

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Zoning

3

4

5

6

7

8

9 Regular Public Meeting

10 1,408th Meeting Session

11 (8th of 2015)

12

13

14 6:30 p.m. to 7:25 p.m.

15 Monday, April 27, 2015

16

17 441 4th Street, N.W.

18 Jerrily R. Kress Memorial Room

19 Second Floor Hearing Room, Suite 220 South

20 Washington, D.C. 20001

21

22

23

24

25

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1      Board Members:

2      ANTHONY HOOD, Chairperson  
3      MARCIE COHEN, Commissioner  
4      PETER MAY, Commissioner  
5      MICHAEL TURNBULL, Commissioner  
6      SHARON SCHELLIN, Secretary

7

8      Office of Planning:

9      KAREN THOMAS  
10     JOEL LAWSON  
11     JENNIFER STEINGASSER  
12     MAXINE BROWN-ROBERTS  
13     BRANDICE ELLIOTT

14

15

16     Also Present:

17     JACOB RITTING, Office of Attorney General  
18     LAWRENCE FERRIC, Office of Attorney General

19

20

21

22

23

24

25

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

2                   CHAIRPERSON HOOD: Okay. We're ready to  
3     get started. This meeting will please come to  
4     order. Good evening, ladies and gentleman. This  
5     is the Public Meeting of the Zoning Commission for  
6     the District of Columbia.

7                   My name is Anthony Hood. Joining me are  
8     Vice Chair Cohen, Commissioner Miller,  
9     Commissioner May, Commissioner Turnbull. We're  
10    also joined by the Office of Zoning staff, Ms.  
11    Sharon Schellin. Also, the Office of Attorney  
12    General, Mr. Ritting and Mr. Ferris.

13                  Mr. Ferris, I want you to know I did know  
14    your first name. I just didn't want to call you  
15    Lawrence. Okay.

16                  Then the Office of Planning, Ms.  
17    Steingasser, Mr. Lawson, Ms. Brown-Roberts, Ms.  
18    Thomas, and Ms. Elliott. Okay. And that's from  
19    the Office of Planning.

20                  Copies of today's meeting agenda are  
21    available to you and are located in the bin near  
22    the door. We do not take any public testimony at  
23    our meetings unless the commission requests  
24    someone to come forward. Please be advised this  
25    proceeding is being recorded by a court reporter.

1 It is also webcast live. Accordingly, we must ask  
2 you to refrain from any disruptive noise or  
3 actions in the hearing room, including display of  
4 signs or any signs or objects. Please turn off  
5 all beepers and cell phones.

6 Does the staff have any preliminary  
7 matters?

8 MS. SCHELLIN: Yes, sir. Staff has one.  
9 Last week, the commission had a hearing on case  
10 number 05-22A, which was a modification to a PUD.  
11 And at the conclusion of the hearing, the  
12 applicant, nor staff, asked the Commission to  
13 waive the final proffer process. So staff would  
14 ask the Commission to consider waiving that  
15 process since the amenities did not change.

16 So, usually, the purpose of that is to  
17 have them go through a list of the amenities and  
18 proffers and write a condition for each of those.  
19 So I would ask the Commission to consider waiving  
20 that.

21 CHAIRPERSON HOOD: Okay. Commissioners,  
22 you've heard the report given. Any objections?

23 (No audible response.)

24 CHAIRPERSON HOOD: Okay.

25 MS. COHEN: I think I have a concern

1 about that, because I think that for ease of  
2 reference, the proffers should appear -- it's for  
3 the zoning order, is that correct, Ms. Schellin?

4 MS. SCHELLIN: Right. But usually, in a  
5 PUD modification, the commission waives that if  
6 the amenities do not change. And none of the  
7 amenities changed.

8 MS. COHEN: So. So, you know that. Does  
9 everybody at DCRA know that? That's a common  
10 thing, you're saying.

11 MS. SCHELLIN: Right.

12 MS. COHEN: Okay. All right. Then I  
13 have no objection.

14 CHAIRPERSON HOOD: There's already  
15 evidence of what's been proffered early on.

16 MS. SCHELLIN: Correct.

17 MR. RITTING: Yeah. If I could  
18 interject, commissioners. The intention is still  
19 that the zoning order would list the proffers and  
20 include conditions requiring them to be delivered.  
21 And in this instance, assuming that they're not  
22 changing, that there's really no need to change  
23 those conditions. So we would adopt the same ones  
24 that were in the prior zoning order.

25 MS. COHEN: Then, Mr. Chairman, I

1 withdraw any comment.

2 CHAIRPERSON HOOD: And typically,  
3 typically, to refresh everyone's memory, that's  
4 our normal practice anyway.

5 MS. COHEN: Correct.

6 CHAIRPERSON HOOD: Okay. All right.

7 Anything else, Ms. Schellin? I have two things  
8 that I need to do them early. We have to do the  
9 roll call for the closed meeting.

10 MS. SCHELLIN: The closed meeting,  
11 correct, for June 2nd.

12 CHAIRPERSON HOOD: Yeah. I do have one;  
13 is there another one I need to do?

14 MS. SCHELLIN: That's it.

15 CHAIRPERSON HOOD: And I do have a few  
16 announcements at the end, but at the end of this  
17 meeting.

18 Okay. Let's do the closed meeting. As  
19 Chairman of the Zoning Commission for the District  
20 of Columbia, in accordance with 405(c) of the Open  
21 Meetings Act, I move that the Zoning Commission  
22 hold a closed meeting on Tuesday, June the 2nd,  
23 2015, at 9:00 a.m. for the purpose of receiving  
24 training as permitted by D.C. Official Code 2-  
25 575(b)(12).

1                 The subject of this training is the  
2 autonomy of the zoning order; compliance and  
3 monitoring of first-source agreements; LEED, CSBE,  
4 IZ, and TDM; and DCRA compliance with conditions  
5 of orders prior to issuance of building permits  
6 and-or CFO.

7                 Is there a second?

8                 MS. COHEN: Second.

9                 CHAIRPERSON HOOD: It's been moved and  
10 properly second. Will the secretary please take  
11 the roll call vote for the motion before us, now  
12 that it has been second?

13                 MS. SCHELLIN: Chairman Hood.

14                 CHAIRPERSON HOOD: Yes.

15                 MS. SCHELLIN: Vice Chair Cohen.

16                 MS. COHEN: Yes.

17                 MS. SCHELLIN: Commissioner Miller.

18                 MR. MILLER: Yes.

19                 MS. SCHELLIN: Commissioner May.

20                 MR. MAY: Yes.

21                 MS. SCHELLIN: Commissioner Turnbull.

22                 MR. TURNBULL: Yes.

23                 MS. SCHELLIN: The motion passes.

24                 CHAIRPERSON HOOD: As it appears the  
25 motion has passed, I request that the Office of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036  
Washington: 202-898-1108 • Baltimore: 410-752-3376  
Toll Free: 888-445-3376

1       Zoning provide notice of a closed meeting in  
2       accordance with the Act. And, Ms. Schellin, I  
3       would ask that the participants who are going to  
4       be briefed in this or giving us, providing us  
5       training, make sure they come with what all these  
6       acronyms mean, for me. LEED -- well, some of it I  
7       know -- IZ, TDM, DCRA. I think that's for the  
8       public, we need to make sure that we stop using  
9       acronyms. But anyway, that's a whole other  
10      ballgame.

11                  Any else, Ms. Schellin?

12                  MS. SCHELLIN: No, sir.

13                  CHAIRPERSON HOOD: Okay. Let's go with  
14       proposed actions. Zoning Commission Case Number  
15       14-07, 1250 St. Edens, LLC, first stage and  
16       consolidated PUD's and related map amendment at  
17       square 3587.

18                  Ms. Schellin.

19                  MS. SCHELLIN: Yes, sir. At Exhibits 46  
20       through 46E, 49, and 50, we have the applicant's  
21       post-hearing submissions. ANC 6C, the ANC across  
22       the street, who is not a party to this case,  
23       requested the record be reopened to accept their  
24       response to the applicant's post-hearing  
25       submissions, which was approved and is in the

1 record at Exhibit 48. And then at Exhibit 51, we  
2 have a DDOT supplemental report.

3 We'd ask the Commission to consider  
4 proposed action on this case this evening.

5 CHAIRPERSON HOOD: Okay, commissioners,  
6 we have action requested in front of us. Who'd  
7 like to get us started off? Any questions or  
8 comments?

9 (Pause.)

10 MS. COHEN: Mr. Chairman.

11 CHAIRPERSON HOOD: Yes.

12 MS. COHEN: Are we first discussing the  
13 need to keep the record open for the ANC's  
14 comments?

15 CHAIRPERSON HOOD: I think -- did I  
16 already approve that? I think I've already  
17 approved that.

18 MS. COHEN: Okay.

19 CHAIRPERSON HOOD: To accept 6C's  
20 comments. Didn't I approve that? Yeah, that's  
21 already been approved.

22 MS. COHEN: Okay. Then --

23 CHAIRPERSON HOOD: I usually approve that  
24 in advance.

25 MS. COHEN: And I think that the

1 applicant did respond to those comments  
2 satisfactorily.

3 CHAIRPERSON HOOD: I would agree. I  
4 think the applicant pointed out -- and I also,  
5 even without the applicant pointing it out,  
6 sometime it's a balance. This is actually located  
7 within ANC 5D. 5D has commented. I think they  
8 have a full letter of support.

9 I guess, for me, I guess if we continue  
10 to try to work with some of those issues -- and I  
11 think ANC 6C, which is an adjoining ANC that does  
12 not have party status, they mention that they --  
13 that the applicant has resolved some. But I guess  
14 it wasn't all. So I think that shows a good-faith  
15 effort. But I also believe that 5D, which ANC --  
16 this particular project is located, gets the great  
17 weight, and they have a letter of support.

18 That's my comment. Any other comments on  
19 anything in this application?

20 MS. COHEN: Mr. Chairman, I have a few  
21 comments that I think need clarification in the  
22 zoning order. I'd like to point the applicant and  
23 my colleagues to page 7 of the proposed zoning  
24 order, paragraph 35, with regard to, the south  
25 building will be designed and constructed to

1 silver certification under the LEED 2009 rating  
2 system.

3 I was under the impression that they were  
4 going to actually go for the silver certification.  
5 I think that we need more wordsmithing on this.  
6 It implies; it doesn't state. It implies that it  
7 will be constructed to silver certification.

8 If they are asking for us to accept this  
9 as a proffer, I do believe then that we need  
10 accountability and third-party certification. And  
11 I open that up for any other comments from my  
12 colleagues.

13 CHAIRPERSON HOOD: Does anyone have any  
14 comments or anything else, question?

15 MS. COHEN: Yeah. I have more.

16 MR. MAY: I think that's fine if the  
17 applicant is willing to -- I mean, I agree the  
18 language only says that they design to the  
19 standards. It doesn't say that they would  
20 certify. And essentially, you're asking for them  
21 to proffer that they'd certify. They're, you  
22 know, willing to go through the third-party  
23 certification, that has a lot more meaning. And I  
24 would support that.

25 MS. COHEN: Okay. Well, to move on to

1 page 9, paragraph 49, housing and affordability  
2 housing -- affordable housing. Again, I just want  
3 to specify that the number of units -- again,  
4 plus-or-minus 20 percent might be acceptable,  
5 because we don't use the square footage. And I  
6 think, again, we need to be more precise.

7 I couldn't go along with a 20 percent  
8 reduction of affordable housing in the north  
9 parcel. Again, I believe that they are proffering  
10 the deeper subsidy and the number of units per  
11 square footage.

12 MR. MAY: If I can clarify one thing. As  
13 I recall, they are actually proffering no  
14 affordable housing in the north building, that  
15 it's all going to be in the south building.

16 MS. COHEN: Correct.

17 MR. MAY: Right. So --

18 MS. COHEN: The plus-and-minus 20  
19 percent, I could live with the 10 percent  
20 provision. But the 20 percent I need further  
21 explanation as to why they need 20 percent plus or  
22 minus.

23 MR. MAY: Is your concern related to the  
24 affordable housing component?

25 MS. COHEN: Yes.

1                   MR. MAY: Okay. But there is no  
2 affordable housing component in the north  
3 building. They're proposing to do --

4                   MS. COHEN: Oh, but they talk about it  
5 for the south building. It particularly talks  
6 about the south building in this.

7                   MR. MAY: I mean, can you refer to the  
8 paragraph, please?

9                   MS. COHEN: Yeah. Paragraph 49.

10                  MR. MAY: Right.

11                  MS. COHEN: And then it's Roman numeral -  
12 - well, it's iii, housing and affordable housing.

13                  (Pause.)

14                  MS. COHEN: Unless I -- I may have  
15 misunderstood it. But I didn't think so.

16                  MR. MAY: So, but --

17                  MS. COHEN: It's the north building, plus  
18 or minus 20 percent.

19                  MR. MAY: Right. It's -- they're  
20 requesting to vary the number of residential units  
21 plus-or-minus 20 percent in the north building.  
22 But none of the units in the north building will  
23 be affordable.

24                  MS. COHEN: Oh, okay. I see what -- I  
25 read that improperly, I guess.

1                   MR. MAY: Well, I mean, it is confusing  
2 because it's under the paragraph labeled "housing  
3 and affordable housing."

4                   MS. COHEN: So, maybe actually our legal  
5 staff can tweak that so that it is clearer, so  
6 that some enthusiastic affordable-housing  
7 proponent doesn't get that mixed up.

8                   MR. RITTING: We'll be reviewing the  
9 draft order prior to final action, assuming you  
10 take proposed action.

11                  MS. COHEN: Okay.

12                  MR. RITTING: And we'll circulate a  
13 revised version to you prior to final action for  
14 your consideration.

15                  MS. COHEN: Okay.

16                  MR. MAY: So, if I could just, since  
17 you're touching on this, I think we will have to  
18 discuss the issue of the distribution of  
19 affordable housing units, because they gave us  
20 language as opposed to plans, which we usually  
21 get. We usually get plans. So, anyway, we can  
22 talk about that later. But I don't want to stop,  
23 interrupt you completely.

24                  CHAIRPERSON HOOD: I think, though, I did  
25 notice, I think, Commissioner May, if I recall, I

1 think you asked for it to show exactly where those  
2 units were going to be.

3 MR. MAY: Yeah, we asked for something.

4 I mean, it was one of the things that was  
5 highlighted by others. And they proffered some  
6 language to address that, but not actual plans.

7 CHAIRPERSON HOOD: That may be something  
8 we may ask for final. But anyway, you can  
9 continue questions.

10 MS. COHEN: Thank you. On page 13,  
11 paragraph -- is it page 5? No, I'm sorry; I have  
12 the wrong page, I think.

13 (Pause.)

14 MS. COHEN: Okay. Page 22, 10-4 Neal  
15 Place timing. I think that, again, that's too  
16 loose. I think we need to have the Neal Place  
17 under construction prior to CO for the -- I'm  
18 sorry; I'm just -- prior to the C of O of the  
19 south building.

20 I don't believe that we should be punting  
21 this to DDOT. I think the importance of the Neal  
22 Place is very important to the deal itself, the  
23 development itself. And so, I really do believe  
24 that we should tighten that paragraph.

25 MR. MAY: So you want to tie it to the C

1 of O for the north building?

2 MS. COHEN: Correct.

3 MR. MAY: Prior to the C of O for the  
4 north building?

5 MS. COHEN: Yes, I'm sorry. I said  
6 south.

7 MR. MAY: Yeah.

8 MS. COHEN: I'm just making sure you're  
9 listening to me, Commissioner May.

10 (Laughter.)

11 MS. COHEN: Okay. On page 25, I think we  
12 need to revisit that paragraph with regard to the  
13 -- and that's paragraph k. On the width and  
14 parking-space requirement, I really feel we need  
15 to -- I think this is like a variance to the  
16 existing zoning regulations. I think we just need  
17 to, again, tighten the language there so that it's  
18 clear what we are attempting to do. And I think  
19 we did ask specifically for information as to the  
20 width and parking-space dimensions at one time.  
21 And I haven't seen those measurements.

22 MR. MAY: So, if I can continue.

23 MS. COHEN: Yes, you can.

24 (Laughter.)

25 MR. MAY: So, I recall that issue, too.

1 And they have suggested a nonstandard size of the  
2 spaces. And I don't recall if we actually got  
3 clarification in the hearing of this or not. But  
4 it was nonstandard sizes, and I think that if  
5 they're actually going to vary from the standards  
6 of the sizes, then this is, in essence, relief  
7 from the zoning regulations if you're not going to  
8 put them exactly the way they're supposed to be by  
9 the zoning regs.

10 I mean, there's a reason why we have them  
11 that way, and we even revisited that subject under  
12 the zoning regulation rewrite. And this seems to  
13 open the door to doing something completely  
14 different, which I don't think is what we want to  
15 do.

16 So, if you want to argue that it should  
17 be something different for some reason, then we  
18 would need to understand what that reason is and  
19 then explicitly grant relief. But otherwise, it  
20 should be conforming to the zoning regulations.

21 MR. TURNBULL: If I recall on the  
22 hearing, I think they actually told what the  
23 difference was as far as the width of the aisle.  
24 First, with the parking space, they gave a  
25 measurement.

1                   MR. MAY: Right. But that measurement  
2 doesn't appear on the order.

3                   MR. TURNBULL: No, it doesn't. I was  
4 going to say anything that is going to be  
5 different ought to be listed carefully. I mean,  
6 what the existing standards are should be listed.  
7 And what the variance they're requesting is should  
8 be then stated.

9                   MR. MAY: Yeah.

10                  MR. TURNBULL: And the reasons why  
11 they're asking for that.

12                  CHAIRPERSON HOOD: Let me ask this. Was  
13 it shown in the plans?

14                  MR. MAY: I'm not sure, but I think it  
15 might have been.

16                  CHAIRPERSON HOOD: Here's where I have a  
17 problem. I always say -- now I just went through  
18 this, and I don't want to sound a little agitated,  
19 because I get agitated. We got the plans saying  
20 one thing and then the language saying something  
21 else.

22                  And we just went through knowing that the  
23 rule -- I would just ask the applicant to help us  
24 make sure that what we're saying goes along with  
25 the plans so when somebody protests it three years

1 from now, we have to revisit it because the court  
2 remands it back to us. Then we're clear.

3 I just think this goes along with some of  
4 what you were saying. We need to be specific and  
5 make sure we're exactly correct. I don't want  
6 what's worded to be different from what's shown in  
7 the plans. Because from what I've been informed,  
8 what's worded supersedes what's in the plans. And  
9 we don't need anything else remanded back to us  
10 three years from now.

11 So, that's just where I am on that one.  
12 And I'll ask the applicant to help us along on  
13 that so we won't have to have a remand.

14 Okay. Anything else?

15 MS. COHEN: Yes.

16 CHAIRPERSON HOOD: I'm sorry. I didn't  
17 mean to interrupt. It's just that piece sticks  
18 me. It hits me right in my back. Okay.

19 (Laughter.)

20 MS. COHEN: Okay. I just want to, again,  
21 say the same thing. On page 26, paragraph 5,  
22 regarding the LEED rating system. I think, again,  
23 there needs to be that consistency. If you're  
24 proffering it, we need third-party -- I believe we  
25 should have third-party certification.

1                 And my final comment had to do with  
2 reference to an OP report with regard to -- okay,  
3 it's on page, yeah, it is, page 13, of paragraph  
4 59-5, how at the hearing, the applicant provided  
5 testimony addressing the industrial land use  
6 study.

7                 Again, I think there needs to be more  
8 specificity. The land use study is huge. I think  
9 we had a much more narrow conversation. I do  
10 believe that the applicant did provide the  
11 testimony. I just think it needs to be specified  
12 in the zoning order in some summary form.

13                 I guess what I'm looking for is really  
14 statements and clarity, and the interpretation is  
15 not left up to individuals who have to go digging  
16 for the meanings. Thank you.

17                 CHAIRPERSON HOOD: Okay. Thank you, vice  
18 chair.

19                 Anyone else want to expound?

20                 Commissioner Miller.

21                 MR. MILLER: Yeah. Thank you, Mr.  
22 Chairman.

23                 I just wanted -- I appreciate my  
24 colleague's comments and suggestions for  
25 clarifying the proposed order. But I just wanted

1 to note some of the significant public benefits  
2 and amenities that are associated with this mixed-  
3 use redevelopment at Union Market, including the  
4 465, approximately 465 units of housing on the  
5 south building, which will have 40,000 square feet  
6 of affordable housing there, 8,000 square feet of  
7 which will be at the 50 percent AMI level.

8                 And then there will be 165 additional  
9 five units in the north parcel in a place that  
10 doesn't have housing now. All this street-  
11 activating retail, 41,000 square feet -- you know,  
12 this project has been enhanced since it originally  
13 was -- as it often is, Mr. Chairman, since it  
14 originally was conceived.

15                 And in response to a lot of the  
16 neighbors', the ANC's concerns, and OP's concerns,  
17 DDOT's, and our own comments, the Neal Place  
18 extension is a significant benefit and a temporary  
19 pocket park that they're going to have until that  
20 gets done. And all of the street network  
21 improvements and sidewalk improvements and alley  
22 improvements are just very -- are going to make it  
23 a very attractive project.

24                 And with the changes that my colleagues  
25 have noted, I'm ready to move forward this

1 evening.

2 CHAIRPERSON HOOD: Mr. Turnbull.

3 MR. TURNBULL: Thank you, Mr. Chairman.

4 I just wanted to add to the list that the  
5 vice chair started. On page 25, item under number  
6 24I, it says, "to vary the location of the green  
7 areas on the roofs." And my only concern is that  
8 the GAR stays the same from what they're initially  
9 proposing to how they're varying it.

10 I think they're going to claim the GAR  
11 ratio and they want to get into that, that they  
12 need to clarify that it's going to be the same  
13 amount, that they're not shrinking it or anything  
14 else.

15 And the only other issue is that we had  
16 some -- I want to thank the applicant for the  
17 drawings they submitted. And they have a  
18 prospective of the roof plan, which is A5-G, which  
19 clearly shows the raised pool area with the glass  
20 wall.

21 I would just like, before final, that  
22 they clarify, either on the drawings or in the  
23 documents, that they are meeting all the setbacks.  
24 It looks like it should be at least five-and-a-  
25 half feet, if I'm reading their drawings

1 correctly, to the top of that wall.

2 So I'd just like to clarify that they've  
3 met all the setbacks on the raised pool and the  
4 penthouses meet all the setbacks. So either  
5 clarifying drawing just to confirm -- just to  
6 confirm to us in the order that they have met all  
7 the setbacks on the roof.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Any other questions?

10 Commissioner May.

11 MR. MAY: Thank you. So I appreciate the  
12 submissions that we received and the attempt to  
13 quantify the value of some of the amenities that  
14 have been proffered. The affordable housing  
15 proffer was also increased in response to concerns  
16 that we had that perhaps the amenities were a bit  
17 meager, given that we were going from a 3.0 AFR to  
18 an 8.0 AFR, which is quite a jump in AFR.

19 And I can't say that I'm completely  
20 convinced that the right balance has been struck.  
21 Toward that end, at the very least what I'd like  
22 to see is some quantification of the value of the  
23 proffered affordable housing. And I'm not sure if  
24 that has been quantified. I didn't see it in the  
25 list of proffered amenities.

1                   So, I think, having some further  
2 explanation of that, and if other commissioners  
3 are also concerned that maybe it's still a little  
4 bit like -- I'd love to hear that.

5                   I'm glad Mr. Turnbull asked about the  
6 setbacks for the rooftop rails; I had the same  
7 question.

8                   Also, as I recall, one of the things that  
9 was requested that Mr. Turnbull asked for, I  
10 believe, was the night-lighting for the rooftop.  
11 And I didn't see that. Did you see that in the  
12 submission?

13                  MR. TURNBULL: You know, you're right. I  
14 forgot to mention that. I did not see it.

15                  MR. MAY: Right. So, those are my  
16 concerns. None of those raise at this moment, to  
17 me, to the level of being concerned about moving  
18 forward. But they are things that I'd like to  
19 clarify by the final.

20                  CHAIRPERSON HOOD: Okay. I don't have  
21 anything to add. I would look forward to hearing  
22 some of the comments basically before final. I  
23 would not see this as a show-stopper for me. So I  
24 would -- I believe my other colleagues are in  
25 favor of moving forward as proposed. We'll be

1 looking for some of the corrections and changes as  
2 mentioned when we get to -- before we take final,  
3 some of the things that we'll ask for in this  
4 discussion.

5 So somebody can make a motion.

6 MR. MILLER: Mr. Chairman, I would move  
7 that we, the zoning commission, take proposed  
8 action on the Zoning Commission Case Number 14-07,  
9 1254th Street Edens LLC, first stage and  
10 consolidated PUD and related map amendment at 1270  
11 Fourth Street, Northeast, with all the caveats  
12 that I and my colleagues have asked for before  
13 final, and ask for a second.

14 CHAIRPERSON HOOD: I'll second it. Okay.  
15 Mr. Turnbull? That's fine. Mr. Turnbull. It's  
16 been moved and properly second.

17 Any further discussion?

18 MR. MAY: Mr. Chairman.

19 CHAIRPERSON HOOD: Yes.

20 MR. MAY: I want to return to the issue  
21 of the plan of the affordable units.

22 CHAIRPERSON HOOD: Yes.

23 MR. MAY: Whether we actually want to  
24 request a plan. I mean, you know, I understand  
25 there are some complications if they haven't quite

1 figured out the interior plans of the building.  
2 But something in the plans with perhaps tied with  
3 language that gives some flexibility that they  
4 would need. I mean, that's what I would suggest  
5 to be a way of resolving it.

6 CHAIRPERSON HOOD: Okay. If that's  
7 doable, if before final?

8 MR. MAY: Yeah.

9 CHAIRPERSON HOOD: Okay. If we can get  
10 that, add that to the list. I'm sure the list is  
11 on two or three things, I think, actually quite a  
12 bit. I'm just trying to be facetious.

13 (Laughter.)

14 CHAIRPERSON HOOD: In that laundry list,  
15 if you can add that, that would be great.

16 Any other discussion?

17 (No audible response.)

18 CHAIRPERSON HOOD: All in favor?

19 (Chorus of "Aye.")

20 CHAIRPERSON HOOD: Not hearing any  
21 opposition of those present, Ms. Schellin, would  
22 you record the vote?

23 MS. SCHELLIN: Yes. Staff records the  
24 vote five-to-zero-to-zero to approve proposed  
25 action, Zoning Commission Case Number 14-07.

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

4                     CHAIRPERSON HOOD: Okay. I want to go  
5   back to when I gave a lot of acronyms on different  
6   things. I didn't want to do it off-the-cuff  
7   because I didn't want to get anything incorrect.  
8   LEED -- this is for those who are watching. LEED  
9   is leadership in energy environmental design.  
10   CSB, I would have gotten that one wrong because I  
11   would have left off the S, is to certify small  
12   business enterprise. IZ is inclusionary zoning.  
13   TDM is transportation demand management. And DCRA  
14   is the Department of Consumer and Regulatory  
15   Affairs.

16                     And I want to thank Ms. Schellin for  
17   making sure I got those acronyms correct. And as  
18   for those who are watching, watching this webcast  
19   live, the zoning commission is going to get  
20   trained on those items. So, those who don't think  
21   we do training periodically, we do. I think it's  
22   twice a year. Or is it four times a year, seems  
23   like? Twice a year, two to three times a year.  
24   Okay. And that's for the record.

25                     So if you can pass that on to Chairman

1 Mendelson, let him know that we do get trained.

2 (Laughter.)

3 CHAIRPERSON HOOD: Okay. Let's go into

4 the

5 -- that's why I stay in trouble.

6 Let's go to hearing action, Zoning

7 Commission Case Number 15-07, MRP Reality (sic) --

8 (Laughter.)

9 CHAIRPERSON HOOD: Realty, I'm sorry.

10 Consolidated PUD and related map amendment at

11 square 777. That's what happens when you mess

12 around.

13 Ms. Thomas.

14 MS. THOMAS: Good evening, Mr. Chairman,  
15 members of the commission. Karen Thomas for the  
16 Office of Planning.

17 The Office of Planning is recommending  
18 setdown of the consolidated PUD in the housing  
19 sub-district of the 8th Street overlay in the C2B  
20 district. We're recommending setdown to permit  
21 the redevelopment of the eight combined lots with  
22 an eight-story multifamily building of 125  
23 residential units and grant for retail, with one  
24 level of below-grade parking for 29 residential  
25 parking spaces.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1           This site's proposed density would be  
2 slightly less than the maximum permitted under the  
3 C2B PUD. On the related map amendment, it is not  
4 requested in this application.

5           The proposal conforms to the  
6 Comprehensive Plan, policy objectives for the  
7 Capitol Hill policy focus area, and is appropriate  
8 for the site's location along the mixed-use  
9 corridor as identified in the generalized policy  
10 map. Our preliminary review of the application  
11 indicated some areas where the applicant would be  
12 able to provide additional info prior to the  
13 public hearing.

14           Plans were submitted that requested  
15 flexibility from the roof structure regulations,  
16 and the applicant, provided OP would revise some  
17 roof plans which removed the habitable space in  
18 the penthouse, with no need for flexibility from  
19 the roof structure requirements.

20           If and when the penthouse regulations are  
21 amended to allow residential units, then the  
22 applicant intends to amend its application to  
23 propose the two residential units in the roof  
24 structure, as originally submitted. Eight percent  
25 of the residential GFA would be reserved for

1 affordable housing, and we are going to request  
2 additional information from DHCD whether that  
3 split in the affordable units as proposed is  
4 technically -- would be able to be administered  
5 under their program.

6 As a public benefit, the application  
7 exceeds what would have been required under the  
8 existing zoning. Flexibility would be requested  
9 from the minimum lot area requirements, lot  
10 occupancy, rear-yard parking, and loading  
11 requirements. And, at this time, as we said, no  
12 roof structure flexibility would be requested.

13 The applicant is continuing to refine the  
14 amenities package and would provide an update with  
15 their prehearing submission.

16 We support this application for setdown  
17 and will continue to work with the applicant to  
18 address OP's concerns and any other concerns the  
19 commission may identify tonight. At this time,  
20 I'm available to take any questions. Thank you.

21 CHAIRPERSON HOOD: Ms. Thomas, let me  
22 just ask this question. I'm looking here, and I  
23 see in the report a notice that there were nine  
24 bullet items of things that were still needed  
25 before moving forward.

1                   Are those items that you think -- and  
2 normally, when I see a laundry list like this, I'm  
3 skeptical. But are those items something that you  
4 think that, typically, are usually worked out for  
5 the prehearing statement if this was to be set  
6 down? Do you think that's doable? Because you're  
7 asking for quite a bit, I think.

8                   MS. THOMAS: It is doable. We -- I've  
9 had a discussion with the applicant. They did  
10 present some items that they would be working on.  
11 They presented it to OP, but they did not present  
12 it to the records. They showed us revised plans  
13 where they removed a habitable space from the  
14 penthouse. They explained a little bit more about  
15 the amenities that they were going to provide  
16 later on, and they are all going to be submitted  
17 part of their prehearing statement, going forward.

18                   CHAIRPERSON HOOD: Okay. Thank you.

19                   Let me open it up for colleagues. Any  
20 questions or comments? Something we are looking  
21 for, like to see? Commissioner May?

22                   (No audible response.)

23                   CHAIRPERSON HOOD: If not, I can always  
24 take a motion to go either way.

25                   MR. MAY: I'm happy to ask questions; you

1 know that.

2 So, this, the design of the project needs  
3 some further refinement. I'm not sure I really  
4 quite understand the design and what they are  
5 trying to achieve with it. But it's -- I mean,  
6 there's nothing truly objectionable about it and  
7 no immediate, absolute concerns. But I assume  
8 that you'll continue to work with the applicant to  
9 refine the design of the building, because it just  
10 -- it's not quite the coherent composition that I  
11 would hope we would see.

12 That being said, there are a number of  
13 drawings that we will, obviously, need to be able  
14 to evaluate it to get a better sense of what it  
15 is. We have, you know, the single rendering and  
16 the perspective view, and then we have a whole  
17 bunch of wire frames that -- or single-line  
18 drawings that, you know, give you a sense of the  
19 massing and, to some extent, the texture of it,  
20 but not really what it's going to look like on the  
21 street.

22 There are a couple of -- well, sorry.  
23 The east wall looks like it's completely blank.  
24 And I know that that's an at-risk wall. But based  
25 on what's next to it, and -- well, I don't know.

1 I don't know what's next to it and whether it's  
2 likely to get covered up soon by another large  
3 building. But if it's going to -- I mean, do you  
4 know actually an answer to that question?

5 MS. THOMAS: In the revised submission  
6 that they just gave to us most recently, they did  
7 show some windows along the -- at about the third  
8 level from the fourth floor, fourth level up.

9 MR. MAY: Right. I mean, I understand  
10 the need to have blank walls if the windows would  
11 be completely at risk. But there needs to be  
12 something to resolve that, because right you've  
13 got, you know, a 90-foot building next to a 25-  
14 foot building with a giant blank wall.

15 MS. THOMAS: Right.

16 MR. MAY: And so if it's going to stay  
17 that way for any extended period of time, I think  
18 something needs to be done to treat that side  
19 wall.

20 (Pause.)

21 MR. MAY: Let's see. I saw that you had  
22 flagged participation in a residential parking  
23 permit system. It's an open question. I mean, I  
24 would think that it's not eligible because H  
25 Street is fully commercial there.

1 MS. THOMAS: That's correct. And they  
2 did say that they would -- they did put in a  
3 statement that they would restrict residents from  
4 participating in the RBP. I guess they will  
5 include it as part of their covenant.

6 MR. MAY: Okay. And I see that they're  
7 working with the neighbors on an amenity package.  
8 But have you gotten any other feedback from them?  
9 Do they have concerns about parking or the height  
10 of the building or any of those things?

11 MS. THOMAS: No feedback as yet regarding  
12 that. They continue to work on that. I did note  
13 that they discussed with the homeowners  
14 association replacing a brick wall, an existing  
15 brick wall that abuts the rail line. So if you  
16 see it in the plans, it is an existing --

17 MR. MAY: Right.

18 MS. THOMAS: So they're going to be  
19 working to renovate, I guess, or rebuild that or  
20 repair that wall.

21 MR. MAY: Okay. The only other comment I  
22 had is that the -- I believe what I read is that  
23 the project is proposed to be either designed to  
24 be LEED certified or actually certified at the  
25 certified level for LEED, which is -- "LEED

1 certified" really means nothing. LEED silver is  
2 kind of the minimum for anything that comes  
3 through as a PUD, and even that is average, at  
4 best, or minimal at best.

5 So I would hope that they could improve  
6 the LEED there. And I'm sure that the vice chair  
7 would greatly appreciate it if they actually  
8 proffered to have the building certified and not  
9 just designed to a particular LEED level. All  
10 right?

11 MS. THOMAS: Thank you.

12 MR. MAY: Okay. That's it. Thanks.

13 MS. COHEN: So, Commissioner May took the  
14 words right out of my mouth. But I just want to -  
15 -

16 CHAIRPERSON HOOD: Thank you,  
17 Commissioner May. I appreciate that.

18 (Laughter.)

19 MS. COHEN: I just want to compliment the  
20 Office of Planning. I think they did a very  
21 thorough job in coming up with a list of what  
22 needs to be submitted.

23 I would like to -- and I think DDOT will,  
24 obviously, cover this. The issues relating to the  
25 alley, it appears pretty narrow. And I just don't

1 know how that's going to impact on the homes that  
2 are adjacent to that alley. So I would like more  
3 information as to the alley and the -- not only  
4 the traffic, but the impact of the building on the  
5 alley, maybe the houses abutting the alley, I  
6 should say.

7                   So, I think it pretty much covers  
8 everything. I would just be curious, as they said  
9 that they were in contact with one of the  
10 affordable housing not-for-profits in the  
11 neighborhood, and I'd like to know a little bit  
12 more about that relationship. Maybe what they're  
13 doing is working with them and finding out that  
14 they need larger units, you know, two- and three-  
15 bedroom units in that neighborhood.

16                   So, those are the kinds of questions that  
17 I have. Thank you.

18                   CHAIRPERSON HOOD: Okay. Thank you, vice  
19 chair.

20                   Any other questions, comments?

21                   Commissioner Turnbull, thank you.

22                   MR. TURNBULL: Thank you, Mr. Chairman.

23                   Just continuing on with some of the  
24 comments of my colleagues, getting back to that,  
25 we should get a shadow study, but I think I'm not

1 that concerned about it, because since this  
2 building is facing -- all the shadows will be  
3 north going across the street rather than back  
4 into the neighborhood. So, but I think we should  
5 just have one on record anyways.

6                   Commissioner May mentioned the  
7 (inaudible) windows. But again, getting back to  
8 what the vice chair was talking and Commissioner  
9 May about mitigation for impact on the neighbors,  
10 I think we definitely need some bigger plans, some  
11 sections, some perspectives.

12                  I think we're definitely going to need a  
13 truck-turning radius, any kind of analysis with  
14 cars going in and what they're going to do,  
15 whether additional lighting, dock bumpers back  
16 there, how they're going to protect the  
17 neighborhood, fences and walls around there.

18                  They ought to look at developing a  
19 construction management plan with the neighbors  
20 around there, with those row houses, meeting with  
21 the neighborhood association to make sure that  
22 everybody's onboard and what the impact is going  
23 to be. So, and I think some better sketches, some  
24 renderings, perspectives that really show what's  
25 going on at the back of that building.

1               And I guess the other thing is this is --  
2 I mean, this could be a very exciting project.  
3 What we have is a very well-designed 1960s  
4 building with a splash of color in front.

5               I'm not that excited by it. I mean, I  
6 see this charcoal-gray brick at the bottom with  
7 this white facade with this terra cotta orange  
8 vertical slices. And I don't know what context it  
9 is, but it's just an architectural statement that  
10 says, "Here I am, and look at me, and I'm great."  
11 But I can't get that excited by what this building  
12 does to the streetscape.

13              I mean, I think they need a -- if we're  
14 going to see this, if they want to relate to this  
15 and tell me about this street, I think they're  
16 going to need to do a ground-floor street-level  
17 rendering that shows the context of how this fits  
18 in with the rest of the street architecturally.

19              I mean, they've given us some pictures in  
20 here of the different angles of the corners. But  
21 I don't know. I guess I'm just a little -- I'm  
22 not quite that excited by what I see yet. I  
23 think, as others have said before, I think -- and  
24 I think it's in your note -- that they really need  
25 to work on this building a little bit. It has a

1 character, but I don't know if it's the kind of  
2 character I'm that excited about.

3 But, and I would agree that certification  
4 is not -- I mean, going for just the certified  
5 level for a project like this is not going to be  
6 enough. They're really going to have to work  
7 harder.

8 But I guess my main concern is, what's  
9 going on at the back? I want to know how that  
10 impacts on the neighbors and what they're going to  
11 do to mitigate the impacts of what's going on back  
12 there. Thank you.

13 CHAIRPERSON HOOD: All right. Thank you.

14 Commissioner Miller.

15 MR. MILLER: Thank you, Mr. Chairman.

16 Yeah, I would so say myself, with all of  
17 my fellow colleagues' comments and with the Office  
18 of Planning's comments, particularly on the LEED  
19 needing to be strengthened and on the perspectives  
20 of how the building fits in with the three-story  
21 row houses that are behind it, in particular, the  
22 homes.

23 I see that there are -- I think there is  
24 a setback there, but I can't really see how it's  
25 helping, because I just don't have a good

1 perspective of it. So, I think we do, obviously,  
2 need better drawings that show the perspectives  
3 and what the project is going to mitigate the  
4 impact on not just the -- well, not just the  
5 three-story row houses that are behind it, but the  
6 ones that are adjacent to it and may be there  
7 awhile. I don't know.

8                   Especially since in the back they're  
9 asking  
10 -- it is a narrow alley, and they're asking for  
11 relief from the rear-yard requirement. I think  
12 they're doing 10 feet at one point instead of the  
13 15 feet. So it's even closer to the neighbors.  
14 So I guess I'd want to know more why, I guess,  
15 that's needed because it is such a narrow alley.  
16 And to get the loading done -- but I guess I want  
17 more information on why that relief is needed from  
18 the rear-yard requirement.

19                   I appreciate the deeper affordability  
20 level that's being provided, I guess 2 percent at  
21 60 percent AMI, and 6 percent at the 80 percent.  
22 If you can increase that 60 percent, again, that  
23 would always be helpful.

24                   But it is helping, this project in  
25 general, with the 125 units, I think, of housing,

1 and the 6,000 square feet of retail is helping the  
2 revitalization of the H Street corridor move  
3 westward and fill in the gap that exists currently  
4 between the revitalization that's already occurred  
5 to the east and Union Station on the west.

6 So I think if they can address all of  
7 these things by the time we get to hearing, I  
8 think we'll be in a lot better shape. Thank you.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 I think that the familiar circulation  
11 pattern -- I see how the truck is swinging in and  
12 coming through the alley. I really want the  
13 applicant, if it's set down, which I believe it  
14 will be, to take me around that whole site of how  
15 things are going to -- how transportation, how U-  
16 Haul trucks, I think is what they used an example  
17 in one of the renderings, how that's going to  
18 work.

19 I'm not going to say anything. I was  
20 going to say I kind of like the building. But  
21 since I was referred to 1960, I will withhold my  
22 comments until the hearing and see how that pans  
23 out.

24 But other than that, I'm really concerned  
25 about the circulation, as my colleague, Mr.

1 Turnbull, has mentioned, how it's going to work  
2 with the town homes, how it's going to relate to  
3 the neighbors. I'm more concerned about that and  
4 the radius and how those trucks are going to come  
5 in and out of there.

6 That, I think, is going to do it for me.  
7 So anything else up here?

8 MR. MAY: Yes.

9 CHAIRPERSON HOOD: Commissioner May.

10 MR. MAY: Yeah. Can you explain a little  
11 bit more about the context? I mean, immediately  
12 to the south of the building, there are row houses  
13 that are, I mean, well, real alley dwellings. Is  
14 that what we're seeing? Are those historic alley  
15 dwellings? I mean, historic as in "old"? Or are  
16 they relatively recent construction?

17 MS. THOMAS: I think it is recent  
18 construction.

19 MR. MAY: It's all recent construction?

20 MS. THOMAS: Yeah.

21 MR. MAY: Okay. I'm interested in  
22 knowing more about that space and what the -- you  
23 know, how those properties are accessed. I mean,  
24 it looks like there's some sort of common lawn in  
25 front of them or something like that. I mean, I'm

1 just interested in knowing more about that and how  
2 that space is affected by this new building.  
3 Thanks.

4 CHAIRPERSON HOOD: Okay. Any other  
5 comments?

6 (No audible response.)

7 CHAIRPERSON HOOD: All right. Not seeing  
8 any, I'm prepared to set this down with the  
9 comments as noted. I would move that we set down  
10 Zoning Commission Case Number 15-07, and ask for a  
11 second.

12 MR. MILLER: Second.

13 CHAIRPERSON HOOD: It's been moved and  
14 properly second. Any further discussion?

15 (No audible response.)

16 CHAIRPERSON HOOD: All those in favor?

17 (Chorus of "Aye.")

18 CHAIRPERSON HOOD: Not hearing  
19 opposition, Ms. Schellin, would you record the  
20 vote?

21 MS. SCHELLIN: Yes. Staff records the  
22 vote five-to-zero-to-zero to set down Zoning  
23 Commission Case Number 15-07 as the contested  
24 case. Commissioner Hood moving, Commissioner  
25 Miller seconding, Commissioners May and Turnbull

1 in support.

2 CHAIRPERSON HOOD: Okay. We don't have  
3 any more hearing actions.

4 (Pause.)

5 CHAIRPERSON HOOD: Okay. Ms. Brown-  
6 Roberts, do you have a case? Do you have a case?  
7 I'm just trying to figure out where you were over  
8 here.

9 (No audible response.)

10 MS. BROWN-ROBERTS: 14-18.

11 CHAIRPERSON HOOD: Oh, okay, I got you.  
12 I got you. I'm sorry. I'm sorry. Okay. We're  
13 almost there.

14 Let's go to correspondence, Zoning  
15 Commission Case Number 13-14. This is Vision  
16 McMillan, motion to waive rules and accept  
17 reconsideration and re-argument from McMillan  
18 Coalition for Sustainable Agriculture.

19 Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. At Exhibits  
21 875, we have a motion to waive the rules and  
22 accept reconsideration and re-argument from the  
23 McMillan Coalition for Sustainable Agriculture.  
24 And at Exhibit 876, you have the applicant's  
25 opposition to the motion.

1                 The commission needs to first decide  
2 whether to waive the rule that only parties can  
3 file for reconsideration. And if it decides to  
4 waive that rule, then proceed to rule on the  
5 reconsideration. If it doesn't waive the rule,  
6 then it doesn't need to proceed with the  
7 reconsideration request before it. Thank you.

8                 CHAIRPERSON HOOD: Okay. Colleagues, I  
9 am not in favor of waiving our rule. And I will  
10 go a step further, even though it doesn't call for  
11 it. I think that the announcement on how it's  
12 going to proceed with McMillan was advertised in  
13 the advertisement, that we were going to take  
14 party status every night.

15                 Regardless of that argument, I would not  
16 be inclined to reconsider or waive our rule. But  
17 I think that the notice was clear. It said how  
18 we're going to do party status. And I'll leave it  
19 at that. Let me open it up for any other  
20 discussion.

21                 MR. MILLER: Mr. Chairman, I would agree  
22 with you that the commission considered it and  
23 properly denied party status in this case  
24 originally.

25                 CHAIRPERSON HOOD: Anyone else?

1                             (No audible response.)

2                             CHAIRPERSON HOOD: I would move that we  
3 not waive our rules for motion to waive. I would  
4 move that we not -- that we deny the motion to  
5 waive our rules and accept reconsideration and re-  
6 argument for Zoning Commission Case 13-14, and ask  
7 for a second.

8                             MR. MILLER: Second.

9                             CHAIRPERSON HOOD: It's been moved and  
10 properly second.

11                             Any further discussion?

12                             MS. COHEN: Mr. Chairman, I did not  
13 participate in this case, so I will not be voting.

14                             CHAIRPERSON HOOD: Okay.

15                             Any further discussion?

16                             (No audible response.)

17                             CHAIRPERSON HOOD: All those in favor?

18                             (Chorus of "Aye.")

19                             CHAIRPERSON HOOD: Any opposition to the  
20 motion?

21                             (No audible response.)

22                             CHAIRPERSON HOOD: Not hearing any, Ms.  
23 Schellin, would you record the vote?

24                             MS. SCHELLIN: Staff records the vote  
25 four-to-zero-to-one to deny the motion, the motion

1 from McMillan Coalition for Sustainable  
2 Agriculture to waive the rules and accept  
3 reconsideration, re-argument from them.  
4 Commissioner Hood moving, Commissioner Miller  
5 seconding, Commissioners May and Turnbull in  
6 support of the denial, Commissioner Cohen not  
7 voting, having not participated.

8 CHAIRPERSON HOOD: Okay. Next we will go  
9 to the status report.

10 MS. SCHELLIN: No. 09-22.

11 CHAIRPERSON HOOD: Okay. Hold on a  
12 second.

13 MS. SCHELLIN: There's one more case on  
14 this item.

15 CHAIRPERSON HOOD: Sorry.

16 MS. SCHELLIN: Sorry.

17 CHAIRPERSON HOOD: Let's go to, okay,  
18 Zoning Commission Case Number 09-22, the MR  
19 Ballpark 4, LLC, request to withdraw application.  
20 And I go to Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. At Exhibit 28,  
22 we received a letter from the current owner,  
23 requesting withdrawal of the application, since  
24 the prior -- the applicant of that case no longer  
25 owns the property.

1 CHAIRPERSON HOOD: Okay. I would move --  
2 colleagues, I think for me it's pretty  
3 straightforward. So I'm just going to put a  
4 motion on the table, and we can deliberate it,  
5 discuss it later.

6 But I would move that we honor the  
7 request under Zoning Commission Case Number 09-22,  
8 and ask for a second.

9 MS. COHEN: Second.

10 CHAIRPERSON HOOD: It's been moved and  
11 properly -- any further discussion?

12 (No audible response.)

13 CHAIRPERSON HOOD: All those in favor?

14 (Chorus of "Aye.")

15 CHAIRPERSON HOOD: Any opposition?

16 (No audible response.)

17 CHAIRPERSON HOOD: Not hearing any, Ms.  
18 Schellin, would you record the vote?

19 MS. SCHELLIN: Staff records the vote  
20 five-to-zero-to-zero to grant the request for  
21 withdrawal. Commissioner Hood moving,  
22 Commissioner Cohen seconding, Commissioners May,  
23 Miller, and Turnbull in support.

24 CHAIRPERSON HOOD: Next, we have a status  
25 update, a status report from the Office of

1 Planning. Ms. Brown-Roberts. I knew I was going  
2 to figure out why you were here.

3 (Laughter.)

4 CHAIRPERSON HOOD: Okay. Ms. Brown-  
5 Roberts.

6 MS. BROWN-ROBERTS: Mr. Chairman, in  
7 regards to Zoning Commission Case 14-18, the  
8 Brooklyn Manor, which the Zoning Commission had  
9 asked us to respond to the submission,  
10 resubmission by the applicant, the applicant  
11 addressed the -- made a revision to their  
12 application by recommending a -- or requesting a  
13 PUD and a related map amendment at the C2A and R5B  
14 zones. As you can remember, the original  
15 application was for the C2A and R5B zone.

16 We believe that this related map  
17 amendment is consistent with the height and  
18 densities that are recommended in the  
19 Comprehensive Plan, and the mixed-use moderate-  
20 density commercial and moderate-density  
21 residential. And therefore, we believe that the  
22 proposal is ready for the public hearing on May  
23 7th. Thank you, Mr. Chairman.

24 CHAIRPERSON HOOD: Okay. Any questions,  
25 colleagues? I think you've heard the status

1 report. I want to thank the Office of Planning  
2 for giving us that status report. And as far as  
3 I'm concerned, we're ready to move forward on May  
4 the 7th. It's 6:30, I believe.

5 Okay. Any questions or comments?

6 (No audible response.)

7 CHAIRPERSON HOOD: Okay. We'll see you  
8 on May the 7th, 6:30. You don't have to leave  
9 now. I was just letting you know that we'll see  
10 on May the 7th. You can stick around.

11 (Laughter.)

12 CHAIRPERSON HOOD: Commissioner Miller.

13 MR. MILLER: I wanted to ask about the  
14 status of a couple of other things, just briefly.  
15 If I could just ask for the status, Ms. Schellin,  
16 of the publication of the proposed ZRR  
17 regulations? I know with the last set of the  
18 Office of Documents and Administrative Issuances,  
19 and --

20 MS. SCHELLIN: It still is.

21 MR. MILLER: With no indication when --

22 MS. SCHELLIN: We -- I mean, I got two  
23 more subtitles back today from them. So, she's  
24 getting through them, I think, as quick as she  
25 can. Some are a little tougher than others. But

1       she's getting through them. So, I think soon.  
2       We're much closer.

3                     CHAIRPERSON HOOD: Let me say this before  
4       you go to your next question. We -- before you  
5       all leave, May the 7th is actually -- I was going  
6       to announce, we're going to relax the dress code  
7       starting May 1st, which is Friday -- Friday?

8                     MS. SCHELLIN: Friday is May 1st.

9                     CHAIRPERSON HOOD: This coming Friday.  
10      And what that means is you can come casual,  
11      especially when it's 80-90 degrees. We like to do  
12      that. So just wanted to announce that -- so if  
13      you see us May 7th and it's hot -- even if it's  
14      not hot, we will be in relaxed clothes. Not being  
15      disrespectful, but we like to be comfortable up  
16      here at 10:30 at night and 11:00 o'clock.

17                  Okay. You can continue. Thank you.

18                  MR. MILLER: Okay. Did anybody else have  
19      anything on the ZRR? I had one other question for  
20      the Office of Planning. Is there an estimated  
21      schedule for when we might receive a  
22      recommendation on whether or not to set down the  
23      case that would strengthen inclusionary zoning?

24                  CHAIRPERSON HOOD: I too was going to ask  
25      for an update. I have it in my notes, on case

1 number 04-33G, as already mentioned, the text  
2 amendment to IZ regs. That was on my list also.

3 MS. STEINGASSER: Yes, sir. As the  
4 commission knows, tomorrow the committee of the  
5 whole of the City Council will be holding a  
6 roundtable, where they will discuss in your  
7 testimony about their resolution in support. So  
8 the Office of Planning will be at that roundtable,  
9 will be testifying. We'll be taking that in.  
10 We've been working with the Deputy Mayor, and  
11 we've been asked to bring something no later than  
12 July, at the outside.

13 MR. MILLER: Thank you.

14 CHAIRPERSON HOOD: And I'm sure that  
15 things, when I reviewed some of it, some of the  
16 things I think were not necessarily germane to us.  
17 But the things that are germane to us -- yeah.

18 MS. STEINGASSER: Yes, sir. We have been  
19 meeting with DHCD, the Department of Housing and  
20 Community Development, who does the administrative  
21 end of the inclusionary zoning program. So we've  
22 been coordinating with them. Those changes which  
23 are also referenced in the petition would not be  
24 coming to the commission except for a background  
25 and context.

1 CHAIRPERSON HOOD: Okay. Great. Thank  
2 you.

3 Any other questions?

4 Do you have anything else, Ms.

5 Steingasser?

6 (No audible response.)

7 CHAIRPERSON HOOD: Vice chair?

8 MS. COHEN: Yeah. Actually, I don't  
9 understand. If we're setting policy, we need to  
10 understand the implementation of that policy so  
11 that we can make sure that --

12 MS. STEINGASSER: Right. Correct. It  
13 will come to you for context. But it won't come  
14 to you for action.

15 MS. COHEN: Oh. Oh, good. Okay.

16 CHAIRPERSON HOOD: Right, right. Thank  
17 you. We can't make decisions on something that's  
18 not within our purview. That's kind of where I  
19 was going. Okay.

20 Anything else?

21 (No audible response.)

22 CHAIRPERSON HOOD: All right. Ms.

23 Schellin, do we have anything else?

24 MS. SCHELLIN: No, sir.

25 CHAIRPERSON HOOD: Okay. I want to thank

1 everyone for their participation tonight. And  
2 this meeting is adjourned.

3 (Whereupon, at 7:25 p.m., the meeting was  
4 adjourned.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376