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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Regular Public Meeting
1,408th Meeting Session
(8th of 2015)

6:30 p.m. to 7:25 p.m.
Monday, April 27, 2015

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220 South
Washington, D.C. 20001

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

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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

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.

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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.)

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