptive noises
13 or actions in the hearing room, including display of any
14 signs or objects. So at this time, please turn off all
15 electronic devices.

16 Does the staff have any preliminary matters?

17 MS. SCHELLIN: Yes, sir. Staff would ask that the
18 Commission consider voting on closed meetings for January and
19 February.

20 CHAIRMAN HOOD: Okay. Let me -- yes. As Chairman
21 of the Zoning Commission for the District of Columbia and in
22 accordance with 45C of the Open Meeting Act, I move that the
23 Zoning Commission hold the following closed meetings: on
24 Mondays, January 13 and 27, and February 10 and 24 at 6 p.m.
25 for the purpose of receiving legal advice from our counsel,

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1 per 45(B)(4), and to deliberate, but not voting on, the
2 contested cases per 45(B)(13) of the Act, DC Official Code
3 2-575(B)(4) and (13).

4 Is there a second?

5 VICE CHAIR MILLER: Second.

6 CHAIRMAN HOOD: Will the Secretary please take a
7 roll call vote.

8 MS. SCHELLIN: Chairman Hood.

9 CHAIRMAN HOOD: Yes.

10 MS. SCHELLIN: Vice Chair Miller.

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner May.

13 COMMISSIONER MAY: Yes.

14 MS. SCHELLIN: Commissioner Shapiro.

15 COMMISSIONER SHAPIRO: Yes.

16 MS. SCHELLIN: Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Yes.

18 MS. SCHELLIN: The vote carries.

19 CHAIRMAN HOOD: Okay, so it appears the motion has
20 passed. I request that the Office of Zoning provide notice
21 of these closed meetings in accordance with the Act.

22 Anything else, Ms. Schellin?

23 MS. SCHELLIN: No other preliminary matters.

24 CHAIRMAN HOOD: Okay. Let's go with the agenda.

25 Okay, consent calendar item modification of consequences.

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1 Want to do the termination first and then we can do
2 scheduling if we get to that point. Ms. Schellin.

3 MS. SCHELLIN: Yes, sir. We have Zoning
4 Commission Case No. 12-14C, 3rd & M LLC, 3rd & K LLC, and
5 Park Inn Associates, LP, PUD modification of consequence at
6 Square 542.

7 The applicant is seeking to change the number of
8 parking spaces in the second phase north building of PUD.
9 The applicant's withdrawn their initial request with regard
10 to the number of residential units. And Exhibit 5, OP's
11 initial report, advised that it could not recommend approval
12 until the applicant provided some additional information.

13 But since then, the applicant's request to defer
14 action, OP has filed a supplemental report at Exhibit 6
15 recommending approval since the applicant did modify its
16 application and remove the residential component of that
17 request.

18 At Exhibit 8's a letter from Waterfront Tower in
19 support with the memorandum of agreement, and which they
20 attached to their letter.

21 At this time, we've, there's I believe one other
22 party along with the ANC who has not responded yet, so we ask
23 the Commissioner first to decide whether this is a
24 modification of consequence, and if so, set up a schedule for
25 the other parties to respond and any other additional

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1 information that the Commission may request.

2 CHAIRMAN HOOD: Okay, Commissioners, first we have
3 the merits thus far in front of us. Does anyone believe that
4 this is not a modification of consequence? Not hearing
5 anyone. Anyone need any additional information at this
6 point? Okay, Ms. Schellin, could you do the schedule.

7 MS. SCHELLIN: Yes, sir. If we could, if the
8 applicant could reach out to the other parties and ask them
9 to provide their responses by, let's say January 6, then we
10 can place this, taking into consideration the holidays, then
11 we can take this up on the January 13 agenda.

12 COMMISSIONER SHAPIRO: Mr. Chair, am I correct
13 there's another case, the time extension case, that's
14 connected to this? You want to consider that right now while
15 we're on this case?

16 CHAIRMAN HOOD: If my colleagues would like, we
17 could, we could go ahead and consider the time extension, I
18 have no problems with that.

19 COMMISSIONER SHAPIRO: Okay.

20 CHAIRMAN HOOD: All right, let me. You know what,
21 since we're doing time extensions, let's just do them all
22 since we only have two, okay. But let's do the one
23 Commissioner Shapiro mentioned.

24 Okay, Zoning Commission Case No. 12-14B, 3rd & M
25 LLC, 3rd & K LLC, and Park Inn Associates, LP, two-year PUD

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1 time extension in Square 542. Ms. Schellin.

2 MS. SCHELLIN: Yes, as Commissioner Shapiro
3 stated, this is a companion case to the modification of
4 consequence case. The applicant's requesting the two-year
5 extension of Order 12-14/12-14A, stating the inability to
6 obtain sufficient financing for the project because of
7 changes in the market condition.

8 They ask the Commission to consider final action
9 on this case.

10 CHAIRMAN HOOD: Okay. This is not the one that
11 needs a waiver, is it? No. Okay.

12 MS. SCHELLIN: No, this one doesn't.

13 CHAIRMAN HOOD: This is the one that needs the
14 waiver? Both of them? Okay, yeah, okay. Any objections to
15 -- hold on, let me make sure I -- okay.

16 MS. SCHELLIN: This case filed --

17 CHAIRMAN HOOD: This was filed early, okay.

18 MS. SCHELLIN: More than six months, yes.

19 CHAIRMAN HOOD: All right. Sometimes that's what
20 happens when we go out of order, but anyway. You read this
21 stuff in order, and you learn in order, then you get mixed
22 up. But anyway, we're getting it.

23 All right, any objections on the request of the
24 granting the waiver? All right, no objections. So any
25 objections of granting the extension? I think this warrants

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1 the cause, and I think this is truly one of those cases,
2 especially when you talk about financing, which I don't like
3 doing a whole lot of these because I call it, as I always
4 call this is the Herb Franklin rule.

5 I think when you start talking about financing,
6 especially things, sometimes it takes a little while for
7 things to catch up and kick on and get into place. So I
8 would not have a problem with granting an extension. Any
9 further comments, though? Anything else anybody wants to
10 add?

11 VICE CHAIR MILLER: Only, Mr. Chairman, that
12 beginning to see a few of these time extensions due to
13 financing and market conditions in the short term is I guess
14 inevitable I guess in terms of the real estate cycle, but
15 that's all I want to say.

16 CHAIRMAN HOOD: Right. So of them are being
17 realized, but I know that was one of the things that we
18 always heard years ago, it was always a financial issue. And
19 you're right, some of them now starting to be realized.

20 All right, so with that, any other comments? I
21 would move that we give, grant the two-year time extension
22 as requested for Zoning Commission Case No. 12-14B, and ask
23 for a second.

24 VICE CHAIR MILLER: Second with the waiver to file
25 it early by one month.

1 CHAIRMAN HOOD: Including the waiver. Okay, so
2 it's been moved including the waiver. Thank you, Vice Chair.
3 Any further discussion? 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 5-0-0 to
8 grant final action in Zoning Commission Case No. 12-14B
9 including the waiver. Commission Hood moving, Commissioner
10 Miller seconding, Commissioners May, Shapiro, and Turnbull
11 in support.

12 CHAIRMAN HOOD: All right, next Zoning Commission
13 Case No. 05-28V, Lano Parcel 12, LLC, two-year PUD time
14 extension to Square 5055.

15 Again, Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. If staff -- or if the
17 Commission will recall, the Commission actually voted on this
18 case at the last meeting. However, the SMD filed a letter
19 in the case prior to this, the U case, and when they were
20 contacted they advised that they would like to have the full
21 ANC vote and provide a letter.

22 So they've done that and they've asked that the
23 Commission would reopen the record. And I don't know if you
24 want to reconsider your vote or just reopen the record and
25 just reaffirm your vote, or how you want to go about it.

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1 But that's what you have before you, along with
2 a letter from the applicant advising that they met with the
3 ANC and agreed that they will work with them to incorporate
4 the requested CBA changes in the future modification
5 applications and the remaining second-stage applications as
6 they're brought forward.

7 CHAIRMAN HOOD: Okay, as I look at this,
8 colleagues, I think that we can read it -- I don't
9 necessarily want to rescind anything, but I think we can
10 reaffirm our vote and that it be inclusive of the ANC letter
11 in support in this case.

12 I think that's the cleanest way to do that, and
13 the reason being I think it got some kind of got, there was
14 a mix-up in getting it reported to begin with. So I don't
15 want this to be precedent-setting for this to start happening
16 all the time. But I think this is one of those cases where
17 people who don't do this all the time, sometimes there's some
18 unclarity on how to proceed.

19 So I think that we want to make sure our ANCs are
20 included, so I think what we can do is reaffirm our vote and
21 include the ANC letter as submitted.

22 Any other questions or comments? Commissioner
23 Shapiro.

24 COMMISSIONER SHAPIRO: Just a process point. So
25 the steps we're taking is first to reopen the record to

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1 accept the report, and then reconfirm our vote?

2 CHAIRMAN HOOD: Which one do we need to do first?

3 Because I can do --

4 COMMISSIONER SHAPIRO: Are these two separate
5 actions that we take?

6 CHAIRMAN HOOD: I was going to reopen it and
7 reaffirm my vote all at the same time, but if we need to do
8 it in a specific order, let me ask. Okay, all right. It's
9 hard being a Philadelphia lawyer, so I want to make sure I
10 do it correctly. I shouldn't say that, some Philadelphia
11 lawyers may be mad with me. That was a good comment,
12 actually.

13 So with that, any further comments, Vice Chair?

14 VICE CHAIR MILLER: So thank you, Mr. Chairman.
15 I support the time extension request, even though it's the
16 fifth one, I think, in this case, which has had a long
17 history.

18 But I think there's some actions happening,
19 particularly by the city, and issuing solicitation for office
20 space for that area, which may be selected, and the
21 pedestrian bridge, which is finally moving forward. So that
22 development may be able to move forward, so I'm supportive
23 of it moving forward.

24 I note that, I appreciate the applicant working
25 with the ANC and getting their support for this, and they did

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1 renegotiate or expand upon the previous community benefits
2 agreement.

3 I would note that unfortunately the community
4 benefits agreement is somewhat irrelevant to our
5 consideration of the time extension request, but I'm glad
6 that that action has happened between the applicant and the
7 community engagement with the ANC.

8 CHAIRMAN HOOD: Okay, any further comments or
9 questions? So I'll try to --

10 COMMISSIONER TURNBULL: Mr. Chair, well, you
11 should be careful.

12 CHAIRMAN HOOD: Why is that?

13 COMMISSIONER TURNBULL: Your team is playing
14 Philadelphia tonight.

15 CHAIRMAN HOOD: That may be why I said it. But
16 anyway, because I we probably -- let me stick to the task.
17 Stick to the task, Anthony, don't digress, stick to the task.

18 So anyway, all right, so let me try to make a
19 motion here. I move that we reopen the record and reaffirm
20 our vote in Zoning -- reopen the record for the ANC's, ANC
21 7D's letter of support and reaffirm our vote in Zoning
22 Commission Case No. 0528V, and ask for a second.

23 COMMISSIONER TURNBULL: Second.

24 CHAIRMAN HOOD: Somebody second? Okay, it's been
25 moved and properly seconded. Any further discussion? All

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1 in favor?

2 (Chorus of ayes.)

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

5 MS. SCHELLIN: Staff records the vote 5-0-0 to
6 reopen the record to accept the ANC's submission and to
7 reaffirm the Commission's vote, previous vote. Commission
8 Hood moving, Commission Turnbull seconding, Commissioners
9 May, Miller, and Shapiro in support.

10 CHAIRMAN HOOD: Okay, let's go to final action,
11 Zoning Commission Case No. 19-10, Valor Development, LLC,
12 consolidated PUD at Square 1499. Ms. Schellin.

13 MS. SCHELLIN: Yes, since the last meeting at
14 Exhibit 255, you have the staff's procedural memo to file,
15 which was served on all the parties. Exhibit 256 is the
16 applicant's response to CRD's shadow study, Exhibit 257 is
17 Spring Valley opponents' response to the CRD shadow study,
18 and Exhibit 258 is CRD's reply to the applicant's response
19 to their shadow study.

20 So I'd ask the Commission to consider the record
21 and consider taking final action this evening.

22 CHAIRMAN HOOD: Okay, Commissioners, this case
23 we've been, we have a voluminous record in this PUD
24 application, and I want to make sure this is all we're
25 talking about tonight is the PUD application before us. So

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1 I would like for us to start off with potential adverse
2 impacts of the PUD.

3 I know there is some litigation, I think CRD had
4 mentioned some of the impacts of traffic and pedestrian
5 safety. DDOT, per DDOT, it seems like some of those have
6 some mitigation methods. And I just wanted, I guess we could
7 start it off at that point and work through some of the
8 issues that are obvious, so.

9 Let's start off with pedestrian traffic and
10 mitigations and also answer some of the questions that may
11 have come up from some opposing parties as well. And
12 proponents as well.

13 COMMISSIONER SHAPIRO: Mr. Chair?

14 CHAIRMAN HOOD: Yes.

15 COMMISSIONER SHAPIRO: Just a process point. The
16 flexibility that's requested was there were special exception
17 for the penthouse and rear yard special exceptions, and then
18 there's the density and aggregation. Might it be helpful to
19 take up the special exceptions first?

20 CHAIRMAN HOOD: We can do that. I always like to
21 start with impacts because I always look for impacts, but if
22 you want to can start --

23 COMMISSIONER SHAPIRO: No, I'll follow your lead.

24 CHAIRMAN HOOD: Okay. I can go back to the
25 density aggregation and the special exception, but I wanted

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1 to start with the potential adverse impacts. Because for me,
2 if I work through that, I can work through the special
3 exception case with the penthouse in the rear yard.

4 So anybody like to comment on the mitigations and
5 the comments that were made by CRD as far as pedestrian
6 traffic impacts?

7 COMMISSIONER MAY: Mr. Chairman, you know, we did
8 hear quite a bit about the traffic and pedestrian safety
9 issues and parking and roads and alley network. And I think
10 that the evidence of the record indicates that the project
11 will not have an extensive impact on the neighborhood traffic
12 compared to, well, compared to some of the past uses that
13 have occurred there.

14 And I think that when it comes to pedestrian
15 safety and so on, the mitigations, the only mitigations DDOT
16 is requiring is the funding of certain pedestrian network
17 improvements, and that's included in the project, along with
18 the adaptation of, sorry, the adoption of TDM loading plans.

19 So I mean, I don't see that there is a real issue
20 here with adverse impacts that need any further mitigation.

21 CHAIRMAN HOOD: Okay. Any other questions or
22 comments? I would agree, I think the TDM and the measures
23 in place on the exercise. I know that it was mentioned about
24 I think crossing the alley and going across the street in
25 traffic, you know.

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1 And I think what I got out of their case is the
2 same thing I see all over the city is that we at some point,
3 we do have to adapt. I mean, all of us are getting traffic
4 in our neighborhoods, and things are changing. And we try
5 to put these mitigation methods in place.

6 This is not the first neighborhood that DDOT has
7 done that, they've done it all over the city. And I think
8 that this is, for me, I think that's something that's doable.
9 I think that all can coexist from what I see from the record.
10 So anything else? Vice Chair Miller.

11 VICE CHAIR MILLER: Yeah, I would concur with you,
12 Mr. Chairman, and Commissioner May on the traffic and
13 pedestrian.

14 And also concur with, I think it was with ANC 3D
15 that said, that commented on the opposition's argument about
16 adverse impact on the school overcrowding or potential to
17 school overcrowding because of the project. Particularly
18 because it has more than we usually see in terms of two- and
19 three-bedroom units.

20 As the ANC said, I think the public benefit of
21 that for the city outweighs any adverse impact, and that's
22 something the city should take care of if there is a problem,
23 and there is currently a problem in terms of that in upper
24 Northwest.

25 So the city needs to take care of that, and they,

1 there is a plan to do that. Maybe it needs to be expedited
2 or moved up, but so I just wanted to add that. I agree with
3 your comments and Commissioner May's and the ANC's on the
4 school issue.

5 CHAIRMAN HOOD: I was not sure, and I'm just going
6 to, when I was reading again today, I was not sure, I noted,
7 I think the Office of Planning had asked for some additional
8 play area. I think that's going to be needed, so I'm just
9 putting that as a note.

10 I'm not sure if it was done or whatever the case
11 is, but I know that was one of the things that was requested,
12 especially with the different type of housing stocks if this
13 moves forward.

14 Anything else on that?

15 All right, let's go to the flexibility requested.
16 Let's go to the density aggregation and special exceptions.
17 Any questions?

18 COMMISSIONER SHAPIRO: The other adverse impact
19 around the height and scale of the building.

20 CHAIRMAN HOOD: Oh, you know what I do, okay, I'm
21 not following my own sheet.

22 COMMISSIONER SHAPIRO: Another potential adverse
23 impact was related to the height and scale of the building.
24 And related to the building height measured point, the
25 applicant is permitted under B307.5 to select which frontage

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1 to use for the building height measuring point. And I don't,
2 I think the applicant has addressed the argument that was
3 raised. And that you know, they've chosen 48th Street.

4 There's some, the opposition was questioning
5 whether 48th Street lies on an artificial elevation. And I
6 think there's enough evidence in the record for me to say
7 that this is not an issue.

8 There's also, on the shadow study, there was fair
9 bit of back and forth on errors in methodology, but I don't
10 have any concerns with the evidence presented by the
11 applicant related to this. So for me, the issues of the
12 heightened scale of the building, I don't see either of these
13 as potential adverse impacts that I think that need to be
14 mitigated in any way, Mr. Chair.

15 CHAIRMAN HOOD: All right. Any other questions
16 or comments? Commissioner May.

17 COMMISSIONER MAY: Yeah. With regard to both of
18 those potential impacts, building height measuring point, I
19 think as we discussed during the hearing, we've been through
20 a lot on the establishment of building height measuring
21 points, and rewrote the regulations I think more than once
22 to address questions of elevated roadways and so on.

23 And it, this is not the circumstance that the
24 Commission tried to address in refining how we set the
25 building height measuring point. I mean, that was, you know,

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1 there's no doubt in my mind that the grade of the existing
2 streets is the grade from which the measuring should be done.
3 And of course, the applicant has flexibility about which
4 elevation to choose.

5 It is a fact of the way we measure height that it
6 is possible to have a high elevation on one end of the
7 building and a lower elevation on another end of the
8 building. And so it makes the building appear taller as a
9 result. Well, I mean, that's just a fact, and I think that
10 it's, you know, this building, the way it has been measured
11 is consistent with our rules for building height measuring
12 point.

13 With regard to solar, you know, we've spent a lot
14 of time looking back and forth between the different solar
15 studies. And I think that what we received from the
16 applicant is consistent with the sorts of things that we've
17 seen in the past, and I didn't see anything in the opposition
18 party's shadow studies that was particularly persuasive.

19 I understand that there are going to be some
20 longer shadows, and they're going to be worse at the extreme
21 ends of the day. But I, it's what we're seeing here in terms
22 of the impact on the, you know, the sunlight into the
23 neighborhood I think is easily within the realm of things
24 that we've seen in the past and have agreed to in the past.

25

1 So I have no trouble whatsoever with agreeing that
2 this will not have a really substantial impact on the
3 sunlight in the surrounding neighborhood, surrounding houses.

4 CHAIRMAN HOOD: Thank you. Commissioner Turnbull.

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
6 would concur with Commissioner May. The building height
7 measuring point for a building has been pretty well
8 determined, and I think it's fairly consistent with our rules
9 and regulations that we've been doing for many years now.
10 So I would agree wholeheartedly that his, the way he's
11 expressed it is exactly right, and that is an option for the
12 applicant.

13 Solar, sun shade studies are always awkward and
14 difficult to work with. But I think the applicant's analysis
15 and presentation in rebuttal to what was presented by the
16 opposition I think made more sense, cleared up a few of the
17 issues.

18 So I'm in total support with what Commissioner May
19 said regarding both of those issues.

20 CHAIRMAN HOOD: I'm not going to comment. I think
21 we all, at least what I've heard so far on the building
22 height measuring point, I think that's the normal. We did
23 it on H Street, why -- we need to do it, it's the same
24 process here.

25 Also, as far as the solar goes, yeah, as

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1 Commissioner May and I think Mr. Turnbull as you all have
2 mentioned, it may give it a little more shadow. But also are
3 developing more in that area what was the norm.

4 We're doing this, again, all over the city, so why
5 not do it here. So I understand what the concern is, but
6 it's a little longer. All of us now are getting more shiners
7 because we're doing more development here in the city, and
8 we need to make it across the city.

9 And I think this is, this doesn't rise to the
10 occasion, and I appreciate the opposition's submission that
11 helps me see that okay, we have a little more than normal.
12 But it's doable and it's workable. So I don't have a, it's
13 not a show-stopper for me as far as the solar is concerned.

14 Anything else? All right. Can we go back to --

15 COMMISSIONER MAY: I do want to make one more
16 general statement, which is that the, I think we have to keep
17 in mind in terms of the adverse impacts of the project as it
18 is proposed is that I think the project is very clearly
19 within the envelope of what would have been allowed under
20 matter of rights standards.

21 And so I don't see any issues with, I mean, it's
22 not going to have a greater impact than a matter of right
23 project would, so given the density that's already allowed
24 there.

25 CHAIRMAN HOOD: Thank you, Commissioner, that's

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1 an excellent point.

2 All right, let's go to the flexibility request for
3 the density aggregation and the special exceptions for the
4 penthouse and rear yard special exception. Well, let me go
5 to density aggregation. The project will meet the matter of
6 right, as we've already talked about, the FAR requirements
7 for the entire PUD site.

8 I don't believe the applicant is actually asking
9 for any additional PUD-related density. I don't know if
10 others agree or disagree. I think that's in conformity, and
11 also with the special request as well. Any other comments
12 on that?

13 COMMISSIONER MAY: I would just say when it comes
14 to the special exception relief, the relief that they're
15 seeking will not have any impact on the surrounding
16 neighborhood. I mean, it's all on parts of the building that
17 are not going to be highly visible or you know, throwing
18 further shadows or any of those sorts of things.

19 It's just no, there's no impact on light and air
20 and privacy that comes from the special exception relief
21 that's associated with this, given where it's needed on the
22 building.

23 CHAIRMAN HOOD: All right, let's look at proposed
24 benefits. This is the one that I've been chomping at the bit
25 to get to. This talks about the IZ and affordable units,

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1 which to me was very revealing in this case.

2 While this is not the only thing that, for my
3 approval as we've already mentioned the adverse impacts,
4 we've already talked about the flexibility requested for the
5 density.

6 But also, this one here outsets some of the other
7 adverse impacts that we may have or some of the policies that
8 may go. And the comp plan for me is this affordable, being
9 able to have affordable housing or a different type of
10 housing stock in this particular area.

11 We're doing this all over the city, and I said
12 this at the -- when this was revealed at the hearing, you
13 know, I think this is really a project. If we can't get to
14 where we are, this is a step forward. It's better than what
15 we have there now.

16 And then when I look at the Office of Planning's
17 report -- hold on one second. Wanted to make sure I had the
18 right page.

19 Page 20 of the Office of Planning's report really
20 revealed that one percent or whatever, whatever how the
21 context was, I think that was an argument for me, which, that
22 policy would outweigh a whole of other things as far as
23 moving forward and going forward with this case.

24 It's not the end all, approval all, but I think
25 that is one of the policies that if there is a policy, and

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1 I'm saying this for the record, if there is a policy that may
2 take us in a different direction, I think that policy right
3 there, I would give that policy more weight, because that's
4 something we're doing all over the city.

5 And I think this area is not exempt. That's where
6 I am. I know people might not like it, but that's the
7 reality of it. Different type, different families, different
8 type of housing. Everyone should have an opportunity all
9 over the city to be able to live, so that's where I am on
10 that.

11 All right, any other questions or comments? Vice
12 Chairman Miller.

13 VICE CHAIR MILLER: Thank you, Mr. Chairman.
14 Yeah, I would concur with your comments about the public
15 benefit of the affordable housing in this case. We asked at
16 the, at some stage, as did the opposition, that the
17 affordable housing proffer, which was above the IZ
18 requirement I believe when it came to us in this case, I
19 think it was ten percent above.

20 And we asked that they increase it, and it's now
21 20% above the minimum requirement and the IZ that's being
22 provided, which is just one tool in the myriad of mechanisms
23 in the city's toolbox to increase affordable housing in the
24 city. But this is an important tool that increment by
25 increment is adding to the city's affordable housing stock,

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1 both through matter of right projects and through PUD
2 projects.

3 And this is one, this project is contributing
4 substantially to this ward's, my ward's contribution to
5 inclusionary zoning in the city. So I think that's an
6 important public benefit, in addition to the other public
7 benefits, the grocery store and other aspects of the project.

8 CHAIRMAN HOOD: Any other comments or questions
9 on that? Any issues or comments on the historic?
10 Commissioner Shapiro.

11 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
12 worth noting that this is also a benefit, that the project
13 does provide a tangible, measurable benefit to the
14 neighboring site by removing an economic incentive for
15 increased development on the site. So I would like to note
16 that for the record as well.

17 CHAIRMAN HOOD: Okay. Mr., Vice Chair Miller.

18 VICE CHAIR MILLER: I would agree with that. But
19 I would just lament, as I have, I think almost in every
20 opportunity that I've had when we've talked about the
21 historic aspect of this site, that it's the historic aspect
22 of this site that the neighborhood supports, that the city
23 supports, the landmarking of that shopping center and the
24 surface parking lot on Massachusetts Avenue, that has led to
25 the development being, happening adjacent to the, closer to

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1 the lower density residential neighborhood. Which is I think
2 unfortunate from an urban planning perspective.

3 And I think if we were starting from a blank
4 sheet, maybe all of us would start over and do it a different
5 way, but that's where we are.

6 CHAIRMAN HOOD: All right. Let's talk about,
7 anyone want to expound upon the consistency of the FLUM?

8 Well, we keep moving because I think --

9 COMMISSIONER MAY: Well, I mean it's, I don't, I
10 mean I don't see how consistency with the FLUM is that
11 relevant. I mean, we can through all the reasons why if this
12 were a case where we were actually mending the map
13 consistency, that the FLUM would be a much more important
14 thing.

15 This circumstance, I mean it's, it clearly falls
16 within the guidance provided in the FLUM. And it's also
17 already zoned. So I mean, they're not upping the zone, so
18 I don't think that there's any question that it's consistent
19 with the FLUM.

20 CHAIRMAN HOOD: Okay, all right. I think somebody
21 already spoke about compatibility of the surrounding
22 neighborhood, I think. I forgot who mentioned it, but I
23 think that's already been discussed.

24 COMMISSIONER MAY: Well, no, I don't think so.
25 I mean, I think it's something we do have to address here,

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1 consistency with the neighborhood. I mean, it's not just a
2 matter of consistency with the FLUM. You know, the idea is
3 that is this building with its height consistent with the
4 surrounding neighborhood.

5 And you know, I think that this is some of where
6 we've heard I think significant arguments in both directions.
7 I do think that there is, that if it were, the building were
8 not as tall, that it would be potentially more compatible
9 with the surrounding neighborhood. I think that though in
10 terms of the, the overall terms of the comprehensive plan,
11 it's I think generally compatible.

12 And we see things like this, developments that are
13 taller, that are not far away from single family homes.
14 There's a fair amount of distance associated, you know,
15 between the buildings and the nearby homes. The building has
16 been shaped to mitigate the potential impacts of being
17 taller.

18 So I think overall I would still regard it as
19 being, you know, in general terms compatible.

20 But I think that the compatibility with the
21 neighborhood is not the only concern that we have, right.
22 That is one of the concerns that we need to address. But
23 there are other comprehensive plan elements that I think
24 outweigh the specific concern about whether this tall
25 building, taller building fits next to a neighborhood of

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1 single family homes.

2 So, and I could go into everything, but the land
3 use element overall. The housing element in particular,
4 where we're introducing significantly more housing. The
5 environmental protection element, which supports development
6 of the site, not to mention the fact that it's a more
7 efficient way of adding housing by building it in larger
8 buildings rather than spreading out the development.

9 The, you know, the urban design element, I think
10 the way it has been designed is consistent with the urban
11 design element. And it's a good-looking building, it's an
12 infill site, it's a large site. Historic preservation, we
13 already talked about that, about the historic preservation
14 aspect.

15 I think the, certainly the transportation element,
16 it would be, I mean this I think is a transportation-friendly
17 project, which I mean, yeah, it would be better if there were
18 a Metro station right there. But failing that, you know,
19 it's a mile away, there is some transportation that's
20 provided at least initially.

21 And it's on high frequency bus lines. And so
22 it's, I mean, it's I think for that part of the city pretty
23 transportation friendly.

24 I don't know, those are the issues that I would
25 like to bring up in particular, but others may want to talk

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1 about other aspects of the comprehensive plan.

2 CHAIRMAN HOOD: Thank you. I think you hit a very
3 comprehensive study of what we're dealing with the comp plan,
4 but let me hear from others.

5 COMMISSIONER TURNBULL: Mr. Chair, I just wanted
6 to agree with Commissioner May in that when you look at the
7 comp plan, you got to look at all of the policies. The FLUM
8 is only one element. And that needs to be interpreted very
9 broadly.

10 There may be individual buildings that are higher
11 or lower within the ranges that are given for the FLUM, and
12 they could be benefits of their -- but in essentially the
13 FLUM as you look at it is only one element that has to be
14 incorporated as part of the whole process of analyzing the
15 comprehensive plan.

16 So I think you can't just base everything upon the
17 FLUM. You can't say, well, the FLUM says this, and if you're
18 not at that range, it is to be broadly used. I think that's
19 the key thing I think a lot of people forget, that there are
20 other elements within the comprehensive plan that may be more
21 significant, that may have more bearing on the development
22 of their particular site in the neighborhood in general.

23 And so that's just my two cents that I want to add
24 on that.

25 CHAIRMAN HOOD: Okay, Vice Chair Miller.

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1 VICE CHAIR MILLER: Thank you, Mr. Chairman.
2 Yeah, I would agree with Commissioner Turnbull and
3 Commissioner May's comments about the comprehensive plan and
4 the compatibility. And just add that on the compatibility,
5 as was mentioned previously, the height is within the matter
6 of right zoning standards.

7 And there are, there have been significant, I
8 think meaningful, stepdowns and setbacks that have been
9 designed into a very attractively designed project to make
10 it more, to make it fit better into the neighborhood. So
11 that's all I would add. Thank you.

12 CHAIRMAN HOOD: Okay, anybody else? For me, I
13 think, again, we do cases all over the city, and to me this
14 just seems like, I mean, it wasn't necessarily tuned up right
15 first I believe, early on. There were some changes I think
16 that Commission insisted upon. And I think that this is
17 typically flavored right for this whole neighborhood, and I
18 think it fits in, and I think it's an attribute.

19 I know others may disagree, but this is the kind
20 of stuff that's actually going on all over the city, and
21 we're looking at the different competing interests. And I
22 think we have a win-win solution.

23 Can it probably be better? Possibly, but this is
24 what we have, and I think this is with the massaging that the
25 community, even those in opposition have done, and those in

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1 support, and with our comments, I think we've come to
2 something that I think we can move forward that's suitable
3 for this neighborhood, so.

4 Anything else? I think we've exhausted. Anything
5 else, anybody want to add anything?

6 VICE CHAIR MILLER: No, just that all the things
7 that we've been talking about I think fit into the McMillan
8 number two balancing test that talked about all of the
9 comprehensive plan, just re-emphasizing, reiterating that
10 it's all the comprehensive plan policies that are taken into
11 consideration.

12 And when considering all of them we think, or I
13 think that the public benefits and the policies that are
14 being supported outweigh any adverse impacts and, of the
15 project. So I think it's meeting that McMillan number two
16 balancing test where we were upheld finally.

17 COMMISSIONER MAY: I would underscore that,
18 particularly since the, you know, what's being proposed here
19 is so close to what would otherwise be possible as a matter
20 of right. So I just think that it's, it's not like it's even
21 close in terms of the balancing test, from my perspective.

22 I think this is a very clearly that the benefits
23 of this project outweigh the, any impacts that people might
24 perceive about it. And in the long run, it's going to be a
25 really good thing for this part of the city.

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1 CHAIRMAN HOOD: All right, I would agree with
2 everything I've heard. I appreciate the conversation, and
3 I think we're ready to move forward. Commissioner Shapiro.

4 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.
5 Based on that, I would move that we approve Zoning Commission
6 Case No. 19-10, Valor Development, LLC, consolidated PUD at
7 Square 1499, and look for a second.

8 COMMISSIONER TURNBULL: Second.

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

11 VICE CHAIR MILLER: I just hope that this is
12 final, final action on this project.

13 CHAIRMAN HOOD: Okay, if not, we're up to the
14 task. Any further discussion? All in favor, aye.

15 (Chorus of ayes.)

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

18 MS. SCHELLIN: The staff records the vote 5-0-0
19 to approve final action Zoning Commission Case No. 19-10,
20 Commissioner Shapiro moving, Commissioner Turnbull seconding,
21 Commissioners Hood, May, and Miller in support.

22 CHAIRMAN HOOD: Move right along. Let's go to
23 hearing action, Zoning Commission Case No. 19-25, Airdome,
24 LLC, map amendment at Square 982. Ms. Thomas.

25 MS. THOMAS: Yes, good evening, Mr. Chair, members

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1 of the Commission. Airdome, LLC, is requesting a map
2 amendment for five lots located on the south side of the 1100
3 block of H Street.

4 As you can see from the map, four of the lots are
5 zoned NC-16, with one lot, lot 70, which is mixed use NC-16
6 and NU-4 for a small portion at the rear.

7 The proposed map amendment would resume these lots
8 to NC-17. Two of the lots, 56 and 70, are owned by the
9 applicant, and the owners of the other lots granted
10 permission to the applicant for the proposed map amendment.
11 Both NC-16 and -17 zones are subdistricts of the H Street
12 corridor and permit mixed use development and medium density
13 development, respectively.

14 From our table in our report, you can see that the
15 difference between the NC-16 and -17 are the IZ permitted
16 increases to height FAR and lot occupancy. The subject
17 properties are targeted in the H Street small area plan for
18 adaptive reuse and infill development.

19 The proposed map amendment would support mixed-
20 used medium density development, not inconsistent with the
21 policies and goals of the comprehensive plan and the H Street
22 small area plan.

23 And to that end, OP is recommending that the map
24 amendment application be set down for a public hearing.

25 Thank you.

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1 CHAIRMAN HOOD: Okay, thank you, Ms. Thomas.
2 Commissioners, any questions or comments? Commissioner May.

3 COMMISSIONER MAY: There's one thing that confused
4 me is the, did the applicant request that it be set down as
5 a contested case?

6 MS. THOMAS: Yes.

7 COMMISSIONER MAY: Yes? Yeah, okay. All right,
8 that's all.

9 CHAIRMAN HOOD: All right, anybody else? All
10 right, so I think thank you, Ms. Thomas, for the report. I
11 would move, not hearing any other comments, I would move that
12 we set down Zoning Commission Case No. 19-25 and ask for a
13 second.

14 VICE CHAIR MILLER: Second.

15 CHAIRMAN HOOD: It's been moved and properly
16 seconded. Any further discussion? Ms. Thomas, is something
17 wrong? Oh, we're good. All right, it's been moved and
18 properly. I want to make sure I'm setting down the right
19 case. It's been moved and properly seconded. Any further
20 discussion? All in favor?

21 (Chorus of ayes.)

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

24 MS. SCHELLIN: Yes, staff records the vote 5-0-0
25 to set down Zoning Commission Case No. 19-25 as a contested

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1 case, Commissioner Hood moving, Commissioner Miller
2 seconding, Commissioners May, Shapiro, and Turnbull in
3 support.

4 CHAIRMAN HOOD: Okay, next let's go Zoning
5 Commission Case No. 15-27B, Carr Properties OC, LLC, first
6 stage PUD modification of significance and second stage PUD
7 at Square 3587. Ms. Brandice. Did I get your name right?

8 MS. ELLIOTT: Good evening, Mr. Anthony.

9 CHAIRMAN HOOD: Ms. Elliott, Ms. Elliott. I'm
10 sorry, Ms. Elliott. I have a lot on me sometimes, and I do
11 mix. So Ms. Elliott. I asked you did I get your name right,
12 right after I did it.

13 MS. ELLIOTT: As long as you're getting one of
14 them right, you're winning in my book.

15 Thank you, Mr. Chairman, and good evening, members
16 of the Commission. OP recommends that the application for
17 a modification to the stage one PUD and stage two PUD for
18 building C2 be set down for a public hearing.

19 Building C2 is located on the west side of Florida
20 Avenue market at 300 North Street, NE. We have a vicinity
21 map up to kind of showing you the general location, south of
22 New York Avenue, north of Florida. And there's the map.
23 This just shows you the overall PUD site. Many of the
24 buildings on the south side were approved at the first stage.

25

1 And so building A2 has already been approved,
2 that's to the north of building C2. And -- I'm sorry, to the
3 west. And then to the north is building D, which we're
4 hoping you'll get to see next month, so.

5 The stage one PUD approved an 11-storey, 130-foot
6 high residential building with ground floor retail. The
7 current proposal would maintain the massing that was approved
8 in the stage one PUD, but would modify the proposed use from
9 residential to office. It's provided in OP's report that
10 proposed office use would add crucial daytime uses to the
11 market area.

12 The overall PUD would still consist of several
13 buildings that would continue to provide residential uses,
14 including affordable units, and would be within the range of
15 residential square footage that was approved in the first-
16 stage PUD.

17 The development would provide 1,125 square feet
18 of maker space on the ground floor, consistent with the stage
19 one PUD approval. And other benefits would include improved
20 public space and landscaping reconnecting the street grid,
21 constructing the building to LEED Gold, including solar
22 panels on the roof, and a contribution of \$1.5 million to the
23 Housing Production Trust Fund.

24 OP has requested additional information from the
25 applicant, which we've noted at the beginning of our report,

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1 including additional renderings and architectural details,
2 overall FAR calculations, and some updates to the conditions
3 of the order.

4 The proposal continues to meet the requirements
5 of the C-3-C PUD zone, and is not inconsistent with the
6 future land use map, the generalized policy map, and small
7 area plans and studies, as demonstrated in the first-stage
8 PUD and in OP's report.

9 OP will continue to work with the applicant to
10 address the issues identified in the report, and of course
11 anything else identified by the Zoning Commission prior to
12 the public hearing.

13 I'm happy to answer any questions.

14 CHAIRMAN HOOD: Okay, thank you, Ms. Elliott.
15 Commissioners, any questions or comments for Ms. Elliott?
16 Vice Chair Miller.

17 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
18 thank you, Ms. Elliott, for your report. And I agree with
19 all of your recommendations for the additional information
20 at the hearing, or at or prior to the hearing. Including, I
21 think you asked for some additional information regarding
22 the, well, I don't know if you did on the inclusionaries, on
23 the housing.

24 But I have a question on the housing that I'd like
25 to have. I realize that there's \$1.5 million contribution

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1 that will be made to the Housing Production Trust Fund from
2 this office development, pursuant to the formula that's in
3 the zoning regulations.

4 But since this is a modification that's changing
5 from an all-resident -- from a residential to an office, and
6 I realize the benefit of office to support the daytime retail
7 in that whole area, which is needed. But one of the big
8 public benefits that was part of that residential project was
9 the housing and the affordable housing component.

10 And as I recall, there were 62 units at 50% MFI
11 and 62 units at 80% MFI, I believe. And I'm just wondering,
12 I mean, that's a considerable amount of affordable housing
13 units, because there's a lot of, there was a lot of housing
14 in that, I think it was over 421 units or something in the
15 overall project.

16 So I just, I don't think the 1.5 million, even
17 though it's pursuant to our formula, would cover -- I guess
18 I want some information on how that 1.5 million to the
19 Housing Production Trust Fund, what it would equate to.

20 Would that even come close to providing 62 units
21 at 50% MFI and 60 units at 80% of MFI? And whether that
22 public benefit that we're losing, although we're gaining
23 other public benefits, the office that will support the
24 daytime retail, whether that needs to be increased.

25 So I just want more information, I guess, on that

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1 whole comparison of the dollar amount to the Housing
2 Production Trust Fund versus the affordable housing that was
3 going to be provided in the originally approved PUD. So
4 that's just more information I'm looking for. I'm very
5 supportive of setting this down for a public hearing and
6 going forward with it.

7 CHAIRMAN HOOD: Are there any other questions or
8 comments? All right, thank you, Ms. Elliott. With that, I
9 would move that we set down Zoning Commission Case No. 15-27B
10 and ask for a second.

11 VICE CHAIR MILLER: Second.

12 CHAIRMAN HOOD: It's been moved and properly
13 seconded. Any further discussion? All in favor.

14 (Chorus of ayes.)

15 CHAIRMAN HOOD: Any opposition? None hearing, Ms.
16 Schellin, would you please record the vote?

17 MS. SCHELLIN: Staff records the vote 5-0-0 to set
18 down Zoning Commission Case No. 15-27B as a contested case,
19 Commissioner Hood moving, Commissioner Miller seconding,
20 Commissioners May, Shapiro, and Turnbull in support.

21 CHAIRMAN HOOD: Okay, next, Zoning Commission Case
22 No. 19-31. This is an Office of Planning text amendment to
23 subtitles B, H, K, U, community-based residential uses.
24 Should I get your name wrong, Ms. Brown-Roberts?

25 MS. BROWN-ROBERTS: That's fine, Mr. Chairman.

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1 (Laughter.)

2 MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
3 members of the Commission. The Office of Planning recommends
4 that the Zoning Commission set down for public hearing
5 amendments to subtitles B, H, K, and U of the zoning
6 regulations related to community-based residential
7 facilities.

8 Since the adoption of ZR-16, OP continues to
9 coordinate with DCRA and other relevant agencies on the
10 functionality and the ease of use of the regulations in
11 granting permits and licenses. In ZR-16, a new category of
12 community-based institutional facilities created which did
13 not include all the uses, use categories in the '58
14 regulations.

15 The definition use revision list have been updated
16 with their specified conditions in the corresponding zones,
17 as they were in the 1958 regulations.

18 Again, the Office of Planning recommends that the
19 proposal be set down for public hearing, and OP will continue
20 to work with OAG or other agencies on the proposal prior to
21 the public hearing.

22 Thank you, Mr. Chairman.

23 CHAIRMAN HOOD: Okay, thank you, Ms. Brown-
24 Roberts. I am not in favor of setting this down right. From
25 my readings of it, I'm not really sure all what's being

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1 changed, what's being asked for.

2 But Ms. Brown-Roberts, let me ask you this: we're
3 not trying to make these kind of changes for anything that
4 may be any continuing litigation or what's going on now, are
5 we?

6 MS. BROWN-ROBERTS: No, Mr. Chairman.

7 CHAIRMAN HOOD: Okay. I just don't think I'm
8 ready for this to be set down. I think there's some more
9 work needs to be done with OAG and others. But personally,
10 I'm not ready to set this down. I would kind of, and I would
11 like for you all to work from a legal standpoint with OAG.
12 I don't know what others think, but I'll get to that.

13 But let me just say I would like for you all to
14 continue to work with OAG and come back with something that's
15 legally sufficient that you agree with them that you think
16 will work.

17 And then I'm probably going to need a 101 before
18 I set this down. Because this right here, as far as I'm
19 concerned, has been one of the most problems that we've had
20 on this zoning commission since 1998, and we want to make
21 sure that we do it right.

22 And I'm glad to hear that we're not trying to get
23 ahead of something that's already left the station. So those
24 are my concerns, and I want to make sure I have a full
25 understanding. I'm not sure where others are, let me open

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1 it up for other comments. Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Yeah, thank you, Mr.
3 Chairman. I would agree with that. I think one of the
4 issues that maybe we're struggling with is that normally we
5 would have OAG's comments along with the OP report. And I
6 don't think we've had a fully vetted session from OAG that
7 describes everything completely to us.

8 So I think we, as you stated earlier, work with
9 OAG so then OAG could then make their comments to us so we
10 could be able to review this more carefully.

11 COMMISSIONER MAY: Mr. Chairman.

12 CHAIRMAN HOOD: Yes.

13 COMMISSIONER MAY: I would say I agree with you
14 that I'd rather not set this down just yet. And I think just
15 because of the nature of the issue, it would be best -- I
16 mean, very often we will give OP the flexibility to work with
17 OAG to finalize the language at set down.

18 But I think given the nature of this particular
19 issue, it would be best for more of that work to be done in
20 advance so that we can have a better sense of exactly what's
21 being set down.

22 So it's, I mean I agree with you, I don't think,
23 maybe I'm not quite as concerned as you are, but I do feel
24 like I'd rather read it after there's been a little bit more
25 refinement after consultation between OP and OAG.

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1 CHAIRMAN HOOD: Okay, anything else. So, Ms.
2 Brown-Roberts, is there anything else that we need to say on
3 that, or?

4 MS. BROWN-ROBERTS: No, Mr. Chairman.

5 CHAIRMAN HOOD: Okay. All right, so I think we
6 will wait till you all get back to us on this, and then we'd
7 go from there. When we see it again, we'll know that there's
8 been consultation that's been had and we will then take it
9 up at that time.

10 All right, let's go to the correspondence items.
11 I'll take them one at a time. Let's go to Zoning Commission
12 Case No. 19-21, Ms. Schellin.

13 MS. SCHELLIN: Yes, sir.

14 CHAIRMAN HOOD: I don't think we need to -- well,
15 you still call it.

16 MS. SCHELLIN: Yes. So for this one, it's a memo
17 from OP at Exhibit 2 requesting to revise the text prior to
18 publication of the hearing notice.

19 So this relates back to a prior hearing that was
20 held on 1914 I believe it was, when an ANC commissioner
21 testified before the Commission and brought up some, another
22 issue that the Commission wanted it to be incorporated. So
23 that's what they're bringing. So just ask the Commission to
24 look at the request from OP and advise whether that's okay
25 or not.

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1 CHAIRMAN HOOD: Okay, I think this is kind of what
2 we asked for. Any objections? All right, so we'll do that
3 by general consensus.

4 Let's go to Zoning Commission Case No. 19-27, Ms.
5 Schellin.

6 MS. SCHELLIN: Yes, at Exhibit 3, you have a memo
7 from OP providing the crosswalks for subtitles D through F.
8 And then you have a sample black line version of subtitle E
9 for approval and, of what they would publicize. And they
10 want, you had asked for, the Commission had asked for a
11 sample of what they would be publicizing. And so they're
12 asking if that works for the Commission.

13 And at Exhibit 4, there's another memo from OP
14 requesting the Commission to include some text in the public
15 hearing notice regarding the Reed-Cooke RA2 zone. So a
16 couple things, one to approve the RA2 zone text that they're
17 asking for, and two, to sign off on the black line or not.

18 CHAIRMAN HOOD: Okay, any objections on the RA2
19 zone, which is Reed-Cooke, any objections on that? Okay, so
20 we will include that by general consensus. Any comments?

21 I think this is where we ask the Office of
22 Planning to come back with some versions of how we would like
23 to see this publicized, and also for our benefit. So any
24 comments or questions on what we have on the black line, the
25 crosswalk, or the redline? Any questions or comments?

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1 Commissioner May.

2 COMMISSIONER MAY: Yeah, so I appreciate seeing
3 the black line, it's a little bit clearer than the previous
4 version, markup version we'd seen. But it's still, because
5 of the way numbering changes and things like that that all
6 of those changes don't sort of align with the text that's
7 being struck.

8 So I do yearn for just having a clean version of
9 the text, and I assume that that can be provided as well.
10 Whether, I'm less concerned about what's being published than
11 I am about what's available for people to review. So if the
12 best way to do it is to publish the black line and then have
13 a clean copy in the record, you know, then that's fine by me.

14

15 I just feel like I, you know, I need to be able
16 to understand how it works, I need to see the entirety of the
17 text without, like, the markup.

18 MS. STEINGASSER: So Commissioner May, are you
19 suggesting just the final version?

20 COMMISSIONER MAY: Yeah.

21 MS. STEINGASSER: No strikes.

22 COMMISSIONER MAY: Exactly.

23 MS. STEINGASSER: So it'll just be the underlines.

24 Okay.

25 COMMISSIONER MAY: Yeah, well, I mean not even,

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1 notes. I mean just completely clean, all the changes
2 accepted, just so that we could read it as a whole body of
3 text.

4 MS. STEINGASSER: And that was included in our
5 original in the 19-27 report.

6 COMMISSIONER MAY: Yeah, right.

7 MS. STEINGASSER: So that would definitely, we can
8 definitely provide that.

9 COMMISSIONER MAY: Right, and again, I mean, I
10 assume it's all going to be there. I just want to be clear
11 that the way I'm going to read this and understand it is
12 going to be based on the entire text in a clean version,
13 because I can't follow all the strikeouts and the adds.

14 MS. STEINGASSER: Okay, so we do have that in the
15 original report. And so we'll pull that out, and do you want
16 to see that again before it's --

17 COMMISSIONER MAY: No, no, no, I don't need to see
18 it again. It's not about, again, this is not about noticing,
19 I mean, I'm fine with noticing it as you would, I assume
20 you're recommending at this point that we would notice it
21 with the black line, is that right?

22 MS. STEINGASSER: That's how it's traditionally
23 done.

24 COMMISSIONER MAY: Right, right.

25 MS. STEINGASSER: We could do it more simply and

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1 say this section is struck in its entirety and then this
2 section --

3 COMMISSIONER MAY: I think, I mean can we put in
4 the notice that, a reference to the, I mean, is it already
5 in there in the notice that you can read a clean version in
6 the Zoning Office records in the IZIS system?

7 MS. STEINGASSER: No, but we could add that.

8 COMMISSIONER MAY: Yeah, I mean, I think that's
9 all I would want.

10 MS. STEINGASSER: Okay.

11 COMMISSIONER MAY: Just so that people, I mean,
12 I may read zoning all the time, but I get very confused by
13 marked-up versions. And so being able to read it clean I
14 think would be very helpful for me, and it may be helpful for
15 other people so long as people know that that's there for
16 them and they don't have to sort of piece it all together.

17 MS. STEINGASSER: Okay, we can do that.

18 COMMISSIONER MAY: I think that would be useful.
19 When it comes to the actual hearing, it will be useful to
20 see, maybe not for every single episode, but sort of walking
21 through the changes. I mean, some of this stuff I think was
22 already in your report, but I think that spelling it out in
23 the simplest of terms when we get to the hearing would be
24 great. So you know, charts.

25 MS. STEINGASSER: We also have abbreviated,

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1 shorter versions of the crosswalk that are not each
2 subsection, it's just more of the big section and where it
3 is.

4 COMMISSIONER MAY: Yeah, so it's less, for me the
5 cross walk is less about seeing the, you know, the references
6 so that I can go look them up. It's about, you know, this
7 is, in bullet form, this is what we said before. And in
8 bullet form, this is where it will be now.

9 MS. STEINGASSER: Okay.

10 COMMISSIONER MAY: Something like that. And yeah,
11 okay, thank you.

12 CHAIRMAN HOOD: I want to say I appreciate the
13 Office of Planning, because all five of us actually probably
14 have a different way we like to see it. But I think we can
15 work with it as long as this is simple. I did look at the
16 crosswalk and I thought that worked, and I looked at the
17 black line, and I thought that worked.

18 That other line, redline and all that, was for
19 others who thought we don't want -- we want to make sure that
20 the trust factor's there. And I think we already knew that
21 going into this, that we don't want anybody thinking we're
22 trying to change anything to the certain point, that we're
23 not trying to not let people know what changes may be or
24 anything of that nature.

25 But for me, and I'm going to summarize it like

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1 this, what I saw I was able to work with. As simple as
2 possible, if we can get there, that helps me out a great
3 deal.

4 And I'm not asking you to do it five different
5 ways, because I'm sure that all five of us probably have a
6 different way we want it done, but we can't get it that way.
7 But for me, as simple as possible helps me out.

8 MS. STEINGASSER: Okay, I think we can do that.
9 And then we'll work with the Office of Zoning on what they
10 feel is the necessary requirement for the public hearing
11 notice, separate from.

12 CHAIRMAN HOOD: Okay.

13 MS. STEINGASSER: And then we'll have links to
14 the, or a reference to the record.

15 CHAIRMAN HOOD: Any other comments up here,
16 Commissioner, Vice Chair?

17 VICE CHAIR MILLER: I think, yeah, and I'd
18 mentioned before and I think you all were amenable to it,
19 along with the Office of Zoning, of when we publish the
20 notice somehow having some kind of notice that no substantive
21 changes are being proposed in this change. That these are
22 all reorganizational, renumbering, renaming changes to,
23 technical changes to make it more understandable, and to the
24 public and stakeholders and ourselves.

25 But if we can somehow have that caveat that no

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1 substantive changes are being made so that we don't invite,
2 we can't stop anybody from exercising their First Amendment
3 right to say anything, but that we're not opening up all
4 these chapters to public comment for substantive changes.

5 MS. STEINGASSER: Yes, we can do that. We make
6 it a footnote on every page.

7 VICE CHAIR MILLER: Yeah.

8 MS. STEINGASSER: Yeah, we've tried to make that
9 really --

10 VICE CHAIR MILLER: In bold, in caps, no
11 substantive changes being proposed.

12 CHAIRMAN HOOD: All right.

13 MR. TONDRO: Chairman Hood?

14 CHAIRMAN HOOD: Yes.

15 MR. TONDRO: I'm sorry, I just want to clarify on
16 that last one that I believe that there may be inevitably,
17 just as a matter of fact of the reorganization itself, that
18 there may be a couple of ambiguities that will have to be
19 clarified.

20 So 99.9% I believe is, there are no substantive
21 changes, but I don't think we want to limit ourselves too
22 much to being absolute on that. I just wanted to highlight
23 that issue.

24 VICE CHAIR MILLER: Please identify to ourselves
25 and the public what those 0.5% are so we know what they are.

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1 CHAIRMAN HOOD: All right, anything else? So I
2 think Ms. Steingasser, Mr. Lawson, are we straight going
3 forward? No? I'm going to ask you a question I probably
4 don't understand. Do you think you got what we want?

5 MS. STEINGASSER: Yes, sir.

6 CHAIRMAN HOOD: Okay, all right, thank you all.
7 We appreciate everything. We appreciate OAG and OZ as well,
8 so. All right, anything else, colleagues, on this? So we
9 can just do this by general consensus. Right, right,
10 generally okay. All right, so we'll just do that.

11 Anything else, Ms. Schellin? Okay, so Mr.
12 Bassett, was this your first time on the dais?

13 MR. BASSETT: Second.

14 CHAIRMAN HOOD: So nobody's here for me to do --
15 did I say anything about you being the first time here?

16 COMMISSIONER TURNBULL: Torture him if you want.

17 CHAIRMAN HOOD: I did, well, you know, I'm getting
18 older, I can't remember everything. All right, so anything
19 else, Ms. Schellin?

20 MS. SCHELLIN: No, sir.

21 CHAIRMAN HOOD: All right, I want to thank
22 everyone for their participation in this meeting tonight.
23 This meeting's adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 7:43 p.m.)

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