

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JANUARY 13, 2020

+ + + + +

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  
BRANDICE ELLIOTT  
JOEL LAWSON  
JONATHAN KIRSCHENBAUM  
ELISA VITALE

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.  
ALEXANDRA CAIN, ESQ.  
PAUL GOLDSTEIN, ESQ.  
JACOB RITTING, ESQ.

The transcript constitutes the minutes from the  
Regular meeting held on January 13, 2019.

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

**Welcome and Opening Remarks**

Anthony Hood.. . . . . 5

**Consent Calendar**

ZC Case Number 16-13F  
Modification of Consequence. . . . . 6

**Final Action**

ZC Case Number 12-14C  
Modification of Consequence. . . . . 7  
Vote to Approve ZC Case Number 12-14C (5-0-0). . . . . 9

ZC Case Number 18-10  
Map Amendment  
Vote to Approve ZC Case. No. 18-10 (5-0-0).. . . . . 9

ZC Case Number 19-15  
Text Amendment.. . . . . 11  
Vote to Approve ZC Case Number 19-15 (5-0-0).. . . . . 12

ZC Case Number 12-08C  
Text Amendment.. . . . . 13  
Vote to Approve ZC Case Number 12-08C (5-0-0). . . . . 14

ZC Case Number 14-12E  
2nd-Stage PUD .. . . . . 14  
Vote to Approve ZC Case Number 14-12E (5-0-0). . . . . 25

**Proposed Action**

ZC Case Number 19-14  
Text Amendment.. . . . . 26  
Vote to Approve ZC Case Number 19-14 (5-0-0).. . . . . 27

**Hearing Action**

ZC Case Number 15-27B  
1st-Stage and Consolidated PUD Modification of  
Significance and 2nd-Stage PUD  
Office of Planning. . . . . 27  
Brandice Elliott.. . . . . 28  
Vote to Set Down ZC Case Number 15-27B (5-0-0).. . . . . 30

ZC Case Number 20-01  
Text Amendment.. . . . . 30  
Office of Planning  
Elisa Vitale.. . . . . 30  
Postponed to January 27, 2020. . . . . 31

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

ZC Case Number 20-02	
Text Amendment.. . . . .	31
Office of Planning	
Jonathan Kirschenbaum. . . . .	32
Vote to Set Down ZC Case Number 20-02 (5-0-0). . . . .	66
<b>Other Business. . . . .</b>	<b>66</b>
<b>Adjournment.. . . . .</b>	<b>68</b>

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

6:30 p.m.

CHAIRMAN HOOD: Okay. We're ready to begin. This is our January 13th, 2020 monthly meeting, 6:30 p.m.

My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull, Office of Zoning staff Ms. Sharon Schellin, as well as the -- Mr. Paul Young, who's working behind the scenes with our streaming and all our other devices.

I would ask the Office of Attorney General to introduce themselves and then the Office of Planning, in that order.

MS. CAIN: Alexandra Cain, Office of Attorney General.

MR. RITTING: Hi. Good evening. My name is Jacob Ritting, Office of Attorney General.

MR. BASSETT: Daniel Bassett, Office of Attorney General.

CHAIRMAN HOOD: Mr. Goldstein, were you on the mic or you coming to the mic?

MR. GOLDSTEIN: Coming to the mic.

CHAIRMAN HOOD: Okay.

MR. GOLDSTEIN: Paul Goldstein, Office of the Attorney General.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: Jennifer Steingasser, the Office  
2 of Planning.

3 MR. LAWSON: Joel Lawson with the Office of  
4 Planning.

5 MS. ELLIOTT: Brandice Elliott with the Office of  
6 Planning.

7 MS. VITALE: Elisa Vitale, Office of Planning.

8 MR. KIRSCHENBAUM: Jonathan Kirschenbaum, the  
9 Office of Planning.

10 CHAIRMAN HOOD: Thank you. Again, we do not take  
11 any public testimony at these meetings unless we ask someone  
12 to come forward.

13 At this time I would ask Ms. Schellin, do we have  
14 any preliminary matters?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: Okay. Moving right along with the  
17 schedule. As noted in our agenda for today, first the  
18 determination and scheduling, Zoning Commission Case Number  
19 16-13F, JS Congress Holdings, LLC, PUD modification of  
20 consequence at Square 748.

21 Ms. Schellin?

22 MS. SCHELLIN: The Applicant is requesting a  
23 modification of consequence in order to modify condition B.2  
24 of Order Number 16-13E to extend the payment deadline to  
25 Habitat for Humanity to June 30th, 2020. They're asking for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 this delay due to a delay in financing the project. At  
2 Exhibit 5, there's an OP report in support of this request  
3 and as of today ANC 6C has not yet provided a response to the  
4 application. If the Commission finds this to in fact be a  
5 modification of consequence, it asks the Commission to set  
6 a schedule for deliberations.

7 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

8 Commissioners, does anyone find that this is not  
9 a modification of consequence, as asked for?

10 (No response.)

11 CHAIRMAN HOOD: Not seeing any.

12 Okay. Ms. Schellin, could you do the scheduling?

13 MS. SCHELLIN: Yes, sir. We'd set this for the  
14 ANC to provide their report by 12 o'clock noon on the 23rd  
15 of December -- I'm sorry, January and we'll put it on the  
16 Commission's January 27th agenda.

17 CHAIRMAN HOOD: Okay. Thank you.

18 Next let's go to deliberations. Zoning Commission  
19 Case Number 12-14C, 3rd & M, LLC, 3rd & K, LLC and Park Inn  
20 Associates, LP, PUD modification of consequence at Square  
21 542.

22 Ms. Schellin?

23 MS. SCHELLIN: Yes, at Exhibit 9 ANC 6D filed its  
24 report in support. It is contingent upon a signed MOA  
25 between the Applicant and Waterfront Towers Condominium.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 They did make some other statements in their report that  
2 they'd like to see happen, so we'd would ask the Commission  
3 to consider final action this evening.

4 CHAIRMAN HOOD: Okay. I think this -- if I'm not  
5 mistaken, this is the one that is -- yeah, this is the one  
6 that the ANC -- only thing really dealing with tonight is the  
7 parking, parking only, I believe. And what I will say about  
8 this; and I appreciate reading this ANC's letters, because  
9 I thought they were very open-minded and I think they took  
10 all the -- everything that was before them. And I just  
11 appreciate the way that letter was written.

12 And let me see, I have it in my notes, but I --  
13 okay. Was this ANC 6D? Yes, ANC 6D.

14 All right. Let me open it up. Any questions or  
15 comments or discussion?

16 (No response.)

17 CHAIRMAN HOOD: All right. So we know what's  
18 being asked for about the parking only. Any further  
19 questions or comments?

20 (No response.)

21 CHAIRMAN HOOD: So with that I would move the  
22 request as requested in Zoning Commission Case 12-14C and ask  
23 for a second.

24 COMMISSIONER TURNBULL: Second.

25 CHAIRMAN HOOD: It has been moved and properly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 seconded. Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: All in favor?

4 (Chorus of aye.)

5 CHAIRMAN HOOD: Any opposition?

6 (No response.)

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

9 MS. SCHELLIN: Staff records the vote five to zero  
10 to zero to approve final action in Zoning Commission Case  
11 Number 12-14C. Commissioner Hood moving, Commissioner  
12 Turnbull seconding, Commissioners May, Miller and Shapiro in  
13 support.

14 CHAIRMAN HOOD: Okay. Next under final action we  
15 have Zoning Commission Case Number 18-10, High Street, LLC,  
16 map amendment in Square 5799.

17 Ms. Schellin?

18 MS. SCHELLIN: At Exhibit 54 we have an NCPC  
19 letter advising that the project falls under one of the  
20 exceptions from review. The proposed rulemaking was  
21 published in the D.C. Register. No comments were received,  
22 therefore we'd ask the Commission to consider taking final  
23 action this evening.

24 CHAIRMAN HOOD: Okay. All right. Let me open it  
25 up again. I always -- for some reason I go straight to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 ANC letters, the community. I think this ANC is in favor.  
2 Just need to recollect everything that they mentioned in  
3 their letter, but let me open it up.

4 Any questions? And I do know we had a  
5 supplemental report I believe from OP. Well, it's a little  
6 older now, but anyway, let's open it up.

7 Any comments or questions?

8 COMMISSIONER SHAPIRO: No.

9 CHAIRMAN HOOD: All right. Would somebody like  
10 to make a motion?

11 COMMISSIONER SHAPIRO: Mr. Chair, I move that we  
12 take final action on Zoning Commission Case Number 18-10,  
13 High Street, LLC, map amendment at Square 5799 and look for  
14 a second.

15 VICE CHAIR MILLER: Second.

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

18 (No response.)

19 CHAIRMAN HOOD: All those in favor?

20 (Chorus of aye.)

21 CHAIRMAN HOOD: Any opposition?

22 (No response.)

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

25 MS. SCHELLIN: Yes, staff records the vote five

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to zero to zero to approve final action on Zoning Commission  
2 Case Number 18-10. Commissioner Shapiro moving, Commissioner  
3 Miller seconding, Commissioners Hood, May and Turnbull in  
4 support.

5 CHAIRMAN HOOD: Okay. This next case, if you  
6 think those other cases moved fast, this one's really going  
7 to move fast. Zoning Commission Case Number 19-15.

8 Ms. Schellin?

9 MS. SCHELLIN: Yes, on this case the proposed  
10 rulemaking was published in the D.C. Register. No comments  
11 were received. At Exhibit 40 there's an NCPC report advising  
12 that the text would not be inconsistent with the federal  
13 elements and it would not affect any other federal interests;  
14 asks the Commission to consider final action.

15 CHAIRMAN HOOD: Okay. Commissioners, any  
16 questions, comments? If not, I'd move Zoning Commission Case  
17 Number 19-15, Council of the District of Columbia, text  
18 amendment, short-term rental. I think we hashed this out  
19 quite a bit. And ask for a --

20 VICE CHAIR MILLER: Second.

21 CHAIRMAN HOOD: It's been moved and properly  
22 seconded. Any further discussion?

23 (No response.)

24 CHAIRMAN HOOD: All those in favor?

25 (Chorus of aye.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Any opposition?

2 (No response.)

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

5 MS. SCHELLIN: Staff records the vote five to zero  
6 to zero to approve final action in Zoning Commission Case  
7 Number 19-15. Commissioner Hood moving, Commissioner Miller  
8 seconding, Commissioners May, Shapiro and Turnbull in  
9 support.

10 CHAIRMAN HOOD: Let me just say this, while we're  
11 going through these final actions quickly, I don't want  
12 anybody to leave from here thinking that we didn't do our due  
13 diligence. It's just that if you've watched, especially this  
14 last one that we called -- if you watched with this  
15 Commission and what's been going on down here, you know how  
16 much time we spend into it. That's why we wanted to make  
17 sure we move forward. We did -- we have done our due  
18 diligence, because maybe watching it somebody might go back  
19 and say, well, they just vote on anything, keep moving.

20 But sometimes you got to stay in the room and see  
21 what the Commission does. We've done our due diligence. And  
22 I wanted to put that on the record because I can see it  
23 tomorrow or next week in the paper somewhere saying what we  
24 didn't do and didn't -- but sometimes you got to stay the  
25 course and you got to follow what we do and stay in touch.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 So, anyway, I just wanted to put that for the record.

2 VICE CHAIR MILLER: I'll second that.

3 CHAIRMAN HOOD: Ms. Schellin, call the next case.

4 MS. SCHELLIN: Yes, Zoning Commission Case Number  
5 12-08C, Office of Planning, text amendment to Subtitle K,  
6 Chapter 6, StE Zones.

7 The proposed rulemaking was published in the D.C.  
8 Register. No comments were received.

9 Again at Exhibit 11 you have an NCPD letter  
10 advising that the project falls under one of the exceptions  
11 from review. We'd ask the Commission to consider final  
12 action this evening.

13 CHAIRMAN HOOD: Any further comments or questions  
14 on this?

15 (No response.)

16 CHAIRMAN HOOD: Would somebody like to make a  
17 motion?

18 COMMISSIONER TURNBULL: Mr. Chair, I would move  
19 that we take final action and approve Zoning Case Number 12-  
20 08C, Office of Planning, text amendment to Subtitle K,  
21 Chapter 6, StE Zones.

22 VICE CHAIR MILLER: I'll second that and note --  
23 just note that this will increase affordable housing and  
24 housing overall on the StE site.

25 CHAIRMAN HOOD: Okay. It's been moved and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 properly seconded. Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: All those in favor?

4 (Chorus of aye.)

5 CHAIRMAN HOOD: Any opposition?

6 (No response.)

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

9 MS. SCHELLIN: Staff records the vote as five to  
10 zero to zero to approve final action, Zoning Commission Case  
11 Number 12-08C. Commissioner Turnbull moving, Commissioner  
12 Miller seconding, Commissioners Hood, May and Shapiro in  
13 support.

14 CHAIRMAN HOOD: Okay. Our next case is Zoning  
15 Commission Case Number 14-12E, Clarion Gables Multifamily  
16 Trust, LP and EAJ 1309 5th Street, LLC, a 2nd-Stage PUD at  
17 Square 3591.

18 Ms. Schellin?

19 MS. SCHELLIN: At Exhibits 29 through 33A, you  
20 have the Applicant's -- actually I think that might be 33E,  
21 you have the Applicant's post-hearing submissions and we'd  
22 ask the Commission to consider final action this evening.

23 CHAIRMAN HOOD: Okay. Any comments or questions  
24 on this one? Commissioner Shapiro?

25 COMMISSIONER SHAPIRO: Just a few things, Mr.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Chair, just to note response of the Applicant was received,  
2 and I especially want to note the commitment to increasing  
3 the LEED level and adding over 50 percent in the solar array.  
4 There's a number of others just as well that I'm sure some  
5 of my colleagues will bring up, but I wanted to highlight  
6 those.

7 CHAIRMAN HOOD: Any other questions? Commissioner  
8 May?

9 COMMISSIONER MAY: Yes, so -- sorry, I'm getting  
10 my cases mixed up here.

11 The one thing that -- I mean I appreciate the fact  
12 that everything was responded to. We had a long list of  
13 issues that needed to be addressed from the hearing.

14 The one that I don't feel was very well addressed  
15 was the controls over the plaza. So how do you keep vehicles  
16 out of it? And instead of getting a plan for it, we got this  
17 smorgasbord of alternatives, some which had actually been  
18 fully designed.

19 Now I'm going to look out into the audience and  
20 just say is the Applicant actually here?

21 (No response.)

22 COMMISSIONER MAY: Okay. So not just the  
23 Applicant's lawyers?

24 So, yes, I see the lawyers there, too.

25 This is not what we would normally do and I'm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 really not very comfortable or happy about having, I don't  
2 know, six, seven, eight options for how it might be  
3 controlled. We expect to see a complete design. That's what  
4 projects like this -- our review of projects like this is all  
5 about.

6 So I'm -- at this point I'm ready to say anything  
7 -- any one of them would have been okay or any two or three  
8 might have been okay if you wanted to have alternatives, but  
9 this number I think is problematic.

10 I want to take a quick look through again to make  
11 sure that I'm right about this, but I think that most of them  
12 would be okay and I would be okay with moving ahead, but I  
13 want to -- if there are any there that I think are off the  
14 table, I think I would want to communicate that to the rest  
15 of the Commission and see if you all agree with that.

16 So, Mr. Chairman, I think there are other things  
17 to discuss. If you would bear with me; I mean I can move  
18 onto another topic and come back to this, I think I would  
19 appreciate that.

20 CHAIRMAN HOOD: Okay. Let me see, while we're  
21 working on it, anybody else have anything they want to add?  
22 Vice Chair Miller?

23 VICE CHAIR MILLER: Yes. Thank you, Mr. Chairman.

24 So I know there was a back and forth between OAG  
25 and the Applicant about the affordable housing requirement

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and whether it should be a percentage or a GFA, a gross floor  
2 area, square footage floor, which I think we have a pending  
3 case that is going in that direction, but it hasn't been  
4 finalized, as well as some -- that case also has some  
5 standardization of the flexibility language.

6 So I appreciate that the Applicant throughout this  
7 case has increased the affordable housing in this project  
8 from eight percent to nine percent, and then even after the  
9 hearing to strengthen the median family income -- lower the  
10 median family income level to be at the 50 percent and 60  
11 percent level, as I recall, if I'm recalling correctly,  
12 instead of 80 percent. I think it was -- when this case  
13 originally started that's what the requirement -- that's the  
14 IZ regulations allowed.

15 So I think we can go along with the -- because  
16 this is a second-stage and the first stage only talked about  
17 percentages; because that's all we've talked about all along  
18 and OP has talked about all along, in terms of what the  
19 affordable housing -- describing the affordable housing  
20 component of the project. I think we can keep the percentage  
21 references instead of going with the minimum floor area. But  
22 just note that it won't necessarily be a precedent for new  
23 cases going forward because we have that pending case which  
24 is trying to -- I think it's 19-05 which is trying to  
25 standardize all of that affordable housing requirement.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           And I think we also need though -- if we go along  
2 with -- if my Commissioners are willing to go along with what  
3 the Applicant is proposing here, we need -- we should go with  
4 our counsel's recommendation to have a provision in that  
5 requirement that requires what we always require, is that the  
6 location and proportionality of the size of the units be the  
7 same as the market rate units. So as long as we have that  
8 proviso in there, we can go along with the percentage  
9 requirements and the MFI levels that are being proposed for  
10 this project.

11           So I'm supportive of this going forward with those  
12 caveats. And I think I support the direction that  
13 Commissioner May is going on the other thing, but we'll see  
14 where he comes out right now.

15           CHAIRMAN HOOD: Okay. Thank you. I would  
16 associate my comments with the Vice Chair. While 19-05 is  
17 still in the making, hopefully we can come to some conclusion  
18 on that at some point, sooner than later. But I think I  
19 would agree with -- associate myself with the comments of the  
20 Vice Chair.

21           Anybody else on this?

22           (No response.)

23           CHAIRMAN HOOD: Any other topics? And then we'll  
24 go back to Commissioner May.

25           (No response.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. Commissioner May, whenever  
2 you're ready.

3 COMMISSIONER MAY: Yes, so I actually miscounted.  
4 There are -- I see nine different options, but there are  
5 subsets within those. There's like three versions of C and  
6 two versions of A and so on.

7 I think the one that's most problematic is F,  
8 which is the bollard scheme. So I would say that we should  
9 take that off the table completely. So I just don't see  
10 how --

11 CHAIRMAN HOOD: Where do you see F?

12 COMMISSIONER MAY: -- I'm sorry, F. E2. Sorry.  
13 E2 is bollards. I got that wrong. I don't even know what  
14 F is. There's an F. I don't know what it is.

15 E2, the bollards, are the -- is the bad -- is the  
16 worst of the schemes. I mean the other ones, there are some  
17 -- there are strengths and weaknesses to a number of them,  
18 and this is the sort of thing that I would like to engage in  
19 a conversation about during the hearing and not just sort of  
20 be handed this whole assortment of alternatives. So for the  
21 future, if you come back or, Mr. Utz, if you bring back other  
22 clients, or anybody else who's listening, give us a complete  
23 design. It's okay to have some options within that design,  
24 but this is just sort of an absurd array.

25 So I would suggest, if the rest of the Commission

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 agrees, that we give the okay to anything but E2 and just  
2 leave it at that, having expressed our concerns to the  
3 Applicant and to their attorney.

4 CHAIRMAN HOOD: And I believe -- and I can look  
5 at some heads, the bollards go up and down, right? They come  
6 up, then they go down? Isn't that what most federal  
7 buildings are doing now? I'm just curious.

8 COMMISSIONER MAY: Many of them are.

9 CHAIRMAN HOOD: Yes.

10 COMMISSIONER MAY: And I will tell you from  
11 personal experience that very often they don't work and that  
12 they don't -- it's -- the bollard salespeople will tell you  
13 that, oh, yes, these things can be raised and lowered and  
14 it's no problem. And it often is a problem. And so you wind  
15 up with a thing halfway down and you can't get out or it  
16 winds up not working at all. You can't get it out of the  
17 ground. You can't -- you have to pull it all way out. I  
18 mean it's -- when I worked for the Architect of the Capitol,  
19 which was I know a long, long time ago, we had moved away  
20 from bollards that drop down because we could not get them  
21 to work properly. And so when we had circumstances where we  
22 have to have removable bollards, the way we did it was to  
23 have bollards that would come in and be dropped in from a  
24 crane. I mean like a pickup truck kind of crane, but still  
25 that's how they went in and out. I don't know if they've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 gotten any better in dealing with this at the Architect of  
2 the Capitol, but I know that I preach again drop-down  
3 bollards all the time for mechanical reasons alone. Here  
4 it's more of an aesthetic thing --

5 CHAIRMAN HOOD: That's right.

6 COMMISSIONER MAY: -- than anything else.

7 CHAIRMAN HOOD: And that was -- that's where I was  
8 going. I was wondering if it was more of an aesthetic. But  
9 I appreciate you enlightening us. So now when I walk past  
10 my building and I see the bollards all the way, I know  
11 there's a problem with them maneuvering up and down. So I  
12 think you bring up a good point. And I just wanted to know  
13 what your rationale was. It was aesthetically. So I will  
14 concur as well, especially since you added on the malfunction  
15 of them, which I think is very important.

16 So I would associate myself also with Commissioner  
17 May.

18 Commissioner Turnbull?

19 COMMISSIONER TURNBULL: I just want to respond to  
20 Commissioner May. Actually what we have is basically  
21 barriers that go up and down, no really operable bollards.  
22 And the barriers -- I won't mention the name of the company  
23 that we use, but it's fairly -- it's throughout the campus.  
24 And like anything else, they will fail, too. So you have to  
25 have an excellent maintenance program, and which I'm happy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to say we do have an excellent maintenance program. But you  
2 are out-of-pocket for a couple of hours until we can get a  
3 crew out there to fix them.

4 COMMISSIONER MAY: I mean I do think there is --  
5 I appreciate that and I know that this is not a true sort of  
6 force protection kind of approach that you're doing. You  
7 just want to make sure that nobody accidentally drives into  
8 it. I mean people will accidentally drive into just about  
9 anything. We've experienced that as well at the Park  
10 Service. You never know whether they're doing it because  
11 they're not completely in control of their senses or just get  
12 confused about things. We had a confused man once drive into  
13 the World War II Memorial, down the steps. It was not a very  
14 good scene. But -- and we've had other incidents of people  
15 driving into parks because they've lost control of their  
16 vehicles for other reasons.

17 I mean this circumstance I think the biggest  
18 concern you have is making sure that it is visible and  
19 substantial so that it is not something that somebody who  
20 makes a mistake can easily drive through. But it also has  
21 to be highly visible so that they know this is not a place  
22 where cars go. So this is the sort of discussion we have if  
23 we actually had seen the design at the hearing, but instead  
24 you get a lecture about it. So take it.

25 CHAIRMAN HOOD: So let me just ask how many people

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 are here for this case?

2 (Show of hands.)

3 CHAIRMAN HOOD: So when we finish this case, you  
4 all are going to leave, right? Maybe we should do this one  
5 last so we have an audience. But no.

6 (Laughter.)

7 CHAIRMAN HOOD: All right. So let me just see.  
8 Anybody else -- anything else on this?

9 VICE CHAIR MILLER: Yes.

10 CHAIRMAN HOOD: Vice Chair Miller?

11 VICE CHAIR MILLER: Yes, so I would agree with  
12 Commissioner May that the -- that any of the designs are  
13 acceptable except for that bollard design that -- I've been  
14 concerned about the bollardization of the District of  
15 Columbia for a long time.

16 And there have been a lot of architectural  
17 alternatives which you proposed in your -- the designs that  
18 you've come up with, those benches that -- moveable benches  
19 that will -- and other types of architectural barriers that  
20 are attractive that don't look like they're security or  
21 controlled use measures, but they are. So I think I  
22 appreciate you providing those design-and-use controls for  
23 the plaza which we asked for. So I guess you just wanted to  
24 give us the whole array, and we got the whole array.

25 And I appreciate you also being responsive to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 design changes that we've asked for and the -- I mentioned  
2 the affordable housing and Commissioner Shapiro mentioned the  
3 solar enhancement and the LEED Gold proffer now. So that's  
4 all a good thing. And so I'm ready to go forward.

5 CHAIRMAN HOOD: Okay. Anything else on this?

6 (No response.)

7 CHAIRMAN HOOD: All right. Would somebody like  
8 to make a motion?

9 COMMISSIONER TURNBULL: Mr. Chair, I would move  
10 that we take final action on -- oops, lost my place -- Zoning  
11 Commission Case Number 14-12E, Clarion Gables Multifamily  
12 Trust, LP and EAJ 1309 5th Street, LLC, second-stage PUD at  
13 Square 3591.

14 COMMISSIONER SHAPIRO: Second.

15 CHAIRMAN HOOD: Okay. It's been moved and  
16 properly seconded. Any further discussion?

17 COMMISSIONER MAY: Just to clarify, your motion  
18 includes not approving the use of bollards for the control  
19 of access to the place?

20 COMMISSIONER TURNBULL: That's correct. I would  
21 add that in.

22 COMMISSIONER MAY: Yes.

23 CHAIRMAN HOOD: And I think also the comments of  
24 the Vice Chair as well in the motion. Is that --

25 COMMISSIONER TURNBULL: You're correct.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER TURNBULL: You're absolutely correct.

3 CHAIRMAN HOOD: All right. So any further  
4 discussion?

5 (No response.)

6 CHAIRMAN HOOD: All in favor?

7 (Chorus of aye.)

8 CHAIRMAN HOOD: Any opposition?

9 (No response.)

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

12 MS. SCHELLIN: Staff records the vote five to zero  
13 to zero as discussed on the dais this evening. Commissioner  
14 Turnbull moving, Commissioner Shapiro seconding,  
15 Commissioners Hood, May and Miller in support.

16 CHAIRMAN HOOD: I was just playing. You all can  
17 leave if you want to. I just -- it's nice to have an  
18 audience.

19 (Laughter.)

20 CHAIRMAN HOOD: We have Mr. Viner. He's still  
21 here with us.

22 All right. Next let's go to proposed action,  
23 Zoning Commission Case Number 19-14, Office of Planning text  
24 amendment to Subtitles C, D, E and X, non-conforming  
25 structures.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Ms. Schellin?

2 MS. SCHELLIN: At Exhibit 9, ANC 5D submitted a  
3 report in support. Exhibit 10 is an OP supplemental report.  
4 And Exhibit 11 is ANC 6C's second report advising that their  
5 issues could be satisfied by the pending text in Case Number  
6 19-21, so we'd ask the Commission to consider final action  
7 in this case this evening.

8 CHAIRMAN HOOD: Okay. Any questions on the  
9 subject matter, this particular text with the request?

10 MS. SCHELLIN: Proposed action. I'm sorry. I  
11 said final action, but proposed.

12 CHAIRMAN HOOD: It's proposed. Proposed action.

13 I would just also give the authority that the  
14 Office of Attorney General continue to -- grant them the  
15 flexibility to work with the Office of Planning on additional  
16 minor technical changes.

17 Anything else we need to add with this?

18 (No response.)

19 CHAIRMAN HOOD: All right. I think it's pretty  
20 straightforward unless there are some concerns, which I don't  
21 think we have any.

22 I would move that we -- well, somebody can make  
23 a motion. I would move that we approve for proposed action  
24 Zoning Commission Case Number 19-14, Office of Planning text  
25 amendment to Subtitles C, D, E and X with the caveat that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 they continue to work from minor technical corrections or  
2 anything with the Office of Planning and ask for a second.

3 COMMISSIONER SHAPIRO: Second.

4 CHAIRMAN HOOD: It's been moved and properly  
5 seconded. Any further discussion?

6 (No response.)

7 CHAIRMAN HOOD: All in favor?

8 (Chorus of aye.)

9 CHAIRMAN HOOD: Any opposition?

10 (No response.)

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

13 MS. SCHELLIN: Staff records the vote five to zero  
14 to zero to approved proposed action on Zoning Commission Case  
15 Number 19-14. Commissioner Hood moving, Commissioner Shapiro  
16 seconding, Commissioners May, Miller and Turnbull in  
17 approval.

18 CHAIRMAN HOOD: Okay. Now I think we can go to  
19 hearing action. Hearing action, Zoning Commission Case  
20 Number 15-27B, Carr Properties OC, LLC, first-stage PUD  
21 modification of significance and second-stage PUD at Square  
22 3587, setdown of building C1's penthouse uses.

23 Ms. Elliott?

24 MS. ELLIOTT: Thank you. Good evening, Mr.  
25 Chairman, members of the Commission.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           OP recommends that the application for a  
2 modification of significance to the Stage 1 PUD for Building  
3 C1 be set down for a public hearing.

4           Building C1 would be located on the west side of  
5 Florida Avenue Market at 315 Morris Street, NE. The purpose  
6 of the setdown is to address only the introduction of a  
7 nightclub, cocktail lounge or restaurant use of approximately  
8 6300 square feet in the penthouse of Building C1, which was  
9 previously approved for office amenity space.

10           The original filing for Case 15-27B included a  
11 second-stage PUD for Building C2 and a modification to  
12 Building C1 to allow a different use in the penthouse and  
13 architectural changes to the roof. The architectural  
14 modifications to the roof of Building C1 were approved  
15 through a separate modification of consequence on November  
16 18th and the Stage 2 PUD for Building C2 was set down  
17 December 9th and did not include the use of modifications to  
18 Building C1.

19           Since that project was set down the Applicant has  
20 clarified that the modification to Building C1 regarding the  
21 use was also intended to move forward. OP has provided  
22 analysis in its report at Exhibit 11. The proposed uses are  
23 permitted in the C3C PUD Zone and would be consistent with  
24 the intent of the approved PUD to create an active mixed-use  
25 development.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 OP will continue to work with the Applicant to  
2 address any issues identified by the Commission prior to the  
3 public hearing. I'm happy to answer any questions.

4 CHAIRMAN HOOD: Thank you, Ms. Elliott.

5 Commissioners, any questions of Ms. Elliott?

6 (No response.)

7 CHAIRMAN HOOD: I will say that I'm hoping they  
8 continue to have the conversation with the ANC in this area  
9 because normally those type of establishments always -- I  
10 know they're supportive to some degree, but I want to make  
11 sure that we continue to have those conversations, especially  
12 before the hearing.

13 Anything else?

14 (No response.)

15 CHAIRMAN HOOD: All right. So I would move that  
16 -- unless others have something, I would move that we set  
17 down Zoning Commission Case. No. 15-27B and ask for a second.

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: It's been moved and properly  
20 seconded. All in favor?

21 (Chorus of aye.)

22 CHAIRMAN HOOD: Any opposition?

23 (No response.)

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: Yes, staff records the vote five  
2 to zero to zero to set down the use for Building C1 in Zoning  
3 Commission Case Number 15-27B. Commissioner Hood moving,  
4 Commissioner Miller seconding, Commissioners May, Shapiro and  
5 Turnbull in support.

6 CHAIRMAN HOOD: All right. Let's go to Zoning  
7 Commission Case Number 20-01, Office of Planning, text  
8 amendment to Subtitle C, Chapter 11, General Waterfront  
9 Regulations.

10 Ms. Vitale?

11 MS. VITALE: Good evening, Mr. Chair, members of  
12 the Commission.

13 The Office of Planning would actually request that  
14 the Commission postpone considering this case until its  
15 January 27th meeting. This additional time would allow for  
16 additional coordination between the Office of Attorney  
17 General and the District Department of Energy and  
18 Environment.

19 That concludes my report. I am happy to answer  
20 any questions. Thank you.

21 CHAIRMAN HOOD: Okay. Certainly I would like --  
22 we always like to see coordination, but Ms. Vitale, let me  
23 ask you do you all think you might need until the first  
24 meeting in February?

25 MS. VITALE: I don't believe so. There were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 discussions today. I think the January 27th meeting would  
2 work and we'd be happy to keep it on that schedule.

3 CHAIRMAN HOOD: Is there a problem that we can't  
4 move that to the first meeting in February?

5 MS. VITALE: I don't see an issue. If the  
6 Commission would prefer to schedule it for the first meeting  
7 in February, that would be fine as well.

8 CHAIRMAN HOOD: Okay. All right. Any objections?  
9 (No response.)

10 CHAIRMAN HOOD: All right. I got some scheduling  
11 stuff mixed up, so I'm going to withdraw my comment. So  
12 January 27th is fine. It should be pretty straightforward.

13 Okay. All right. Any objections?  
14 (No response.)

15 CHAIRMAN HOOD: And we'll just do that by general  
16 consensus.

17 Okay. All right. Thank you, Ms. Vitale.

18 Let's go to Zoning Commission Case Number 20-02,  
19 Office of Planning, text amendment for concept and expand IZ  
20 requirements for certain map amendments.

21 Mr. Kirschenbaum?

22 Mr. Kirschenbaum, could you let Mr. Elliott know  
23 that I have messed your name up as well tomorrow when you go  
24 in the office?

25 MR. KIRSCHENBAUM: Absolutely.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. Thank you.

2 (Laughter.)

3 MR. KIRSCHENBAUM: Good evening, Chair Hood and  
4 members of the Zoning Commission.

5 We are pleased to bring forward this concept  
6 proposal to increase the District's existing IZ set aside  
7 requirement. As noted in our set down report OP does not yet  
8 recommend specific text for this proposal. Instead we would  
9 ask that the Commission set down this concept to explore ways  
10 to create higher affordable housing set aside requirements  
11 for certain types of map amendments.

12 As described on page 1 of our report looking at  
13 ways to expand the IZ set aside requirement would be one tool  
14 among many used to contribute to the goals of the Mayor's  
15 Order on Housing. This order lays the groundwork for  
16 supporting housing equity across the entire city through the  
17 production of additional affordable housing.

18 The proposed Expanded IZ concepts would only apply  
19 to map amendments. OP does not propose that it apply to any  
20 PUDs. Existing, proposed or future PUDs would continue to  
21 be subject to the existing IZ requirements and any PUD-  
22 related negotiations to provide addition IZ units. This  
23 proposed concept would not be inconsistent with the  
24 Comprehensive Plan. As described in our report, it would  
25 particularly further the housing element.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1           We think it is important to give a brief overview  
2 of the existing set aside requirement which we would like to  
3 call Regular IZ. In summary, Regular IZ typically requires  
4 an affordable housing set aside requirement between 8 and 10  
5 percent of residential gross floor area. Of course there are  
6 other factors such as bonus floor area and the type of  
7 construction used for development that can change the typical  
8 set aside requirement, but generally speaking the Regular IZ  
9 requirement is between 8 and 10 percent.

10           The Expanded IZ concept proposes to supersede the  
11 set aside requirement of Regular IZ. It would apply to map  
12 amendments that result in higher density residential  
13 development. It would also apply to map amendments going  
14 from a non-residential zone to a zone that permits  
15 residential use. And as we described in greater detail on  
16 pages 6 and 7 of our report, the table in front of you shows  
17 the proposed Expanded IZ set aside requirements.

18           In summary, the more maximum permitted floor area  
19 ratio gained from a map amendment, the higher Expanded IZ set  
20 aside requirements. OP proposes that all other regulations  
21 of the Regular IZ program would apply.

22           As noted in the set down report OP will also  
23 consider other Expanded IZ set aside alternatives for  
24 providing either family-sized units, special housing or  
25 deeper affordability levels.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           As mentioned earlier and as detailed in the set  
2 down report, we do not yet recommend specific text for this  
3 proposal. Instead, the first step would be for us to engage  
4 with the Commission and the public to refine the concept  
5 proposal for a public hearing process. This is an approach  
6 taken with the initial IZ case in 2002. We would continue  
7 to work on forecasting the potential effects of new unit  
8 production and financial impacts prior to the public hearing.

9           After the public hearing process the second step  
10 would be for the Commission to approve a final concept for  
11 Expanded IZ. We would then work closely with the Office of  
12 Attorney General and the Department of Housing and Community  
13 Development to bring forward a proposed zoning text amendment  
14 to the Commission that would implement and effectuate the  
15 final concepts. This proposed text amendment to effectuate  
16 the final concept would need to also be set down by the  
17 Commission at a later date for another public hearing.

18           Lastly we would with the Office of Zoning on how  
19 to map and document where the Expanded IZ requirements would  
20 apply. It is important to explore new opportunities for  
21 expanding the existing IZ set aside requirement to help  
22 support the production of additional affordable housing. The  
23 information presented tonight is in concept only and we look  
24 forward to discussing IZ further with the Commission and the  
25 public.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   This concludes my presentation. Please let me  
2 know if there are any questions regarding this application.  
3 Thank you.

4                   CHAIRMAN HOOD:       Okay.       Thank you, Mr.  
5 Kirschenbaum.

6                   Any questions or comments of the Office of  
7 Planning? Vice Chair Miller?

8                   VICE CHAIR MILLER: Thank you, Mr. Chairman.

9                   Thank you, Mr. Kirschenbaum and the Office of Planning,  
10 for bringing forward this concept which you mentioned in I  
11 think our November meeting. And I think many of us, most of  
12 us, all of us thought it was a positive, very positive  
13 concept and are looking forward to it moving forward. So I  
14 think it's a -- the -- I see you're calling it Expanded IZ.  
15 I think some people were calling it IZ-Plus at some point.  
16 But whatever it is, it's more than the regular or baseline.

17                   So the -- so I support the additional  
18 considerations that are on the chart, that are on the display  
19 in front of us for incentivizing -- using IZ for  
20 incentivizing -- exploring using IZ to incentivize family-  
21 sized units, special housing and deeper affordability.

22                   I also would support OP exploring other  
23 possibilities including applying -- maybe this was already  
24 intended, Expanded IZ to PUD plus map amendments, not just  
25 straight map amendments, and to -- Expanded IZ to map

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 amendments that produce non-residential, additional non-  
2 residential development. So there currently is a Housing  
3 Production Trust Fund requirement maybe upping that  
4 requirement in those cases, the affordable housing  
5 requirement, and exploring whether there should be any kind  
6 of Expanded IZ to the penthouse, the existing penthouse  
7 affordable housing set aside.

8 I also would support OZ -- Office of Planning  
9 considering a couple other issues which I think I've raised  
10 previously and asked OP to look into including removing the  
11 current exemption from IZ altogether in certain neighborhoods  
12 like Georgetown I think and I think maybe some Capitol  
13 Riverfront neighborhoods, even though there are reasons why  
14 those exemptions existed. But I think we've seen development  
15 in those neighborhoods, a couple recently in Georgetown which  
16 could have supported -- which got additional density which  
17 wasn't anticipated because of the way that the zoning is and  
18 historic preservation is set out. So that -- I just would  
19 appreciate you looking at that again, if you haven't looked  
20 at it already, at the exemptions issue.

21 And then the issue in the area of conversions of  
22 -- in the RF Zones from flats to apartments where currently  
23 every -- if we permit it, if the BZA permits it, every fourth  
24 and -- every other unit is required to be an IZ 50 percent  
25 MFI unit. I think I had mentioned some time ago that I want

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 -- I would appreciate exploration of you looking into  
2 requiring every unit the third, fourth, fifth, every unit so  
3 that we don't -- so that we capture the affordable housing  
4 that we need in the city and don't have the argument coming  
5 back to us from those who oppose some of those conversions  
6 that, well, you're not even requiring affordable housing in  
7 every case for those units. I don't want to -- well, I'll  
8 leave it at that.

9 I also would not mind I think -- I know that  
10 Office of Planning has looked at this before; I think Art  
11 Rodgers may have been here when we had a discussion at some  
12 point at OP -- just revisiting and making sure that we can't  
13 -- whether we can up the Regular IZ requirement. And in PUDs  
14 before us, we are getting the applicant to up it, and so that  
15 becomes a public benefit. So that's a good thing. And so  
16 we're getting it. It's usually not the minimum. So I mean  
17 that's another way to get it, through the public benefit  
18 package.

19 And we see that it's necessary. So it may not be  
20 necessary, but I guess in matter of right projects it's --  
21 that's not necessarily happening. So just maybe upping it  
22 one percent. Whether the baseline can be upped. And then  
23 you may have to up some of the percentages. But I know  
24 there's been a whole economic analysis that's probably been  
25 done by your office.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           But having said all those things that I want you  
2 to consider, I personally would like to see this thing move  
3 forward fairly -- with public engagement and community  
4 engagement, with public hearings, but on a fairly ambitious  
5 schedule so that we can get these in -- this concept in  
6 place, which I think you all support, the Mayor supports, the  
7 Zoning Commission supports, I'm pretty sure the Council  
8 supports. So I think -- I don't want this to be a long,  
9 drawn-out process with -- that goes on. As long as the  
10 initial inclusionary zoning -- I think we're past that point  
11 where there is acceptance I think in the -- in much of the  
12 development community for the inclusionary zoning. And I saw  
13 some articles where there were some favorable quotes. So  
14 that's just my initial comments on your concept and I would  
15 welcome your reaction to any of them.

16           MS. STEINGASSER: Wow, that's a lot. I think for  
17 the purpose of Expanded IZ, which is the same as IZ-Plus --  
18 we felt for the initial roll out we wanted to emphasize that  
19 this is springing from an existing program, that it has a  
20 legal foundation as opposed to being something completely  
21 new. But people do refer to it as IZ-Plus. It's easy to  
22 write and refer to.

23           Looking at all of the things you've suggested is  
24 a complete overhaul of the entire IZ Program that might take  
25 a lot longer than the concept of IZ-Plus, so maybe we --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR MILLER: I wouldn't want to hold it up  
2 for that then.

3 MS. STEINGASSER: -- would group these things  
4 together for subsequent cases and be able to move -- I think  
5 there are some that we can look at as part of this,  
6 especially things around Georgetown, Anacostia, those areas  
7 where we've exempted them. I think we could probably look  
8 at some of that as well because those are moving through map  
9 amendment processes. So, yeah, that's -- yeah.

10 VICE CHAIR MILLER: I appreciate your comment  
11 and I certainly don't --

12 MS. STEINGASSER: Appreciate your support.

13 VICE CHAIR MILLER: And I don't want to do a  
14 whole overhaul hearing and open up the whole issue again.

15 MS. STEINGASSER: Okay.

16 CHAIRMAN HOOD: Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.  
18 I share Vice Chair Miller's support of this too, and I  
19 also wouldn't want anything that's going to slow this  
20 down, though I'm curious about which ones of the ones that  
21 he said felt the most onerous in terms of slowing it down  
22 because there's -- there was a lot that throughout and  
23 that we'll say more about. What feels like it needs to be  
24 for another day and which pieces of this could be for this  
25 day?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: I think anything that gets to  
2 the economic base of the IZ. So upping the baseline IZ,  
3 looking at the conversions, making 100 percent of  
4 conversions IZ, I think that is going to require a lot of  
5 research just because it really is altering those base  
6 economics. And the model that we did use did have a --  
7 kind of a compensation between density given and IZ  
8 required. So when we start looking at that I think that's  
9 where we're going to take up the most -- that would have  
10 the most delay potential.

11 COMMISSIONER SHAPIRO: So along those lines --  
12 so Vice Chair Miller suggested that he assumed that you  
13 had done the kind of economic analysis, that there's sort  
14 of a -- there's a rationale behind the percentage that is  
15 based on some kind of economic analysis. I mean how  
16 accurate is that or is this more just kind of a political  
17 recognition of what a reasonable incremental step would  
18 be?

19 MS. STEINGASSER: No. We have been working  
20 with some financial models and some economic models, both  
21 in-house and in -- with other agencies. And we're going  
22 to continue to work on those so that when we do get to the  
23 concept hearing, there will be a better foundation to  
24 discuss what it will produce, what we project it can  
25 produce, and what it will cost. Yes, so there is that --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 (Simultaneous speaking.)

2 COMMISSIONER SHAPIRO: Right, but of course if  
3 you reach too far, it backfires.

4 MS. STEINGASSER: Right. I mean there is a  
5 point where we don't want to disincentivize people from  
6 going forward and getting these map amendments, but we  
7 also want this to be ready when the future Land Use Map  
8 and the Comprehensive Plan Map changes are completed and  
9 adopted by Council. We would like this to be in place at  
10 that time so that there's a -- it kind of underscores a  
11 lot of the actions that we've proposed through the  
12 Comprehensive Plan.

13 COMMISSIONER SHAPIRO: And how much of that  
14 financial modeling, the economic analysis, how much of  
15 that will you -- and is appropriate to be -- for public  
16 consumption?

17 MS. STEINGASSER: Once we have fine-tuned the  
18 model it will be absolutely available for public  
19 consumption.

20 COMMISSIONER SHAPIRO: Okay.

21 MS. STEINGASSER: Yes, it will be within our  
22 report and it will be available through -- it's usually  
23 done through some spreadsheets that can be emailed out as  
24 people want to work with them themselves.

25 COMMISSIONER SHAPIRO: Right. Another question

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I had is you said that -- and Vice Chair Miller suggested  
2 this, that is there a way to incentivize family-sized  
3 units and special housing?

4 MS. STEINGASSER: Yes.

5 COMMISSIONER SHAPIRO: And that's something  
6 that you are going to be including in this, or you might,  
7 or that feels beyond the pale?

8 MS. STEINGASSER: We might. I mean all of  
9 these things are available. And we do want to get  
10 feedback on it and we --

11 COMMISSIONER SHAPIRO: So that will go in for  
12 consideration for the public hearing?

13 MS. STEINGASSER: Yes.

14 COMMISSIONER SHAPIRO: Okay. So when you say  
15 special housing -- and pardon my ignorance -- how broadly  
16 does the term special encompass?

17 MS. STEINGASSER: Well there's -- well special  
18 needs housing. There's transitional housing. So it's a  
19 pretty broad term.

20 COMMISSIONER SHAPIRO: So we've -- I asked this  
21 before, and I don't remember where we landed around this,  
22 but how -- have you considered and does -- is there a way  
23 to fit this in in any way, shape or form towards  
24 incentivizing some kind of multi-generational housing,  
25 specifically senior housing in sort of mixed generation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 product that we -- is there a way to incentivize that in  
2 some way?

3 MS. STEINGASSER: That's really interesting. I  
4 don't know whether it would be through IZ-Plus or whether  
5 that would be something we could look at as an independent  
6 case.

7 COMMISSIONER SHAPIRO: I mean I think there's  
8 just -- I think that the story in our heads tends to be  
9 that we need all this affordable housing for young people  
10 who are flooding into D.C., and that doesn't take into --  
11 I mean we see that just by the pictures that come before  
12 us with every development where if you looked at just the  
13 pictures, I'm not sure anyone over 40 is allowed in these  
14 developments.

15 MS. STEINGASSER: Yes.

16 COMMISSIONER SHAPIRO: So it would be -- I  
17 think it would be a helpful thing to explore perhaps as  
18 part of this or not.

19 MS. STEINGASSER: Okay. I mean I would be  
20 interested -- and maybe not tonight, but what you -- when  
21 you think of multi-generational housing, what would that  
22 mean.

23 COMMISSIONER SHAPIRO: I think it would be  
24 incentivizing seniors. It's a way of putting our money  
25 where our mouth is when it comes to wanting people to age

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in place. And that means not having it to be separate  
2 senior housing, which is what we tend to do. We tend to  
3 segregate along age --

4 MS. STEINGASSER: Yes.

5 COMMISSIONER SHAPIRO: -- around age. In the  
6 same way that we don't want to -- we purposely, from a  
7 policy perspective, don't want to separate around income.

8 MS. STEINGASSER: Yes.

9 COMMISSIONER SHAPIRO: But we do the opposite  
10 around age. So I don't know quite how to get to that, but  
11 I'd like to --

12 MS. STEINGASSER: That's --

13 COMMISSIONER SHAPIRO: -- get a process of  
14 getting to that.

15 MS. STEINGASSER: Okay. Yes, I think that's  
16 interesting. We can definitely look at that.

17 COMMISSIONER SHAPIRO: And then I think there's  
18 more that I -- we may want to hear. I'm not quite sure  
19 how much of the process you've laid out for us or how much  
20 of the process you need us to -- that we need to hear that  
21 you're laying out for us: how many hearings, other --  
22 again more about the detail and what -- yes, anyhow. That  
23 -- I'll --

24 MS. STEINGASSER: Well, I mean, we see this as  
25 being probably just one hearing, getting some general

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 feedback. The Commission would be able to hear some of  
2 the first blush response from supporters and opponents.  
3 Is it enough? Is it too much? And then getting feedback  
4 from the Commission in a non-binding way. And then we  
5 would proceed to come back with text, and then that text  
6 would be sent down --

7 (Simultaneous speaking.)

8 COMMISSIONER SHAPIRO: I guess if it's -- if  
9 the one hearing becomes unrealistic, we'll find out that  
10 night?

11 MS. STEINGASSER: Yes.

12 COMMISSIONER SHAPIRO: But my gut is to prepare  
13 for it to be more robust than that. I don't know. I just  
14 imagine on all sides on this issue, from the developers --

15 MS. STEINGASSER: Yes.

16 COMMISSIONER SHAPIRO: -- from the community.  
17 There's going to be a lot of folks who have a lot to say.

18 MR. LAWSON: I --

19 MS. STEINGASSER: I --

20 MR. LAWSON: Sorry. I think that right now  
21 we're anticipating that it would be one hearing. You're  
22 right. If there's a lot of interest, it could stretch out  
23 over one night. I don't think what at least we're  
24 envisioning right now is a set of hearings and then other  
25 sets of hearings to address issues raised at the first set

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of hearings. I think we're envisioning this as a set of  
2 hearings to get the additional feedback and for you to get  
3 the initial feedback as well, and then take that  
4 information, craft draft text and then bring that back for  
5 a set down as opposed to a lengthy interactive period of  
6 discussing and then re-discussing options in multiple kind  
7 of new hearings.

8 COMMISSIONER SHAPIRO: Well, I appreciate the  
9 clarity. And I would still imagine that there's a lot of  
10 folks who are going to have something to say even at the  
11 first round. Now even at three-minute pops if the room is  
12 full, that's more than an evening. But we'll see.

13 That's all I have, Mr. Chair.

14 CHAIRMAN HOOD: Thank you.

15 Anyone else? Commissioner May?

16 COMMISSIONER MAY: So I agree with much of what  
17 has been said so far. I mean I think we're all very  
18 excited about the prospect of taking this on. I think  
19 this is something -- having some sort of specific guidance  
20 on how to address cases where we have very substantial  
21 upzonings and we kind of struggle I think to some extent  
22 to know what the right amount of inclusionary zoning  
23 should be part of those when we do -- I mean in particular  
24 with the PUD map amendments that we've done. So I think  
25 this is a welcome change. I'm very happy that we're going

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to be taking this on.

2 I would note -- well, with regard to the  
3 applicability to PUDs, I understand that it's not going to  
4 apply automatically to PUDs, but that's sort of the  
5 starting point for negotiations -- is kind of where -- how  
6 you would see it.

7 MS. STEINGASSER: Where we start with -- I  
8 don't know that we would see this as the starting point.  
9 We'd probably see something a little less than this.

10 COMMISSIONER MAY: Because you're looking for  
11 other things?

12 MS. STEINGASSER: Because there --

13 COMMISSIONER MAY: Yes.

14 MS. STEINGASSER: -- will be other things --

15 COMMISSIONER MAY: Right.

16 MS. STEINGASSER: -- that will be coming in.

17 And that's -- to be honest, when we issued this report we  
18 got several calls within 24 hours from projects that are  
19 almost ready to be filed that we've been working with for  
20 the last year, and they were all very concerned about this  
21 becoming a new norm right -- months before they're ready  
22 to file. So we wanted to make clear that we won't be  
23 applying this to at least two or three PUDs that are going  
24 to be filed --

25 COMMISSIONER MAY: Right. Right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: -- in the near future.

2 COMMISSIONER MAY: But I do think it's  
3 instructive guidance. And I mean I'm just thinking about  
4 the case that we heard earlier today where getting to nine  
5 percent IZ was a struggle. And if it had been a matter-  
6 of-right and if we had these new rules in place it would  
7 be 20 percent because it was originally a PDR Zone.

8 MS. STEINGASSER: Right. Yes.

9 COMMISSIONER MAY: So I think that's really  
10 quite instructive.

11 So I do have a question, though. I mean do you  
12 really feel confident that 20 percent is the right cap for  
13 this? I mean there are some upzonings that are pretty  
14 dramatic and I know that other jurisdictions -- some other  
15 jurisdictions there is an across-the-board 20 percent  
16 requirement. I don't know many of them, but I've heard of  
17 them, anecdotally.

18 MS. STEINGASSER: No, we have not finished  
19 doing all the financial modeling and all the predictions,  
20 but we --

21 COMMISSIONER MAY: So it might go --

22 MS. STEINGASSER: -- will be doing those.

23 COMMISSIONER MAY: -- higher.

24 MS. STEINGASSER: Might go higher.

25 COMMISSIONER MAY: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: Yes.

2 COMMISSIONER MAY: All right. So with regard  
3 to the other -- the additional considerations, I think  
4 that that can get really sticky and complicated. I'm not  
5 sure how you codify that in a way that really can achieve  
6 the goals that we want to and it makes me wonder whether  
7 we -- if at a certain point if we can't figure it out it  
8 makes more sense to treat cases like that as circumstances  
9 where we should be -- where the cases should be considered  
10 as map amendments with -- as part of a PUD.

11 MS. STEINGASSER: The kind of exemptions we see  
12 up on the board now?

13 COMMISSIONER MAY: Yes.

14 MS. STEINGASSER: Family --

15 COMMISSIONER MAY: Yes.

16 MS. STEINGASSER: Those kind of things?

17 COMMISSIONER MAY: Yes.

18 MS. STEINGASSER: Well, I mean, there is a lot  
19 of opportunity here. We have thought through this. We  
20 bantered it back and forth internally. Does this end up  
21 with an order specific to the site much like a PUD --

22 COMMISSIONER MAY: Yes.

23 MS. STEINGASSER: -- does? And that's where we  
24 would have to work with the Office of Zoning and their  
25 mapping and how to represent it. And then that order

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 would have specific things. So it ends up being -- we  
2 don't see it being a lot of active negotiation the way we  
3 do with a planned unit development --

4 COMMISSIONER MAY: Got it.

5 MS. STEINGASSER: -- but there's more --  
6 somehow to work on some kind of predictability. But I  
7 can't say that we have figured that out yet. That's why  
8 we really wanted to get this down as a concept --

9 COMMISSIONER MAY: Yes.

10 MS. STEINGASSER: -- so that people know what  
11 we're doing, they know what we're expecting. And once  
12 that -- the future the Land Use Map is fully submitted to  
13 Council, people have an understanding of what we're -- how  
14 we're looking at all this density.

15 COMMISSIONER MAY: Great. Okay. That makes  
16 sense to me. I sort of forgot the process of this, like  
17 there's nothing automatic about this because it's still a  
18 hearing and there's still a map amendment, right?

19 MS. STEINGASSER: Yes.

20 COMMISSIONER MAY: So are you -- I appreciate  
21 the fact that -- or rather I'm on board with the idea of  
22 doing one sort of roundtable hearing and then going  
23 straight to text from there --

24 MS. STEINGASSER: Yes.

25 COMMISSIONER MAY: -- assuming that we can get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 through it relatively quickly and assuming we don't wind  
2 up with real head scratching kinds of problems that come  
3 out of the first one. What I'm wondering is though do you  
4 -- are you planning to do other public outreach to help  
5 you on your side, because we don't necessarily have to be  
6 in the room every time you're fielding questions from the  
7 public about this.

8 MS. STEINGASSER: Oh, yes. Yes, we work  
9 regularly with both advocacy groups for affordable housing  
10 development, developers, representatives.

11 COMMISSIONER MAY: And I'm thinking more of  
12 like town hall meetings or public meetings that you would  
13 do on your own.

14 MS. STEINGASSER: We had not planned on doing  
15 those.

16 COMMISSIONER MAY: Okay.

17 MS. STEINGASSER: We had planned on meeting as  
18 requested by advocates and supporters.

19 COMMISSIONER MAY: Okay. I mean that might be  
20 worth considering, but I leave that up to you in terms of  
21 the process from here.

22 So I don't think I have any other comments or  
23 questions. I'm just very glad to be taking this one and  
24 I'm glad that we're moving on this and not waiting for  
25 Comprehensive Plan revisions beyond the map amendment. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 mean the map change, the FLUM change. It just -- I don't  
2 know why I thought we had to go back to the Comprehensive  
3 Plan to get this kind of guidance, but sure, we can set  
4 the IZ levels where we think it is appropriate given the  
5 current guidance in the Comprehensive Plan. So thank you.

6 CHAIRMAN HOOD: Anybody else?

7 COMMISSIONER TURNBULL: Yes, Mr. Chair.

8 CHAIRMAN HOOD: Commissioner Turnbull?

9 COMMISSIONER MAY: I want to echo the comments  
10 of my colleagues and thank you for introducing this and  
11 moving it forward.

12 I just had a question. From the standpoint of  
13 how we introduced this and when we talk about it, I guess  
14 you -- some point you may go into the -- down the road of  
15 lessons learned on IZ, what we sort of found out along the  
16 way, the process, how this has developed. I mean -- and I  
17 guess when we -- if we look back at when affordable  
18 housing came into being and we had 80 percent AMI and we  
19 -- oh, we suddenly looked back on it now and say, boy,  
20 were we way off on that, that that was -- from the  
21 beginning we thought -- but we realize now that's  
22 basically just -- it's a start, but it's still basically  
23 market rate housing. So it's not really impacting  
24 affordable housing, you know?

25 But as we get into this inclusionary housing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 process and get better attuned I guess it would be good to  
2 have a general feeling of how we sit with the rest of the  
3 country or how -- other cities -- where -- are we in the  
4 forefront of developing a better plan or are there other  
5 models? You're going to be talking about other models and  
6 modeling and how you got to where -- what your -- the  
7 process of getting to that. I mean I guess that would be  
8 good to hear, a little bit of the development, the history  
9 of some of that.

10 MS. STEINGASSER: Okay. Yes, I -- there's also  
11 a report being done that's tracking -- that's looking back  
12 on the first 10 years of IZ.

13 COMMISSIONER TURNBULL: Right. Okay.

14 MS. STEINGASSER: It's 10 years old now. How  
15 has it produced -- what has it resulted in and what --  
16 like you said, lessons learned. So we'll be looking at  
17 that.

18 We're also working closely with DHCD on what  
19 are -- IZ is one of many tools --

20 COMMISSIONER TURNBULL: Right.

21 MS. STEINGASSER: -- and it has a very focused  
22 target. It doesn't get down to the deepest, lowest of  
23 incomes and affordabilities, but we are looking at what  
24 other jurisdictions are doing, both as part of the housing  
25 element of the Comprehensive Plan and as part of this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 particular sentiment.

2 (Simultaneous speaking.)

3 COMMISSIONER TURNBULL: Okay. I'd be  
4 interested in hearing that. Thank you.

5 CHAIRMAN HOOD: Ms. Steingasser, I would also  
6 -- we need to make sure -- and this whole issue about the  
7 Comprehensive Plan we make sure explicitly that the  
8 proposal is not inconsistent with the Comp Plan. And also  
9 we want to make sure that it is not inconsistent with  
10 current text in the Comp Plan. So I'm sure as we go  
11 through that that will --

12 MS. STEINGASSER: There -- this is based on the  
13 same Comprehensive Plan that the original IZ is founded  
14 in, so there -- and we have attached a -- to our report  
15 all -- many housing elements that talk to the policy and  
16 actions to bring forth that underscore the importance of  
17 this.

18 CHAIRMAN HOOD: Okay. But I want to make -- I  
19 just want to make sure on both sides, especially if we --  
20 since we're not doing a whole lot of outreach -- and I'm  
21 just trying to think of -- I'm grappling. When I was  
22 thinking about all this, I was wondering if we were going  
23 to do this like we did the Regulations 2016 where we did  
24 -- we had specific hearings and we went over one thing  
25 once. But I'm hearing that we don't seem to think that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we're going to have an influx -- I'm not going to say  
2 interest because I know the interest is there, but an  
3 influx of people to a point where we have to just do a  
4 roundtable. We can actually have a hearing. Or maybe I  
5 missed that. Are we thinking that the session that we're  
6 going to have is going to be a roundtable like we've done  
7 in years past to just get input?

8 MS. STEINGASSER: I think it will end up being  
9 a roundtable. You will get people -- what we're hoping to  
10 see is people coming in and talking to the concept of this  
11 kind of link between increased IZ and map amendments --

12 CHAIRMAN HOOD: Okay.

13 MS. STEINGASSER: -- and what they think it  
14 will produce, what they think the down sides are, what the  
15 other options are that they have. I mean there's a lot of  
16 tangential issues that spring from this. So, yes, I just  
17 don't know how to predict that it would be -- right now  
18 we're thinking it would be one public hearing. It may be  
19 more. But we absolutely are asking that the concept be  
20 set down and that there be a roundtable.

21 OP will be -- OP has been -- we talk to many, many  
22 groups, both pro and con, both supporters, both neutral,  
23 on the issue of housing, affordable housing. I can tell  
24 you nobody has ever said they're opposed to affordable  
25 housing. It's how it's rolled out and how it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 incorporated into the development, the financing, the  
2 neighborhood character. There's all kinds of things at  
3 play.

4 But, yes, we expect to be doing outreach. We  
5 don't expect that we would hold our own town halls unless  
6 requested, but we do imagine that the Commission -- we do  
7 encourage the Commission to have a kind of roundtable  
8 hearing and then more specific hearings when we come back.

9 CHAIRMAN HOOD: So I would suggest -- and I  
10 guess if we can work with the Office of Zoning staff, as  
11 well Office of Planning and OAG from a legal requirement.  
12 I would suggest that we -- if we're going to have a  
13 roundtable, do like we've done in years past. Three  
14 minutes is not enough time, and as the person who's going  
15 to have to officiate those three minutes and with what's  
16 in front of us, we need to -- I think we went up to five  
17 minutes once; I'm not sure, but if we're going to do a  
18 roundtable, I would suggest just for this instance that we  
19 look at what individuals and what organizations have to --  
20 the amount of time, because I don't want to -- three  
21 minutes -- and this is quite a bit.

22 And you all have been having those discussions  
23 quite a bit for people to come down and do it -- say  
24 something in three minutes. And we're going to go over  
25 and over and over. And it's just -- I'm just trying to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 manage the expectations and being able to manage the  
2 hearing. So we might want to look at that.

3 MS. STEINGASSER: I mean that's up to the  
4 Commission. That's clearly your prerogative. Yes.

5 CHAIRMAN HOOD: Well, yes. Well, I can tell  
6 you right now, unless I hear from my colleagues, we need  
7 to do that. I don't know whether it's five minutes or  
8 what, but I can just say as the person who has to referee,  
9 not referee but try to get people to cut off at three  
10 minutes -- and I don't think it's fair to the public  
11 either.

12 Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I  
14 mean I wonder if there's a way to do a little bit of both.  
15 I think that -- depending -- even if there's 100 people in  
16 the room, arguably the majority of them are going to be  
17 okay with three minutes. And then there are individuals  
18 who represent organizations or who have some deep  
19 knowledge or experience around this who it might be  
20 helpful to have us -- have them be heard by us in a  
21 different way. There are all sorts of way to do that. I  
22 don't know what -- I think it's certainly within our rules  
23 to do -- to get any information that we need. And if we  
24 want to essentially invite people to provide us  
25 information in a certain way, in a -- more of a roundtable

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 format, I mean I think that would be very instructive for  
2 me.

3 CHAIRMAN HOOD: So, for me, experience  
4 is the best teacher. Done it before.

5 I think we gave four minutes, but let's look at  
6 what we did, Ms. Schellin, some time back.

7 We did do this. I would encourage us to do  
8 that. It might have even been a minute that we added on,  
9 but I just think three minutes comes quick. Some people  
10 appreciate even another minute.

11 And I hear your point, but I just don't want to  
12 get into an evening of cutting people off, especially when  
13 it's something as important as this and to this magnitude.  
14 And it looks like this is going to be a lot of the  
15 outreach. A lot of them are going to have a lot of things  
16 to say. And I just want to -- I'm trying to predict what  
17 possibly may happen, but I would leave that -- you know  
18 what? Unless you all -- my colleagues disagree, I would  
19 leave that up to our Office of Zoning staff, let them work  
20 that out.

21 But at least four minutes, Ms. Schellin.

22 Okay. So we'll work it out.

23 COMMISSIONER MAY: Yes, I'm not totally sold on  
24 the amount of time and the method. I'd like to discuss  
25 that a little bit further before we make a decision.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. Well, go ahead.

2 COMMISSIONER MAY: No, I don't mean now. I  
3 mean when we get a little bit further down the road.

4 CHAIRMAN HOOD: Okay. So --

5 COMMISSIONER MAY: I mean in part it's what is  
6 the feedback that we are getting to get in advance of  
7 this. And we don't actually have to decide this until the  
8 night of the hearing, right? We can decide at that  
9 moment.

10 CHAIRMAN HOOD: But people coming here with the  
11 expectation that I have four minutes and they prepare for  
12 that --

13 COMMISSIONER MAY: Well, no, I know, but --

14 CHAIRMAN HOOD: -- so --

15 COMMISSIONER MAY: -- if we say that it's going  
16 to be four minutes, it's got to be four minutes. But if  
17 we said that it's three minutes and five minutes, as it  
18 normally is, we could change it to four minutes and six  
19 minutes, or five minutes for everybody --

20 CHAIRMAN HOOD: So we need to do that --

21 COMMISSIONER MAY: -- at the hearing.

22 CHAIRMAN HOOD: No, I believe we need to do  
23 that in advance so people understand exactly what's --

24 COMMISSIONER MAY: Right.

25 CHAIRMAN HOOD: But anyway, we --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER MAY: Well, then I mean I would  
2 like to talk about it a little bit more, but not  
3 necessarily right now.

4                   CHAIRMAN HOOD: Okay. And also, Ms.  
5 Steingasser, you mentioned -- I may have missed this, so  
6 maybe -- well, maybe I didn't miss it. Maybe I just  
7 didn't hear -- understand it. The exemption of Georgetown  
8 and Anacostia, why?

9                   MS. STEINGASSER: Right now those two historic  
10 districts are exempt because they don't have the capacity  
11 for the -- they don't have the capacity for the bonus  
12 density that was originally assigned. So the Commission  
13 exempted Lower 8th Street by the Navy Yard, the Anacostia  
14 Historic District and the Georgetown Historic District,  
15 just because they are mostly wood construction, very low  
16 density. But there are areas along M Street and we can --  
17 and parts of Anacostia where we can take a reassessment of  
18 that.

19                  CHAIRMAN HOOD: Okay. Let's make sure we do  
20 that --

21                  MS. STEINGASSER: Yes.

22                  CHAIRMAN HOOD: -- because obviously those  
23 conversations must have been had, especially about  
24 exempting in Georgetown. We want to make sure that the  
25 correct information is getting out there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: Yes.

2 MR. LAWSON: And just to be really clear, the  
3 exemption wasn't to a neighborhood. It wasn't that the  
4 Commission said let's exempt Georgetown. We looked at the  
5 zones that were existing in different parts of the city.  
6 And when we -- like Jennifer was saying, when we did the  
7 analysis with the original IZ, where the inclusionary  
8 zoning was in return for an increase in density, it was  
9 determined that there really wasn't capacity in those  
10 zones to accommodate that additional density. So the W-2  
11 Zone in Georgetown was one of those. Jennifer pointed out  
12 some other ones. The R-5-E, the former R-5-E was another  
13 zone, but there just wasn't the capacity.

14 The difference with this proposal is that  
15 there's no bonus density being offered. In this case  
16 somebody would come forward with a map amendment. That  
17 map amendment would have to be consistent, or not  
18 inconsistent with the Comprehensive Plan. So it's a map  
19 amendment that in theory could be approved anyway.

20 And we're saying that let's get some additional  
21 inclusionary zoning from the density that there would --  
22 that they would get through that map amendment. It's not  
23 that the developer would get the map amendment plus a  
24 bonus density. This is simply capturing some of the  
25 density that they would gain through a map amendment that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 has to be determined by the Commission to be not  
2 inconsistent with the Comprehensive Plan. So it is a  
3 little bit different from the original IZ in that respect.

4 CHAIRMAN HOOD: Okay. All right. So both my  
5 comments -- let's see how as we move forward -- but I can  
6 tell you I'm a tickler about making sure that we are  
7 predictable about the time, that people know when they  
8 come down here for the hearing. So we will revisit that  
9 at a later time.

10 Anything else on this?

11 Mr. Goldstein?

12 MR. GOLDSTEIN: Thank you very much. Paul  
13 Goldstein with OAG again.

14 For our purpose, we want to make sure that the  
15 public hearing notice is as clear as possible so people  
16 know what to testify to and react to. I think we've heard  
17 a lot. It sounds like essentially the parameters of the  
18 report. A few additional things have been added,  
19 particularly by Commissioner Miller. I think we heard a  
20 couple things from Commissioner Miller were taken out from  
21 being part of the proposal coming up.

22 The exemption is one that I'm a little less  
23 sure about how to advertise. I want to make sure that we  
24 are really clear in what we are saying. It sounds like  
25 the Commission wants certain -- an assessment of certain

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 geographies of the city that are currently exempt from IZ,  
2 that that would be another concept that's explored. I  
3 want to make sure it's not too broad or too narrow for  
4 what the Commission would like to hear.

5 COMMISSIONER MAY: Is it possible for us to  
6 look at that announcement before it goes? I mean at this  
7 point the idea that we have -- we've expressed a bunch of  
8 ideas here and I think that we don't normally give into  
9 the business of writing the public notices. But in this  
10 circumstance, since it's for a roundtable as opposed to  
11 for a hearing, maybe it's something where Office of  
12 Planning comes back and works with OAG and anybody else  
13 and then we actually see what's included and see if that  
14 makes sense.

15 MR. GOLDSTEIN: It's something we can explore.  
16 I don't have an answer right now, but if that works --

17 COMMISSIONER MAY: I mean I don't know. I mean  
18 would you have an objection in Office of Planning to do it  
19 that way?

20 MS. STEINGASSER: Not at all. I think that  
21 would actually be a good solution.

22 MS. SCHELLIN: It's been done before.

23 COMMISSIONER MAY: Well, I don't know how  
24 quickly it could be done, but take it up at a future  
25 meeting before it gets announced.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: And we can actually send it to  
2 you by email.

3 COMMISSIONER MAY: Oh, we could?

4 MS. SCHELLIN: Yes.

5 COMMISSIONER MAY: Oh, okay.

6 MS. SCHELLIN: And then you can just provide  
7 your responses to us.

8 COMMISSIONER MAY: Oh, okay. That will work.

9 CHAIRMAN HOOD: Okay. So basically, going  
10 forward this is going to be a roundtable, because I have a  
11 distinct difference between a hearing and a roundtable. I  
12 would like to also throw out for discussion again my  
13 comments about the time.

14 MS. SCHELLIN: Yes, because we do need to --  
15 that was going to be my comment. We do need to provide  
16 the timing in the hearing notice so that the public knows  
17 ahead of time how much time they have. So maybe in that  
18 draft that's running around you guys -- by that time  
19 you'll know what you want and we can advertise. And in  
20 the meantime I'll try to look back at what we did with  
21 some of the ZRR, not the actual hearings, but the guidance  
22 hearings.

23 CHAIRMAN HOOD: We also --

24 MS. SCHELLIN: I think we did those a little  
25 bit different.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: If we can go back to even when  
2 we -- because I remember us doing this specifically when  
3 the Council had asked us to take over campus plans. We  
4 had campus plan roundtables. I'd like to mirror and look  
5 at that. Let's go back to that. Let's go back a little  
6 further.

7 MS. SCHELLIN: We have quite a few.

8 CHAIRMAN HOOD: Yes. Well, the campus plans  
9 worked well.

10 MS. SCHELLIN: We have the IZ and some of the  
11 others, yes.

12 CHAIRMAN HOOD: So the campus plan is the one I  
13 was really thinking about. I don't know if -- Jennifer, I  
14 think you remember those roundtables when we were going to  
15 take back over campus plans. That was some years ago.

16 MS. STEINGASSER: That was right as I was  
17 coming on board.

18 CHAIRMAN HOOD: Oh, okay.

19 MS. STEINGASSER: So I did not --

20 (Simultaneous speaking.)

21 CHAIRMAN HOOD: Well, I think that worked. And  
22 I remember one of my colleagues saying about the time,  
23 that was an issue. So it worked well there and that's --  
24 I remember four minutes. But anyway, I'm not trying to  
25 argue my point. I'm just trying to make the hearing go --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 flow easier. I want people, when they come in to testify,  
2 to make sure that they feel like they are being heard and  
3 I don't want to be the guy that has to cut them off all  
4 day. I don't want to do that. So that's why. All right.  
5 Experience is the best teacher sometimes.

6 VICE CHAIR MILLER: I'm ready to make a motion,  
7 Mr. Chairman.

8 CHAIRMAN HOOD: Go right ahead.

9 COMMISSIONER MAY: I would move that the Zoning  
10 Commission set down for a -- I'm going to say public  
11 roundtable or a hearing so we have the flexibility when we  
12 see this notice -- the Office of Planning's proposed  
13 concepts to expand the existing inclusionary zoning  
14 requirements for certain zoning map amendments and ask for  
15 a second.

16 CHAIRMAN HOOD: I'll second that.

17 It's been moved and properly seconded with  
18 discussion points that have been spoken about and the  
19 process I think has been laid out. Appreciate all the  
20 work that went into that. Any further discussion?

21 (No response.)

22 CHAIRMAN HOOD: All in favor?

23 (Chorus of aye.)

24 CHAIRMAN HOOD: Any opposition?

25 Not hearing any, Ms. Schellin, would you please

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 record the vote?

2 MS. SCHELLIN: Yes, staff records the vote five  
3 to zero to zero to approve the public roundtable in Zoning  
4 Commission Case Number 20-02. Commissioner Miller moving,  
5 Commissioner Hood seconding, Commissioners May, Turnbull  
6 and Shapiro in support.

7 CHAIRMAN HOOD: All right. Do we have anything  
8 else, Ms. Schellin?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Does the Office of Planning  
11 have anything else?

12 MS. STEINGASSER: I just have one issue. If  
13 the Commission -- we'd attached here a link to the Housing  
14 Equity Report and the Mayor's Order on Housing and we were  
15 wondering if the Zoning Commission would like us to have  
16 the staff who wrote that come in and just kind of walk  
17 through what it means and what it has and kind of -- I  
18 don't -- just call it a presentation I guess as part of  
19 the OP status report -- maybe the first -- sometime in  
20 February.

21 CHAIRMAN HOOD: Okay. Training or -- do you  
22 want training or --

23 MS. STEINGASSER: Well, I would think there  
24 would be --

25 CHAIRMAN HOOD: In public?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. STEINGASSER: -- the training sessions are  
2 a very different kind of operation, shall we say, and I  
3 think having one here where you could talk to the authors  
4 that would go through what they -- they're also working on  
5 a housing framework for equity and growth, and could talk  
6 about how the housing element of the Comprehensive Plan  
7 works. Just have a little bit of context of the direction  
8 the mayor has given us and what we're bringing forward as  
9 a presentation prior to this.

10 CHAIRMAN HOOD: Okay. I think that would be  
11 very beneficial. I'm not sure of the date. Can you work  
12 that -- you all work that out with the Office of Zoning?

13 MS. STEINGASSER: I'll work with the Office of  
14 Zoning.

15 CHAIRMAN HOOD: Yes, and we'll probably do it  
16 at -- we'll do it at a meeting kind of at the end like  
17 this, will would be great. Okay. I don't know. We might  
18 need to do that at the beginning so everybody can hear it  
19 because a lot of people cut us off, turn off the stream  
20 and leave and everything. A lot of people need to hear  
21 that. So we'll see.

22 All right. Anything else?

23 (No response.)

24 CHAIRMAN HOOD: All right. So with that I want  
25 to thank everyone and this meeting is adjourned.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 (Whereupon, the above-entitled matter went off  
2 the record at 7:48 p.m.)  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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: 01-13-2020

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701