

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

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- - - - - :
IN THE MATTER OF: :
: :
Final Action: Text Amendment to : Case No. 20-13
Subtitle K to Allow Office Uses in :
SEFC-3 Zone :
: :
Final Action: Office of Planning - Map : Case No. 20-16
Amendment at Square 442, Lot 106 :
: :
Final Action: 1319 South Capitol Owner, : Case No. 20-18
LLC - Design Review at Square 653 :
: :
Final Action: Office of Planning - : Case No. 20-15
Text Amendment to Subtitle C for Green :
Area Ratio Requirements for Certified :
Landscape Expert Requirements :
: :
Final Action: Enterprise Community : Case No. 66-68A
Development, Inc. - Modification of :
Significance for the Large-Scale :
Planned Development for Edgewood :
Commons at Square 3630 :
: :
Time Extension: Four Points : Case No. 08-07F
Development, LLD, Two-Year PUD Time :
Extension at Square 5785 :
: :
Hearing Action: CQ Metro Land, LLC - : Case No. 20-22
Map Amendment at Square 5860 :
- - - - - :

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THURSDAY

DECEMBER 17, 2020

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The Public Meeting of the District of Columbia Board of Zoning Commission convened via Videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

BOARD OF ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT MILLER, Vice Chair
PETER SHAPIRO, Commissioner
MICHAEL G. TURNBULL, Commissioner
PETER G. MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MATTHEW JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the Regular Public Hearing held on December 17, 2020

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2 (4:00 p.m.)

3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We
4 are convening and broadcasting this public meeting of the Zoning
5 Commission by video conferencing. Today is December the 17th,
6 2020. My name is Anthony Hood. Joining me are Vice Chair Miller,
7 Commissioner Shapiro, Commissioner May, and Commissioner Turnbull.
8 We're also joined by the Office of Zoning staff, Ms. Sharon
9 Schellin, my secretary, and Mr. Paul Young, who handles all our
10 virtual operations. I will ask all others to introduce themselves
11 at the appropriate time if we call someone and you're coming
12 forward.

13 Copies of today's meeting agenda are available on the
14 Office of Zoning's website. Please be advised that this
15 proceeding is being recorded by a court reporter and is also
16 webcast live, Webex and YouTube live. The video will be available
17 on the Office of Zoning's website after the meeting. Accordingly,
18 all those listening on Webex or by phone will be muted during the
19 meeting unless the Commission suggests otherwise.

20 For hearing action items, the only documents before us
21 this evening are the application, the ANC setdown report, and the
22 Office of Planning's report. All other documents in the record
23 will be reviewed at the appropriate time.

24 Copies of today's meeting agenda are available on the
25 Office of Zoning's website. Please be advised that this

1 proceeding is being recorded by a court reporter and is also
2 webcast live -- I read that. Oh, here I am.

3 Again, we do not take any public testimony at our
4 meetings unless the Commission requests someone to speak. If you
5 experience difficulty accessing Webex or with your phone call-in,
6 then please call the Office of Zoning hotline at 202-727-5471 for
7 Webex login or call-in instructions. At this time, does the staff
8 have any preliminary matters?

9 MS. SCHELLIN: I just want to state upfront for people
10 who are listening now, in case they want to hang on, that FEN,
11 when OP does their staff update, that they will be given an update
12 on the inclusionary zoning XL that the Commission asked for last
13 month, so they don't get off and miss that if it is something that
14 they're looking for. Other than that, staff has nothing else.

15 CHAIRMAN HOOD: Thank you, Ms. Schellin. That is a very
16 important announcement and I appreciate that, and I hope those who
17 are listening will stay tuned. Okay.

18 First on the Zoning Commission agenda for tonight is
19 Zoning Commission Case Number 20-13, the Brookfield
20 Properties/Forest City Southeast Federal Center, LLC, Text
21 Amendment to Subtitle K, to allow office use in the Southeast
22 Federal Center C-3 Zone. Ms. Schellin.

23 MS. SCHELLIN: Yes, sir. The only document I've
24 received is Exhibit 20, an NCPC report. It advises that the text
25 is not inconsistent with the federal elements of the comp plan,

1 and it would not adversely impact any federal interest. So the
2 staff would ask the Commission to consider taking final action
3 this evening.

4 CHAIRMAN HOOD: Okay. Commissioners, any -- I'm having
5 difficulty. Give me five minutes, please. I think I'm good now.
6 All right. I'll wait for everybody to come back. Well, the
7 computer almost just cut off on me. Okay.

8 Commissioners, any questions or comments on the final action
9 for Zoning Commission Case Number 20-13? As Ms. Schelling
10 mentioned, we do have an NCPC report. Let me open it up. Looking
11 for it. Commissioner Turnbull.

12 COMMISSIONER TURNBULL: Mr. Chair, I think we fairly --
13 we vetted this fairly well during the hearing. I think that the
14 land use swap between parcels H and Q are not going to result in
15 any significant gains or losses in the amount of residential or
16 office use in the overall land use plan, so I'm in favor of voting
17 for this.

18 CHAIRMAN HOOD: Okay. Thank you, Mr. Turnbull. Anybody
19 else? Any comments? So, Mr. Turnbull, since you're unmuted,
20 could you make a motion? It looks like we're ready to move.

21 COMMISSIONER TURNBULL: Okay. I would move that we take
22 final action on Zoning Case 20-13, public hearing on the proposed
23 Text Amendment to the Amendment of the Zoning Regulations for
24 Subtitle K, Sections 241 and 242, regarding office use in the
25 SEFC-3 Zone. Look for a second.

1 COMMISSIONER MILLER: Second.

2 COMMISSIONER TURNBULL: Thank you.

3 CHAIRMAN HOOD: It has been moved and properly seconded.

4 Any further discussion? Not seeing any, Ms. Schellin, would you
5 do a roll call vote, please?

6 MS. SCHELLIN: Commissioner Turnbull.

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: Commissioner Miller.

9 COMMISSIONER MILLER: Yes.

10 MS. SCHELLIN: It's 5 to 0 to 0 to approve final action
11 in Zoning Commission Case Number 20-13.

12 CHAIRMAN HOOD: Okay. Next, let's go to Zoning
13 Commission Case Number 20-16. This is the Office of Planning Map
14 Amendment at Square 442, Lot 106. Ms. Schellin.

15 MS. SCHELLIN: Yes. In this case, we have Exhibit 17
16 received from NCPC, once again advising that the case that is not
17 -- the text, rather, is not inconsistent with the federal elements
18 of the comp plan, and it would not adversely impact federal
19 interests. Then at Exhibit 18, we received a letter in support
20 from DMPED, so the staff would ask the Commission to consider
21 final action on this case this evening.

22 CHAIRMAN HOOD: Okay. Commissioners, any questions or
23 comments? Any final questions or comments? Okay. Not seeing
24 any, I would move approval. I think it's pretty straightforward.
25 I would move approval of Zoning Commission Case Number 20-16,

1 Office of Planning Map Amendment at Square 442, Lot 106, and ask
2 for a second.

3 COMMISSIONER MILLER: Second.

4 CHAIRMAN HOOD: It's been moved and properly seconded.
5 Any further discussion? Ms. Schellin, would you do a roll call
6 vote, please?

7 MS. SCHELLIN: Commissioner Hood.

8 CHAIRMAN HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller.

10 COMMISSIONER MILLER: Yes.

11 MS. SCHELLIN: Commissioner May.

12 COMMISSIONER MAY: Yes.

13 MS. SCHELLIN: Commissioner Shapiro.

14 COMMISSIONER SHAPIRO: Yes.

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final
18 action, Zoning Commission Case Number 20-16.

19 CHAIRMAN HOOD: Okay. Thank you. Let's move right on
20 to final action Zoning Commission Case Number 20-18. This is 1319
21 South Capitol Owner, LLC, Design Review at Square 653. Ms.
22 Schellin.

23 MS. SCHELLIN: In this case, we have Exhibits 43 through
24 43G, which are the applicant's post-hearing submissions. At
25 Exhibit 44, we have a supplemental report from OP, and we'd ask

1 the Commission to consider final action in this case.

2 CHAIRMAN HOOD: Okay. Commissioners, as you remember,
3 there was a lot of discussion about design review and encompassing
4 some other elements which some of the community and neighbors have
5 asked us to implement in this proceeding as a design review, and
6 there was a lot of discussion. I know that there are some other
7 things that the Office of Planning and the Commission will be
8 working on at a later time. But let me open it up. Any questions
9 or comments? By way of background, the applicants submitted this
10 application pursuant to Subtitle K, Section 512, District of
11 Columbia Zoning Regulations, which requires a Zoning Commission
12 design review of properties which frontage on South Capitol
13 Street. That was the gist of a lot of discussion. So let me
14 open it up. Any questions or comments? Vice Chairman Miller.

15 VICE CHAIRMAN MILLER: Thank you, Mr. Chairman. I just
16 wanted to express my appreciation to both the applicant and the
17 Office of Planning for all of the information they submitted
18 regarding the comprehensive plan, consistency, and the various
19 policies that are in support of this project moving forward and
20 the balancing that takes place in that whole process. I also
21 appreciate all of the information that the -- and the studies that
22 were referenced, I think by the applicant, in terms of the effect
23 of housing development on gentrification and displacement in the
24 city. There's a lot of information there and I encourage the
25 public to look at that information.

1 You know, this case, there was a lot of concerns raised
2 by both the ANC and surrounding communities. Many of the ANC's
3 concerns have been addressed. The concern about the level of
4 affordable housing that was raised, I would just say that I share
5 that concern. However, the project does meet the affordable
6 housing requirements that currently exist for this site in the
7 District of Columbia. I think it actually goes a little bit
8 beyond that. We are looking at other cases that we have before us
9 in inclusionary zoning, plus in XL, that will expand those
10 affordable housing requirements.

11 Of course, IZ is just one tool out of many that the city
12 and the community has to utilize to address the housing crisis,
13 affordable housing crisis, that exists in the city at all income
14 levels. I think this project does, in its own little way, make a
15 dent in that housing, addressing that housing crisis, but
16 obviously, all projects could do more, and we are looking city-
17 wide at ways to do more. So I'm ready to move forward, Mr.
18 Chairman, with this case.

19 CHAIRMAN HOOD: Okay. Thank you, Vice Chair Miller. Any
20 other questions or comments? Okay. Not seeing anyone. I will --
21 oh, okay. Commissioner May.

22 COMMISSIONER MAY: I would just say that I appreciate
23 Vice Chair Miller's comments and agree on all points. There's
24 more that we can do as a Commission, but in this case -- when it
25 comes to affordable housing -- but in this case, the project meets

1 the requirements that we had set up in the review of this project
2 in establishing the zone for this review, so I'm prepared to move
3 forward as well and look forward to taking on the bigger issues in
4 future hearings.

5 CHAIRMAN HOOD: Okay. I would also piggyback, and I
6 appreciate the applicant responding to the question I had about --
7 to explain how they are or are not meeting Mr. McKinney and Mr.
8 Davis's with respect to displacement, and I think the Vice Chair
9 already eloquently spoke about it, and I'm just going to mention,
10 while the D.C. Court of Appeals concluded similar visions of
11 affordable housing through the IZ program itself mitigates
12 displacement. I understand their findings, so when I look at
13 their findings, I don't agree with their findings, but I've got to
14 look at what we have in place that's already been stated by my
15 colleagues already.

16 So as we move forward, I would hope that Mr. Davis and
17 Mr. McKinney will stay engaged, because I think it's very critical
18 that we try to not necessarily get 100 percent but try to get more
19 than where we are. This kind of goes in line with what the Vice
20 Chair already mentioned, because I am definitely in favor of the
21 comments that I heard, but right now, we're going to work -- we
22 have to work within the regulations we have in place, and it's
23 already been stated by Commissioner May and Vice Chair Miller, we
24 already have that in place. The regulations are there, and this
25 applicant meets it, so we can't hold this applicant to that, but

1 we have other things, bigger fish in the pond, that we need to
2 deal with, as I already stated. So anything else on this? All
3 right. So with that, I'm going to ask Vice Chair Miller if he
4 could make the motion, and I'm going to ask Commissioner May to be
5 ready to second it.

6 VICE CHAIR MILLER: Mr. Chairman, I would move that the
7 Zoning Commission take final action on Case Number 20-18, 1319
8 South Capitol, LLC, Design Review at Square 653, and ask for a
9 second.

10 COMMISSIONER MAY: Second.

11 CHAIRMAN HOOD: Okay. It's been moved and properly
12 seconded. Any further discussion or comments? Not seeing any,
13 Ms. Schellin, would you do a roll call vote, please?

14 MS. SCHELLIN: Yes. Commissioner Miller.

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: Commissioner May.

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Hood.

19 CHAIRMAN HOOD: Yes.

20 MS. SCHELLIN: Commissioner Shapiro.

21 COMMISSIONER SHAPIRO: Yes.

22 MS. SCHELLIN: Commissioner Turnbull.

23 COMMISSIONER TURNBULL: Yes.

24 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final
25 action on Zoning Commission Case Number 20-18.

1 CHAIRMAN HOOD: Okay. Next under final action, we have
2 Zoning Commission Case Number 20-15, Office of Planning Text
3 Amendment to Subtitle C for Green Area Ratio Requirements for
4 Certified Landscape Expert Requirements. Ms. Schellin.

5 MS. SCHELLIN: The only exhibit received was an NCPC
6 letter advising that this text fell under one of the exemptions
7 from NCPC's review. So other than that, there is nothing else
8 received, so the staff would ask the Commission to please consider
9 final action this evening.

10 CHAIRMAN HOOD: Okay. Commissioners, any questions or
11 follow-up comments? I think this is a very brief, quick hearing.
12 Mr. Turnbull.

13 COMMISSIONER TURNBULL: Yeah, I'm totally in support of
14 it. This is one of those simple things which has sort of missed
15 for years. I think it's very important to certify, have
16 certification, for landscape architects. I think it's good for
17 the profession of landscape architecture and it's good for the
18 city. So I'm totally in favor of this.

19 CHAIRMAN HOOD: Okay. Mr. Turnbull, if you'd have
20 stayed unmuted, I was actually going to call on you to make the
21 motion, because I remember the hearing, you spoke on that. So I
22 do remember some things. So any other questions or comments?
23 Okay. Commissioner Turnbull, would you make the motion, please?

24 COMMISSIONER TURNBULL: I will. Thank you. Mr. Chair,
25 I would move that we take final action on Zoning Case 20-15 for a

1 Proposed Text Amendment to Subtitle C, Chapter 6, Green Area
2 Ratio, Licensing of Landscape Architects. I think -- maybe I got
3 the language right.

4 COMMISSIONER SHAPIRO: Second.

5 CHAIRMAN HOOD: Commissioner Turnbull, are you good with
6 your motion?

7 COMMISSIONER TURNBULL: Yeah.

8 CHAIRMAN HOOD: Okay. It's been moved and seconded by
9 Commissioner Shapiro. Any further discussion or comments? Not
10 seeing any, Ms. Schellin, would you please do a roll call vote?

11 MS. SCHELLIN: Commissioner Turnbull.

12 COMMISSIONER TURNBULL: Yes.

13 MS. SCHELLIN: Commissioner Shapiro.

14 COMMISSIONER SHAPIRO: Yes.

15 MS. SCHELLIN: Commissioner Hood.

16 CHAIRMAN HOOD: Yes.

17 MS. SCHELLIN: Commissioner May.

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Miller.

20 VICE CHAIR MILLER: Yes.

21 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve
22 proposed action in Zoning Commission Case Number 20-15.

23 CHAIRMAN HOOD: Okay. Thank you. Moving right along,
24 let's go to Zoning Commission Case Number 66-68A, Enterprise
25 Community Development, Inc., Modification of Significance for a

1 Large-Scale Planned Development for Edgewood Commons at Square
2 3630. Ms. Schellin.

3 MS. SCHELLIN: Yes, sir. In this case, we have Exhibits
4 33 through 33B, which is the draft findings, facts and
5 conclusions of law from the applicant and some revised plans.
6 We'd ask the Commission to consider final action on this case
7 before them this evening.

8 COMMISSIONER HOOD: Okay. Commissioners, this is
9 background on this case. The property is located in a triangular
10 parcel on the south side of Edgewood Street, Northeast, Fourth and
11 Seventh Streets, Northeast, with a land area of approximately
12 650,383 square feet, 14.9 acres that's known as Edgewood Commons.
13 The property is located within Ward 5 within the Edgewood
14 neighborhood. We heard this case. Let me open it up for any
15 questions and comments. Commissioner May.

16 COMMISSIONER MAY: Yeah. So I think I led the charge on
17 changes to the facades, and the applicant has responded with some
18 simplification and some color changes to make it all work together
19 better, and I think that has been pretty successful. They did
20 also explain why they had to have the extensive use of
21 cementitious panels and the budget for that. It's kind of
22 unfortunate, but hopefully it will be, you know, well detailed and
23 will look good in the end. Sometimes such installations don't
24 look so great, but I will remain optimistic that this will be well
25 built, well detailed, and will look good in the end.

1 And I do think that there is more work that could be
2 done on the façades, but I'm not going to keep pushing on that
3 subject. There -- I would also note that they changed out the
4 green wall in favor of some sort of a canvas for a future mural,
5 and I'm hoping that one of my fellow commissioners might speak to
6 that and whether that addresses the concerns that they had. I
7 didn't have that -- share that same concern, and I'm not sure that
8 I would endorse the canvas for their future mural in place of the
9 green wall, but I'm certainly interested in hearing what my fellow
10 commissioners have to say about that.

11 CHAIRMAN HOOD: Okay. Thank you. Any other questions
12 or comments? Commissioner Shapiro.

13 COMMISSIONER SHAPIRO: I can take the fellow
14 commissioner response to Commissioner May's -- I'll take the bait.
15 So I'd like to see some kind of art installation there. The idea
16 of the -- as proposed, it feels a little bit inadequate. I'm not
17 sure I would go back to the green wall. I mean, I'm not sure what
18 to say. It was kind of an unusual response to the request. If
19 they're going to do an art wall, they're going to do an art wall.
20 So, I mean, I guess where I would land on this, Commissioner May,
21 is I would take them at their word that they're going to do what
22 they're going to say they're going to do. I'm not sure what else
23 to do. I'd rather have the art wall than the green wall, based
24 upon its location.

25 CHAIRMAN HOOD: Okay. Thank you, Commissioner Shapiro.

1 Any other follow-up questions or comments? I'm just trying to
2 remember. I believe the ANC supported this. Can somebody help me
3 right quick, so I don't have to look it up? I believe they
4 supported this, Commissioner Bradley, I think, and I'm reading the
5 notes and I --

6 COMMISSIONER SHAPIRO: Yeah, it's here.

7 CHAIRMAN HOOD: They did? Okay.

8 COMMISSIONER SHAPIRO: I have it in my notes.

9 CHAIRMAN HOOD: All right. Any further questions or
10 comments?

11 COMMISSIONER TURNBULL: Are you sure that they approved
12 the art wall? I'm trying to remember.

13 CHAIRMAN HOOD: No, I think they supported what was
14 presented to them, especially with the 25 percent IZ proffer and
15 stuff. I was just trying to make sure. I couldn't remember
16 whether Commissioner Bradley and them, if they had approved it or
17 not. I could go back through my notes. I was trying to remember
18 off the top of my head, but I see some notes. I think they did
19 approve it, as we've already discussed. Okay. Anything else?

20 COMMISSIONER MAY: Well, I'm curious as to whether the
21 other commissioners have any thoughts on the green wall versus art
22 wall.

23 COMMISSIONER TURNBULL: I guess I'm not strong one way
24 or another. I mean, it would be nice to know what the art wall
25 would be like. A green wall would have fairly more -- it's kind

1 of a -- it's sort of a gesture toward sustainability, I guess, and
2 trying to make it more attractive in that sense from a natural,
3 with vines or whatever, but whatever that green wall's going to
4 really have. So I'm sort of -- I'm not really tied to either
5 solution, I guess. I guess I'm sort of open for either one.

6 CHAIRMAN HOOD: Vice Chair Miller, comments on the green
7 wall or art wall.

8 VICE CHAIR MILLER: Was that me you called on?

9 CHAIRMAN HOOD: Yes, Vice Chair Miller.

10 VICE CHAIR MILLER: Well, theoretically, and we're just
11 only dealing in theory, because we don't have really a good
12 picture of a green wall or a good picture of an art wall, so we
13 just have to leave it to our imagination. I guess, would in
14 theory support a green wall. I'm not sure how successful they
15 have been in the winters at Washington Commons. Maybe
16 Commissioner May could expound on that. But in theory, I think
17 natural -- I mean, you can always use more art and you can always
18 use more green in Washington. But to the extent that they can
19 produce a landscaped natural green wall that is green or has
20 vegetation on it of some sort that looks alive year-round, that
21 would be my preference if I'm forced to make a choice.

22 COMMISSIONER TURNBULL: If we go with the green wall and
23 it dies or it just (audio interference), they can always go to an
24 art wall.

25 VICE CHAIR MILLER: Yeah, that's a good backup.

1 COMMISSIONER MAY: Can I make the suggestion that rather
2 than trying to figure it out here based on the little bits of
3 information, and given that it's not a huge, unusually important
4 component of this project, that we simply give the applicant
5 flexibility to install either the green wall, as previously
6 proposed, or the art wall, depending on, you know, what they work
7 out with the community, what they think is feasible. I mean, I
8 don't have personal experience with green walls in terms of their
9 likelihood of success, but I do know that they can be challenging,
10 and it requires a significant investment. So, you know, if
11 they're so concerned about the cost that they need to do all that
12 cementitious panel, I worry about whether they would be able to do
13 a green wall effectively. So I would just give them flexibility
14 to go either way. I assume that could be handled in whatever
15 conditions or however the order is written, but we may want to
16 just confirm that with Mr. Tondro.

17 COMMISSIONER TURNBULL: Mr. Chair, that's a fine
18 solution for me as well. I could go with that solution. I have a
19 hard enough time trying to grow grass, so --

20 CHAIRMAN HOOD: So I haven't had a chance to speak on
21 that. That was right in line with what I was going to say.
22 Whatever the community, I would leave it up to the community
23 whether it be a green wall or art wall. The community may not
24 want an art wall. They may, you know -- so I think that's a fair
25 assessment. I would agree with Commissioner May. My only thing

1 is, I don't know, and this brings Mr. Tondro up. I don't know --
2 I guess, is that enough for them to go forward and leave it in
3 that flexibility as opposed to, do we need to put a condition? I
4 don't know if we can condition that because we don't really know.
5 I think we'll just leave it and I'll ask Mr. Tondro; does he have
6 enough information for the order.

7 MR. TONDRO: Yes. Yes, we can work with what we've got.

8 CHAIRMAN HOOD: Okay. Well, we don't need to expound
9 anymore. Thank you. All right. Any other questions or comments?
10 So I think I want -- Commissioner May, could you make the motion
11 and, Commissioner Shapiro, could you second? I think you all
12 spoke first.

13 COMMISSIONER MAY: Sure. I would move approval of
14 Zoning Commission Case 66-68A, Enterprise Community Development,
15 Incorporated, Modification of Significance for the Large-Scale
16 Planned Development for Edgewood Commons at Square 3630, noting
17 that we would grant the applicant flexibility to install either a
18 green wall or an art wall at the location noted in the project
19 plans.

20 COMMISSIONER SHAPIRO: Second.

21 CHAIRMAN HOOD: Okay. It's been moved and properly
22 seconded. Any further discussion? Ms. Schellin, could you do a
23 roll call vote, please?

24 MS. SCHELLIN: Commissioner May.

25 COMMISSIONER MAY: Yes.

1 MS. SCHELLIN: Commissioner Shapiro.

2 COMMISSIONER SHAPIRO: Yes.

3 MS. SCHELLIN: Commissioner Hood.

4 CHAIRMAN HOOD: Yes.

5 MS. SCHELLIN: Commissioner Miller.

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yes.

9 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve final
10 action in Zoning Commission Case Number 66-68A.

11 CHAIRMAN HOOD: Okay. Thank you. Next let's go to the
12 Time Extension, Zoning Commission Case Number 08-07F, Four Points
13 Development, LLC, Two-Year PUD Time Extension at Square 5785. Ms.
14 Schellin.

15 MS. SCHELLIN: Yes, sir. The applicant, as you stated,
16 is requesting a two-year PUD time extension. They've cited the
17 delay in the approval of the TIF legislation as a reason for
18 needing the time extension. This is the second time extension
19 request for Building 1, and the applicant is also requesting a
20 waiver of the rules to allow the second time extension for two
21 years. So if the Commission sees fit to approve the time
22 extension, we'd ask that the motion include the waiver request
23 also. Thank you.

24 CHAIRMAN HOOD: Okay. Commissioners, we have a request
25 from Four Points Development, LLC for the two-year PUD extension

1 in front of us. It looks like it has support, especially with the
2 situations that are happening to our society and happening in our
3 world today. So I can just say I think this also -- I would be in
4 favor of the waiver and the extension. But let me open it up and
5 see what others have. Any questions or comments?

6 COMMISSIONER MAY: I would agree with you, Mr. Chairman.
7 I mean, we're -- we like to try to be stingy about extensions when
8 projects go on and on and on, and this is a project that has a
9 fairly long history, but the complications are not due to a lack
10 of effort on the part of the applicant. So I'm inclined to
11 support both the waiver and the grant of the two-year extension.

12 CHAIRMAN HOOD: Okay. Any further comments or
13 questions?

14 COMMISSIONER TURNBULL: Mr. Chair, I would agree with
15 both of your comments and agree that with the events. I think
16 there was enough submitted in the record to show that they have
17 tried to make a sincere effort, that because of numerous factors
18 that they haven't been able to proceed, so I would be in support
19 of the waiver and voting in favor of the extension.

20 CHAIRMAN HOOD: Okay. Thank you. Any other questions
21 or comments? So with that, I would move approval of Zoning
22 Commission Case Number 08-07F for the request presented in front
23 of the Commission for the time extension as well as the waiver of
24 the one year to two years, or whatever the waiver consists of.
25 Anyway, of the request asked of us, and ask for a second.

1 COMMISSIONER SHAPIRO: Second.

2 CHAIRMAN HOOD: Been moved and properly seconded. Any
3 further discussion? Not seeing any, Ms. Schellin, would you do a
4 roll call vote, please?

5 MS. SCHELLIN: Commissioner Hood.

6 CHAIRMAN HOOD: Yes.

7 MS. SCHELLIN: Commissioner Shapiro.

8 COMMISSIONER SHAPIRO: Yes.

9 MS. SCHELLIN Commissioner May.

10 COMMISSIONER MAY: Yes.

11 MS. SCHELLIN: Commissioner Miller.

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner Turnbull.

14 COMMISSIONER TURNBULL: Yes.

15 MS. SCHELLIN: The vote is 5 to 0 to 0 to approve the
16 two-year time extension as well as the waiver request in Zoning
17 Commission Case Number 08-07F, and that is it.

18 CHAIRMAN HOOD: Okay. Thank you. Let's move right in.
19 I think our next case before us is a hearing action, Zoning
20 Commission Case Number 20-22, CQ Metro Land, LLC, Map Amendment in
21 Square 5860. And I believe we have Mr. Jesick and Ms.
22 Steingasser. We can bring them up and you all can begin.

23 MR. JESICK: Thank you, Mr. Chairman. This is Matt
24 Jesick, and my camera should be coming up shortly, but I'll go
25 ahead and begin. The Office of Planning is recommending setdown

1 of the proposed zoning map amendment. The property is currently
2 unzoned, and the applicant proposes to apply the Northern Howard
3 Road or NHR zone to the site. The NHR zone would permit a 130-
4 foot height at a 9 FAR and would require mandatory Zoning
5 Commission design review. A high-density zone would not be
6 inconsistent with the comprehensive plan, including both the land
7 use maps and the written policies of the plan.

8 And now I'll discuss a few of the highlights of the comp
9 plan as they pertain to the subject site. The current future land
10 use map has three different designations for the site. Those
11 include high-density residential, high-density commercial,
12 institutional mixed use; high-density residential, medium-density
13 commercial, institutional mixed use; and parks, rec, and open
14 space. The proposed future land use map, which is currently under
15 consideration by the city council, would redesignate this entire
16 area as high-density mixed use. The policy map identifies this
17 site as part of the central employment area, as well as a land use
18 change area. The land use element of the plan supports higher
19 densities near Metro stations and especially encourages
20 redevelopment near Metro stations where there is an abundance of
21 vacant land.

22 The NHR zone would support the bicycle, pedestrian, and
23 urban street grid goals of the transportation element, and the
24 zone would also further a number of the goals of the housing
25 element by providing a higher percentage of IZ units at a deeper

1 | affordability and with family-sized units. The proposal would
2 | also not be inconsistent with policies of the economic
3 | development, urban design, and lower Anacostia Waterfront near
4 | southwest elements.

5 | So when taken as a whole, the proposal would not be
6 | inconsistent with the comprehensive plan, and OP is therefore
7 | recommending setdown of the application. Thank you, and I'd be
8 | happy to take any questions.

9 | CHAIRMAN HOOD: Thank you, Mr. Jesick. Commissioners,
10 | any questions or comments? Looking and not seeing -- Commissioner
11 | Shapiro.

12 | COMMISSIONER SHAPIRO: I'd say I have no questions for
13 | OP or Mr. Jesick.

14 | CHAIRMAN HOOD: Commissioner May.

15 | COMMISSIONER MAY: Yeah. So, Mr. Jesick, it allows 130
16 | feet. Would they be able to achieve 130 feet, you know, under the
17 | Height Act? I mean, is it because they are sort of touching the
18 | Interstate 295 right of way that they might get to that height,
19 | because Howard Road wouldn't allow it.

20 | MR. JESICK: That's correct. Howard Road would not --
21 | the freeway would, if they abut that, and I think this property
22 | would technically abut the freeway right of way.

23 | COMMISSIONER MAY: Okay. All right. That's it for my
24 | questions.

25 | CHAIRMAN HOOD: Anyone else? Okay. Let me just say, if

1 | it's taking me a minute to get back to hit my unmute button, since
2 | I'm going to have to find it, so that's why. It's not that I'm
3 | slow. I am slow to respond, but I just wanted to make sure you
4 | understand. Just be patient with me since I have to go find it
5 | and see where it is again. I don't necessarily have any
6 | questions. I am in support of setting this down, but let's see.
7 | Any further discussion? Okay. Vice Chair Miller.

8 | VICE CHAIR MILLER: I just wanted to maybe ask Mr.
9 | Jesick and try and answer a question about the -- well, I support
10 | setting this down in a public hearing. I assume that you are
11 | supportive, that you think that the map amendment would meet the
12 | comprehensive plan consistency test, whether it's the current
13 | future land use map along with all the other policies that are
14 | supportive of the map amendment in the comp plan, whether it's --
15 | so you'd be supportive of this map amendment, both under the
16 | current future land use map and the one that's proposed, the
17 | future land use map proposed, that takes out the parks,
18 | recreation, and open space, and makes clear that it's high-density
19 | mixed use all throughout.

20 | It may be a moot case, moot issue, since by the time we
21 | get to any final rulemaking -- final action on this map amendment,
22 | the comprehensive plan map amendment might have taken place at the
23 | same time. But did OP have any comment on the consistency issue
24 | with the current future land use map, which your report says it is
25 | consistent when you factor in all the other policies?

1 MR. JESICK: Yes, that's correct. When taken as a
2 whole, looking at both the land use maps and the written policies
3 of the plan, we're confident that the proposed map amendment would
4 not be inconsistent with the comprehensive plan.

5 VICE CHAIR MILLER: Okay.

6 CHAIRMAN HOOD: Commissioner Shapiro.

7 COMMISSIONER SHAPIRO: Thank you. Just a couple of
8 things. One is, if we are to set this down, OAG is recommending
9 that we set this down as a contested case, not a rulemaking case.
10 The rationale for that is that this property is not scattered but
11 it's compact and abutting. The applicant owns all the property.
12 That's one thing. The other thing is that if we were to set this
13 down, and I don't remember if I heard Mr. Jesick mention this, but
14 that this would be subject to IZ Plus, based on the timing of
15 this. That's correct?

16 MR. JESICK: Ms. Steingasser can chime in, but I do not
17 believe this would be subject to IZ Plus because it already has an
18 enhanced IZ requirement.

19 MS. STEINGASSER: That's correct. It already has an
20 increased IZ requirement that the Commission established when they
21 originally wrote the NHR zone. And as you may recall, when you
22 took proposed action on the IZ Plus, this zone was one of the
23 exempted zones.

24 COMMISSIONER SHAPIRO: Okay. Thank you for that
25 clarification. That's all I have, Mr. Chair.

1 CHAIRMAN HOOD: Okay. Thank you. Commissioner
2 Turnbull.

3 COMMISSIONER TURNBULL: Thanks, Mr. Chair. Ms.
4 Steingasser, I can't recall offhand. What is the requirement for
5 the NHR zone IZ?

6 MS. STEINGASSER: It's 10 percent.

7 COMMISSIONER TURNBULL: 10 percent?

8 MR. JESICK: I think, if I can jump in, I think it's
9 actually 12 percent. I can pull up the regulations quickly.

10 COMMISSIONER TURNBULL: Okay. I couldn't recall. I
11 knew it was more, but I didn't know how much more.

12 MR. JESICK: Yes. In fact, if you look at the OP report
13 on page 3, we could very quickly summarize the requirements.
14 There is the normal 12 percent, plus (audio interference) percent
15 for any penthouses.

16 COMMISSIONER SHAPIRO: Okay.

17 MR. JESICK: That would be distributed between 50 and 60
18 percent MFI, and that's regardless of whether it's rental or
19 ownership. And then there are also requirements for three-bedroom
20 units.

21 COMMISSIONER SHAPIRO: I see that now. Thank you.

22 CHAIRMAN HOOD: Okay. Any other questions or comments?
23 All right. So I think we're ready to set this down, and I think
24 Commissioner Shapiro mentioned the advice we received as far as
25 setting this down as a contested case and the standard. So with

1 that, somebody make a motion to set this down, or make a motion.
2 I don't know what you choose to do.

3 COMMISSIONER SHAPIRO: Mr. Chair, I'm happy to make a
4 motion that we set down as a contested case, Zoning Commission
5 Case Number 20-22, CQ Metro Land, LLC, Map Amendment at Square
6 5860, for a second.

7 VICE CHAIR MILLER: Second.

8 CHAIRMAN HOOD: Thank you. It's been moved and properly
9 seconded. Any further discussion? Okay. Ms. Schellin, would you
10 do a roll call vote, please?

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Vote yes.

13 MS. SCHELLIN: Commissioner Miller.

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Hood.

16 CHAIRMAN HOOD: Yes.

17 MS. SCHELLIN: Commissioner May.

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Turnbull.

20 COMMISSIONER TURNBULL: Yes.

21 MS. SCHELLIN: Zoning Commission Case Number 20-22 is
22 being set down as a contested case by a vote of 5 to 0 to 0. And
23 if I heard correctly, this case will not be part of the IZ Plus
24 because it is in one of the zones that is exempt; is that correct?

25 MS. STEINGASSER: Yes, that's correct.

1 MS. SCHELLIN: Okay. So OP has answered that it is
2 exempt. Okay. Thank you.

3 CHAIRMAN HOOD: Okay. I think we have last on our
4 agenda, we will hear from the Office of Planning. We ask those,
5 as Ms. Schellin stated earlier, for the residents of the city and
6 all those who have been in tune with us this far to stay in tune
7 so you can get this update on the additional inclusionary housing
8 opportunities, IZ XL, I think, is what we may be calling it, or
9 maybe it's something else, but we will now at this point, I think,
10 turn it over to Ms. Steingasser.

11 MS. STEINGASSER: Yes, Chairman Hood, thank you.
12 Commissioners, we do refer to this grouping of proposed amendments
13 to the IZ program as IZ XL, building off the IZ Plus case. And
14 what we've proposed in this status report is a type of roadmap of
15 how we are approaching the examination of the exempt, those areas
16 that are currently exempt from IZ. There are several areas and
17 there are several building types, and they're very different, and
18 they require a varying degree of research, and coordination, and
19 stakeholder involvement. So we've set out in this memorandum
20 basically a progressive process that starts looking first at the -
21 - what we are calling the Historic Districts.

22 Right now, there's the Arts-3 and the Anacostia Historic
23 District. There's the MU-13 in the Georgetown Historic District,
24 which is the old W-2 waterfront. It's basically that area south of
25 M Street. And then there's the NC-6, which is the Lower Barracks

1 Row. There are four squares below the highway that were also
2 exempt. There also is the RA-5 zone, which is an apartment zone
3 that had previously been exempt that we'll be examining, and we
4 will be bringing those back to the Commission for the original
5 setdown in January.

6 Also in January, we will be looking and including in
7 that the set aside requirements that are based on construction
8 type, and that has to do with building right, and now with the
9 changes in the building code in the last couple of years, the
10 stick-built can be much taller than previously, that was
11 previously allowed under the building code when IZ was originally
12 (audio interference), so we want to adjust that set aside
13 requirement as part of the amendment, and that would extend that
14 10 percent IZ set aside that's currently limited to 50 feet, we're
15 looking upwards of 85 feet now. That would be the first case we'd
16 bring forward.

17 The second case would be the following month, and that
18 would be an examination of conversions of non-residential
19 buildings to residential buildings. And in our status report,
20 there's a brief discussion of that conversion. And right now,
21 they're exempt unless they add more than 50 percent new GFA,
22 residential GFA. We're looking at conversions that don't have an
23 additional GFA and also the different building types, so, you
24 know, there's hotels that we are now seeing coming and inquiring
25 about converting to residential. There's offices and there are

1 | warehouses. Those are the three that we have seen in the last
2 | year that are looking at this issue of conversion. So we're also
3 | examining that building type and whether IZ could apply to it, how
4 | should it apply, and what should be the timing of that.

5 | Finally, it's the D Zones, and that was the issue that
6 | we discussed last month with the Commission, and specific to
7 | design review, but the D Zones in particular require -- they're
8 | very complex. They've got TDRs and combined lots. Their original
9 | purpose was to incentivize residential in general, to bring
10 | residential back into the downtown, to get a bonus density that
11 | could then be put into what was considered receiving zones and
12 | (audio interference) and find locations throughout the city. So
13 | we really need some time to kind of dig deep into those zones,
14 | what are their economics. We have been contacted by several
15 | developers already that are willing to work with us, share the
16 | economics, talk about the phase in timing, their need for
17 | predictability in terms of how many months they need to be able to
18 | negotiate a deal, to finance a deal, to get permits, and the
19 | danger of arbitrarily truncating that timeline could have adverse
20 | effects to the housing market in general. So we want to be able
21 | to work carefully with that market and those stakeholders, as
22 | well as reaching out. Chairman Hood, you had asked us to reach
23 | out to three people in particular. We've already met with one of
24 | those individuals. We'll be meeting with -- we've had contact
25 | with all three, so we'll be meeting with the other two and getting

1 their kind of early feedback as we formulate our process going
2 forward. With the D Zones, we would like to bring that back to
3 the Commission no later than May. We want to make sure we get
4 that in this spring but that we have time to look at it and its
5 economics, and if we need to do any financial modeling, that we
6 would take this time to fine-tune that and work again with the
7 finance people, who are experienced with these financial models,
8 and make sure that it is the appropriate model to what is the
9 right standard of IZ and how it should be brought into the D
10 Zones.

11 So I wanted to bring this before the Commission, lay out
12 the roadmap, so that you could see that we will be making
13 progress. Each of these are being set down separately.
14 Obviously, they could have a joint public hearing, especially for
15 the January-February cases. But we felt that to be able to set
16 them down separately, discuss them discreetly, because they are
17 very different in their nature, would be a clearer path going
18 forward. So with that, I'm available to answer any questions.

19 CHAIRMAN HOOD: Thank you very much, Ms. Steingasser. I
20 see we have questions and comments. Commissioner May.

21 COMMISSIONER MAY: I have just one quick question to
22 clarify. The January-February cases, that's the first bunch that
23 you described, and then the second one would be the conversions.
24 And then later in May would be a third case, which is the D Zones.

25 MS. STEINGASSER: That's correct.

1 COMMISSIONER MAY: Okay. That's all.

2 CHAIRMAN HOOD: Commissioner Shapiro.

3 COMMISSIONER SHAPIRO: Thank you. Ms. Steingasser,
4 would you educate me real quick? For non-residential conversions,
5 how does purchase factor in?

6 MS. STEINGASSER: How does what factor in?

7 COMMISSIONER SHAPIRO: Purchase.

8 MS. STEINGASSER: Well, they would be the same. Yeah,
9 they would be the same. They would be a non-residential building
10 that's converting to residential, and if they added square
11 footage, that square footage would be subject. But if they don't,
12 then they would be exempt.

13 COMMISSIONER SHAPIRO: So do you need to (audio
14 interference) specifically, or is that just a given, or --

15 MS. STEINGASSER: I think that's just a given. I just
16 gave some examples of the ones that we've had conversations with
17 in the last six to eight months. But yeah, any non-residential
18 structure that converts to residential, multi-family, more than 10
19 units is what triggers that.

20 COMMISSIONER SHAPIRO: Thank you. Thank you, Mr. Chair.

21 CHAIRMAN HOOD: Okay. Thank you, Commissioner Shapiro.

22 Any other questions or comments? Commissioner Turnbull, do you
23 have any? Okay. Vice Chair Miller.

24 VICE CHAIR MILLER: Thank you, Mr. Chairman. I just
25 wanted to thank the Office of Planning for all of its work on the

1 inclusionary zoning issue, both the original pending IZ Plus case,
2 which I guess is in a comment period between --

3 MS. STEINGASSER: Yes, sir.

4 VICE CHAIR MILLER: -- the final rulemaking right now?
5 And this IZ XL case which you are working on and proposing to
6 segment into three groups, I encourage you to do what you are
7 already doing, which is to complete all the work that you need to
8 as quickly as possible. Of course, as comprehensively, and
9 accurately, and touching base with all the stakeholders that need
10 to be touched base with as much as possible, but to get it to us
11 as quickly as possible so we can sit down and expand the
12 affordable housing tool in the District of Columbia for all those
13 groups.

14 And to the extent we can, Mr. Chairman, this is more for
15 us than for OP, but maybe both. To the extent we can consolidate
16 those first two, if the timing works out, maybe for efficiency
17 purposes, the same kind of folks who were going to testify
18 generally would be testifying at both hearings. And I'll leave
19 that to our internal discussions and future discussions going
20 forward when we get to a first setdown case, I guess. But we may
21 want to consolidate those first two for efficiency purposes, if it
22 makes sense at the time. But I just want to thank OP for their
23 work.

24 I don't know if this is appropriate, and I'm asking that
25 out loud, which is what we do in these hearings. So I'll ask it,

1 and if it's inappropriate, somebody will rule me out of order.

2 We are in a proposed rulemaking period for the IP Plus
3 case. When we last left, we had comments coming in; is that
4 correct, Ms. Schellin? We've had comments come in during our
5 rulemaking period? I assume that we've had comments coming in,
6 right? You don't have to comment on the specifics.

7 MS. SCHELLIN: I don't recall whether we've actually
8 received anything yet or not. A lot of times, they'll wait until,
9 like, the last day or two days before, so I'm not sure if we've
10 actually received anything or not.

11 VICE CHAIR MILLER: Okay. I won't get into any more
12 specifics except to ask, is there a date that we have for
13 projected scheduling of final action on that case? Is that the
14 January?

15 MS. SCHELLIN: I believe it's January 14th.

16 VICE CHAIR MILLER: Okay. I'll leave it at that. Thank
17 you.

18 CHAIRMAN HOOD: Okay. Thank you, Vice Chair. And thank
19 you, Ms. Steingasser, especially for reaching out to at least one
20 of the three thus far that will be their comments inclusive, and I
21 appreciate you all. Always -- the ask is never too big for OP,
22 and I appreciate that.

23 As we move forward through this, for me, I have a bigger
24 issue. I want to make sure that when we do things like this, Ms.
25 Steingasser and others, and Mr. Tondro, who's listening, and also

1 my Commissioners, that some kind of way, we're going to have to
2 try to remember. Maybe this is just for me, because I sat on a
3 case the other night and I was told that the Zoning Commission had
4 done something. The next day it bothered me so much that I called
5 around and started talking to people, trying to figure out what we
6 had done. And the person who testified, and I'm going to say it
7 and I'll get back on it, they were wrong. We had not done what
8 they said we did, but if anybody knows, at least myself. I'm
9 speaking for myself, but I'm sure others are included. I don't
10 take protections away from. I try to put them on. But it seems
11 as though the persuasion that was presented was actually,
12 everybody accepted it.

13 But the problem is, and I'm saying this. We do so many
14 changes, and for me sometimes, I can't remember all of them. And
15 I know it's in the code somewhere, but on those BZA cases, and
16 this may be out of order, but it won't be the first time, Vice
17 Chair. I'm out of order all the time. But what I will say is
18 that we have to have a way to make sure that we, and I'm working
19 with OG -- I mean OAG to kind of help us, and I'm saying this to
20 Ms. Steingasser. I don't know. You know, maybe we back at the
21 Office of Planning, and I think you all do pretty much of this, a
22 cheat sheet, so when people come down and misrepresent what the
23 Zoning Commission has done, we're able to have the ammunition,
24 because a lot of times, I think I really felt like I was naked,
25 because I couldn't remember whether we had done it or not and it

1 | didn't sound like I would be in agreeance with something like
2 | that.

3 | So I'm going off on a tangent. I'm probably still back
4 | to last week. But we hear that a lot. The Zoning Commission did
5 | this, the Zoning Commission -- and a lot of times, it's bought and
6 | sold that we had done it and actually we have not done it. But
7 | anyway, that's a whole other issue, but I wanted to bring it up in
8 | this case. As we move forward, Ms. Steingasser, if we can try to
9 | maybe do like a cheat sheet on the back of reports of what we've
10 | actually done, and that way, if we need to go back and refer to
11 | it, we can go back and say, "No, this is what we did. We
12 | recategorized, or we reorganized, or we renumbered, or we moved it
13 | over here because it was duplicative," or something of that
14 | nature. I don't know if that's a word, but it is today.

15 | So that's kind of where I am. I'm looking forward to
16 | the process and also the Vice Chair's comments. If we find a way
17 | that we can do it, and actually, I would really like to leave that
18 | to the Office of Planning staff and OAG, as you've stated. Then I
19 | would endorse that 100 percent as far as we're moving forward, but
20 | I'll leave that up to the staff and how they coordinate those
21 | proceedings.

22 | All right. I don't really have a -- I don't know if you
23 | want to comment on it, Ms. Steingasser. I just went off on a
24 | soapbox.

25 | MS. STEINGASSER: No, sir, but we're happy to work with

1 OAG to prepare whatever kind of cheat sheet, because I know the
2 text amendments are coming rather rapidly and being able to have a
3 prepared summary sheet for you, we're happy to work with OAG on
4 whatever they need (audio interference).

5 CHAIRMAN HOOD: Okay. Thank you. Very helpful. Any
6 other questions or comments, follow-ups? Commissioner May.

7 COMMISSIONER MAY: Yeah, I just want to say on the
8 subject of consolidating -- well, not consolidating but hearing
9 two cases on the same night, I'm a little bit concerned about
10 that, because the last thing we want to do is have two lengthy
11 hearings essentially try to happen on the same night. I'd rather
12 have, you know, two more compact hearings. I know that may not be
13 most convenient for a lot of people who want to testify at both,
14 but it can't be that convenient for them to, you know, testify at
15 5 o'clock and then have to testify again at 8 o'clock on a
16 different case. So, I mean, my tendency would be to lean toward
17 having separate cases, even if we do wind up with, you know, short
18 days for some reason.

19 I also think that there are going to be a lot of people
20 who want to testify on these topics, so I would expect to have a
21 lot of witnesses for, you know, for the two cases that we could
22 hear in the January time frame, or rather set down in the January
23 time frame. That's just my two cents on, you know, how we manage
24 this. I also think it's important to, you know, to be thinking
25 about them separately, so having the two hearings on the same

1 | night, you know, makes it a little bit harder to decipher the
2 | issues, and if they are as complex as Ms. Steingasser has
3 | represented, I would like to just sort of open my mind to one
4 | issue at a time and then not have to quickly shift on the same day
5 | to something else. So anyway, we'll see how it goes. It's just
6 | my opinion on that thought.

7 | CHAIRMAN HOOD: Okay. Thank you. And that's a good
8 | opinion as well. Commissioner Turnbull.

9 | COMMISSIONER TURNBULL: Yeah, Mr. Chair. Just getting
10 | back to your comments on being questioned at the hearings on
11 | Wednesdays as a part of Zoning Adjustment, part of the issues that
12 | I've seen is that we redid the zoning rights. We did a wonderful
13 | job doing the zoning rights. It really improved them. Everyone
14 | liked -- but then we've tweaked them. We've made little minor
15 | changes and I think the Office of Planning has come up. They
16 | said, you know, we (audio interference) perfectly good changes to
17 | what we've done. And I think for me too, I sometimes go back and
18 | try to remember what the changes are to what we originally had set
19 | down. So I agree with you that sometimes it's a little bit hard
20 | to recall all of the different things we've done, and then to also
21 | know the changes that we've done in reference to it.

22 | So it's, I mean, yeah, when I get a BZA case and I go
23 | through it, I go back, and I look. I skim through the regs to
24 | make sure. But sometimes we don't always pick up the changes that
25 | we did, and so sometimes at a hearing, you feel the Chairman --

1 Mr. Hill, might say something and say, "Look, well, that was a
2 Zoning Commission decision." And he was like, "Is that right, Mr.
3 Turnbull?" I go, "Well, I'm trying to remember now." So, yeah, I
4 mean, there is that issue that we're often put on the spot and
5 we're trying to remember all these different things. So how we
6 solve it, maybe Ms. Steingasser can -- OAG can help add some of
7 those little tweaks that we may have done just to remind us. I'm
8 not sure.

9 CHAIRMAN HOOD: So not to get too far off, Mr. Turnbull.
10 That is a conversation I had with OAG, but more to come on that.
11 All right. Any other questions or comments? All right. So this
12 is not anything before us, so does anybody disagree with the path
13 forward? As far as whether we hear a case tonight, I would leave
14 that up to staff. I think Vice Chair Miller brought up some good
15 points, and then Commissioner May brought up some good points. So
16 that way, as usual, I'm on the fence on that. So I'm sure that
17 whatever staff presents to us in a way, and I think both of them
18 brought up good points, and I kind of now am leaning towards
19 Commissioner May, because I don't want to be no more confused when
20 I go to BZA than I already am. I don't know. Let's see what
21 happens. I think Vice Chair Miller brought up a good point.
22 Let's see. Let's leave it up to the staff. Let me stop rambling
23 and let's just leave it up to OP, OZ, and OAG. Okay?

24 COMMISSIONER MAY: It makes sense that you'd be on the
25 fence. I mean, good fences make good neighbors, and you're all

1 about good neighbors.

2 CHAIRMAN HOOD: Yeah, the good neighbor policy. So let
3 me ask, do we need to -- I don't think we need to do a motion. I
4 think we just need to do a general consensus as the path forward,
5 with the caveats of what both Vice Chair Miller and Commissioner
6 May said, and we'll let the staffs decide how we move on that. Is
7 that good? Okay. All right.

8 So, Ms. Steingasser, thank you. We agree with your path
9 forward, with the two suggestions, but we'll leave that up to you
10 all to see the best way, and depending upon, I guess, who signs
11 up. It sounds like we're going to have a lot of people signing
12 up, a lot of people interested in this so, which I expect, and I
13 hope to. All right. So we have anything on this? Anything else
14 on this? Okay. Thank you, Ms. Steingasser. All right. Ms.
15 Schellin, do we have anything else?

16 MS. SCHELLIN: Nothing else.

17 CHAIRMAN HOOD: Okay. The Zoning Commission has not
18 stopped working yet. We will be meeting Monday on Zoning
19 Commission Case Number 20-19, Office of Planning Text Amendment to
20 Subtitles B, D, E, and F for Accessory Building Restrictions.
21 With that, for those who won't be tuning in to that hearing on
22 Monday, I want to wish you a happy holiday and a safe new year,
23 and I really mean be safe, as we know with Covid-19, so enjoy your
24 happy holidays. This meeting is adjourned.

25 (Whereupon, the above-entitled matter went off the

1 | record at 5:03 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 12-17-20

Place: Teleconference

was duly recorded and accurately transcribed under my
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