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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting
1409th Meeting Session (9th of 2015)

6:30 p.m. to 7:14 p.m.
Monday, May 11, 2015

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

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chairperson

4 ROBERT MILLER, Commissioner

5 PETER MAY, Commissioner

6 MR. TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 MATT JESICK

15 MAXINE BROWN-ROBERTS

16

17 Office of Attorney General:

18 JACOB RITTING

19 LAWRENCE FERRIS

20

21 Other:

22 PAUL TUMMONDS, ESQ.

23

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: This meeting will
3 please come to order. Good evening, ladies and
4 gentlemen. This is our regularly scheduled
5 meeting of the Zoning Commission for the District
6 of Columbia.

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

15 Do we have anyone else from the Office of
16 Planning? Not tonight? Okay.

17 Copies of today's meeting agenda are
18 available to you and are located in the bin near
19 the door. We do not take any public testimony in
20 our meetings unless the Commission requests
21 someone to come forward. Accordingly we must ask
22 you to refrain from any disruptive noises or
23 actions in the hearing room, including display of
24 any signs or objects. Please turn off all beepers
25 and cell phones.

1 Does the staff have any preliminary
2 matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: And for those who are
5 here for our hearing we're going to continue that,
6 hopefully by 7:00. We should start as soon as --
7 as close to 7:00 as possible.

8 Okay. Final action, Zoning Commission
9 Case No. 14-20. This is an ANC 6A Map Amendment
10 at Square 1070. Ms. Schellin.

11 MS. SCHELLIN: Yes, sir. At Exhibit 89
12 we have a copy of a letter that DCRA wrote to Toye
13 Bello regarding the status of the building permit
14 application. Exhibit 91 is an NCPC report finding
15 that the proposed petition would not be
16 inconsistent with the Comprehensive Plan for the
17 National Capitol, would ask the Commission to
18 consider final action on this case.

19 CHAIRPERSON HOOD: Okay. Colleagues, we
20 have a request. I think we requested a status of
21 the building permit. We have that in front of us.
22 Open it up for any questions or comments. If not
23 I'll obtain a motion if we're satisfied with the
24 submission.

25 MR. MILLER: Mr. Chairman, I'm supportive

1 of this zoning because -- rezoning to R-4
2 generally because the Comp Plan map clearly calls
3 for moderate density residential in this entire
4 area.

5 I do have a somewhat of a hesitancy about
6 that one owner of the lot 94 that testified at our
7 hearing who was trying to develop multiple units
8 that would be in accordance with the current C-2-
9 A. And so we did get the status report that the
10 building permit application was rejected because
11 the engineer wasn't licensed in the District or
12 something like that. That was a March letter.

13 I guess the question of the Office of
14 Planning if they know if there's been any filing
15 since that letter from -- since the rejection of
16 the original -- since the letter that explained
17 why the original application was rejected?

18 MS. STEINGASSER: We've not been notified
19 of any new application.

20 MR. MILLER: Right. And we haven't had -
21 - and, Ms. Schellin, we haven't had any other
22 filings from that owner. I guess our record --
23 was our record closed? So they wouldn't have been
24 able to file anything.

25 MS. SCHELLIN: I think the record was

1 left open for a while. I'm not sure, but there's
2 been nothing further.

3 MR. MILLER: All right. Well, I might
4 have been supportive of a carving out of that
5 unusually large lot, which under our current R-4
6 zoning would accommodate more units than our
7 proposed R-4 zoning. And I would have been
8 supportive of the R-5-B, a split zoning of the
9 square in R-5-B for that unusually large lot and
10 R-4 for the remainder because there is a lot of R-
11 5-B in the adjacent square prior to getting to the
12 C-2, the C-2-A.

13 So I guess I would be interested if what
14 my other colleagues have to say about that. But I
15 mean, I generally am very supportive of the
16 rezoning for almost all of the square.

17 CHAIRPERSON HOOD: Okay. Colleagues,
18 you've heard Commissioner Miller's suggestion.
19 Commissioner May?

20 MR. MAY: Yeah, I appreciate certain
21 hesitancy when you know that something is in
22 motion. However, I generally, when it comes to map
23 amendments I'm primarily concerned with what's
24 appropriate for the area that's proposed to be
25 rezoned. And if there's something in motion, and

1 particularly something like this where it's become
2 tangled up because of inadequate filings for the
3 permit and so on, I think we just need to do our
4 part and approve the zoning change. I think we're
5 all supportive of this being R-4. It's consistent
6 with the Comprehensive Plan.

7 And I just, I don't see any reason not to
8 move forward at this time or to try to do any kind
9 of a carve out. I think we just should just move
10 ahead.

11 CHAIRPERSON HOOD: Okay. Any other
12 comments?

13 MR. TURNBULL: Mr. Chair.

14 CHAIRPERSON HOOD: Mr. Turnbull.

15 MR. TURNBULL: I understand Commissioner
16 Miller's -- and I would be -- I would agree with
17 him 100 percent if something was in motion and we
18 had an applicant who was proceeding under -- but
19 it looks from the letter from the Zoning
20 Administrator, it looks like the license was
21 revoked. And since there has been no submittal by
22 the applicant I don't see a sense of urgency that
23 he's looking to go forward on this right now.

24 And I would agree with Commissioner May.
25 I would -- it looks like on the other side of the

1 street is R-4, although R-5 is around the corner,
2 and I understand that. But directly across the
3 street is R-4, so for the sense of consistency
4 with the zoning map I would go with the R-4.

5 CHAIRPERSON HOOD: Okay. Anyone else?
6 Vice Chair Cohen.

7 MS. COHEN: Thank you, Mr. Chairman. I
8 also was supportive of the carving out. However,
9 it appears that no action has been taken by the
10 applicant and we really need to proceed on this
11 modification. So I think that we should just move
12 ahead as well.

13 CHAIRPERSON HOOD: Okay. I'm going to
14 comment a little differently. I'll make a motion
15 that we approve Zoning Commission Case No. 14-20,
16 ANC 6A Map Amendment at Square 1070, noting the
17 concerns of Commissioner Miller, but this is the
18 case in front of us and I move on that and ask for
19 a second.

20 MR. MILLER: Second.

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

23 MR. MILLER: I would just note that
24 neighbors were strongly supportive, as was the
25 ANC, and as am I.

1 CHAIRPERSON HOOD: Okay. All in favor.
2 (Vote taken.)

3 CHAIRPERSON HOOD: Any opposition? Not
4 hearing any, Ms. Schellin, would you record the
5 vote?

6 MS. SCHELLIN: Yes, staff records the
7 vote five to zero to zero to approve final action
8 in Zoning Commission Case No. 14-20. Commissioner
9 Hood moving, and while I heard two seconds I call
10 Miller first, seconding Commissioners Cohen, May,
11 and Turnbull in support.

12 CHAIRPERSON HOOD: Okay. Next for final
13 action we have Zoning Commission Case No. 13-08,
14 Square 5914, LLC., Consolidated PUD and Related
15 Map Amendment at Square 5914 and various parcels.
16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. At Exhibit 59
18 we have an NCPC report finding that the proposed
19 petition would not be inconsistent with the Comp
20 Plan for the National Capital. Exhibit 60 is the
21 applicant's response to the Commission's issues
22 raised at proposed action, and at Exhibit 61 is
23 the applicant's submission regarding satisfaction
24 of Section 2403.20. I would ask the Commission to
25 consider final action on this case this evening.

1 CHAIRPERSON HOOD: Okay, colleagues. As
2 you all know I voted against this case, the first
3 time in proposed. I am basically satisfied with
4 what the applicant has come back with. Especially
5 on its three bullet points. I'm just concerned in
6 the first line about the word ability. And I'm
7 not sure what ability means, and I'm don't have it
8 pulled right away.

9 MR. TURNBULL: No, Mr. Chair, you're
10 talking about in the order?

11 CHAIRPERSON HOOD: Yeah, in the order. I
12 think it's page 31.

13 MS. SCHELLIN: Thirty.

14 CHAIRPERSON HOOD: Thirty?

15 MS. SCHELLIN: Thirty B eleven.

16 CHAIRPERSON HOOD: Okay. Thank you. Oh,
17 so everybody reading. I just don't know what
18 page. Okay. Hold on a second. Thirty?

19 MS. SCHELLIN: Thirty.

20 CHAIRPERSON HOOD: Yeah. Okay. That's
21 it. Yeah, 30-B11.

22 It says, "Prior to the issuance of a
23 certificate of occupancy residential building on
24 the property the applicant will provide evidence
25 to the Zoning Administrator that all existing

1 tenants were provided the ability to return."

2 I need that nailed down. I don't know
3 what that means. I guess what I will do is as Mr.
4 Tummonds to come forward and tell me what the
5 ability means, because I can tell you I'm very
6 happy with the other two bullet points for the
7 most part.

8 MR. TUMMONDS: Good evening, Mr.
9 Chairman. Paul Tummonds with the Office of
10 Goulston and Storrs. I think it was more -- it's
11 probably opportunity would be the, you know, the
12 appropriate language. Again we've said, anyone
13 who wants to come back can. So it's the
14 opportunity to come back if they so choose. If
15 they decide they don't want to, they don't have
16 to. So it's not the ability or the opportunity,
17 you know, I don't think that was intended to be a
18 difference --

19 CHAIRPERSON HOOD: Okay.

20 MR. TUMMONDS: -- of what we're talking
21 about.

22 CHAIRPERSON HOOD: Well, I appreciate the
23 clarification. We'll just need to clarify it;
24 change it. Here I would like -- I like the word
25 opportunity, I think, a lot better than ability

1 because an ability could mean if I can walk back
2 or if I can financially come back. That could
3 mean anything. But I really appreciate the other
4 two points. I think that nails them home. So I
5 will be voting in support of final action.

6 Any other comments on this?

7 MR. TURNBULL: Mr. Chair, I think when I
8 withdrew some of the architectural modifications
9 they're actually going to be certified. They're
10 going through that process which I think is one of
11 our concerns. And so I think that's a big step.

12 We had some views showing modifications
13 to the alley, the retaining wall in the rear of
14 the building. So I mean, I think they satisfied a
15 lot of my concerns architecturally that we were
16 talking about. But I think as you said, I think
17 they've picked up a lot of the points that were
18 mentioned by the Commission at the time of the
19 hearing. So they talk about roof structures and
20 there were several other things. But I think I'm
21 satisfied with what they provided.

22 CHAIRPERSON HOOD: And I guess only other
23 question I have is during proposed, the traffic
24 light issue. If DDOT determines that they don't
25 need it then I guess they come back in front of

1 the Commission. Mr. Ritting, don't they have to
2 come back?

3 MR. RITTING: There's an escrow provision
4 now included in the order that the applicant
5 agreed to. They're going to escrow an amount of
6 \$350,000 which was the full amount that DDOT
7 requested in their memorandum.

8 CHAIRPERSON HOOD: Right. And now DDOT
9 is also --

10 MR. RITTING: So I suppose if --

11 CHAIRPERSON HOOD: If it doesn't happen -
12 -

13 MR. RITTING: If there's no need pursuant
14 to -- the term of art is escaping me, but there is
15 some testing that's going to happen to see whether
16 there's a need for the signal. Then the escrow
17 will be released back to the applicant.

18 CHAIRPERSON HOOD: Okay. I just, again,
19 I stay where I was reposed. It was not a show-
20 stopper for me. I didn't like the fact that we
21 were putting this applicant under doing all that.
22 But anyway. All right.

23 Anything else? All right. I would move
24 that we approve Zoning Commission Case No. 13-08,
25 Square 5914, LLC., on the final action and ask for

1 a second.

2 MR. MILLER: Second.

3 MS. COHEN: Second.

4 CHAIRPERSON HOOD: It's been moved and
5 properly seconded. Any further discussion? All
6 those in favor.

7 (Vote taken.)

8 CHAIRPERSON HOOD: Not hearing any
9 opposition, Ms. Schellin, would you record the
10 vote?

11 MS. SCHELLIN: I think it's Mr. Miller's
12 night tonight. Staff will record the vote five to
13 zero to zero to approve final action in Zoning
14 Commission Case No. 13-08, Commissioner Hood
15 moving, Commissioner Miller seconding,
16 Commissioners Cohen, May, and Turnbull in support.

17 CHAIRPERSON HOOD: Okay. Next let's go
18 to proposed action, Zoning Commission Case No. 14-
19 22, Office of Planning Text and Map Amendments to
20 Create the Walter Reed WR Zone. Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. At Exhibit 29
22 we have an ANC 4B report. Exhibit 30 we have the
23 meets and balance descriptions for the Walter Reed
24 -- or the WR zones, and Exhibit 31 is an OP
25 supplemental report. Would ask the Commission to

1 consider taking proposed action on this case.

2 CHAIRPERSON HOOD: Okay. Commission,
3 we've heard the request. This is a proposed
4 action in front of us. This is the Walter Reed
5 Office of Planning Text and Map Amendments to
6 create the Walter Reed WR Zone. Let me open it up
7 for any comments.

8 MR. TURNBULL: Mr. Chair, I just want to
9 comment that as you know I wasn't able to be here
10 the night of the actual hearing, but I spent all
11 morning watching everyone and reviewing the
12 hearing. So I'm ready to go on with you folks.

13 CHAIRPERSON HOOD: I'm glad you didn't
14 watch it at night because you might have drifted
15 off to sleep.

16 MR. TURNBULL: No, it was very good.

17 CHAIRPERSON HOOD: Oh, okay.

18 MR. TURNBULL: I was very -- it moved
19 very well.

20 CHAIRPERSON HOOD: Okay. Good. Okay,
21 let's open it up. Thank you, Mr. Turnbull.

22 Vice Chair Cohen?

23 MS. COHEN: Thank you, Mr. Chairman. I
24 just want to comment about the Office of
25 Planning's supplemental report. The attachment 3,

1 which was a memo from I believe DMPED itself, and
2 I don't think that there was a very compelling
3 case made for DMPED's either commitment or
4 implementation of affordable housing.

5 And I state that because first of all the
6 information is not precise. They talk about all
7 the 39 projects representing 2,300 units of
8 affordable housing as noted in Table 1. However,
9 if you don't know what where these projects are
10 located or which projects they are, I presume many
11 of them are senior housing that's been built in
12 the last years.

13 And therefore my concern is not
14 necessarily with the seniors. I think it's an
15 important sector, being one myself, but I really
16 think families really need to be the target of a
17 lot of our efforts. Based upon a 2,300 product of
18 affordable housing, and I'm not going to say --
19 I'm going to just say between 2010 and 2014, even
20 though it's five months into 2015, to address the
21 need that we have just on the housing authority
22 list, which is people making 30 percent of median
23 or below. It's going to take about 105 years to
24 address that need.

25 And you know, I think that it

1 demonstrates that we're doing something but we're
2 certainly not doing enough. There is not enough -
3 - and DMPED is concerned about economic
4 development. But economic development doesn't
5 work if you don't have the housing to support the
6 workers. And economic development requires that
7 we take into account those people working at the
8 lowest rungs of the employment ladder. The
9 secretaries, the nurses, nursing aids, the retail
10 workers. And this just doesn't cut it for me. I
11 don't think there was a compelling reason why this
12 project, which is 65 acres, cannot add additional
13 affordable housing.

14 Now I do understand that there is an
15 economic expense related to infrastructure. There
16 is a lot of infrastructure that's needed. But my
17 concern is, is that this project can support more
18 affordability, more IZ, and more housing for
19 families. And I really do believe if I am going
20 to vote for this I need a more compelling case
21 made by DMPED. I just believe that they -- and
22 then what really, I think, got to me was counting
23 projects in the market areas of Ward 7 and 8 as
24 being affordable.

25 Those units may be affordable for some

1 people in that market. But if you take their
2 incomes and match it against the rentals that will
3 be charged for those units, I don't think that
4 that's fair to count them as affordable without
5 subsidy.

6 And I think that we have to step up in
7 this city and bite the bullet and say, we need
8 more money for affordable housing. And this
9 project, this 65 acres, basically you're looking
10 at -- I think I did the calculation. Like 6.5
11 units per acre, if you were spreading them around.
12 I know in this case we're doing senior housing and
13 we're doing housing for homeless veterans. And I
14 think that that is so important.

15 But on the other hand there are so many
16 families in need as well. And it appears that
17 we're running out of, you know, available vacant
18 land to house those people. So unless I see a
19 much more compelling argument from DMPED, I cannot
20 vote for this project.

21 CHAIRPERSON HOOD: Okay. Any other
22 comments? So let me ask you, Commissioner Miller.

23 MR. MILLER: Mr. Chairman, this project
24 has been a long time in the making and it still
25 has a long way to go. But it is generally

1 supported by the neighborhoods surrounding Walter
2 Reed so that that site can be activated and
3 integrated with substantial economic development
4 and housing development and retail development and
5 open space access that doesn't exist today and
6 hasn't existed for a long time that that fence has
7 been up, protecting when Walter Reed was occupied
8 by the Army. When the site was occupied by the
9 Army.

10 So I mean, the ANCs are very supportive
11 of this project. I think it's a transformational
12 project. I share the concern with the Vice Chair
13 that the zoning proposal, which is essentially
14 that inclusionary zoning applies to the site,
15 which we know means that's about as low as eight
16 percent of the units would be affordable, which
17 would mean under IZ, half at 50 percent AMI and
18 half at 80 percent AMI.

19 I'm not comfortable. Even though we did
20 that same kind of language for the Saint
21 Elizabeth's zoning case; zoning text amendment
22 case. Here, I'm not comfortable and we know what
23 the reality is in the exclusive rights agreement
24 that's already been approved with the selected
25 master developer for 20 percent affordable

1 housing. In fact they have specific numbers. A
2 hundred and fourteen very low income rental units
3 for the homeless households at or below 30 percent
4 AMI, 109 rental, and 34 for sale low income units
5 for households between 31 to 50 percent AMI, and
6 149 rental and 30 for sale moderate income units
7 to households between 51 to 80 percent AMI.

8 So it's a total of 432 affordable units,
9 approximately 20 percent of the total units; total
10 number of housing units that's being proposed on
11 site, which is a much higher level than what IZ --
12 what the IZ zoning would require. And at a much
13 deeper level with those 114 very low income rental
14 units, which as we know is set aside for the
15 homeless and the veterans groups per the BRC, the
16 base closing process.

17 So I would, instead of the IZ language
18 that is in the proposed text amendment, and maybe
19 this would help address some of the Vice Chair's
20 concerns, I would suggest that we include language
21 for the affordable housing section. Not that says
22 IZ does not apply because these higher levels will
23 apply; the levels that I've just mentioned. The
24 total 142 total units of housing and at various
25 levels going down as low as below 30 percent AMI.

1 So that's where I am on this one, Mr. Chairman.

2 CHAIRPERSON HOOD: Okay.

3 MR. MILLER: I could support going
4 forward with that kind of language in there
5 because I'm concerned that the LDA that's still
6 being negotiated, that something might get -- that
7 the commitment that has been made to the community
8 and to the public for the deeper level of
9 affordable housing and the greater amount of
10 affordable housing that our zoning, that we're
11 taking action on, would allow something less. And
12 I don't want to send a signal that we would allow
13 something less.

14 CHAIRPERSON HOOD: Okay. So let me make
15 sure I understand you, Commissioner Miller.
16 You're saying that you would go as proposed, or
17 you have some language you want to recommend?
18 Maybe I missed it.

19 MR. MILLER: Yes. No, I would go,
20 instead of the inclusionary zoning section that
21 says that -- well, I don't have the paragraph in
22 front of me. Let me find it.

23 MR. TURNBULL: It's 3540.1, and it's on
24 page 55 of the original OP report.

25 MR. MILLER: Thank you, Mr. Turnbull.

1 And I don't have exact language so I would defer
2 to, if there's support for this concept, I would
3 defer to OAG and Office of Planning to develop the
4 -- and DMPED to develop the appropriate language
5 that reflects the commitment that's been made
6 publically and that's in the exclusive rights
7 agreement for this site, which is 20 percent of
8 the total units would be affordable housing, which
9 is 432 units, 114 at or below 30 percent AMI, 109
10 rental and 34 sale low income units for households
11 between 31 to 50 percent AMI, and 149 rental and
12 34 for sale moderate income units to households
13 between 51 to 80 percent AMI.

14 I'm reading from the testimony of the
15 Office of the Deputy Mayor for Planning and
16 Economic Development in terms of those numbers.

17 CHAIRPERSON HOOD: Okay. I personally
18 will support that. But let's see. Anyone else
19 like to comment on that?

20 MR. TURNBULL: I would agree, Mr. Chair,
21 adding that language. And the only other thing
22 that I would -- maybe just to tighten it a little
23 bit further is to say that we know certain sites
24 are going to have certain housing. But we've
25 heard testimony that said it would be -- the rest

1 would be throughout the site. But the language on
2 3540 doesn't really say that. So I would add
3 something that says, throughout the site. Just to
4 tighten up wherever the rental units are going to
5 be or whatever the -- it ought to be -- it ought
6 to say something to that affect, I would think.

7 MR. MILLER: For the remainder beyond the
8 --

9 MR. TURNBULL: Beyond what --

10 MR. MILLER: -- homeless site --

11 MR. TURNBULL: Right.

12 MR. MILLER: -- and the veteran's site
13 and the senior site. Yeah.

14 MR. TURNBULL: That's correct.

15 CHAIRPERSON HOOD: Okay.

16 MR. TURNBULL: You know, my only other
17 question, and there was a -- one of the parties in
18 opposition or one of the individuals in opposition
19 talked about the site, WR8, and thought that the
20 scale of that corner site on the 16th Street
21 corridor was higher than what it should have been
22 considering there's a park -- there's residential.
23 We're going WR7, and I think WR8 is moderate to
24 medium density residential. Maybe OP could just
25 come back and ask me why.

1 I mean, we had a question from the
2 opposition that night of the hearing. And I'm
3 just wondering -- there was a sense of concern
4 about the scale going on that corner.

5 MR. JESICK: Yes, we built into the text
6 a step back provision from Aspen Street.

7 MR. TURNBULL: Oh, okay. Yeah. Right.

8 MR. JESICK: So I didn't realize that was
9 a concern of the Commission, but we can -- if
10 there is a concern we can look at that.

11 MR. TURNBULL: Yeah, I would just take
12 another look. I mean, I just happened to note
13 that when I was reviewing the hearing today and it
14 just something -- the only other thing that we've
15 got to consider are the row house options.
16 There's like four of them, I believe, or three.

17 CHAIRPERSON HOOD: Let's go back to the
18 WR8.

19 MR. TURNBULL: Yeah.

20 CHAIRPERSON HOOD: I think that testimony
21 was compelling. So, Mr. Jesick if we could work
22 with the WR8, I think that was an issue and you're
23 right. Thank you for -- even though you just
24 viewed it, I do remember that being an issue.

25 I thought WR5 was an issue too, but the

1 connection there. But maybe it was not. But
2 maybe it was WR8. But anyway. What was your next
3 issue, Mr. Turnbull?

4 MR. TURNBULL: The only other thing is
5 that we have the row house layouts to talk about.
6 OP, in attachment 2 provided us with some options
7 on row house setbacks and I think there's three.
8 Basically 54 percent lot occupancy. There's two
9 at 54 and one at 68 percent lot occupancy.

10 I think the first one is basically --
11 well, I don't know whether you want OP to go
12 through it. I mean, I don't think they really
13 preferred. They haven't really said which one
14 they're leaning toward, but I think they're
15 leaving that up for us to talk about, unless they
16 want to make any comments on it.

17 CHAIRPERSON HOOD: I don't know. Mr.
18 Jesick, do you all have a recommendation in your
19 supplemental about the different options?

20 MR. JESICK: We didn't make a formal
21 recommendation but I think given the dimensions of
22 the site, the constraints on the site, I think we
23 would lean towards allowing more flexibility for
24 the layouts and not prescribing a strict layout
25 for garages or the townhomes themselves.

1 MR. TURNBULL: So not really prescribing
2 any of the three.

3 MR. JESICK: Well, I think there was one
4 scenario that had no rear yard requirement. And
5 that was kind of the question. Is there some rear
6 yard of some kind, or is there no rear yard
7 requirement.

8 MR. MAY: That confused me even more. So
9 are you suggesting that we should not have any
10 rear yard requirement because it maintains a
11 maximum flexibility? Or are you suggesting the 20
12 foot standard?

13 MR. JESICK: Well, there were two options
14 in the text.

15 MR. MAY: Right.

16 MR. JESICK: The no rear yard requirement
17 and the 20 foot rear yard requirement. When we
18 looked at it in the site plan format I think what
19 you end up with with the 20 foot requirement is
20 just more pavement. I don't really think that's
21 what anyone wants.

22 So the zero foot rear yard requirement
23 would allow flexibility for the spacing of the
24 buildings themselves, and also you know, can
25 account for the grading on the site and that sort

1 of -- those sort of variables which, you know, are
2 understood but once you get out in the field for
3 more detailed designs.

4 MR. MAY: I mean, so you are recommending
5 zero rear yard?

6 MR. JESICK: If you had to pin me down,
7 yeah, I guess I'd recommend that.

8 MR. MAY: All right.

9 MR. TURNBULL: So would that end up with
10 the 39 foot front yard?

11 MR. JESICK: Well, and we made certain
12 assumptions on the size of the house.

13 MR. TURNBULL: Right.

14 MR. JESICK: We don't know exactly how
15 big the units will be.

16 MR. TURNBULL: Okay.

17 MR. JESICK: But that would not be
18 inconsistent with the small area plan which --

19 MR. TURNBULL: Right.

20 MR. JESICK: -- did put a lot of emphasis
21 on green space throughout the WR1 area, but
22 including the front yards.

23 MR. TURNBULL: So the no rear yard could
24 also incorporate a garage on the first level then?

25 MR. JESICK: Yes, it could.

1 MR. TURNBULL: Okay. All right.

2 MR. LAWSON: It could -- I'm sorry. It
3 could of course also incorporate a detached
4 garage, where the house be moved further forward
5 on the lot by --

6 MR. TURNBULL: I see.

7 MR. LAWSON: -- not requiring rear yard
8 doesn't mean that the house would have to be set
9 back.

10 MR. TURNBULL: Would be set back. I got
11 you.

12 MR. LAWSON: At that spot.

13 MR. TURNBULL: Right. Okay. All right.
14 No, that makes sense. Okay.

15 CHAIRPERSON HOOD: Mr. Jesick, let me ask
16 you, if this is approved through proposing final,
17 aren't there segments that have to come back in
18 front of the Commission as far as design? Or is
19 that it?

20 MR. JESICK: No, there's no design review
21 incorporated in this.

22 CHAIRPERSON HOOD: So the Commission
23 won't -- that will be it for the Commission?

24 MR. JESICK: In most -- in all
25 likelihood, yes. There is a theoretical chance

1 for a PUD but we don't anticipate that on this
2 site.

3 CHAIRPERSON HOOD: Okay.

4 MR. TURNBULL: So it's basically matter
5 of right.

6 MR. JESICK: Correct.

7 CHAIRPERSON HOOD: And I was doing
8 something else on that discussion about the
9 different options that you proposed, and you all
10 just don't want to be nailed down for the most
11 part.

12 MR. JESICK: Well, I think there was a
13 real question at first about, you know, how it
14 would lay out. The Commission asked us to look at
15 that and we came back with these, you know, site
16 plan diagrams. And when you actually look at the
17 site I think it makes sense to allow some
18 flexibility and not overly prescribe the layout.
19 But, you know, that's where we came out on it.

20 CHAIRPERSON HOOD: Okay. I like your
21 wording, overly prescribed. That gives me a
22 comfort level. Long a we don't overly prescribe.
23 Commissioner May, you had your mic on?

24 MR. MAY: Yeah, I was going to say, I
25 appreciate the different scenarios that you

1 developed and I mean, it seems to me that having
2 that flexibility -- you know, it's hard for me to
3 imagine that the flexibility for zero rear yard
4 would wind up with all of the houses lined up
5 against the alley and then just very large front
6 yards. But it's also possible that for the houses
7 that front in Fern Street, it might be a real
8 necessity given the fact that there's the building
9 setback line; the restriction line.

10 So I understand the need for flexibility
11 when you don't have your standard 18 by 100 lot
12 ability in these blocks. So having that extra
13 flexibility I think is helpful and hopefully will
14 actually lead to some of those good things that we
15 like, like the, you know, at least on Elder Street
16 they could have a very nice townhouse and a very
17 nice rear yard, and a detached garage. So I'm
18 hoping some of that actually comes back instead of
19 just more, you know, three-story townhouses on top
20 of parking garages with a rooftop deck. Which as
21 you know is one of my least favorite building
22 types.

23 CHAIRPERSON HOOD: Comments on this? Any
24 other questions?

25 MR. TURNBULL: I just wanted to add a

1 comment that I appreciate the inclusion of the 3D
2 over the aerial view of the site. This sort of
3 makes everything kind of stand out. So, thank
4 you.

5 CHAIRPERSON HOOD: Okay. Yeah, I would
6 agree. I appreciate that; see how things kind of
7 fit. And again, the WR8, we ask that we look at
8 that.

9 Colleagues, I would recommend that we
10 move forward. I don't know if anyone has any
11 heartburn, but I would recommend that we move
12 forward in this case. We do have another vote.

13 Is there anything we're necessarily
14 looking at -- looking for except for WR8?

15 MS. COHEN: Yes.

16 MR. MILLER: Yes, I mean, I would like
17 the alternative minimum 20 percent set aside for
18 the affordable units at the deeper levels as
19 committed to by the executive branch.

20 CHAIRPERSON HOOD: Okay. I thought that
21 was already part of it.

22 MR. MILLER: Okay.

23 CHAIRPERSON HOOD: Yeah.

24 MR. MILLER: Okay.

25 CHAIRPERSON HOOD: That would be included

1 in most -- yeah.

2 MR. MILLER: Okay. Okay. On the WR*,
3 Mr. Chairman, I just would note that we did have
4 one citizen who testified, concerned about that.
5 But we have support for what the Office of
6 Planning has proposed from both ANC 4B and ANC 4A,
7 and I would note that ANC 4A's testimony says that
8 the -- I'll just quote an excerpt from it.

9 It appears that OP has listened to --
10 this is about WR8. "It appears that OP has
11 listened to community concerns about height,
12 setbacks, and size of the building and responded
13 by significantly reduce the building that would
14 have been allowed under the Small Area Plan. And
15 for those reasons ANC 4A supports the restrictions
16 at the proposed WR8 zoning places on the proposed
17 building. ANC 4A supports the siting and size of
18 the five to six story building scheduled to be
19 located in WR8." Which will have, I think, an
20 open space ratio or about 40 percent, which is
21 pretty large.

22 CHAIRPERSON HOOD: Okay. Well, I still
23 would request that they look at that again, as Mr.
24 Turnbull mentioned.

25 MR. TURNBULL: Yeah, and I --

1 CHAIRPERSON HOOD: Because the ANC
2 doesn't live across the street like the person who
3 came here.

4 MR. TURNBULL: I had read the ANC's
5 report and I understand that their concerns are --
6 but they might want to look at the block diagram
7 again also, and look at the 3D view. It just
8 seems a little bit high. But OP is going to look
9 at it again.

10 CHAIRPERSON HOOD: Yeah. It won't hurt
11 us.

12 MR. TURNBULL: Yeah.

13 CHAIRPERSON HOOD: Okay. Vice Chair
14 Cohen.

15 MS. COHEN: I would like to see DMPED
16 take a -- I think they owe it to the public, a
17 deeper dive as they're now using in the artful
18 world of planning. A deeper dive into the -- a
19 compelling reason why they can't do greater
20 affordability in this neighborhood at maybe a one-
21 third, one-third, one-third mix of incomes.

22 CHAIRPERSON HOOD: Okay. Commissioner
23 May.

24 MR. MAY: I have a question. I mean, if
25 we're talking about having them take another look

1 at things and we're voting on text that's going to
2 be advertised, how is that going to work
3 logistically? Are we going to -- are we asking
4 the Office of Planning and OAG to come up with
5 specific language to meet our requirements, or to
6 advertise some options, particularly when it comes
7 to the WR8 zone? I mean, what's the logistics of
8 how we get to move forward?

9 CHAIRPERSON HOOD: We just asked them to
10 take a look at it. I don't know if that's a show
11 stopper for any of us. And I know we have to
12 advertise for the next --

13 MR. MAY: Are you suggesting that we
14 would have them take a look at it and then we'd
15 take a vote, proposed action at another time?

16 CHAIRPERSON HOOD: A show stopper. A
17 show stopper. I actually would like to move
18 forward. I didn't think about the 30 days and
19 I'll tell you why. When I thought about the
20 Walter Reed I started thinking about McMillan. I
21 started thinking about Skyland. But anyway, I
22 don't want to go down those roads that Walter Reed
23 is sitting around here for 40 years like the rest
24 of them. Okay? So for me, we just asked the
25 Office of Planning to look at the WR8. As Mr.

1 Turnbull just reviewed the case, I think today or
2 yesterday. It's today.

3 So is that a show stopper for you?

4 MR. TURNBULL: No, it's not totally a
5 show stopper. I mean, I know there's the setbacks
6 but when I saw the block diagram, I mean it just
7 sort of -- and I did read the ANC's report and I
8 understand. But maybe if the ANC looked at this
9 picture they might have some more concerns and I
10 think OP was responsive to the ANC. But I'm just
11 wondering if it needs to go maybe just a little
12 bit further. Just to make sure that it blends in
13 with the neighborhood, the adjacent housing, and
14 that we don't put in something that's going to be
15 out of context totally.

16 CHAIRPERSON HOOD: So why don't we do
17 this? Why don't we give OP the flexibility? If
18 they choose to look at it, fine. If they don't,
19 we'll deal with it and come back at final.

20 MR. TURNBULL: Right. Yeah, okay. So
21 then -

22 CHAIRPERSON HOOD: They will have the
23 flexibility and if need be, they will notify us
24 what's going to be published. Okay? I'd rather
25 do it that way.

1 MR. TURNBULL: Okay.

2 CHAIRPERSON HOOD: Just as opposed to
3 holding everything up.

4 MR. MAY: Right. And how will we treat
5 the affordable housing --

6 CHAIRPERSON HOOD: Just as --

7 MR. MAY: -- language because right now
8 it says just that they're going to be consistent
9 or have to meet IZ requirements. And Commissioner
10 Miller was suggesting that we have the 20 percent
11 commitment be codified into the regulations.

12 CHAIRPERSON HOOD: The way I see that, I
13 think we accepted just as he mentioned. I don't
14 understand --

15 MR. MILLER: And I left it to -- I was
16 suggesting that OAG and OP and DMPED --

17 CHAIRPERSON HOOD: Yeah.

18 MR. MAY: Draft something.

19 MR. MILLER: I think it was --

20 MR. MAY: That meets that requirement.

21 MR. MILLER: That's issue to that, yeah.

22 CHAIRPERSON HOOD: That gets to his
23 point. I think this --

24 MR. MAY: And, Mr. Ritting, you're
25 looking at us --

1 MR. RITTING: Oh, no. Not negatively.
2 It's certainly possible that we could do that.
3 You're of course taking a risk that OP and OAG
4 will come up with some language that will then be
5 published for, you know, for comment that you
6 don't ultimately agree with. So if you're
7 comfortable taking that risk, we're certainly
8 willing to do that.

9 MR. MILLER: I am, because we'll have
10 final action that we can --

11 CHAIRPERSON HOOD: Ain't nothing
12 guaranteed for final. I voted against proposed in
13 the case tonight and I voted for it in final. So
14 I don't have a problem doing the reverse.

15 MR. MAY: Right. So of course we want to
16 get it -- as you suggested, we want to get this
17 voted on and completed in a timely fashion. And
18 this, you know, not having the language before us
19 opens up the possibility that we could have an
20 extended process. And I'm just trying to see if
21 there's anything we can do to make that process
22 work more smoothly.

23 Mr. Ritting, is it possible for us to
24 include two alternate pieces of language in what
25 we advertise, or do we have to commit to a single

1 one?

2 MR. RITTING: Certainly it's possible to
3 advertise alternative language.

4 MR. MAY: And then just make the decision
5 at final?

6 MR. RITTING: And make the decision at
7 final. You've done that before.

8 MR. MAY: Right.

9 MR. RITTING: Of course it begs the
10 question here, what are the two alternatives that
11 you're considering.

12 MR. MAY: Right. Well, I remember
13 pressing the deputy mayor's representative on this
14 subject of the IZ language versus what was in the
15 testimony and what was -- and maybe somebody else
16 was asking the question, but I just remember there
17 being some substantive reasons on why the deputy
18 mayor did not, or could not in their view, commit
19 to the 20 percent of affordable housing threshold.

20 So I'm just, I'm thinking that we may,
21 you know, if we simply impose this at this point,
22 we may wind up with an extended discussion of what
23 actually gets published, or we publish two
24 different versions of the language, and one of
25 which is, you know, is somehow completely

1 unworkable for the deputy mayor.

2 So I would be in favor of having two
3 versions of it, the existing and the 20 percent.

4 CHAIRPERSON HOOD: Let's finish with
5 Commissioner May first.

6 MR. MAY: No, I've finished.

7 CHAIRPERSON HOOD: Okay.

8 MR. MAY: I would be most comfortable
9 with a 20 percent requirement and an alternate
10 that sticks with the existing language.

11 CHAIRPERSON HOOD: Okay. Mr. -- yeah.

12 MR. MILLER: I'm okay with that.

13 CHAIRPERSON HOOD: Mr. Ritting, is that
14 okay with you?

15 MR. RITTING: Yes, I think I understand
16 that, that --

17 CHAIRPERSON HOOD: So that will give us
18 the option to knock the other one out. Okay.

19 MR. RITTING: Right. We would advertise
20 an alternative, one being the existing language
21 and the second being some language that mirrors
22 the direction that Mr. Miller described of course.

23 CHAIRPERSON HOOD: That's the preferable.

24 MR. RITTING: OP and OAG would work to
25 refine that language somewhat to be appropriate to

1 publish in a notice of proposed rulemaking.

2 CHAIRPERSON HOOD: Okay. Anyone else?
3 Vice Chair Cohen, I saw you reaching for your mic.

4 MS. COHEN: No, Mr. Chairman. I just
5 think that I am so far away from my colleagues at
6 this point that I'll just save my -- I think my
7 comment was irrelevant.

8 CHAIRPERSON HOOD: Okay. Would someone
9 like to put a motion on the table? Commissioner
10 Miller.

11 MR. MILLER: Mr. Chairman, I would move
12 that we take proposed action on the proposed text
13 and map amendment for Zoning Commission Case 14-
14 22, to create new zoning for the District's
15 portion of the former Walter Reed campus with the
16 alternative affordable housing provisions that
17 we've just discussed, and with our request for OP
18 to look at certain things between proposed and
19 final action.

20 MR. TURNBULL: Second.

21 CHAIRPERSON HOOD: Okay. It's been moved
22 and properly seconded. Any further discussion?
23 All those in favor.

24 (Vote taken.)

25 CHAIRPERSON HOOD: Any opposition?

1 MS. COHEN: I oppose, and I oppose
2 because I don't think that there's been --

3 CHAIRPERSON HOOD: Any, just opposition.

4 MS. COHEN: Okay. I oppose.

5 CHAIRPERSON HOOD: Any abstentions?
6 Okay. If you want to elaborate now. Okay.

7 MS. COHEN: Thank you.

8 CHAIRPERSON HOOD: Hold on. First, Ms.
9 Schellin, would you carry the vote, please?

10 MS. SCHELLIN: Yes. Staff records the
11 vote four to one to zero to approve proposed
12 action Zoning Commission Case No. 14-22,
13 Commissioner Miller moving, Commissioner Turnbull
14 seconding, Commissioners May and Hood in support,
15 Commissioner Cohen opposed.

16 CHAIRPERSON HOOD: Okay. Commissioner
17 Cohen, if you want to explain to us why you
18 oppose?

19 MS. COHEN: No, I think I did a fairly
20 extensive explanation. I just feel that DMPED did
21 not make a very compelling argument as to why the
22 affordability couldn't be more extensive and
23 deeper.

24 CHAIRPERSON HOOD: Okay. All right.
25 Anything else on this case?

1 Okay. Ms. Schellin, do we have anything
2 else in this public meeting?

3 MS. SCHELLIN: No, sir. We just need to
4 take about a five minute break for the technical
5 staff to do a switchover.

6 CHAIRPERSON HOOD: And let me ask this.
7 Do I see -- is Commissioner James here? That's
8 where we were supposed to start. So the next
9 meeting will -- our hearing will be a lot shorter.

10 Okay. Unless she comes in in the next
11 five minutes. Maybe she's watching us on the
12 webcast live. Okay. So if you are watching this,
13 Commissioner James, you can come on down or come
14 over.

15 Okay. So with that this meeting is
16 adjourned and I thank everyone for their
17 participation.

18 (Hearing adjourned at 7:14 p.m.)

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