

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JULY 8, 2013

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:34 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- JOHN NYARKU, Zoning Specialist
- PAUL YOUNG, Zoning Data Specialist

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OFFICE OF PLANNING STAFF PRESENT:

HARRIET TREGONING, Director  
JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic  
Preservation  
JOEL LAWSON  
KAREN THOMAS  
MAXINE BROWN-ROBERTS  
ARTHUR JACKSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on July 8, 2013.

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## TABLE OF CONTENTS

	<u>Page No.</u>
Preliminary Matters - <b>SHARON SCHELLIN</b>	6
Status Report - Office of Planning, <b>HARRIET TREGONING</b>	7
Consent Calendar - <b>SHARON SCHELLIN</b>	58
A. A.C. Case No. 12-10A (Office of Planning - Request for Technical Correction to Z.C. Order No. 12--10)	
Final Action - <b>SHARON SCHELLIN</b>	
A. Z.C. Case No. 06-04D (Florida & O Street, LLC -- Two-Year PUD Time Extensions @ Square 3100)	60
B. Z.C. Case No. 13-02 (Jemal's Hecht's - Map Amendment @ Square 4037)	60
Proposed Action - <b>SHARON SCHELLIN</b>	None
Hearing Action - Office of Planning	
A. Z.C. Case No. 13-07 (David Belt -- Map Amendment @ Square 5081)	63
B. Z.C. Case No. 13-08 (Square 5914, LLC (Consolidated PUD & Related Map Amendment @ Square 5914 & Various Parcels)	70
C. Z.C. Case No. 06-04C (Florida & Q Street, LLC -- Modification to PUD @ Square 3100)	97
ZRR Guidance - Office of Planning	
Correspondence - <b>SHARON SCHELLIN</b>	None

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Table of Contents - Continued:Page No.Other Business - **SHARON SCHELLIN**

## A. New Cases.

1. Z.C. Zoning Case No.  
85-10B (Hillandale  
Homeowners Association  
Request for Minor  
Modification to PUD @  
Squares 1312, 1313,  
1319 & 1320)
2. Z.C. Case No. 12-10A  
(Office of Planning -  
Request for Technical  
Correction to Z.C. Order  
No. 12-10)

## B. Orders Published

1. Z.C. Order No. 04-08C
2. Z.C. Order No. 05-3611
3. Z.C. Order No. 06-11G/06-12G
4. Z.C. Order No. 08-34B
5. Z.C. Order No. 12-18

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

2 6:34 a.m.

3 CHAIRMAN HOOD: Okay, we are ready  
4 to get started.

5 Good evening, ladies and gentlemen.  
6 This meeting will please come to order. This is  
7 the July 8, 2013 public meeting of the Zoning  
8 Commission for the District of Columbia.

9 My name is Anthony Hood. Joining me  
10 are Vice Chair Cohen, Commissioner  
11 Miller, Commissioner May and Commissioner  
12 Turnbull. We are also joined by the Office of  
13 Planning Staff, Ms. Sharon Schellin. Also, the  
14 Office of Attorney General, Mr. Ritting. Also  
15 from the Director of the Office of Planning, Ms.  
16 Tregoning, glad to have her, Ms. Steingasser,  
17 Mr. Lawson, Mr. Jackson, Ms. Brown-Roberts, and  
18 Ms. Thomas.

19 Did I get everybody's name? That  
20 usually doesn't happen. So, good.

21 Copies of today's meeting agenda  
22 are available to you, and are located near the

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1 bin near the door.

2 We do not take any public testimony  
3 at our meeting, unless the Commission requests  
4 someone to come forward.

5 Please be advised, this proceeding  
6 is being recorded by a court reporter, it's also  
7 webcast live. Accordingly, we must ask you to  
8 refrain from any disruptive noise or actions in  
9 the hearing room. Please turn off all beepers and  
10 cell phones.

11 Does staff have any preliminary  
12 matters, Ms. Schellin?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: If not, let us  
15 proceed with the agenda.

16 What I plan on doing this evening,  
17 we are going to have a presentation from our  
18 Director of the Office of Planning. We are  
19 going to rearrange the schedule, and I think it's  
20 very important for us to all listen and hear  
21 this, so we can start operating on one court.

22 So, what I would like to do,

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1 colleagues, unless someone disagrees, is that we  
2 go to Ms. Tregoning first, and then we will get  
3 to our cases. Trust me, it won't be long, so you  
4 all can, hopefully, get some insight, and we can  
5 tell our neighbors and the presentation will be  
6 heard, and I think this will be up on the website  
7 at a later time.

8 But, I will now turn it over at this  
9 point to the Director of the Office of Zoning --  
10 I mean, Office of Planning, Ms. Harriet  
11 Tregoning.

12 MS. TREGONING: Thank you very  
13 much, Chairman Hood. I'm really more than  
14 thrilled to be here tonight. It's a special  
15 pleasure to talk to you about our Comp Plan  
16 Progress Report. I think we sent copies of it  
17 over to you. Did everyone get a copy of it?

18 And, I'm really pleased with the  
19 report, but I'm also, particularly, pleased to  
20 be here with the Zoning Commission, because you  
21 play such an instrumental role in bringing the  
22 plans and visions of the City to fruition.

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1           So, I'm going to just briefly go  
2 through this report, but what I hope to be able  
3 to do is to give you some examples of projects  
4 that you are very familiar with that we've  
5 featured in our report.

6           The D.C. Planning legislation  
7 requires that the Office of Planning provide a  
8 periodic progress report on the implementation  
9 of the Comp Plan, which I think is very  
10 important, things that don't get measured often  
11 don't get done.

12           The Zoning Commission, I know, has  
13 gotten a copy of our report, "Moving Forward,  
14 Building an Inclusive Future." This  
15 presentation provides some highlights in the  
16 report which we submitted to the D.C. Council in  
17 April of this year.

18           The report starts off with some big  
19 picture observations about some of the major  
20 trends that are shaping D.C. today.

21           First and foremost, as you know, the  
22 City is growing. We've been a City planning for

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1 growth for more than 30 years, but now we are  
2 really seeing it. Between 2000 and 2012, the  
3 District gained more than 60,000 residents.  
4 This followed five decades of population decline  
5 between 1950 and 2000. Much of this growth has  
6 taken place in the last two years, as the City  
7 grew from 601,000 residents to 632,000, just  
8 between 2010 and 2012.

9 We haven't seen growth at this pace  
10 since the 1940s when we had barracks on the Mall  
11 during World War II. And, many of these new  
12 residents are living in buildings reviewed by  
13 and approved by the Zoning Commission through  
14 Planned Unit Development.

15 We are building, the last few years  
16 have seen an unprecedented period of  
17 construction in the District, with almost 5,000  
18 new housing units added, and almost 2,000  
19 rehabilitated units.

20 We've seen the addition of almost  
21 4.5 million square feet of office space, and the  
22 refurbishment of almost 3 million square feet.

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1 We've also seen almost a million square feet of  
2 retail added or refurbished, which is hugely  
3 important for us, since we had been making about  
4 a billion dollars in retail sales to our  
5 surrounding jurisdictions.

6 Most of this growth is taking place  
7 in locations identified by the Comp Plan,  
8 including central Washington, Metro station  
9 areas, the Anacostia waterfront, and many of  
10 these areas, as you know, many of these specific  
11 projects were reviewed by the Zoning Commission.

12 We are a working City. The District  
13 has added 32,000 jobs since 2008. Recent data  
14 from our Department of Employment Services  
15 showed that we had 714,000 jobs in 2012. Our  
16 unemployment rate has dropped from 10.5 percent  
17 in January of 2010, at the start of the Progress  
18 Report period, to 8.4 percent by December of  
19 2012.

20 The Zoning Commission has played a  
21 welcome role in the review of the planning and  
22 development, by encouraging developers to

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1 document how they are meeting the District's  
2 goals and requirements for local employment,  
3 which we think has been key.

4 We are a learning City. We have  
5 turned the corner on school enrollment, and have  
6 seen big increases in the number of students  
7 enrolled in D.C. public and public charter  
8 schools in the last few years. There are now  
9 over 80,000 students enrolled. The number of  
10 students grew by 11 percent between 2009 and  
11 2012, a rate of growth that we haven't seen in  
12 50 years.

13 We invested more than \$860 million  
14 in school modernization construction projects.  
15 And, I know that you've seen at least some of  
16 these projects here at the Commission.

17 We are moving. Bicycle commuting  
18 is one way we can measure how our travel habits  
19 are changing. In 2000, just over 3,000 D.C.  
20 residents commuted to work by bicycle. By 2010,  
21 that number had tripled, we had over 9,000 bike  
22 commuters, and that number continues to grow

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1 today.

2 As bicycling becomes more popular  
3 and our transit network has expanded, the number  
4 of D.C. households who don't own a car has  
5 increased from 35 percent of households in 2010  
6 to 38.5 percent of households in 2011.

7 The Zoning Commission has led the  
8 way in ensuring that new developments address  
9 all of the ways residents and workers move  
10 through the City, walking, biking, car-sharing  
11 and driving.

12 We are greening at the City. In  
13 2012, more than 22.4 million square feet of  
14 construction in D.C. received LEED  
15 certification. On a per capita basis, that was  
16 ten times the rate of Virginia, and 20 times the  
17 rate for Maryland, New York and California.  
18 And, I realize it's a little unfair to compare  
19 the District of Columbia, the State of New  
20 Columbia, with these other states, but we are  
21 well on our way to being the greenest City in the  
22 country, the greenest City in the country,

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1 within the next 20 years. And, the Zoning  
2 Commission has contributed greatly to these  
3 efforts.

4           Between 2010 and 2013, PUDs  
5 proffered 41 LEED buildings, and approved PUDs  
6 proffered 470,000 square space of green roof.  
7 Last year, we put on more green roof in the City  
8 than any other city in America, even though there  
9 are many, many larger cities out there. Here  
10 again, the Zoning Commission led the way with  
11 green roof proffers as early as 2002, and many  
12 projects, such as Waterfront Station, Parkside  
13 and Florida Rock PUDs proffering LEED  
14 certification before this was required by the  
15 Green Building Act in 2006. So, in a lot of  
16 important ways, in educating the development  
17 community, and in making it sort of a new normal  
18 for us, the Zoning Commission, years before the  
19 Green Building Act, was really showing how green  
20 building was the way to go.

21           We are increasingly part of what  
22 some might call the sharing economy. It's

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1 redefining how many of us live, work and travel.  
2 We've seen a remarkable growth in enterprises  
3 like Capital Bikeshare, Air B&B, the 1776  
4 Technology Incubator, Car2go, ZipCar and  
5 enterprises like Union Kitchen, a commercial  
6 kitchen share, creating a new business model  
7 that will likely continue to grow in the future  
8 here in our City.

9           The Zoning Commission regularly  
10 requires applicants for PUDs to creatively and  
11 comprehensively address all forms of  
12 transportation, walking, biking, transit, car  
13 sharing and driving, and transportation demand  
14 management programs are now a standard practice,  
15 as is other kinds of sharing arrangements,  
16 shared parking, in particular.

17           The Zoning Commission, of course, is  
18 very familiar with the Comprehensive Plan.  
19 Every decision you make must be deemed to be not  
20 inconsistent with the Comp Plan. You probably  
21 work more directly, and more regularly, than  
22 most bodies in the City, and your decisions are

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1 pivotal, and directly or indirectly  
2 implementing the plans, goals and objectives.

3 The Comprehensive Plan provides the  
4 same work for land use and development decisions  
5 in the District. It's organized into 14  
6 chapters, covering the topics that are shown  
7 here.

8 Each of these chapters includes  
9 background information in the Comp Plan, with  
10 maps, policies, et cetera, related to the topic.

11 The plan also includes the City's  
12 land use map, which provides the basis for  
13 zoning, and the policy map, which shows how and  
14 where D.C. will change over the next 20 years.

15 We completed a major overhaul of the  
16 Comp Plan in 2006, and we also did an update in  
17 2010. The next comprehensive update is  
18 scheduled to start late next year.

19 We delivered a first progress report  
20 to the Council in 2010, and the report that you  
21 have in front of you focuses on what we've  
22 achieved since 2010.

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1           As you know, the Comp Plan is part  
2 of a larger family of plans. It's comprised of  
3 Federal elements, which are prepared by the  
4 National Capitol Planning Commission, and  
5 District elements, which are prepared by the  
6 Office of Planning.

7           The report focuses only on the  
8 District elements, but also on the small area  
9 plans that have been prepared since 2010. The  
10 District elements provide the framework for more  
11 detailed plans dealing with topics like parks,  
12 housing and transportation, kind of listed in  
13 the middle of the diagram. And, these plan  
14 shape the City's capital improvement plan and  
15 its annual budget. They also help to perform  
16 strategic plans, like the Mayor's One City  
17 Action Plan, the Mayor's Sustainability Plan,  
18 the Park's Master Plan, and other plans, and they  
19 inform decisions, of course, made by the Zoning  
20 Commission and other review bodies.

21           One of the things that makes this  
22 progress report a little bit different than the

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1 last one, is that we included a special focus on  
2 District small area plans. The small area plans  
3 provide real-time evidence of how the Comp Plan  
4 is working in our neighborhoods. They apply  
5 City-wide policies at the local level.

6 At this time, the District Council  
7 has formally adopted 22 small area plans. Six  
8 of these were, actually, prepared before the  
9 2006 Comp Plan was adopted, going back to the  
10 Tacoma Plan in 2002, and the H Street Plan in  
11 2004.

12 Between 2007 and '09, there were 11  
13 small area plans adopted, covering areas like  
14 Brookland and Deanwood, and since 2010 we've  
15 prepared small area plans for five other  
16 neighborhoods, including the most recently  
17 adopted plan for Walter Reed.

18 The small area plans cover 10  
19 percent of D.C.'s land area, but since 2010  
20 they've accommodated 45 percent of the City's  
21 housing growth.

22 The Zoning Commission has adopted

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1 zoning to implement many of these plans and  
2 frameworks, including the H Street Plan, Takoma,  
3 the Southeast Federal Center Overlays, Hill  
4 East, and St. Elizabeth's.

5 Text amendments to facilitate the  
6 development of the old Convention Center site,  
7 rezoning parts of Deanwood, and PUDs in almost  
8 all of the areas, which have allowed for publicly  
9 vetted and carefully considered development in  
10 areas such Petworth, Brookland, and central 14th  
11 Street.

12 In putting this progress report  
13 together, we wanted to do more than just list  
14 what's been accomplished in the last three  
15 years. We've really aimed to tell a more  
16 compelling story about the value of planning,  
17 and its ability to create great places. The  
18 report combines descriptions of D.C.'s major  
19 planning initiatives with data, maps, photos and  
20 illustrations. It showed the ability of  
21 planning to create a social, economic and  
22 environmental set of benefits.

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1           A companion document, which we are  
2           calling the Data Book, accompanies the Progress  
3           Report, and it includes detailed data and  
4           metrics for measuring change.

5           The Progress Report itself uses  
6           three icons to profile specific types of  
7           projects and programs that illustrate our  
8           progress in implementing the Comp Plan. One we  
9           call The Vision to Reality Profiles, that look  
10          at new development projects or recent planning  
11          initiatives that exemplify Comp Plan  
12          principles.

13          The Small Area Plan Profiles focus  
14          in on how the small area plans are reshaping  
15          specific neighborhoods in the District. And,  
16          the Making It Happen Profiles, highlight the  
17          inner-agency nature of the Comp Plan. They  
18          focus on our different District agencies, and  
19          how they are implementing the Comp Plan in their  
20          day-to-day operations.

21          The Comp Plan was organized around  
22          five over-arching themes, as you know, and they

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1 are listed here. The Progress Report follows  
2 the same organizational structure, with a  
3 chapter on each of these five themes, and  
4 illustrates important ways the District has  
5 implemented the Comp Plan over the last three  
6 years.

7 The first theme is managing growth  
8 and change, central to, virtually, all of your  
9 decisions here at the Zoning Commission. The  
10 Comp Plan provides a strong policy basis for  
11 transit-oriented development. It directs that  
12 most new development in the District should take  
13 place within walking distance of the 41 Metro  
14 stations.

15 These policies are having a tangible  
16 impact on how and where development is taking  
17 place in the District. On this map, you can see  
18 the location of Metro stations and the location  
19 of new residential development projects built  
20 between 2010 and 2012. So, the circles are the  
21 half-mile radius around a Metro station.

22 Between 2000 and 2012, about 80

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1 percent of the new housing constructed are  
2 within a half mile of a Metro station. 91  
3 percent of the office space added, and 100  
4 percent of the hotel rooms added, were within a  
5 half mile of Metro stations.

6 While many of these developments  
7 were by right, almost all of the development or  
8 zoning applications considered by the Zoning  
9 Commission are close to transit areas.

10 Of course, the ongoing Zoning  
11 regulation review process is another critical  
12 way that the Zoning Commission is implementing  
13 policy related to managing growth and change.

14 The Comp Plan provides specific  
15 direction on the development of large sites in  
16 the City, including Walter Reed and St.  
17 Elizabeth's. A very important tool for  
18 implementing these plans is the establishment of  
19 zoning.

20 The Commission recently adopted the  
21 zoning for St. Elizabeth's, and OP will be  
22 bringing zoning for Walter Reed later this fall.

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1 The Commission will continue to be involved in  
2 the implementation of plans for other large  
3 sites around the City, such as the McMillan  
4 Reservoir and those located along the Anacostia  
5 River.

6 One of the major directives of the  
7 Comp Plan is to reconnect Washington to its  
8 waterfront. We've seen major achievements in  
9 this area in the last three years. The Capitol  
10 Riverfront now has nearly 3,000 housing units  
11 and over 35,000 daytime employees. More than  
12 6,000 new housing units and 8 million square feet  
13 of new office space is in the pipeline.

14 Attractions like the Yards Park are  
15 drawing over 2 million visitors a year to the  
16 area, and the Zoning Commission played a  
17 critical role in establishing zoning which  
18 implemented the planning, including requiring  
19 development of this important waterfront park.

20 In the southwest, we've seen a  
21 replacement of Waterside Mall with the  
22 Waterfront Station development, also an ongoing

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1 Planned Unit Development, and the reopening of  
2 the \$135 million new Arena Stage.

3 And, the \$1.5 billion Southwest  
4 Waterfront Wharf Project will soon break ground,  
5 adding over 1,500 new housing units, new office,  
6 retail and hotel space, and a reconfigured  
7 marina, again, as reviewed and approved as a  
8 Planned Unit Development through the Zoning  
9 Commission.

10 The second theme, major theme of the  
11 Comp Plan, is creating successful  
12 neighborhoods. Housing is the major focus of  
13 this theme, and it's been a major focus of  
14 District policy over the last three years, and  
15 part of many of the projects or zoning changes  
16 that you've reviewed.

17 We've seen prices steadily rising  
18 since 2010, with the median home price in the  
19 District reaching \$460,000 as of March, 2015. I  
20 couldn't believe that number myself.

21 The Comp Plan includes a number of  
22 measures to improve affordable housing

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1 production. There's been a significant amount  
2 of progress in carrying out these measures since  
3 2010, including the production of units created  
4 to the inclusionary zoning requirements that  
5 were adopted in 2009.

6 These regulations require up to 10  
7 percent of the units in new market rate  
8 development to be set aside at prices that are  
9 affordable to low and moderate-income  
10 households.

11 Of course, through PUDs you have  
12 regularly overseen the provision of additional  
13 affordable housing, or housing at deeper levels  
14 of affordability. There were over 1,500  
15 affordable units added in 2011-2012, and there  
16 are 1,700 affordable units now under  
17 construction.

18 Just a few months ago, the  
19 Comprehensive Housing Strategy Task Force  
20 released its recommendations to accelerate  
21 affordable housing production, and preserve  
22 many of the units we are at risk of losing due

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1 to expiring subsidies.

2 The Zoning Commission was a critical  
3 agent of change in this realm through zoning, PUD  
4 housing amenity review, and, of course, the  
5 inclusionary zoning regulations.

6 Progress has also been made on  
7 reducing the retail leakage I mentioned earlier,  
8 and revitalizing our neighborhood shopping  
9 districts.

10 Neighborhoods like H Street NE, and  
11 Columbia Heights, have continued to offer more  
12 shopping and dining options, while generating  
13 jobs and revenue, and improving neighborhood  
14 safety.

15 Between 2010 and 2012, D.C. saw an  
16 11 percent increase in retail sales revenue,  
17 sales tax revenue I should say. OP has  
18 published a number of plans and reports to foster  
19 retail success, including the Retail Action  
20 Strategy in 2010, and a vibrant retail streets  
21 tool kit in 2012.

22 The Zoning Commission has helped to

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1 facilitate retail in appropriate locations  
2 through Planned Unit Developments all over the  
3 City, and zoning actions along commercial  
4 corridors, like H Street and Georgia Avenue, and  
5 to encourage the provision of retail set asides  
6 for small and local business that help make our  
7 neighborhood retail offerings so unique.

8 The third theme of the Comp Plan,  
9 and the third section of the Progress Report, is  
10 about increasing access to education  
11 employment. The Comp Plan includes an economic  
12 development element and an educational  
13 facilities element, that focus on these goals.

14 One of the big achievements since  
15 the adoption of the Comp Plan has been the  
16 modernization of D.C. public school campuses.  
17 Over the last six years, the District has spent  
18 \$1.4 billion to modernize 47 schools.

19 OP's demographic forecasts are  
20 being used now to guide decisions about school  
21 renovation and consolidation. Several schools  
22 are being repurposed for interim uses, but they

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1 will be retained in public ownership in the event  
2 they are needed again as enrollment grows.

3 Investment in school facilities is  
4 paying off, both in terms of enrollment and  
5 academic performance. Investments in early  
6 education programs have been particularly  
7 important. Between 2006 and 2013, enrollment  
8 in Pre-K programs grew from 6,100 children to  
9 almost 12,000 children, a 96 percent increase,  
10 and it's still growing.

11 The Zoning Commission approved a PUD  
12 that enabled the development of a new Dunbar High  
13 School in 2011, and it has approved PUD amenity  
14 items, such as school building improvements and  
15 the establishment of student internships and  
16 scholarships.

17 A major objective of the Comp Plan  
18 is to link our public education system to our  
19 economy, creating a pathway to employment for  
20 more residents. This is also a major theme of  
21 the Mayor's One City Action Plan published in  
22 2012.

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1           The Workforce Investment Council  
2           has continued to advise the Mayor and Council on  
3           workforce development initiatives leading to  
4           new incentives for hiring District residents.  
5           Programs like One City, One Hire, have helped  
6           more than 5,000 residents, actually, 6,000  
7           residents, to find jobs in the last two years.

8           Other advances in this area have  
9           been the development of the UDC Community  
10          College program in the fall of 2009, and the  
11          development of UDC facilities in northeast and  
12          southeast D.C.

13          One of the pathways to a more robust  
14          economy is to attract creative capital, and we  
15          created D.C. Action Agenda which lays out  
16          strategies to grow the creative sectors of the  
17          D.C. economy, including arts, media,  
18          communications, museums, design, performance  
19          and culinary arts.

20          According to reports released just  
21          a couple weeks ago, we have more working artists  
22          in D.C. per capita than any city in America.

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1           Thanks to a focus on the creative  
2 sector, the City has been shedding its image of  
3 the Government town, and earning a global  
4 reputation of the center of creativity and  
5 innovation, helping to make D.C. a magnet for  
6 young professionals, and also attracting more  
7 start-ups and entrepreneurs.

8           The Commission's role in this has  
9 been very active, supporting the creation of new  
10 education and employment opportunities, by  
11 having developers how to meet the District's job  
12 creation goals and objectives, challenging  
13 developers continually to do more.

14           The fourth theme is connecting the  
15 whole City. Its focus is on transportation and  
16 on bridging the divide within the City. The  
17 Comp Plan aims to increase transportation  
18 options for D.C. residents, a goal that was  
19 echoed in the Action Agenda published by DDOT in  
20 2010.

21           D.C. has one of the highest walk  
22 scores for major cities in the country, meaning

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1 a lot of stuff within walking distance in most  
2 of our neighborhoods.

3 One of our goals is to encourage  
4 greater connectivity, more options for moving  
5 throughout the City, and more services closer to  
6 where residents live.

7 In 2010, the D.C. Council approved  
8 a three-car system plan, which provided the  
9 guidance needed to get operating street cars at  
10 H Street, and the longer term direction to extend  
11 the proposed 37 mile street car system into all  
12 eight wards.

13 In 2011, we prepared a street car  
14 landing study, which looked at ways to link  
15 street car improvements with land use decisions  
16 along street car corridors. We are also working  
17 to expand other transportation options,  
18 including the expansion of the circular system  
19 across the Anacostia River, and new Metro  
20 express bus lines on Pennsylvania Avenue, 16th  
21 Street, and Wisconsin Avenue.

22 We've also seen amazing growth in

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1 car sharing services. Car2go was launched in  
2 March of 2012, and it got expanded to a fleet of  
3 250 cars with 19,000 members. Both for Car2go  
4 and for Park Mobile, we weren't their first city,  
5 but we were their fastest launches, some of their  
6 fastest launches anywhere in the world here in  
7 Washington, D.C.

8 We are continuing to make progress  
9 toward making the District a favorite easier  
10 place to walk and bicycle. We've seen dividends  
11 from these efforts as a percentage of bike and  
12 pedestrian commuters continues to rise.

13 In 2009, DDOT published the Express  
14 Pedestrian Master Plan, to help provide the  
15 framework for crosswalk improvements around the  
16 City, including flashing beacons, new  
17 pedestrian pavement signals, and about ten miles  
18 of new sidewalks.

19 Between 2010 and 2012, we've added  
20 8.3 miles of bike lanes, 3 miles of cycle track,  
21 and 9.2 miles of shared bike lane. The Capitol  
22 Bike Share Network has continued to grow,

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1 expanding from ten stations in 2008 with our  
2 former system, SmartBike, to 215 stations in  
3 2012. There are now 22,000 members of Capitol  
4 Bike Share, making 7,000 daily trips, and  
5 offsetting carbon output by 1.5 million pounds  
6 a year.

7 The District also is expanding its  
8 regional canal system, with a three-mile section  
9 newly done along the Anacostia River Walk under  
10 construction, and continue expansion of the Net  
11 Branch Trail and other trails.

12 The Zoning Commission has helped the  
13 City to achieve these goals by regularly  
14 requiring creative transportation demand  
15 management plans, through redevelopment, and by  
16 approving the provision of new bike facilities  
17 and trail connections to and along the  
18 waterfront.

19 The fifth and final Comp Plan theme  
20 is building green and healthy communities. The  
21 Comp Plan includes an environmental protection  
22 element that's provided the basis for many of the

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1 sustainability initiatives moving forward in  
2 the City today, including Sustainable D.C.  
3 And, that has been one of our most significant  
4 achievements over the last three years, an  
5 ambitious plan to make Washington the greenest,  
6 healthiest City in the Nation by 2032.

7 The initiative started with last  
8 year's Vision for a Sustainable D.C., laying out  
9 goals and targets for nine topic areas,  
10 basically, saying what are we trying to do, when  
11 are we trying to do it, and why.

12 It was followed by the Sustainable  
13 D.C. Implementation Plan that answered the  
14 important question, how are we going to get this  
15 done. It was published just this February, and  
16 lays out 143 separate actions.

17 The District is already moving  
18 forward with community gardening, City  
19 planning, composting, solar energy and green  
20 purchasing programs, to carry out the  
21 Sustainable D.C. Vision.

22 At the time the Comp Plan was

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1 adopted, we had only eight re-certified  
2 buildings in the District. By the time of the  
3 last progress report in 2010, there were 165  
4 buildings. Today there are 333 and the number  
5 is growing. Likewise, the number of green roofs  
6 in the District is increasing, from 79 in 2009  
7 to 138 today.

8 The District is considering new  
9 building regulations, a new building code that  
10 will reduce energy by 30 percent and cut potable  
11 water use for landscaping in half.

12 We are a leader also in low impact  
13 development, with projects like the K Street  
14 Greenway and Mount Vernon Triangle, or the bio  
15 swales on 1st Street, N.E., working to improve  
16 water quality in the Anacostia and Potomac.

17 Here again, the Zoning Commission  
18 has been instrumental in moving the development  
19 community forward in its provision of low impact  
20 design, through the review of PUDs and the  
21 adoption of zoning for waterfront areas intended  
22 to lessen impact on our river system.

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1                   The       Zoning       Commission       has  
2       especially       encouraged       re-certified  
3       developments, and with provision of green roofs  
4       and low impact design.   Often, challenging  
5       applicants to do more, helping to create a new  
6       green standard or expectation in the City, well  
7       in advance of the Green Building Act  
8       requirements.

9                   For example, the Zoning Commission  
10       led the way in the provision of green roofs with  
11       proffers, as I said before, as early as 2002.

12                   The zoning regulations for the  
13       District also incorporate green development  
14       principles, and you recently adopted the Green  
15       Area Ratio and pervious surface requirements  
16       that create incentives for green roofs, green  
17       walls, pervious pavements and other features  
18       that reduce environmental impacts to  
19       stormwater, in particular, and we've directed OP  
20       to address other green building initiatives in  
21       the zoning review process.

22                   Over the last three years, we've

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1 also worked to bring grocery stores to more  
2 neighborhoods, especially, east of the river.  
3 Many of the PUDs that the Commission has seen  
4 recently have included grocery stores,  
5 including developments on H Street, N.E., in  
6 Ward 6, on Georgia Avenue, N.W., in Ward 4, on  
7 East Capitol Street in Ward 7, at Skyland in Ward  
8 8, at the Southeast Federal Center in Ward 6 and  
9 on Wisconsin Avenue in Ward 3. This provides  
10 the double advantage of increasing access to  
11 healthy food and reducing retail leakage to our  
12 surrounding jurisdictions.

13 In 2010, the Council passed the Feed  
14 DC Act to attract supermarkets to the District,  
15 which has helped to attract a number of  
16 additional major markets.

17 In 2009, almost 43 percent of  
18 residents were within a 15-minute walk of a major  
19 grocery store. By 2014, this will rise to 54  
20 percent, as a result of new and planned grocery  
21 stores.

22 The Happy Corner Store Program,

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1 operated by D.C. Central Kitchen, is also  
2 providing fresh produce to 30 corner stores,  
3 many in neighborhoods without full service  
4 supermarkets.

5 Related to all five of the Comp Plan  
6 major themes is the update of the District's  
7 zoning code. Adoption of the new zoning code  
8 will be an important step for creating a more  
9 sustainable and inclusive City, and will propel  
10 many Comp Plan policies forward. The zoning  
11 code is central to how the City manages growth  
12 and change, and central to the implementation of  
13 many Comp Plan policies.

14 This will be the first major update  
15 of D.C. zoning rule since 1958, although we have,  
16 certainly, updated it many times, like 1,000  
17 times, small tweaks here and there since then.

18 I'm sure the Zoning Commission has  
19 experienced many times how this kind of  
20 franken-document makes implementing current  
21 policies and objectives, even just  
22 understanding the regulations, more difficult

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1 than it should be.

2 We are nearing the completion of a  
3 process, and as you know we are going to be  
4 getting a new proposal for the zoning revisions  
5 at the end of the month.

6 We've held over 260 public meetings  
7 to date, including Zoning Commission  
8 roundtables in 2007, focus workgroups in 2007 to  
9 2011, 81 of those, task force meetings 2007 to  
10 present, 38 so far, Zoning Commission public  
11 hearings, 20 so far, Zoning Commission public  
12 meetings, 57 so far, broad-based community  
13 meetings, just in 2012 and 2013 eight so far.  
14 Additional ANC and community meetings, about 100  
15 so far.

16 So, we are going to be getting the  
17 document to you, and you are going to decide how  
18 and when to hold your process of public hearings.  
19 This will involve creating greater consistency  
20 between the Comp Plan and zoning, as well as  
21 making the zoning code clearer and easier to use.

22 Throughout this process, we are

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1 looking at addressing Comp Plan policies related  
2 to transit-oriented development, green  
3 buildings, neighborhood character,  
4 streetscapes, success with apartments, parking,  
5 loading and neighborhood retail, just to name a  
6 few.

7 The new regulations will also  
8 address many topics not well covered by existing  
9 zoning rules, like urban agriculture, rooftop  
10 gardens, and special standards for development  
11 near Metro.

12 The final section of the report sums  
13 up where we are with respect to Comp Plan  
14 actions. It had a whopping 639 specific action  
15 items, all of which we are tracking. Some of  
16 these actions are, actually, our  
17 responsibility, but many are designated to other  
18 D.C. agencies.

19 Those other agencies have been great  
20 about providing periodic updates, allowing us to  
21 prepare quarterly reports on implementation  
22 status.

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1           When the Comp Plan was adopted, all  
2 of the actions were classified as either being  
3 immediate, short term, mid-term or long-term,  
4 and these bar charts provide an indication of the  
5 progress so far.

6           The two-column bar chart on the left  
7 compares the status on the short-term and  
8 immediate actions from January, 2010, when the  
9 report was last filed, and January, 2013. The  
10 number of completed actions group of 19 to 35  
11 percent, and most of the remaining actions are  
12 underway.

13           The four-column bar chart on the  
14 right shows the status of actions based on four  
15 priority rankings. As of January, 2013, you can  
16 see here that 75 percent of the immediate actions  
17 have been completed, and each of the other three  
18 categories, short, medium and long-term, at  
19 least 70 percent of the actions are either  
20 completed or underway.

21           The progress report includes a  
22 preview of what's coming up over the next few

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1 years with the Office of Planning and its partner  
2 agencies. Some of the major new initiatives  
3 include Public Safety Master Plan, the Parks and  
4 Rec Master Plan, and the Multi-Modal  
5 Transportation Master Plan. They all have  
6 wonderful names, Play DC, Move DC, and the Public  
7 Safety Proposed Master Plan is still the Public  
8 Safety Proposed Master Plan.

9 We are also launching a new small  
10 area plan in mid-City east, Bloomingdale and  
11 Eckington, and the near southwest area. Some of  
12 these initiatives may result in recommendations  
13 for new zoning actions, and in the next year or  
14 so, as I mentioned, we'll also be starting the  
15 next cycle of Comp Plan amendments.

16 So, that concludes my presentation.  
17 I'd be delighted to answer any questions or hear  
18 any comments that you might have.

19 And, let me just thank you again for  
20 the amazing work that you've been doing to get  
21 this Comp Plan implemented, and the actions you  
22 take each and every day.

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1 Thank you.

2 CHAIRMAN HOOD: Thank you very  
3 much, Director Tregoning. When you sit down and  
4 look at all this in one place, it looks like a  
5 lot of positive movement for the City. You have  
6 captured it all in one place. We deal with it  
7 so many times in different increments, but this  
8 is very positive. I really like this report,  
9 and I'm sure this report is going to be available  
10 some time on the website for the public?

11 MS. TREGONING: Absolutely. It will  
12 be on our website by tomorrow.

13 CHAIRMAN HOOD: Okay, great.

14 Okay. Let's open it up. Any  
15 questions, colleagues?

16 VICE CHAIR COHEN: Can I?

17 CHAIRMAN HOOD: Sure.

18 VICE CHAIR COHEN: Thank you, Mr.  
19 Chairman.

20 Ms. Tregoning, we have constructed  
21 quite a number of housing units. You did  
22 mention some that would be available to

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1 low-income residents. And, I would suggest to  
2 you that we really have major, major problems in  
3 the City, when you have 50,000 households on the  
4 public housing list.

5 And, our inclusionary zoning, and  
6 the affordable housing that's being delivered is  
7 for households making between 60 and 120  
8 percent. So, I personally call that workforce  
9 housing, which is enabling you to meet that need.

10 But, one of my major concerns is the  
11 low-income people who are being pushed out of  
12 their neighborhood, who can't afford to live in  
13 their neighborhoods. And, I was wondering how we  
14 can work together to address that.

15 MS. TREGONING: Thank you,  
16 Commissioner.

17 We just developed a presentation  
18 that we gave to the agencies implementing the  
19 Mayor's Comprehensive Housing Strategy, that  
20 might be of interest to the Zoning Commission.  
21 You know, I could do another half hour on that  
22 if we had the time, but maybe I could come back

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1 at some point and give you that presentation.

2 But, I think, you know, it's a very  
3 interesting presentation, and if you feel  
4 urgency that's a good thing to feel. I think that  
5 we have unprecedented growth in the City,  
6 unprecedented housing demand, and looking for  
7 ways in which to accommodate that housing demand  
8 is critically important.

9 You are going to see some proposals  
10 coming forward with the zoning review that  
11 you'll get at the end of the month that deal with  
12 accessory dwelling units, which I think are  
13 going to be a tremendously important way to keep  
14 older households, people retired, long-time  
15 residents who may not have the same house full  
16 of kids that they had, you know, in the 1950s and  
17 '60s, who, nevertheless, are in an urgent place.  
18 It offers them some options to be able to do that,  
19 and to bring some additional income to the City,  
20 and restore some historic levels of population  
21 to many of our neighborhoods. We have a lot of  
22 proposals that are going to help address housing

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1 affordability that you'll see, but I do commend  
2 your concern about it. It's something I'm also  
3 very concerned about.

4 VICE CHAIR COHEN: And under this  
5 initiative I would like to -- I know that you were  
6 a part of, the Director of the Office of Deputy  
7 Mayor for Planning and Economic Development,  
8 when we have -- and I was very concerned about  
9 St. Elizabeth's and the affordability levels  
10 achieved there, if we do not use land that the  
11 City owns to help driving down the cost of  
12 housing, I just think no, we are going to always  
13 be in the same position.

14 So, I just wanted to state that again  
15 for the record, as I will many times in the  
16 future, I'm sure.

17 MS. TREGONING: I will tell you, we  
18 have some studies underway now that look at the  
19 street car routes, and, specifically, looking  
20 for affordable housing opportunities along the  
21 street car routes, for some of the reasons that  
22 you suggest.

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1                   CHAIRMAN HOOD:   Okay, Commissioner  
2   May?   We seem to go in the same order, then we'll  
3   go to Commissioner Turnbull, Commissioner  
4   Miller, and then me.   That's our normal -- we  
5   don't do that for everything, the same order.

6                   COMMISSIONER MAY:   I'm happy to go  
7   at a different time.

8                   CHAIRMAN HOOD:   Okay.   I'm just  
9   noticing we do the same order all the time.

10                  VICE CHAIR COHEN:   It's just that  
11   you guys are so reluctant to start, and I get  
12   impatient.

13                  COMMISSIONER MAY:   You know I  
14   always have questions.   I just, you know, don't  
15   always want to go first.   All right.

16                  So, first of all, I really  
17   appreciate seeing all this laid out in this  
18   particular manner.   And, I did look at the  
19   report, which seemed to have some slightly  
20   different information, or it is just presented  
21   a different way, it's more information.

22                  MS. TREGONING:   Yes, much, much

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1 more.

2 COMMISSIONER MAY: This is -- okay,  
3 but I appreciate seeing both, and, especially,  
4 you know, I'm often quite tired and now I know  
5 why, because we've been so busy. Many, many  
6 people have contributed to the effort I know, and  
7 we are just doing our part, I guess.

8 The one thing that sort of stood out  
9 to me is that, I haven't seen much, and maybe it  
10 was in the bigger report, but I haven't seen much  
11 in the way of things about the efforts of D.C.  
12 Water to address some of the bigger problems that  
13 they are dealing with. And, I know it may not  
14 be, specifically, Comp Plan issues, but there  
15 are things that touch on Comp Plan issues.  
16 Certainly, their LID program, I've forgotten the  
17 name they are using for it, but they are -- no,  
18 not the Clean Rivers one, but the one that they  
19 are doing to try to reduce or eliminate the  
20 Potomac tunnel of Clean Rivers, which is the  
21 green infrastructure?

22 MS. TREGONING: I think every part

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1 of it is still helping rivers.

2 COMMISSIONER MAY: Okay. Well,  
3 all right, but the green infrastructure portion  
4 of it, in particular, has impacts throughout the  
5 City, and streets, and parking and such. And  
6 so, is that -- is that, I mean, using the broader  
7 context, in the Comp Plan either being  
8 addressed, or will be addressed in future  
9 updates and incorporated, because it has been --  
10 the green river research portion of it could have  
11 a huge impact.

12 MS. TREGONING: You know, you are  
13 exactly right, and we are following it with  
14 excruciating attention, because we think it's  
15 very important, not just for what it's going to  
16 do for stormwater, but, you know, the difference  
17 is that the pipes that we built to capture the  
18 stormwater, according to our agreement with the  
19 Federal Government are great on the 80 days a  
20 year that it rains more than 1/4 inch, although  
21 this summer it might be more than 80 days.

22 But, it does nothing for the City on

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1 those other days. And, every bit of the  
2 equipment, and the labor, and everything to do  
3 with all those big pipes comes from outside of  
4 our economy.

5 A green infrastructure approach, as  
6 you know, helps to cool the City every day, and  
7 it helps to beautify the City, it provides  
8 habitat, it reduces the energy bills of the  
9 people who benefit from the shade trees. It  
10 makes the City much more lovely and convivial to  
11 walk around, and it needs to be maintained.

12 So, it's a steady stream of  
13 permanent employment of great career ladder  
14 jobs, for which there will be global markets, but  
15 they don't, necessarily, require college  
16 degrees. So, they are a very important part of  
17 our diversifying, our strategies to diversify  
18 our economy.

19 So, we are following it very  
20 closely. It has not yet even been approved for  
21 implementation on a pilot basis, so that's why  
22 you don't see something like it in this report.

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1 It would certainly be in the next report, but we  
2 are following it very closely, and it's an  
3 enormously important part of both our more  
4 diverse economy and our smart air approach to  
5 trying to solve our infrastructure problems in  
6 the future.

7 COMMISSIONER MAY: So, it seems we  
8 will have a very smart and very progressive  
9 thinking that's going into the planning for the  
10 City in the last ten years, and the results that  
11 we are seeing now, that even if the pilot program  
12 is not approved that there is more that can be  
13 in green infrastructure. And, I wonder if  
14 that's something that might be addressed more  
15 aggressively in updates of the Comp Plan, you  
16 know, regardless of --

17 MS. TREGONING: Well, as you may  
18 know, we have the most stringent stormwater  
19 requirements in the country. And so, even  
20 without D.C. Water's efforts we'll be doing  
21 everything we can possibly do to manage  
22 stormwater, and finding very creative ways to do

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1 that.

2 So, those regulations are making  
3 their way through the Department of the  
4 Environment's regulatory process, but they are  
5 very innovative, and they are going to do things  
6 that will encourage a lot more green  
7 infrastructure throughout the City.

8 COMMISSIONER MAY: Thanks.

9 CHAIRMAN HOOD: Okay.  
10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: Sure.

12 I want to thank you for your report  
13 tonight. It feels a little awkward at times.

14 I wish there was more people to hear  
15 the good work of the Zoning Commission. That  
16 was the intended goal, that's why you wanted to  
17 go first. Sorry, I thought it was -- it felt  
18 like a plant on the dias up here, but thank you  
19 very much.

20 The Green Building Program, I think,  
21 is something very -- I'm lucky -- I think we are  
22 lucky in D.C., we've got a lot of local

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1 architects that are very creative. I think  
2 we've had a lot of good buildings using green  
3 building principles. So, I think we are very  
4 fortunate in our market that we've got very  
5 talented individuals, and we've had a very good  
6 response on the PUD projects and everything.

7 So, I think, you know, in one way we  
8 are lucky, and, hopefully, we are setting some  
9 goals and standards for other cities around the  
10 country. But, thank you again.

11 MS. TREGONING: Thank you,  
12 Commissioner Turnbull.

13 I would just say, it's not just that  
14 we are lucky. I think this Zoning Commission  
15 has been, and you in particular, have been  
16 assiduously educating our development community  
17 for quite a long time. And, I think we are very  
18 lucky in having a responsive and very competent  
19 development community, who have taken the  
20 requirements and jumped out ahead of them, to  
21 achieve more than was required by law, and done  
22 it much more quickly. But, it really began with

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1 the dialogue that they had with the Zoning  
2 Commission over PUDs early on. I think that  
3 really helped to get very widespread acceptance  
4 of the practice, and I think it's made an  
5 enormous difference to the City.

6 So, I thank you.

7 COMMISSIONER TURNBULL: Right back  
8 at you, thank you for all your efforts.

9 COMMISSIONER MILLER: Thank you,  
10 Mr. Chairman. I don't have any questions. We  
11 have people waiting for us to make some decisions  
12 here, but I'll just associate myself with my  
13 colleagues' remarks, and thank the Office of  
14 Planning Director, Harriet Tregoning, for all of  
15 her leadership in planning and for the  
16 presentation tonight, which is excellent, and  
17 the full progress report, which is excellent,  
18 one of the best I've ever seen.

19 And, in terms of other -- a wider  
20 audience seeing that presentation, Commissioner  
21 Turnbull, we could put a link to -- we have a live  
22 web -- we have a live streaming of this meeting

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1 right now, and we have Video on Demand, and we  
2 probably can put on our own website a link to  
3 tonight's meeting. And, OP can do the same.

4 Thank you.

5 CHAIRMAN HOOD: Okay. And, I'll  
6 begin, again, by thanking the Office of  
7 Planning.

8 When I first started here on the  
9 Zoning Commission, the City Council and the City  
10 at that time had the wisdom of putting money into  
11 the Planning Office.

12 A lot of people don't realize, we  
13 didn't have an opportunity for citizens like  
14 myself, who lives in Ward 5, to sit down and come  
15 up and work with the Planning Office, because we  
16 didn't have enough staff.

17 I think we had one or two Planning  
18 folks who would come down and present cases, and  
19 I just remember David Colby, I don't know if  
20 anybody ever talks to him, I think his name was  
21 Mr. Colby, and maybe Mr. Farmer Smith, and maybe  
22 one other person. But, that was the wisdom of

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1 the City Council at the time, and the Office of  
2 Planning, of staffing up, and this shows the  
3 fruits of the labor.

4 Whether you agree with the position  
5 or not, I think the City is going in a positive  
6 position. Yes, we might have some differences  
7 of getting there, but I think we are achieving  
8 that, and I think we are going in the right  
9 direction.

10 I want to commend the Office of  
11 Planning. All the research that you all do to  
12 help us to make informative and intelligent  
13 decisions, we greatly appreciate it.

14 Okay. Any other questions?

15 Okay. We want to make sure -- and  
16 I want to thank you all, thank you, Director, for  
17 the presentation -- I want to also thank those  
18 who were in the audience waiting for us to make  
19 some decisions on your cases tonight, but I think  
20 it was very important that we hear from the  
21 Director and what's going on. And, I think we  
22 need to start doing that more, so we can all be

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1 on the same page as we move along.

2 Okay. Let's go right along with our  
3 agenda, and, hopefully, we won't hold you long.

4 Let's go to the Consent Calendar  
5 item, Zoning Commission Case No. 12-10A, Office  
6 of Planning Request for Technical Corrections to  
7 Zoning Commission Order No. 12-10.

8 Ms. Schellin?

9 MS. SCHELLIN: Yes, sir.

10 This is a request from the Office of  
11 Planning to make a technical correction to the  
12 Zoning Commission order that was recently  
13 issued, Order No. 12-10A. They'd like to make  
14 a correction to Section 3401.3, and if the  
15 Commission takes action favorably this evening  
16 that would authorize a proposed rulemaking to be  
17 published for the public to have a 30-day comment  
18 period.

19 CHAIRMAN HOOD: Okay, thank you,  
20 Ms. Schellin.

21 Commissioners, you see Exhibit 1.  
22 Any objections? If not, I'd like to make a

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1 motion that we approve the recommendation in  
2 Case No. 12-10A, in the fashion that it will just  
3 be approving for the public to have a 30-day  
4 notice to provide written comments.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: Okay. It's been  
7 moved and properly seconded. Any further  
8 discussion?

9 All those in favor?

10 (Ayes.)

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

14 MS. SCHELLIN: Staff records the  
15 vote 5:0:0 to approve Case No. 12-10A, to have  
16 a proposed rulemaking published, to approve the  
17 technical corrections to Zoning Commission  
18 Order No. 12-10, Commissioner Hood moving,  
19 Commissioner Turnbull seconding, Commissioners  
20 Cohen, May and Miller in favor.

21 CHAIRMAN HOOD: Okay. Next under  
22 Final Action, we have Zoning Commission Case No.

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1 0604D. This is the Florida and K Street, LLC,  
2 two year PUD time extension at Square 3100.

3 I would like to move that down to  
4 hearing action, under Hearing Actions, we'll  
5 review those at the same time under the Hearing  
6 Action item, which is associated with the  
7 two-year time extension.

8 Let's go to Zoning Commission Case  
9 No. 13-02, that's Jamal's Hecht's Map Amendment  
10 at Square 4037.

11 Ms. Schellin.

12 MS. SCHELLIN: Okay. Staff has  
13 nothing further to add to this. We would just  
14 ask that the Commission consider final action  
15 this evening.

16 CHAIRMAN HOOD: Okay.  
17 Commissioners, as you know, I don't want to say  
18 this is a love fest, but I'm sure that the  
19 community has been actively working very hard to  
20 get to where they were. That was one of our more  
21 easier nights and easier hearings.

22 It's always good when all parties

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1 come together. It looks like it's going to be  
2 a benefit for that neighborhood over by New York  
3 Avenue and others.

4 Had full support of Chairperson  
5 Henderson and others in that community, and even  
6 a few young folks who came down and at least just  
7 introduced themselves. I think that's a positive  
8 setting in that particular situation, and I  
9 think it meets our approval, but I will open it  
10 up for any further discussion.

11 Not hearing any, would someone like  
12 to make a motion?

13 COMMISSIONER MILLER: Mr.  
14 Chairman?

15 CHAIRMAN HOOD: Yes.

16 COMMISSIONER MILLER: I would move  
17 to approve the Zoning Commission Order No.  
18 13-02, Jamal's Hechts, LLC map amendment at  
19 Square 4037, and note that this is a development  
20 of a long vacant site, and that the development  
21 will benefit the community, and they also have  
22 that convertability for housing in the future

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1 that the Office of Planning encouraged them to  
2 provide in the construction of the building.

3 So, I move that.

4 COMMISSIONER MAY: Second.

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

7 Are you ready for the question?

8 All those in favor, aye?

9 (Ayes.)

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

13 MS. SCHELLIN: Staff records the  
14 vote 5:0:0 to approve final action in Zoning  
15 Commission Case No. 13-02, Commissioner Miller  
16 moving, Commissioner May seconding,  
17 Commissioners Cohen, Hood and Turnbull in  
18 support.

19 CHAIRMAN HOOD: Okay. Next let's  
20 go to Hearing Action.

21 Zoning Commission Case No. 13-07.  
22 This is David Belt, map amendment at Square 5081.

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1 Mr. Jackson?

2 MR. JACKSON: Mr. Chairman, Members  
3 of the Zoning Commission, on April 19, 2013,  
4 David E. Belt petitioned to rezone several lots  
5 on Square 5081 from C-3-A to R-1-B, a zoning  
6 thought more consistent with the moderate  
7 density residential designation on the current  
8 generalized land use map of the District of  
9 Columbia Comprehensive Plan.

10 The Comprehensive Plan considers  
11 C-3-A to be consistent with a moderate or  
12 medium-density commercial land use designation.  
13 However, the R-1-B proposed in this petition is  
14 associated with low-density residential  
15 designation.

16 The zoning districts is being  
17 consistent with the planned moderate density  
18 residential designation are R-3, R-4 and R-5-A.

19 Based on this plan guidance,  
20 comparing with the building around the subject  
21 properties, and other reasons outlined in our  
22 report, the Office of Planning recommended

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1 amending this petition to proposed rezoning from  
2 C-3-A to R-5-A.

3 After receiving an explanation from  
4 the Office of Planning, the applicant, Mr. Belt,  
5 did not object to this change.

6 The Commission could also set down  
7 R-5-A in the alternative to the R-1-B originally  
8 requested by petitioner.

9 That concludes a brief summary of  
10 our report, and I'm available to answer  
11 questions.

12 CHAIRMAN HOOD: Okay, thank you,  
13 Mr. Jackson.

14 Colleagues?

15 Commissioner May?

16 COMMISSIONER MAY: I just have one  
17 quick question.

18 I assume Mr. Belt, the petitioner,  
19 is the owner of one of the properties that's  
20 affected?

21 MR. JACKSON: Yes.

22 COMMISSIONER MAY: Okay. This is

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1 fairly unusual. We don't usually see a single  
2 property owner petitioning for a change like  
3 this. I mean, you've done other ones that were  
4 changes that were brought on by the Office of  
5 Planning, but it certainly seems to make some  
6 sense and has some support from the ANC.

7 That's all.

8 CHAIRMAN HOOD: Okay.  
9 Commissioner Miller?

10 COMMISSIONER MILLER: Yes. I just  
11 wanted to -- thank you, Mr. Chairman -- I wanted  
12 to affirm what the Office of Planning, my  
13 understanding based on the record that we have,  
14 that the Comprehensive Plan that was -- maybe you  
15 said this in your presentation -- but it was  
16 change for this site in 2010, from medium density  
17 commercial to moderate density residential?  
18 Did I read that wrong?

19 MR. JACKSON: No, the report didn't  
20 say that, but what we are just saying that that's  
21 the current designation.

22 So, does anyone know whether there

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1 was a change in 2010?

2 COMMISSIONER MAY: I don't believe  
3 so, but we can verify that before the public  
4 hearing.

5 COMMISSIONER MILLER: Thank you.

6 CHAIRMAN HOOD: Any other questions  
7 or comments?

8 I will note that we did receive a  
9 letter from the ANC. Typically, we don't deal  
10 with that positioning of it, but it will give  
11 them great weight until the hearing, because we  
12 haven't set down yet, it may not even be set down,  
13 but we will implore the ANC to come back and make  
14 that same call at the hearing, if it is set down.

15 Also, we need, colleagues, we need  
16 to see whether we are going to set it down in  
17 R-5-A in the alternative, along with what's  
18 being proposed as an R-5-A only, which is being  
19 recommended. We must have that discussion.

20 COMMISSIONER MILLER: Mr.  
21 Chairman?

22 CHAIRMAN HOOD: Yes.

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1                   COMMISSIONER MILLER: I'm out of  
2 turn, but --

3                   CHAIRMAN HOOD: Yes, that's right,  
4 we need to start with -- yes, that's all right,  
5 let's go out of turn, we need to switch it up  
6 sometimes.

7                   COMMISSIONER MILLER: I agree with  
8 the Office of Planning's recommendation just to  
9 advertise it as R-5-A, rather than the  
10 originally requested R-1-B. The applicant  
11 doesn't object to that, and the R-1-B would  
12 place, as the OP report notes, much -- many  
13 aspects of the property in non-conformity, and  
14 I think it would be better to -- the purpose is  
15 to preserve what's there, protect what's there,  
16 and the R-5-A proposal would accomplish that.

17                   So, I would be in support of just  
18 going that way.

19                   CHAIRMAN HOOD: Any other comments,  
20 Commissioners?

21                   Commissioner Turnbull?

22                   COMMISSIONER TURNBULL: Mr.

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1 Chairman, I would concur with Commissioner  
2 Miller on this.

3 CHAIRMAN HOOD: Okay. Anyone  
4 else?

5 Okay, would someone like to make a  
6 motion?

7 COMMISSIONER TURNBULL: Mr. Chair,  
8 I would move that we approve Zoning Case No.  
9 1307, the proposed zoning map amendment, to  
10 bring a portion of Square 581 into consistency  
11 with the 2012 D.C. Comprehensive Plan, looking  
12 for an R-5-A, and looking for a second?

13 VICE CHAIR COHEN: Second.

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

16 Commissioner May?

17 COMMISSIONER MAY: Yes, I just want  
18 to clarify, you said to approve, I assume you  
19 meant set down.

20 COMMISSIONER TURNBULL: Set down,  
21 I'm sorry, you are right. Correct.

22 CHAIRMAN HOOD: To approve set

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1 down.

2 COMMISSIONER MAY: Perfect.

3 CHAIRMAN HOOD: Okay. So, we have  
4 a motion, it's been moved and properly seconded.  
5 Any further discussion?

6 All those in favor, aye?

7 (Ayes.)

8 CHAIRMAN HOOD: Not hearing any  
9 opposition, Ms. Schellin, would you also  
10 rephrase the language?

11 MS. SCHELLIN: Yes. Staff would  
12 record the vote 5:0:0 to set down Zoning  
13 Commission Case No. 13-07, as a map amendment to  
14 R-5-A, as a rulemaking case, Commissioner  
15 Turnbull moving, Commissioner Cohen seconding,  
16 Commissioners Hood, May and Miller in support.

17 CHAIRMAN HOOD: Okay, next let's go  
18 to Zoning Commission Case No. 13-08. This is  
19 Square 5914, LLC consolidated PUD and related  
20 map amendment at Square 5914 to rezone various  
21 parcels.

22 Ms. Brown-Roberts?

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1 MS. BROWN-ROBERTS: Thank you, Mr.  
2 Chair.

3 CHAIRMAN HOOD: I like the way  
4 Office of Planning does that. When I look down  
5 to see whose case it is, they always shake their  
6 head. That's good.

7 MS. BROWN-ROBERTS: Thank you, Mr.  
8 Chairman and Members of the Commission.

9 Square 5914, LLC submitted an  
10 application for consolidated PUD and related map  
11 amendment to rezone various lots on Square 5914  
12 from the R-5-A to the C-3-B zone, properties in  
13 the Congress Heights neighborhood, in the  
14 southeastern quadrant of the City.

15 The proposed 5.03 FAR mixed use  
16 development around the Congress Heights Metro  
17 station would consist of two buildings, an  
18 eight-story office building, and a nine-story  
19 residential building, both with ground floor  
20 retail uses, and together would have,  
21 approximately, 44,000 square feet -- I'm sorry  
22 440,000 square feet of space.

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1           The retail uses at the base of both  
2 buildings would have extended ceiling heights  
3 and circling the Metro Plaza, as well as fronting  
4 on the Alabama Avenue and 13th Street frontages.

5           The residential building would have  
6 a height of, approximately, 93 feet, while the  
7 office building would have an approximate nice  
8 4 feet in height.

9           Parking and loading would be at the  
10 rear of the building, and access from a new  
11 private alley along the eastern and southern  
12 property lines.

13           The requested C-3-B zone allows a  
14 medium density development, with a density  
15 incentive for residential use, and is  
16 recommended for rapid transit station among  
17 other areas.

18           The future land use map designates  
19 the site for mix of medium density residential  
20 and medium density commercial uses. The  
21 generalized policy map designated site as a  
22 neighborhood enhancement area, as well as a new

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1 neighborhood center at the Congress Heights  
2 Metro station. Proposed C-3-B zoning and land  
3 use is not inconsistent with these designations.

4 The Comp Plan elements provide  
5 policy guidance for mixed use development around  
6 Metro stations, and at the Congress Heights  
7 station, in particular.

8 The most significant flexibility  
9 the applicant has requested is the increase in  
10 height above 90 feet allowed by the C-3-B PUD.  
11 Section 245.3 allows the Zoning Commission to  
12 approve up to 5 percent increase in height if it  
13 is necessary for the successful functioning of  
14 the building and project.

15 The applicant states that they are  
16 providing 15 foot floor to ceiling heights to  
17 provide superior retail space, nine feet for  
18 office floors to provide superior office  
19 spaces, and residential floors at 9.3 feet.

20 Other areas of flexibility include  
21 having two buildings on a single lot, not  
22 provided the required 5 foot loading dock for the

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1 residential building, due to the difficulty  
2 associated with large truck access in the front  
3 from Alabama Avenue or 13th Street, and having  
4 multiple roof structures of one equal height and  
5 some standard setbacks.

6 The applicant has offered amenities  
7 and benefits that include landscaping around the  
8 building frontage, in addition to pulling back  
9 the building from the property line, and  
10 providing additional space for landscaping and  
11 pedestrian ways of, approximately, 90 feet along  
12 Alabama Avenue, and 22 feet along 13th Street.

13 The mixed use development and the  
14 proposed density would better utilize the Metro  
15 station that is served by several Metro bus  
16 lines. Transportation features would also  
17 include 140 bicycles in the building, 30 spaces  
18 on the sidewalk, in addition to 15 extra  
19 bicycle spaces.

20 The building would be designated to  
21 meet LEED's silver certification at a GR score  
22 of 0.25, which is a requirement for the C-3-B

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1 zone.

2 The applicant is also proposing to  
3 provide space for neighborhood retailers at a  
4 reduced rate, and will continue community  
5 engagement to advance an appropriate level of  
6 amenities.

7 The applicant is meeting the 8  
8 percent residential IZ requirement, but is not  
9 -- but it has not been offered as a public  
10 amenity. As the community has emphasized the  
11 need for market uses in the area.

12 The Office of Planning, therefore,  
13 recommends that the proposed PUD and related map  
14 amendment be set down for public hearing, and  
15 that the applicant provide information on the  
16 items outlined in the OP report.

17 Thank you, Mr. Chairman, and I'm  
18 available for questions.

19 CHAIRMAN HOOD: Okay, thank you,  
20 Ms. Brown-Roberts.

21 Commissioners, any questions for  
22 Ms. Brown-Roberts?

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1 Commissioner Turnbull?

2 COMMISSIONER TURNBULL: Thank you,  
3 Mr. Chair.

4 Ms. Brown-Roberts, thank you for  
5 your report. You've got a lot of items that  
6 you've listed on the front page of your report  
7 for the applicant -- to follow up with the  
8 applicant, so you've hit a lot of the things that  
9 I was concerned about.

10 You said the requirements of 2516.1,  
11 you don't highlight any of them, but I'm sure  
12 you've got them -- it's your second item  
13 requirements of 2516.1, wondered if you might  
14 expound a little bit on that.

15 MS. BROWN-ROBERTS: Yes, actually,  
16 we had -- because they are asking for the two  
17 buildings on the lot, that's where that  
18 requirement comes in --

19 COMMISSIONER TURNBULL: right.

20 MS. BROWN-ROBERTS: -- however,  
21 we've been advised by the Attorney General's  
22 office that that is not included. The

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1 applicant, actually, didn't request that.

2 COMMISSIONER TURNBULL: Okay.

3 MS. BROWN-ROBERTS: So, that's not  
4 something that's going to be included.

5 COMMISSIONER TURNBULL: Okay,  
6 thank you.

7 I wonder if -- one of the things that  
8 I'm concerned about with the building, we need  
9 -- just like always, I'd like to see some better  
10 drawings that highlight the materials. Right  
11 now, they are sort of far away, I'm not sure I  
12 would -- the brick, the store front, I'd like to  
13 see some renderings along the ground floor that  
14 show what the retail picture is really going to  
15 look along there.

16 This is a significant development,  
17 in an area that I think really needs it, and it's  
18 going to be right across from St. E's, it's right  
19 by Metro, I think it's going to be a fantastic  
20 project. But, I'd like to see a little bit more  
21 of what the character of what we are looking to  
22 see on this building.

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1 MS. BROWN-ROBERTS: Okay.

2 COMMISSIONER TURNBULL: And, I'm  
3 also concerned about the back of the building.  
4 This is one of those structures that's got a lot  
5 of low-rise buildings around it. And, to me,  
6 it's not like it's in downtown on 12th Street or  
7 whatever, where you've got an alley and the back  
8 of the building can somehow sometimes get  
9 reduced in the quality of materials.

10 This is a very three-dimensional  
11 building, and so the neighbors who are behind it  
12 are going to be seeing this building. What I'm  
13 hoping, and I can't tell by the elevations yet,  
14 is what the character of sort of the rear facade  
15 of the office or the apartments of the  
16 residential building are going to look like.

17 And, hopefully, it's not just a bare  
18 bones building at the back, I mean, because this  
19 is going to be a very visible structure to all  
20 the residents in the nearby area.

21 So, I'd like to -- hopefully, like  
22 to see a better idea of what the character is

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1 really going to look like as this building turns  
2 around.

3 MS. BROWN-ROBERTS: Okay.

4 COMMISSIONER TURNBULL: I'm also  
5 concerned a little bit about the retaining wall  
6 on the back. There's no real idea of what that  
7 looks like. They call it a retaining wall, it  
8 looks like -- the pictures that I see show it's  
9 like a fence. And, I'm not really sure what that  
10 -- hopefully, it's not just going -- I mean, it  
11 ought to have some character to it also. So, I'd  
12 like to see a little bit more about what's going  
13 on with this fence that surrounds the building,  
14 maybe a cross section through the retail, that  
15 store front area.

16 You've got the Metro station coming  
17 up in the courtyard. That's, obviously, a  
18 subset of the project. I have no idea what  
19 that's going to really look like, but, I mean,  
20 as it relates to the rest of the building, I'd  
21 like to see a clearer idea of what that plaza sort  
22 of looks like in the middle.

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1           The only other thing, I'm concerned  
2 about, there's one penthouse on the roof that  
3 faces in this courtyard, which they are asking  
4 for relief. It's only four feet from that  
5 interior courtyard.

6           Now, a lot of times we grant relief  
7 on interior courtyards, but, usually, they are  
8 at the back side of a building. This is very  
9 visible in the front of the building, the main  
10 entrance of the building, and when I looked at  
11 this I saw the key thing there is the stairwell.  
12 But, the stairwell is back far enough that  
13 there's simply some mechanical elements that  
14 they've attached onto it.

15           I think the architects and engineers  
16 need to look at that, and if see if those elements  
17 can be relocated so that we can create the  
18 setback from that facade. It looks like there  
19 is some efforts that can be done there. That one  
20 penthouse seems to be sticking out in the front  
21 too much, and I think there ought to -- I think  
22 there is a way to alleviate that.

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1                   And, I guess, again, as I said, just  
2                   to reiterate, some street views looking at the  
3                   retail at the ground floor, what that's really  
4                   going to look like.

5                   And, Mr. Chair, I think that's it for  
6                   my questions.

7                   CHAIRMAN HOOD: Vice Chair, we are  
8                   going out of turn, but okay, Commissioner May?

9                   COMMISSIONER MAY: Okay. So, the  
10                  first question is, what -- we only recently did  
11                  the zoning for St. Elizabeth's across the  
12                  street, what was the zoning for the section  
13                  immediately across the street? What was the --  
14                  it was ST-18 or something like that.

15                  MS. BROWN-ROBERTS: It was ST-18  
16                  and 19, which gave you a height up to 70 feet,  
17                  between 50 and 70 feet.

18                  COMMISSIONER MAY: So, 18 was 50,  
19                  and 19 was 70, or something like that?

20                  MS. BROWN-ROBERTS: 19 was the high  
21                  -- yes.

22                  COMMISSIONER MAY: Is the higher.

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1 MS. BROWN-ROBERTS: Actually, no,  
2 19 was at 90 feet, but there was a setback to 70  
3 feet.

4 COMMISSIONER MAY: So, it's 70 feet  
5 along Alabama.

6 MS. BROWN-ROBERTS: Yes.

7 COMMISSIONER MAY: And then, it  
8 goes up to 90 behind it. And, is it a one-to-one  
9 setback?

10 MS. BROWN-ROBERTS: I'm not sure  
11 about that.

12 COMMISSIONER MAY: Okay. Well, it  
13 would be interesting to know, and, in fact, one  
14 of the things I'd like to see in the way of  
15 drawings, there's some street sections that show  
16 the relationship between the potential  
17 development across the street and what we are  
18 seeing here.

19 And, the primary reason I have this  
20 concern is that this just looks like a great big  
21 box, and it feels highly out of place for the  
22 context. I understand that the Comp Plan calls

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1 for a taller building or greater density in this  
2 area, but I just feel like this is too much, by,  
3 I don't know, 20 feet or so. And, I'm completely  
4 not sold on the idea of adding extra height so  
5 they can have more generous office space, you  
6 know, that doesn't work for me.

7 And, in terms of the minimum  
8 standards for retail, you know, I would think  
9 that that would be sufficient as well. So, the  
10 idea of even giving more than 90, you know, not  
11 even in my thinking at this point, I think that  
12 they need to justify that this kind of height is  
13 appropriate, and that even this zone is  
14 appropriate when we are rezoning it from R-5-A  
15 to this, because it just, you know, it's easy  
16 enough to paint a color on a map when we are  
17 trying to figure out what the direction should  
18 be, but then when you try to look at it in context  
19 it needs to be something that's sensitive to the  
20 context.

21 I mean, I remember we had lengthy  
22 discussions for St. Elizabeth's about what the

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1 appropriate height was, and I remember very  
2 clearly the neighbors stating that the heights  
3 were too high along Alabama Avenue. And, you  
4 know, well again, I understand the need to have  
5 greater density in the proximity of the Metro.  
6 This just feels like it's too much.

7 The second thing about it is, the  
8 design itself doesn't seem to do anything to  
9 mitigate its height. It tries to make itself  
10 even taller, with things like the embellishment.  
11 And, I just don't think that that's the right  
12 move here.

13 I mean, we've seen some very, very  
14 sensitive developments of projects within the  
15 last couple of years, where commercial  
16 developments are being put in close proximity to  
17 residential, not even residential -- I mean,  
18 residential is even more dense than this, but  
19 still just low-rise residential. And, there  
20 are attempts to sculp the building, to set back  
21 from the street, not just step back in space to  
22 create sidewalks, which is a benefit, but may not

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1 be the right benefit here. But, to step the  
2 building down, and to step the building down as  
3 it approaches the neighbors.

4           Granted, there's a street, 13th  
5 Street does mitigate some of that jump in height,  
6 but still, that's a huge jump and it's right  
7 across the street. I'm just -- I'm not feeling  
8 like this building is a comfortable fit into that  
9 context by any stretch of the imagination.

10           So, I'm not sure how, you know, what  
11 they can do with that, but I think that's  
12 something that's much more sensitive to the  
13 context that would be helpful, and I think that  
14 some drawings that really demonstrate how it is  
15 sensitive to the context would also be helpful.

16           So, maybe it's street elevations  
17 that show more of the Malcolm X School to the  
18 east, and what's across 13th Street to the west,  
19 street sections, things like that, that would  
20 help us show the context.

21           As far as the buildings and what we  
22 see in the drawings, I agree with Commissioner

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1       Turnbull that we need to see more development of  
2       the drawings. I won't go into that in any great  
3       detail.

4                   I do feel that the architecture of  
5       the residential building is, at this point, it  
6       doesn't have much of a residential feel at all.  
7       And, I think that that would go a long way to  
8       mitigate its presence in a residential  
9       neighborhood, and it just -- and we are seeing  
10      things that are -- I mean, it looks like it would  
11      be in the southeast riverfront area, Capitol  
12      Riverfront area, rather than in this context,  
13      and I'm looking for something that would be,  
14      again, more sensitive to the context.

15                   The alley system, within, you know,  
16      the retaining wall in the back, and all of those  
17      garage doors, I mean, it just looks like it's  
18      going to be awful from the back. And, I wonder  
19      if there's a more efficient way to do circulation  
20      on this site, and maybe it has to be interior to  
21      the site, and maybe that's one way where they can  
22      sort of spread their footprint out a little bit,

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1 and reduce their mass some, because right now,  
2 just a huge amount of the area is devoted to this  
3 alley system that wraps around the entire  
4 building. It just seems kind of odd,  
5 particularly, when, you know, a good portion of  
6 the back of the building is butting up against  
7 the school field, which I assume is owned by the  
8 District and is going to stay open space in  
9 perpetuity.

10 So, it just doesn't need to be  
11 separated by this giant moat of an alley that's  
12 been created all the way around it. So, I would  
13 love it if they could take more of a look at that.

14 You know, it's helpful to hear a  
15 little bit more about what the other amenities,  
16 benefits might be that reduce rent is a help, but  
17 so far I'm not seeing any, the kind of detail in  
18 the benefits and amenities package that we would  
19 need to see in order to justify approving this  
20 as a PUD.

21 I'm glad that's first on your list  
22 of things to get, and I think there's a lot of

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1 work to do there.

2 Last thing, and this is a minor  
3 thing, is that there's a request for relief from  
4 roof setback on the courtyard that surrounds the  
5 Metro, and it faces Alabama Avenue, which is the  
6 front of the building. And, I don't believe  
7 that there's any reason to approve that. I will  
8 not approve, or I will not vote to approve a roof  
9 setback in that sort of circumstance, because it  
10 is very, very painfully obvious from the main  
11 facade of the building on Alabama Avenue.

12 So, it would be wise for them to find  
13 a way to avoid that need for relief.

14 That's it. Thanks.

15 CHAIRMAN HOOD: Thank you.

16 Vice Chair?

17 VICE CHAIR COHEN: Thank you, Mr.  
18 Chairman.

19 I, actually, have a couple of  
20 similar reactions that my colleagues had, and  
21 the term "moat" is the term that I came up with  
22 as well for the alley system.

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1           And, in the line of driveways, it  
2           just didn't feel that it was soft enough, or  
3           compatible enough, probably, to what is facing  
4           it. There is a fence, but I'm not sure that  
5           that's going to also be appropriate.

6           The other thing, I thought that  
7           rooftop embellishment was very severe, and I  
8           wanted more information from, you know, the  
9           architect to explain either why you needed that  
10          on the building. It just didn't work for me.  
11          Maybe another or more organic design would suit  
12          my taste at least. But, I just felt that it was  
13          out of character.

14          I wanted to know more about WMATA's  
15          role in the long term on this project. I wasn't  
16          -- I didn't catch what they may be doing, other  
17          than they currently do on some of the land.

18          And then lastly, I just want to  
19          confirm that the IZ is not a public benefit, is  
20          that correct?

21                   MS.        BROWN-ROBERTS:            That's  
22                   correct.

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1                   VICE CHAIR COHEN:   Okay.   And so  
2                   again, more additional information about public  
3                   benefits would be helpful.

4                   Thank you.

5                   CHAIRMAN           HOOD:                Okay.  
6                   Commissioner Miller?

7                   COMMISSIONER MILLER:   Thank you,  
8                   Mr. Chairman.

9                   I would associate myself with the  
10                  comments of my colleagues, who requested street  
11                  view renderings, in the context of the  
12                  surrounding neighborhood, including a  
13                  development at St. Elizabeth's and the adjacent  
14                  Congress Heights neighborhood.

15                  And, I would encourage, as  
16                  Commissioner May did, the consideration of  
17                  setbacks and step downs at the top of the  
18                  building.

19                  I think one of the things that might  
20                  -- that also maybe should be considered, that  
21                  would, I think, make it seem more residential,  
22                  at least on the Alabama Avenue facade, is that

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1 they continued the 13th Street red brick facade  
2 around the corner, for the Alabama Avenue  
3 facade. And, the OP report notes that the  
4 commercial building and the residential  
5 building on Alabama appear as one, but I don't  
6 think we really, necessarily -- but they don't  
7 function as one, there are no internal  
8 connections. They are just abutting up against  
9 each other. I'm not sure we want it to appear  
10 as one. I think it would look less bulky if it  
11 had the red brick facade on Alabama Avenue that  
12 the 13th Street side has, as well as maybe  
13 consideration of additional balconies as well.  
14 That might help with the residential as well.

15 That's all, Mr. Chairman.

16 CHAIRMAN HOOD: Thank you.

17 I would agree with what I heard from  
18 my colleagues, especially, the issue about the  
19 proffered benefits and amenities package.

20 And, I also would like to make sure  
21 that the community is engaged. I'm not sure, I  
22 don't, necessarily -- typically, we don't see a

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1 whole lot of evidence of that at this point, but  
2 I'm going to be looking to see if this is set  
3 down, the engagement of the community, and ANCs  
4 and the community.

5 And also, I, too, want to see what  
6 the character of the building is with the  
7 surrounding area, especially, what we approved  
8 for St. E's and other sites in that neighborhood,  
9 how that building fits in, the style of it, and  
10 also what's going on up on top of the roof.  
11 These are some of the questions that can be  
12 asked, that I can inquire upon at the set down  
13 for a hearing, and it looks like it's going to  
14 be that way.

15 So, that's my list -- my laundry list  
16 of a few things I would like to see at the  
17 hearing.

18 So, anything else? Okay.

19 Anybody like to make a motion to set  
20 down, not set down?

21 COMMISSIONER TURNBULL: Mr.  
22 Chairman, I just have one comment. I think I'm

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1 willing to set this down, I think after hearing  
2 all of our comments I think we should make it very  
3 clear that we are setting this down with a lot  
4 of reservations.

5 There's, actually, an opportunity  
6 to, actually, send them back, but this is such  
7 a significant project I'm hesitant to do that.

8 But, I think we've got to make it  
9 clear that we have a lot of reservations about  
10 the way the project is set up right now.

11 Commissioner May, do you have  
12 anything?

13 COMMISSIONER MAY: Yes, I thought  
14 about going there. I don't feel -- this issue has  
15 come up in the past in other cases, and I don't  
16 feel as strongly about this one as I have in some  
17 past cases, where I argued against setting down.

18 In this circumstance, again, you  
19 know, it is an important project, and I think it  
20 will be helpful to have the discussion, some of  
21 the discussion here, but it does need a whole lot  
22 of work before it comes back for a hearing, and

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1 I think that's -- I think that on this one I feel  
2 fairly confident that working with the Office of  
3 Planning, the development team here, and the  
4 architect, can make a lot of progress, and  
5 address some of the concerns that we have.

6 So, yes, I think I'm slightly in  
7 favor of setting down over not setting down.

8 CHAIRMAN HOOD: The vote will  
9 decide if it's set down, but I will tell you right  
10 now I will not support setting it down, but I  
11 think the more important part of this whole  
12 discussion is that the applicant has heard the  
13 different comments that have come from this  
14 Commission, because the votes do not favor not  
15 setting it down.

16 Anything else?

17 COMMISSIONER MAY: No.

18 CHAIRMAN HOOD: Okay. So, I would  
19 move that we set this down, Zoning Commission  
20 Case No. -- let me make sure I have the right one  
21 -- 13-08, with the -- the Vice Chair wants me to  
22 read the whole thing -- that we set down Zoning

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1 Commission Case No. -- and I read it before I  
2 introduced it, but anyway, Zoning Commission  
3 Case No. 13-08, Square 5914, LLC, consolidated  
4 PUD and related map amendment at Square 5914 and  
5 various parcels, with the caveat that the  
6 applicant has heard the serious comments, even  
7 though the vote will be taken to set this down,  
8 but the serious comments coming from the  
9 Commissioners, and I ask for a second.

10 COMMISSIONER MILLER: Second.

11 CHAIRMAN HOOD: It's been moved and  
12 properly seconded.

13 Any further discussion?

14 All those in favor, aye?

15 Any opposition?

16 Staff, would you record the vote?

17 MS. SCHELLIN: Staff records the  
18 vote 5:0:0 to set down Zoning Commission Case No.  
19 13-08, as a contested case, Commissioner Hood  
20 moving, Commissioner Miller seconding,  
21 Commissioners Cohen, May and Turnbull in favor.

22 CHAIRMAN HOOD: And, I cannot

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1 expound upon much more than what Commissioner  
2 Turnbull said, it's very important that the  
3 applicant hear what my colleagues said about the  
4 reservations. The vote dictated to set it down.  
5 This Commission will send it back.

6 It depends on when we do it, do we  
7 do it now, or do we do it later. So, I would hope  
8 that the applicant would take heed to all the  
9 comments that they heard, especially, from our  
10 colleagues, the architects.

11 COMMISSIONER MILLER: And, also  
12 from the Office of Planning and their report.

13 CHAIRMAN HOOD: All right, anything  
14 else on this case? Okay, thank you.

15 Let's move right along.

16 Now, I think I need to call both of  
17 these at the same time, Zoning Commission Case  
18 06-04C, Florida and Q Street, LLC, modifications  
19 of PUD at Square 3100. Secondly, the second  
20 part is Zoning Commission Case NO. 06-04,  
21 Florida and Q Street, LLC, two-year PUD time  
22 extension at Square 3100.

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1 Ms. Thomas.

2 MS. THOMAS: Good evening, Mr.  
3 Chairman, Members of the Commission.

4 The Office of Planning is requesting  
5 set down of Florida and Q Street, LLC's  
6 application for a modification of its approved  
7 PUD for the development of the parcel at 1600  
8 North Capitol Street NW.

9 The development team has now  
10 proposed to lower the buildings from 86 to 72  
11 feet, through the removal of the penthouse and  
12 lowering of the tower element.

13 In the low residential units it will  
14 also be increased from a maximum of 85 units to  
15 a maximum of 95 units.

16 And, one of the two levels of the  
17 below grade parking structure will be removed,  
18 and it is to satisfy the zoning requirements for  
19 on-site parking.

20 In addition, the amenity package  
21 will be modified to the extent that what was  
22 identified in the original order no longer

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1 exists. Those cash contributions will be  
2 apportioned among the remaining group to the  
3 targeted request.

4 OP would require the applicant to  
5 provide additional details regarding allocation  
6 prior to the public hearing.

7 Flexibility is being requested from  
8 the court loading and restructure requirements,  
9 as well as to convey the proposed retail selling  
10 space to residential use, if it cannot be leased  
11 for retail purposes.

12 The modification would continue to  
13 provide height and density consistent with the  
14 previous approval, affordable units in  
15 accordance with the IZ requirements at 80  
16 percent of the area median income, green roof  
17 element, streetscape improvements, and sidewalk  
18 renovation, according to DDOT standards, as well  
19 as the approved amenities package in the order.

20 The site redevelopment would remain  
21 consistent with the Comprehensive Plan,  
22 policies and maps, and OP recommends set down of

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1 the application for a public hearing.

2 Thank you, Mr. Chairman, and  
3 available to take any questions.

4 CHAIRMAN HOOD: Thank you, Ms.  
5 Thomas.

6 Commissioners, any questions,  
7 comments?

8 Commissioner May?

9 COMMISSIONER MAY: Yes, one  
10 question.

11 The thing that struck me about this  
12 project, and I did not hear the original case,  
13 but the relationship of the parking garage  
14 entrance to the corner and that right-turn lane  
15 seems pretty scary.

16 So, I'm wondering if there -- and I  
17 know that at one point the City was planning to  
18 do something different with that turn lane, can  
19 you tell me, is there something else planned?  
20 Is that going to be fixed, straightened out,  
21 something?

22 MS. THOMAS: Right now, I believe

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1 that DDOT is in some conversations with the  
2 Mideast City plan that we have going on right  
3 now, and we are having some discussions as to  
4 potential changes to that, and maybe having a  
5 meeting with them on the 18th to discuss what  
6 their plans might be for that.

7 COMMISSIONER MAY: Okay.

8 MS. THOMAS: And, they have been  
9 keeping the applicant informed.

10 COMMISSIONER MAY: Okay. But, it  
11 seems to me that something needs to be done there  
12 with the corner, with the right-turn lane. I  
13 know that at one point the City was seeking to  
14 take ownership of that triangle, and we tried to  
15 facilitate that, but Congress had different  
16 ideas, I guess.

17 But, at the very least, the City has  
18 jurisdiction over that triangle. It used to be  
19 Park Service triangle that's formed by that  
20 right-turn lane, and it seems to me that  
21 something ought to be done to slow the vehicles  
22 coming through there. And, I think that the

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1 alignment could be changed or something like  
2 that.

3 MS. THOMAS: That's the intent with  
4 working with the Mideast Plan.

5 COMMISSIONER MAY: Well, I'm hoping  
6 that that starts to gel before it comes back, and  
7 I look forward to hearing about it.

8 Thanks.

9 CHAIRMAN HOOD: Any other  
10 questions?

11 Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Thank you,  
13 Mr. Chair.

14 I just -- I wonder if sitting on this  
15 project, I think maybe you and I were the only  
16 ones left that were sitting on it, but it was a  
17 very early process at the time, and the project  
18 changed several, I think, Mr. Parsons, I think  
19 it was when he was here, there was a lot of  
20 comments on it.

21 And, I like the way it's going. I  
22 mean, I think this -- the architecture is really

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1 -- it's a lot different than what we saw  
2 originally. And, I think it's -- I'm looking  
3 forward to seeing a full presentation on it.

4 So, I think it's really beginning to  
5 -- we looked at character, in the last project,  
6 we talked about, I think here we can see that the  
7 architecture has got -- the language is more  
8 articulated and developed. It's making a nice  
9 strong residential statement.

10 CHAIRMAN HOOD: I, actually, concur  
11 with you, Commissioner Turnbull.

12 COMMISSIONER MAY: I completely  
13 agree, and we saw -- you know, we saw the earlier  
14 approved version, but I think at one point we saw  
15 an image somewhere in here of an earlier version  
16 of that, and I can see the progress that's been  
17 made all the way through it, and I think it's in  
18 a really positive state right now.

19 So, I'm quite pleased with it.

20 CHAIRMAN HOOD: Okay. Vice Chair,  
21 do you have any comments?

22 VICE CHAIR COHEN: Thank you, Mr.

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1 Chairman.

2 I would like OP to confirm that IZ  
3 applies to this modification, is that correct?

4 MS. THOMAS: IZ applies.

5 VICE CHAIR COHEN: Okay. Then we  
6 need an analysis that's required by 2403.9,  
7 please.

8 CHAIRMAN HOOD: And also if I could  
9 add, we need the reprogramming of the  
10 allocations of the benefits package. I think  
11 there's some -- at least we had noted that there  
12 was some organizations that may not exist, or  
13 they still exist, either one, but we need to have  
14 that fine tuned.

15 Ms. Thomas, if we can check that last  
16 statement about whether IZ does apply again.  
17 We've been advised that it possibly doesn't, and  
18 if we could clarify that before the -- well, we  
19 haven't set it down yet, have we.

20 MS. THOMAS: The original order  
21 approved affordable housing, specific to --

22 CHAIRMAN HOOD: Well, the way I read

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1 this regulation, under the original PUD, which  
2 was set down and approved before the IZ trigger  
3 date, the applicant promised to set aside 5,695  
4 square feet for a household making 80 percent of  
5 the AMI.

6 According to the OP report,  
7 applicant will satisfy the IZ requirement as the  
8 8.1 percent.

9 If we can -- we don't want to rehash  
10 this up here -- if we can confirm it, you all can  
11 confirm it.

12 MS. STEINGASSER: We would be happy  
13 to. If the Office of Attorney General feels  
14 otherwise, we are happy to hear that also.

15 We were advised by the Office of  
16 Attorney General that IZ would apply.

17 MR. RITTING: I'm sorry to  
18 interrupt, Ms. Steingasser. There's just some  
19 confusion about whether it does or does not  
20 apply, and the only thing that our office would  
21 like to confirm is whether the applicant  
22 believes it applies or not, and state that in the

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1 prehearing statement.

2 If they believe that it does apply,  
3 then we would recommend that the applicant  
4 provides the analysis required by Section 2409  
5 -- 2403.9F in its prehearing submission.

6 If the applicant believes that IZ  
7 does not apply, it should explain why in its  
8 prehearing submission, and that's not in any way  
9 to be considered a judgment on the Attorney  
10 General's offices part, that we believe that it  
11 does or does not apply.

12 We are not saying whether it does or  
13 does not apply. We would like the applicant to  
14 make that statement on the record. And,  
15 depending on that position, justify it, prior to  
16 the hearing.

17 I hope that sheds some light on  
18 things.

19 CHAIRMAN HOOD: Okay. Ms. Thomas,  
20 are we clear?

21 MS. THOMAS: Sure.

22 CHAIRMAN HOOD: Ms. Steingasser,

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1 are we all right?

2 Commissioner Miller?

3 COMMISSIONER MILLER: Thank you.

4 Mr. Chairman, I would move that we  
5 set down for hearing Zoning Commission Case No.  
6 06-04C, Florida Avenue and Q Street, LLC,  
7 modification to PUD at Square 3100, with a  
8 request for the information that has been  
9 requested by my colleagues, and by the Office of  
10 Planning, and the Office of Attorney General.

11 COMMISSIONER MAY: Second.

12 CHAIRMAN HOOD: Okay. It's been  
13 moved and properly seconded.

14 Any further discussion?

15 All those in favor, aye?

16 (Ayes.)

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

20 MS. SCHELLIN: Staff records the  
21 vote 5:0:0 to set down Zoning Commission Case No.  
22 06-04C as a contested case, Commissioner Miller

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1 moving, Commissioner Turnbull seconding,  
2 Commissioners Cohen, Hood and May in favor of set  
3 down.

4 CHAIRMAN HOOD: Okay, thank you,  
5 and I'm sure we'll work all that out.

6 Ms. Steingasser, do we have an  
7 Office of Planning report?

8 MS. SCHELLIN: Oh, excuse me,  
9 Chairman Hood.

10 With regard to Zoning Commission  
11 Case No. 06-04D, is the Commission -- what is the  
12 --

13 CHAIRMAN HOOD: Yes, okay, thank  
14 you, Ms. Schellin. Give me one second on this.

15 Commissioners, I think that through  
16 legal advice and how we move forward with this  
17 modification, I think before we consider the two  
18 here, and I think we are being requested that we  
19 consider the extension after final action,  
20 depending upon which way final action goes for  
21 the modification.

22 So, we will hold that in abeyance.

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1 Does anyone have -- do I need to do  
2 a -- we don't need a motion -- okay, we have a  
3 general consensus on that.

4 Okay, Ms. Steingasser, do we have an  
5 Office of Planning report?

6 MS. STEINGASSER: No, sir.

7 CHAIRMAN HOOD: Okay. Can you give  
8 us the status maybe on when we can expect to see  
9 possibly ZRR -- and I'm doing this really for  
10 those -- not for those in the audience, but for  
11 those who are watching this on the computer.

12 MS. STEINGASSER: We will be  
13 bringing to the Commission a complete draft of  
14 the zoning regulation revisions on July 29th.  
15 We are not bringing it for set down on the 29th,  
16 but we will be bringing it to the Commission.

17 As you know, the Commission hasn't  
18 seen these regulations in over a year, and we  
19 would never expect you to set down 600-700 pages  
20 of regulations, it was a ten-day review period,  
21 so we want to get it to you in total, so that you  
22 can look at it, decide then in September how you

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1 want to proceed.

2 CHAIRMAN HOOD: All right, well,  
3 thank you. We are looking forward to seeing  
4 that at our next meeting, which is the 29th, and  
5 they will be filing it with us, and we'll just  
6 take it from there.

7 Okay, thank you very much.

8 Anything else, Ms. Schellin?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. I want to  
11 thank everyone for their participation tonight,  
12 and this meeting is adjourned.

13 (Whereupon, the above-entitled  
14 matter was concluded at 8:07 p.m.)

15

16

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