

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission

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9 Regular Public Meeting
10 1417th Meeting Session [17th of 2015]

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14 6:36 p.m. to 7:38 p.m.
15 Monday, October 19, 2015

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19 Jerrily R. Kress Memorial Hearing Room
20 441 4th Street, N.W., Suite 220-South
21 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 JENNIFER STEINGASSER

14 MATT JESICK

15 ELISA VITALE

16 STEVE COCHRAN

17

18 Office of Attorney General:

19 JACOB RITTING, ESQ.

20 LAWRENCE FERRIS, ESQ.

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

2 CHAIRPERSON HOOD: Okay, this is the regular
3 public meeting of the D.C. Zoning Commission, Monday,
4 October 19th, 2015. Time now is approximately 6:36.
5 We're located in the Jerrily R. Kress Memorial
6 Hearing Room.

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

14 We do not take any public testimony at these
15 proceedings unless we ask someone to come forward.
16 We ask that you not have any disruptive noises as we
17 deliberate.

18 With that we will get right into our agenda,
19 and also I plan on moving, colleagues, unless there
20 is some objection, the agenda to join -- or possibly
21 join final action last, if we decide to plow through
22 tonight. If not I know we may move to another date
23 for penthouses because we want to solely concentrate
24 on penthouses for about an hour only. So we'll see
25 how it goes and how these proceedings proceed.

1 Okay. Ms. Schellin, do we have any
2 preliminary matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: Okay. Let's go right in
5 to it. Consent calendar item, Zoning Commission Case
6 No. 11-07E, American University request for minor
7 modifications to further processing of a campus plan.
8 Oh, before I do this, we actually have three consent
9 calendar items. And I'm going to ask if there is any
10 commissioner that would like to take any of these
11 consent calendar items off of the consent calendar
12 item. Let me do that first. Mr. Turnbull.

13 MR. TURNBULL: Mr. Chair, I would -- I feel
14 that 07-21C PerStar M Street Partners, LLC., request
15 for minor modifications to the PUD at Square 50
16 should be moved to a hearing.

17 CHAIRPERSON HOOD: Okay. So all it takes --
18 rules say all it takes is for one commissioner, and I
19 actually would agree. Even though I might have went
20 another way with this. But anyway, I think let's do
21 that. Any other comments on this?

22 Let me ask, Ms. Steingasser, do you all have
23 a report on this or do you want to deal with this at
24 hearing action, or you want to stand on what's on the
25 record?

1 MS. STEINGASSER: We'll deal with it at
2 hearing action.

3 CHAIRPERSON HOOD: Okay. All right.
4 Anything else, colleagues, that we want to come off
5 the consent calendar item? Calendar. Okay. Consent
6 calendar.

7 Okay. Let's move right in to Zoning
8 Commission Case 11-07E, American University, request
9 for minor modification to further processing of
10 campus plan at Square 1601. Ms. Schellin.

11 MS. SCHELLIN: Yes, sir. In this case the
12 applicant has submitted a request for a minor
13 modification to the further processing of the campus
14 plan to allow for construction on Saturdays.

15 At Exhibit 4 we have ANC 3D's opposition,
16 Exhibit 5 we have opposition of homeowners and
17 residents of Westover Place, Exhibit 6 we have the
18 applicant's response to ANC 3D's resolution, at
19 Exhibit 7 we have ANC 3D's response to the
20 applicant's response, at Exhibit 8 we have an e-mail
21 from Westover Places' Board of Directors advising
22 that the board has not changed its position from
23 earlier hearings and that the overwhelming sentiment
24 is that the Commission take no action this evening
25 that would jeopardize the expeditious completion of

1 the east campus.

2 So we'd ask the Commission to consider the
3 applicant's request this evening.

4 CHAIRPERSON HOOD: Okay, Commissioners, let
5 me open it up for any discussion on these requests.
6 Anyone?

7 MR. TURNBULL: Mr. Chair, I guess just going
8 through the record here, I mean, even though we have
9 an e-mail from Mr. Joseph who I take it is
10 representing the Board of Directors, it doesn't say
11 his position or anything, and that the board has not
12 changed its position from what it expressed in
13 earlier hearings, but the other letters, the other
14 submittal which is Exhibit No. 5, shows that there is
15 about 54 or 40 some odd residents of that group that
16 are opposed to it and they're -- I mean, some of the
17 arguments there is that the contractor is not working
18 effectively on the job.

19 I mean, in one way I'm not opposed to
20 allowing this based upon this minimal e-mail, I guess
21 from the Board of Directors. But I'm just concerned
22 that there needs to be a concerted effort to get this
23 project done and that AU has got to have some control
24 over this to get this thing done and that we're not
25 coming back in another -- again, asking for more time

1 on this.

2 So I'm just a little bit concerned that it is
3 going to be done expeditiously.

4 CHAIRPERSON HOOD: Okay. Any other comments?
5 Commissioner Miller?

6 MR. MILLER: Thank you, Mr. Chairman. Yeah,
7 before we had gotten the e-mail from the Westover
8 Place Homes Board of Directors, I was kind of
9 prepared to keep with the currently approved -- the
10 previously approved construction schedule and allow
11 for some flexibility in the completion date for the
12 project and for the full residential requirement by
13 the fall of 2016. But after getting that -- because
14 we did have the ANC's concerns and the 47 or so, 40
15 some odd homeowners. But the Board of Directors
16 represents that it represents the owners of the 149
17 properties.

18 So I think if they need Saturday construction
19 between now and next year to get this thing done by
20 the time that we originally said it should be done by
21 and what the owners -- what the Board of Directors of
22 the owners next door want it to be done by, you
23 usually do want the construction just to get -- to be
24 done and over with, even if -- I don't think a lot of
25 -- if we were in the middle of summer and Saturdays

1 were happening, it might be different. But we're now
2 going into a cold season and people aren't as outside
3 as much as they -- anyway, I think I'd be inclined to
4 go along with the University's request for the
5 additional construction hours.

6 CHAIRPERSON HOOD: Okay. Vice Chair Cohen.

7 MS. COHEN: Thank you, Mr. Chairman. I would
8 concur with the conclusion of my colleague,
9 Commissioner Miller for several reasons.

10 One, I really don't think there is much more
11 information we can glean from the parties other than
12 what's been provided to date. I do believe that this
13 is a complicated project and, you know, the weather
14 was not cooperating. I'm aware of many projects
15 throughout the city that have experienced delays. In
16 fact there's a project that is even doing Saturday
17 and Sunday construction and it's in a dense
18 neighborhood.

19 But I think we should just move forward
20 quickly. We're in a period where we're not going
21 outdoors as much, keeping our windows open. They are
22 predicting a very cold winter I think, again. If we
23 can get everything under roof the interior work can
24 proceed. So I'm inclined to go along with the
25 applicant's -- American University's request to

1 permit outdoor construction on Saturdays.

2 CHAIRPERSON HOOD: Okay. Commissioner May?

3 MR. MAY: I agree with what's been said so
4 far. I think, you know, it's hard to get through the
5 period of construction but I think this -- the faster
6 it gets over, the better.

7 CHAIRPERSON HOOD: I think when I've read
8 this, and I read this last night and I didn't look at
9 it again today, but when I read this I thought that
10 in Condition 41 that we had put some measures in
11 place which were worked by the community as far as
12 passing out -- I saw something where passing out
13 flyers on Saturday and I understand none of that has
14 ever even happened.

15 So my issue is, we had a condition in place
16 and how it was supposed to effectively work with the
17 input of the community. And at least from what I
18 read in the record, that did not happen. Am I the
19 only one read that? Well, maybe I have a different
20 record. But what I read in the record --

21 MR. TURNBULL: You did read it.

22 CHAIRPERSON HOOD: Okay. I just wanted to
23 make sure. And again, I'm starting to have problems
24 when we put stuff in -- the ask seems to get bigger
25 and bigger for us. Yes, we want them to complete it.

1 Yes, we want them to get this done, but also you've
2 got to work with the community. And I understand
3 what happened here, and I obvious don't have the
4 votes and it's not a showstopper for me. But we
5 already had a condition in place where the University
6 would, I guess pass out flyers to the community and
7 let them know look, we're going to work on Saturday,
8 or we're not going to work on Saturday.

9 I understand from what's been presented to us
10 tonight, was that that just started happening maybe a
11 week or so before you came down here. Now that's the
12 way I read it and interpret it. And I have a problem
13 with us sitting down here, it's 11:00 and 12:00 at
14 night, having hearings, putting things in place,
15 balancing and working with the community, and then we
16 hear later on it did not happen that way.

17 I don't know if anybody else has a serious
18 problem with that, but I do. And I know that the way
19 it stands, the consent to go ahead and move forward
20 with the request is, but I want you to know that I am
21 very displeased right now with the information I
22 received about how this was proceeding under the
23 other condition in which this Commission has
24 improved, and I think we've dealt with this two or
25 three times already. So that's where I am.

1 MR. TURNBULL: Mr. Chair, I would concur. I
2 am okay with moving ahead with this, but American
3 University has done this time and again of not
4 involving the neighbors. And we have talked about
5 this before in the hearing that they are supposed to
6 talk to the neighbors. And as I said, I'm okay with
7 going ahead with this but this is the last time and
8 if we get another voice by a community group saying
9 AU is not talking to -- I will not approve this next
10 time, unless there is direct involvement by AU with
11 the community and the ANC on these issues. As you
12 said, we went through a whole set of hearings where
13 we had this before. And I think AU has got -- I
14 mean, other universities are talking to their
15 neighborhoods. And we don't get quite the stress
16 that we're getting with AU.

17 So I'm okay with this. I want to get this
18 thing done and get it out of the neighbor's hair so
19 that this thing is completed, but it's just
20 irritating I think, like you said, to have to go
21 through this. But let's move ahead with this thing.

22 CHAIRPERSON HOOD: I know this is on the
23 consent calendar item, colleagues, but can I talk my
24 colleagues into asking the University to work with
25 the ANC and the community and then we'll deal with

1 this consent calendar item within maybe 10 work days?
2 Is anyone interested in that proposal?

3 MR. MAY: I'm not particularly interested.
4 And, you know what, I appreciate the fact that it
5 appears from what we have in the record that there
6 hasn't been enough communication from AU with the
7 community. I'm not sure that we're getting the full
8 story there and, you know, I believe that generally
9 speaking AU has taken the requirements of the Zoning
10 Commission to work actively with the community to
11 address the issues that come with the execution of a
12 campus project like this and like the others that
13 they've been working on.

14 And I think that at this point I don't think
15 we're really going to necessarily benefit from
16 delaying for any period of time. I'd rather get this
17 over with but I think that AU has heard loud and
18 clear that they want to make -- we want to make sure
19 that they're doing everything that they can to
20 communicate well with the neighbors.

21 MS. COHEN: Mr. Chairman, I would go along
22 with Commissioner May's proposal. Again, AU could
23 always do a better job. Everybody can do a better
24 job in communicating. No doubt about that. But I
25 think again, even losing another 10 days could be

1 detrimental and I think we should just move ahead,
2 reprimand AU, get them to agree to be more
3 forthcoming with their neighborhood, their ANC
4 especially, but I would not delay this any further.

5 CHAIRPERSON HOOD: Okay. I've heard that.
6 I've heard from my colleagues and I don't understand
7 how we reprimand AU because they walk out of here,
8 still got what they wanted. And here's the thing,
9 the reason I say the two weeks is I look at that as a
10 compromise. A compromise to what the ANC is asking
11 us. Well, we might not have the full story. All I
12 can go is on the record. Nobody comes to me and
13 talks to me when I'm out of the hearing room about
14 this kind of stuff so -- and I understand that
15 anybody else does. But I'm saying, all I'm going by
16 what's in the record.

17 And I think the reason why I proposed that is
18 so they can do exactly what the chair person, Tom
19 Smith, has asked for. When he says in conclusion,
20 ANC 3D stresses yet again that a hearing is
21 necessary. I didn't go too far as to say a hearing.
22 I'm trying to balance it, to allow the Zoning
23 Commission to balance the needs of the University
24 with those of the community. That's where I'm trying
25 to go. That's what I'm searching for. And that's

1 all I ask for, for 10 days for them to do the same
2 things they've done previously in working together in
3 Condition 41. That's all I'm asking for. I'm not
4 asking -- for 10 days.

5 And obviously the condition that we gave
6 them, 41, we reprimanded them and all that and no
7 offense to anyone at AU, but they didn't even follow
8 that. So do I have any interest now?

9 [No audible response.]

10 CHAIRPERSON HOOD: Not hearing any, somebody
11 make a motion.

12 MR. RITTING: May I interject? Before there
13 was a substantive motion made I just wanted to
14 provide the Commissioners with a reminder that there
15 was a timeliness issue raised by the ANC and I was
16 hoping that you could deliberate on that issue before
17 you made a substantive motion.

18 MR. MAY: Mr. Chairman, if you'd like?

19 CHAIRPERSON HOOD: Yes.

20 MR. MAY: So, the applicable rules are 3129.3
21 a request for minor modification of plans shall be
22 filed with the board, not later than two years after
23 the date of the final order approving the
24 application. A request to modify other aspects of a
25 board order -- this is 3129.7. A request to modify

1 other aspects of a board order may be made at any
2 time, but shall require a hearing.

3 So I think what this means is that we can't
4 consider this under the first clause because it's not
5 a minor modification of plans, so the timeliness
6 thing doesn't really apply. What does kick in is the
7 request to modify other aspects of the board order
8 can be made at any time.

9 The complication with that is that we would
10 have to -- our motion, I think, would have to --
11 excuse me, essentially include a waiver of the
12 requirement for a hearing. And we can do that for
13 good cause shown if the waiver will not prejudice the
14 rights of any party and is not otherwise prohibited
15 by law.

16 So I think that I would be prepared to make a
17 motion that we, under 3129.7, grant the request to
18 modify other aspects of the board order and also
19 waive the requirement for a hearing pursuant to that
20 modification.

21 CHAIRPERSON HOOD: Okay. Is that a motion?

22 MR. MAY: Yes.

23 CHAIRPERSON HOOD: It's been moved. Can I
24 get a second?

25 MS. COHEN: Second.

1 CHAIRPERSON HOOD: It's moved and it's
2 properly seconded. Any further discussion?

3 [No audible response.]

4 CHAIRPERSON HOOD: I will just throw this in;
5 while I'm not going to vote against this I would like
6 to have done it the way that I wanted it -- I thought
7 that it should have been done. I would just ask --
8 I'm not going to admonish, but I'm not going to
9 reprimand or anything like that. I'm just going to
10 ask American University to work with the effected
11 neighbors as been asked before. You've heard -- you
12 know the concerns, you all have done it before, and
13 that you follow the conditions in which this Zoning
14 Commission has prescribed and do that to the T.

15 Any further discussion?

16 [Vote taken.]

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

19 MS. SCHELLIN: Yes. Staff records the vote
20 five to zero to zero to approve final action in
21 Zoning Commission Case No. 11-07E as stated this
22 evening, Commissioner May moving, Commissioner Cohen
23 seconding, Commissioners Hood, Miller, and Turnbull
24 in support.

25 CHAIRPERSON HOOD: Okay. Next let's go to

1 Zoning Commission Case No. 11-03D. This is the Wharf
2 5 Hotel Leaseholder, LLC. request for minor
3 modifications to PUD at Square 473. Ms. Schellin.

4 MS. SCHELLIN: Yes. For this case the
5 applicant is requesting modifications relating to
6 parcel 5, which will be developed within Extended
7 Stay, excuse me, and Limited Service Hotel. The
8 modifications proposed relate to interior space and
9 square footage adjustments within the building
10 envelope, penthouse and pool changes on the rooftop,
11 and minor building façade adjustments within the
12 interior elevated courtyard.

13 At Exhibit 8 we have a letter in support from
14 Gangplank Slipholders Association, Exhibit 9 is an OP
15 report in support, and Exhibit 10 is a letter in
16 support from the SMD 6D-04 and we'd ask the
17 Commission to consider final action on this case.

18 CHAIRPERSON HOOD: Okay. Thank you, Ms.
19 Schellin, and I believe also the SMD, that single
20 member district, is meeting tonight. I think they
21 said tonight. But I know that -- I think they plan
22 on -- at least it was presumed that they were going
23 to have a letter in support of this consent calendar
24 item at their SMD meeting, which is -- I mean, with
25 their full ANC, which I believe is meeting tonight.

1 So let's open it up. Any comments?
2 Questions? Or if not, we'll take a motion.

3 We don't have to belabor it. I think it has
4 full support from the parties and also it talks about
5 leveling some of the floor levels and everything. So
6 it seems like from the conclusions that this makes it
7 a much better project. So I don't know how much more
8 we need to --

9 MR. MILLER: Mr. Chairman, I would agree with
10 you and just cite the letter that we did receive from
11 Commissioner Andy Litsky, which was supportive and it
12 made the reference that you made that they would --
13 the full ANC would be taking it up but he wanted it
14 to be on the record that he supports it and that
15 these modifications are necessary and they're
16 actually improvements in many respects. So I'm
17 prepared to go forward.

18 CHAIRPERSON HOOD: Okay. Any other comments?
19 Make a motion?

20 MR. MILLER: Sure. Mr. Chairman, I would
21 move that the Zoning Commission take consent calendar
22 action on Zoning Commission Case No. 11-03D, Wharf 5
23 Hotel REIT Leaseholder, LLC. request for minor
24 modification to PUD at Square 473 and ask for a
25 second.

1 MR. TURNBULL: Second.

2 CHAIRPERSON HOOD: Okay. Mr. Turnbull,
3 second. It's been moved and properly seconded. Any
4 further discussion?

5 [Vote taken.]

6 CHAIRPERSON HOOD: Not hearing any
7 opposition, Ms. Schellin, would you record the vote?

8 MS. SCHELLIN: Yes. Staff records the vote
9 five to zero to zero to approve final action in
10 Zoning Commission Case No. 11-03D, Commissioner
11 Miller approving, Commissioner Turnbull seconding,
12 Commissioners Cohen, Hood, and May in support.

13 CHAIRPERSON HOOD: Okay. Let's go to hearing
14 action. Ms. Steingasser, we're going to do the first
15 as listed on the agenda and then we'll go back to the
16 consent calendar item that was taken off. So just
17 giving you all heads up, we're going to do it in that
18 order if that's okay.

19 Okay. Hearing action Zoning Commission Case
20 No. 11-03C, Wharf District Master Developer, LLC.,
21 Second Stage PUD at Square 473. Mr. Jesick.

22 MR. JESICK: Thank you, Mr. Chairman and
23 Members of the Commission. This application is for a
24 second stage PUD at Parcel 1 of the Wharf Project
25 along the southwest waterfront, along with the

1 adjacent Market Square and market shed.

2 Parcel 1 is the northernmost parcel of the
3 Wharf, directly across from Banneker Overlook, and
4 the Market Square would abut the Main Avenue Fish
5 Market which is not part of the PUD.

6 As approved, in the first stage PUD the
7 applicant proposes on Parcel 1, a 130 foot tall
8 office building with ground floor retail. The
9 massing is generally, as shown in the first stage
10 approval, and the applicant is now bringing forward
11 the proposed final design.

12 The building would form an approximate V
13 shape and open up toward the water. And the building
14 shape maintains views from the Banneker Overlook
15 toward the Washington Channel. The design would
16 feature a large lobby spanning the entire depth of
17 the building from Main Avenue to the waterside. And
18 on the waterside it would open up to a height of four
19 stories with a glass façade facing the water.

20 Retail would also face the water on the
21 ground floor, and on the Market Square side one story
22 or potentially two story retail would front the
23 building.

24 Back of house functions would mostly face the
25 alley on the southeast side of the building.

1 Unfortunately some of those back of house functions
2 also back up to Main Avenue and we've asked the
3 applicant to take a look at potentially activating
4 that space a little better than what is shown in the
5 current design.

6 At the penthouse level the application
7 requests flexibility to provide habitable space in
8 the form of a restaurant or similar use, and under
9 the draft regulations currently being considered by
10 the Commission in this zone that use would be
11 permitted as a special exception.

12 The penthouse structure meets most setbacks,
13 except on the water side where there is a step back
14 in the building mass and the penthouse wall would be
15 directly above the wall of the 10th floor of the
16 building. OP informed the applicant of our opinion
17 that that design is not in conformance with the
18 Height Act.

19 The Market Square and market shed are also
20 similar to the design shown in the first stage PUD
21 approval. The square would allow circulation for
22 vehicles into the project, and then either back out
23 on to Main Avenue into the alley between Parcels 1
24 and 2, or into the fish market.

25 There is a relatively new traffic signal at

1 Main Avenue and Market Square that will control
2 traffic in that area and allow pedestrians to safely
3 cross Main Avenue. The market shed would be a one-
4 story retail pavilion bifurcated by a pedestrian
5 passage that would allow transit for pedestrians from
6 the elevator lobby in the Parcel 1 building to the
7 fish market.

8 The design is recognizable because it
9 proposes a butterfly roof shape that has been seen in
10 some other small scale buildings on the Wharf. As
11 with some other -- as with the other second stage
12 PUDs at the Wharf the amenities are a continuation of
13 those established during the first stage PUD. And
14 these include items such as affordable housing
15 throughout the project and environmental design.

16 OP has asked the applicant to update the
17 Commission on a couple of other amenity items,
18 including their efforts on the CBE First Source
19 fronts as well as other related commitments. And
20 we've also asked them to update the Commission on the
21 status of the temporary stair and ramp to Banneker
22 Overlook from Main Avenue which would be a very
23 important amenity for the entire project, especially
24 for Parcel 1.

25 But overall OP strongly supports the

1 application and the design of Parcel 1, Market
2 Square, the market shed. The design is not
3 inconsistent with the first stage PUD or the
4 Comprehensive Plan. And therefore we recommend that
5 it be set down for a public hearing. Thank you.

6 CHAIRPERSON HOOD: Okay. Mr. Jesick, thank
7 you. Commissioners, any questions or comments to
8 Office of Planning, also that the applicant may hear.
9 Commissioner May?

10 MR. MAY: Sure. I appreciate the issues that
11 you raised and the updates that you requested.
12 That's all good. I would also note that the -- I
13 think I saw on the record, the CFA concept approval
14 for the design. So I won't have a lot of comments on
15 the design in its current state.

16 I just have a question about the market shed.
17 Is that intended to be a real market shed, like open
18 air? I mean, I see it glassed in. Is it more like
19 an enclosed pavilion that vendors will use to sell
20 fresh vegetables as the images seem to apply --
21 imply? Or is it something else?

22 MR. JESICK: I don't think an actual tenant
23 has been identified for that space. My impression
24 from just discussions with the applicant is that it
25 would be more of a permanent tenant of some kind

1 rather than a --

2 MR. MAY: I see.

3 MR. JESICK: -- market type tenant. But
4 that's still up in the air.

5 MR. MAY: Okay. So I raise the issue because
6 I have some personal experience in the operation of
7 sheds like, somewhat similar to that. At least, you
8 know, a produce shed, the Farmer's Line at Eastern
9 Market is kind of similar in concept if that's what
10 they're going for, and there are complications to
11 that.

12 But also, if they're talking about produce
13 vendors working in an all glass shed like that, I
14 don't think that's going to work. Most of the
15 vendors inside of Eastern Market were flipped out at
16 the prospect of having skylights added to the
17 building because it was too much direct sunlight and
18 it would damage the goods.

19 So again, it may not fit with what they
20 intend to do or what tenants they may be able to find
21 but if the intention is something like what we see in
22 those images, it's a complicated thing to deliver and
23 they need to look into that carefully. We don't want
24 to approve something with certain ideas in mind and
25 then find out that it's got a -- you know, it has to

1 be a bar. I mean, maybe it has to be a bar. I don't
2 know. But I think we want to understand what they
3 want it to be. And they may well benefit from
4 talking to your colleagues at DGS about the operation
5 of the Eastern Market, if that's in fact something
6 like what they want to try to do. That's all.

7 CHAIRPERSON HOOD: Vice Chair Cohen.

8 MS. COHEN: Thank you, Mr. Chairman. As
9 noted the penthouse height is over the Height Act,
10 but whatever they do with that penthouse, as they
11 lower it, what I would like the applicant to address
12 is the -- especially if they plan to put in any type
13 of entertainment center, such as a night club, noise
14 attenuation and lighting up there.

15 And in addition my recollection was Parcel 1
16 was going to possibly be a cogeneration plan and I'd
17 like the applicant to discuss why they did not
18 proceed with that. I thought that was such a
19 brilliant idea. So I would like to know more about
20 why not.

21 I also want to make sure that the access from
22 the garage to the fish market -- you know, I just
23 want more information with regards to any possible
24 crossing through, you know, the cars. You know, what
25 kind of markings there might be to give pedestrians

1 right of way. And in addition I think I heard you
2 say that car access, they could back out as opposed
3 to making a circular -- maybe I misunderstood you,
4 but backing out is not the way to go, I don't think,
5 off of Main Avenue. But I may have misunderstood
6 you.

7 MR. JESICK: No, sorry if I wasn't clear.
8 Yeah, you would actually circle around the market
9 shed and --

10 MS. COHEN: Okay.

11 MR. JESICK: -- head back out to Main Avenue.

12 MS. COHEN: Okay. Thank you. In addition I
13 just again want to confirm that from the Banneker
14 Outlook you can still see the water. Yeah. Whether
15 there's a gap or not.

16 And I think that -- again, I'd like more
17 information as well about the shed because I want to
18 make sure that area is animated. And although it's
19 not a huge area I just don't want it to be cold,
20 without any kind of, you know, active marketing in
21 the winter, you know, when everything looks empty and
22 cold. So if they could give us more discussion as
23 how they can address that. Those are my comments.

24 CHAIRPERSON HOOD: Okay. Anybody else?
25 Commissioner Turnbull.

1 MR. TURNBULL: Thank you, Mr. Chair. I would
2 agree with all of the comments made so far on this
3 project. And I agree with OP. I want like -- Mr.
4 Jesick, thank you for your pointing out some of those
5 issues. I had the same. I agree with your comments
6 on Main about the loading and the trash. I think
7 that just sort of takes away from the whole Main
8 Street experience and I think they need to rework
9 that and try to work in some more retail along there.

10 I definitely agree with your penthouse
11 setback comments. I think they need a lot of work up
12 there to correct that. And as you mentioned before,
13 the loading relief. That gets tight and that whole
14 corner is just -- you've got a huge office lobby, and
15 they have a two story, four story, it's a huge
16 atrium. Yeah, I understand they're going for a
17 certain effect, but they still could play around with
18 that front part of the building and make it work
19 better. I think the functionality, the operability
20 of that space really needs to be thought out better.

21 The one comment about the materiality, being
22 able to change materials, I'm not really -- I don't
23 mind changing colors or variations of that, but I
24 think once they've picked a material, unless you're
25 going to come back for a minor mod I don't think you

1 ought to be changing material per se and coming back
2 and saying, we can change that. So I think colors
3 are an option, but not changing the material per se.

4 And I agree with the Vice Chair on the
5 lighting and sound and noise up on the roof. I think
6 we need some more sections up there through the roof,
7 and maybe some views of the roof, what this is
8 finally going to look like once they resolve the
9 setback issues. I think that would be good.

10 And I agree with Commissioner May about the
11 market shed. I think it's a -- I don't think it's
12 going to be a fruit market. It could be a restaurant
13 which would be awkward to serve too, I guess, but
14 that's -- I think they really need to come to grips
15 with how they deal with the market shed.

16 And other than that, I think that's it, Mr.
17 Chair.

18 CHAIRPERSON HOOD: Commissioner Miller.

19 MR. MILLER: Thank you, Mr. Chairman. I too
20 would concur with the comments of the Office of
21 Planning and of my colleagues, and agree with
22 Commissioner Turnbull about getting some illustrative
23 renderings of what's going on up on the rooftop and
24 what it looks like, both from the street and
25 waterside views, and from the apartment building

1 rooftop next door on Parcel 2, I guess that is.

2 I also, I think OP in their body of their
3 report but not in the summary, ask for a status of
4 the -- update on the status of the CBE and First
5 Source compliance which I think would be useful since
6 there's a track record being developed here and it
7 would be useful to see what the percentage of
8 construction jobs are being filled by D.C. residents
9 on the other parts of the Wharf project where
10 construction has begun.

11 I'd also like to understand the relationship
12 better between the experience you have at the market
13 shed, which is just -- I forget how many feet high
14 that is. Twenty some feet or something. And the 110
15 foot north façade of this building which has a
16 setback at the ground at the second floor. Well, I
17 just want to understand how that's -- I see that the
18 setback is helpful in terms of that relationship, but
19 I just want to maybe see whether that could be
20 improved and whether there needs to be more gesture
21 there towards the -- between this 20 some story -- 20
22 some foot high market shed and this 130 foot high
23 building right next door.

24 The only other thing, I realize this is
25 not -- that the fish market is not part of the PUD,

1 but it's right next door to this Market Square and
2 market shed, and I would like information from either
3 the District, whether it's OP or the Deputy Mayor's
4 Office of Planning and Economic Development, or the
5 applicant as to what's going on and what's the status
6 of what's going on with the fish market, because this
7 is right next door to it and I think the developer
8 has a keen interest, and maybe an active interest in
9 the renovation that's going to be going on there. At
10 least I've read reports about this and I think
11 there's some ongoing -- there might be some ongoing
12 litigation from one of the fish market lease holders
13 with -- between them and the District. I don't know
14 how much we can get into that.

15 But I just want to understand how this
16 relates to the fish market renovations that are
17 happening and what the status of that is and when
18 different things will be coming online and it's -- I
19 mean, because the prospect of this whole area being
20 activated and revitalized is very exciting. I just
21 want to understand it a little better and maybe just
22 present that relationship a little better. So thank
23 you, Mr. Chair.

24 CHAIRPERSON HOOD: The only thing I would add
25 is I really appreciate the showing of how the traffic

1 pattern is going to work, and if you remember during
2 the first stage one of the things I mentioned that
3 we're going to do traffic throughout this whole
4 process because I wanted to make sure that nobody
5 said -- but you all already approved it. I will have
6 some questions about some of the pedestrian, primary
7 pedestrian walkways I see, as well as how it's going
8 to intertwine with some of the traffic patterns, and
9 we'll go from that at the hearing. So I don't have
10 any delay in setting this down.

11 Unless there's no other discussion I would
12 move that we set down for hearing action -- I mean,
13 for hearing, Zoning Commission Case No. 11-03C, Wharf
14 District Master Developer, LLC., Second Stage PUD at
15 Square 473, and ask for a second.

16 MR. MILLER: Second.

17 CHAIRPERSON HOOD: It's been moved and
18 properly seconded. Any further discussion?

19 [Vote taken.]

20 CHAIRPERSON HOOD: Not hearing any, Ms.
21 Schellin -- not hearing anyone in opposition, Ms.
22 Schellin, would you record the vote?

23 MS. SCHELLIN: Yes. Staff records the vote
24 five to zero to zero to set down Zoning Commission
25 Case No. 11-03C as a contested case. Commissioner

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

3 CHAIRPERSON HOOD: Okay. Next we're going to
4 go to -- hold on a second. Which fell from the
5 consent calendar item, Zoning Commission Case No. 07-
6 21C, PerStar M Street Partners, LLC. request for
7 minor modification PUD at Square 50. Mr. Cochran.

8 MR. COCHRAN: Thank you, Mr. Chair. OP
9 recommends that you set down the request to modify
10 Order No. 21B. In particular the decision item A1 on
11 page 22 of that order, to explicitly permit signs
12 that have already been installed on an existing hotel
13 at the Northwest corner of 22nd and M Street. This
14 is necessitated in the applicant's opinion by their
15 BZA Appeal No. 18793, which reversed the Zoning
16 Administrator's decision that permitted all of the
17 signs that are now there.

18 By background, there had been discussion of
19 the signs at the hearing on the case, 07-21B.
20 Subsequent to the Zoning Commission's order there
21 were different interpretations of what that decision
22 meant as to the number and the location of those
23 signs. The signs have been installed. There was an
24 appeal of the ZA decision relating to the signs, and
25 with the reversal of the ZA's decision the applicant

1 is requesting modification to permit the signs that
2 are there.

3 CHAIRPERSON HOOD: Okay, colleagues, we've
4 set this down for a hearing. And again, this goes
5 back, Ms. Steingasser, one of the things I asked for
6 in the ZRR. I actually sat on all the cases
7 pertaining to this. I'm specifically inclined to --
8 again, we need to find a way, when these kind of
9 things happen, and I know this was mentioned at the
10 BZA hearing that that was the only avenue they had.
11 I'm hoping that we covered this in the ZRR, as well
12 as finding out what we should look to, whether it be
13 the final order, and I think we've already ruled on
14 that it needs to be the final order, but we want to
15 make sure that we specify some of these things so
16 some of these issues won't arise later on. And coming
17 from a decision that the Zoning Commission made to an
18 appeal to the BZA, and now back here on the consent
19 calendar item which we just took off for another
20 hearing.

21 I think through this ZRR process, I'm hoping
22 that these kind of things will be taken care of and
23 there is a process for the public, applicants, and
24 anyone to come back to the people who rendered the
25 decision in this case. But anyway, I will reserve

1 any other comments at the hearing.

2 Any other comments on this?

3 [No audible response.]

4 CHAIRPERSON HOOD: Okay. Somebody like to
5 make a motion to set it down?

6 MR. TURNBULL: Mr. Chair, I would move that
7 we set down PUD Case 07-21B, PerStreet [sic] M Street
8 Partners, Square 50, minor modification request.

9 MS. COHEN: Modification.

10 MR. TURNBULL: Just oh, I guess it's not --
11 modification request, right.

12 CHAIRPERSON HOOD: Okay. It's been moved.
13 Can we get a second? I'll second that.

14 MR. RITTING: I just have a question.

15 CHAIRPERSON HOOD: Yes. Hold on. We've got
16 to -- is it germane to the --

17 MR. RITTING: To the motion. Yes, it is.
18 It's been styled 07-21C on the agenda and not B, and
19 I just wanted to bring that to Mr. Turnbull's
20 attention in case he wanted to modify his motion.

21 MR. TURNBULL: I was just reading it off the
22 OP report. But if it's C then --

23 MS. SCHELLIN: Modification 2B but the case
24 number is --

25 MR. TURNBULL: All right. So it's going to

1 be 07 -- it will be 07-21C.

2 CHAIRPERSON HOOD: C. Okay. And I'll second
3 it with that correction. Thank you, Mr. Ritting.

4 MR. TURNBULL: Okay. Thank you, Mr. Ritting.

5 CHAIRPERSON HOOD: Okay. Are we looking for
6 an E? Don't hear F. Okay. Anyway, it's moved and
7 properly -- any further discussion?

8 [Vote taken.]

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

12 MS. SCHELLIN: Yes. Staff records the vote
13 five to zero to zero to set down Zoning Commission
14 Case No. 07-21C as a contested case, Commissioner
15 Turnbull moving, Commissioner Hood seconding,
16 Commissioners Cohen, May, and Miller in support.

17 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
18 have anything else on the agenda tonight besides
19 final action?

20 MS. SCHELLIN: No, sir.

21 CHAIRPERSON HOOD: Okay. Colleagues, are we
22 ready to plow through this and take our time. I'm
23 not interested in just getting it over with, I'm just
24 -- are we ready to plow through this? I don't think
25 it should take us an enormous amount of time. Are we

1 all ready?

2 MR. TURNBULL: Mr. Chairman, my only comment
3 was, if there's any reluctance on any of the
4 Commissioner members to -- I mean, I'm ready to plow
5 ahead but I think if there is enough information or
6 too much information it's going to take another week
7 or so to go through it then I'm more than willing to
8 put it off a week so that everybody feels comfortable
9 in looking at all the information. I mean, OP has
10 got a little chart that they put in their
11 supplemental report which we could use as talking
12 points to go over some of these issues, but I'm ready
13 to go ahead.

14 But I mean, if there is reluctance on anyone
15 to put this off for another week or so, if OP needs
16 to come back with some more based on comments we're
17 going to make tonight then I think we should put it
18 off a week.

19 CHAIRPERSON HOOD: Okay. I will tell you,
20 let me just go ahead for full disclosure. That was
21 my comment. Everyone, along with one of my other
22 colleagues. And I'll tell you why. I'm not just in
23 this to get it over with. I keep hearing that. Oh,
24 just get it over with, just get it over with. I'm
25 not in it to just get it over with. I'm in it to try

1 to do it right, and I'm not saying anyone up here
2 said that, but it just feels like everybody says, oh,
3 we've been doing this for a while. Especially with
4 the ZR, just get it over with. No, no, I'm not going
5 to just get it over with. I'm going to take my time
6 and try to figure this thing out and do it right
7 because whatever we do up here needs to stand the
8 test of time. I don't want to be at home 10 years
9 from now and whatever we did is undone because we
10 didn't do it right. So that's just where I am.

11 Any other comments? Mr. Miller?

12 MR. MILLER: Mr. Chairman, I would agree with
13 your statement. And we just got recently what I
14 think we need, and I frankly just had not time to
15 digest it, the Office of Planning comments on the
16 last batch of recommendations and comments that we've
17 gotten. And I think it might be a more -- from my
18 own perspective, a more intelligent discussion if I
19 just have a chance to read that more thoroughly
20 there. I think it was five or six page -- this was
21 five page memo. And giving them the direction that
22 they need and that we can figure out where we want to
23 go. So if a week -- I would be more comfortable with
24 a week, but if the majority want to go forward
25 tonight I can go either way.

1 MS. COHEN: Maybe I misunderstood. I thought
2 we were postponing the final vote but we would
3 discuss the different proposals that need further
4 clarification from the Commission. So I thought that
5 that was what was going to take place tonight, but we
6 would not vote until we had a full vetting from OP.

7 MR. TURNBULL: Yeah. Well, I think OP is
8 looking for some more --

9 MS. COHEN: Guidance.

10 MR. TURNBULL: -- guidance from us based upon
11 their supplemental report. And based upon that they
12 did come back with a more final report upon which
13 then we would take action at that time.

14 CHAIRPERSON HOOD: And I think at the end of
15 the day we -- even if we did it, we postponed it for
16 a week, I think -- and we're not trying to just delay
17 it and kick it down the road. That's not it. I
18 think we want to be able to have an intelligent
19 discussion and not try to wing it and try to figure
20 it out. I think it's just too important for that.
21 And my whole thought on that thought pattern was --
22 and I know some people might say, oh we're waiting on
23 this, we're waiting on this. But my whole thought
24 pattern was, I want us to be focused on penthouses
25 and I didn't know how long that it was going to take

1 us to do these other items that we did, actually, and
2 obviously I'm not a good judge of time on that.

3 But also, I think we end up, as far as a time
4 frame, in the same place. And the discussion that we
5 have I think they're looking for some guidance from
6 us and you know, in order to give some guidance we
7 want to make sure that we can guide. And I'm not
8 saying -- I'm not speaking for everybody. I'm just
9 speaking for Anthony Hood right now. I'm not
10 speaking for everybody else. And I know this may
11 cause some people some discomfort. Some people came
12 down here tonight and I wasn't really sure which way
13 we were going to go. But when I heard some of those
14 same comments from some of my other colleagues I
15 figured that the best thing to do, and I think the
16 City would appreciate us taking time and not just
17 trying to just get it done; getting it done. I keep
18 hearing that a lot. And Anthony Hood, you can go on
19 record in the Washington Post or whoever, we're not
20 just doing this to just get it done. We're going to
21 do it right to stand the test of time. So you quote
22 everything else I say, so quote that one.

23 Okay. You know, let me hear from everybody
24 else. I mean, you know, I mean because we will have
25 another bite if we proceed tonight. That's just

1 where I am and I think Commissioner Miller and I are
2 on the same page with this.

3 MR. MAY: Mr. Chairman, you know, I'm
4 perfectly prepared to go ahead tonight but if we
5 elect to defer that's fine with me too. I think that
6 doesn't affect the overall schedule as you eluded to.
7 We can still -- because I think we still need to get
8 -- even if we do have the discussion tonight we need
9 to get some response from the Office of Planning.
10 And from what I understand if we defer as we have
11 discussed the possibility of doing they would still
12 be able to get back to us in a timely fashion. So I
13 don't think it really delays anything if we do not
14 take it up tonight.

15 CHAIRPERSON HOOD: Okay. So why don't we do
16 that, as discussed? We will defer it to Monday at
17 5:30. We do have a hearing. It's after the hearing
18 but do we have a tough hearing that night?

19 MS. SCHELLIN: It's T.C. WASA PUD. I never
20 know if it --

21 CHAIRPERSON HOOD: It should take us about an
22 hour I think. At least an hour.

23 MS. SCHELLIN: So we'll schedule it for 5:30?

24 CHAIRPERSON HOOD: The ZRR is going to take
25 longer than an hour. That takes -- penthouses.

1 MS. SCHELLIN: Okay. So 5:30 on the 26th,
2 we'll post it in the office for a special public
3 meeting.

4 CHAIRPERSON HOOD: Okay. And we have ZRR
5 that's coming Thursday. Did we --

6 MS. SCHELLIN: And do -- you don't need --

7 CHAIRPERSON HOOD: Let me ask this.

8 MS. SCHELLIN: -- a closed meeting, I assume.

9 CHAIRPERSON HOOD: No.

10 MS. SCHELLIN: There's no --

11 CHAIRPERSON HOOD: No.

12 MS. SCHELLIN: Okay. So 5:30 p.m.

13 CHAIRPERSON HOOD: We know what we're going
14 to do. We're going to focus on those comments and
15 we're going to go from there and give guidance --
16 we're giving guidance on the 26th. Okay. Are we all
17 in tune to that?

18 MS. COHEN: That's fine.

19 CHAIRPERSON HOOD: Okay. Any problems?
20 Anybody who is mad because they came here for
21 penthouses and I had you come here for nothing? You
22 can blame it on me. Okay? Blame it on me but call
23 the office and leave the complaint with them.

24 Okay. Anything else on the agenda for
25 tonight? Ms. Steingasser?

1 MS. STEINGASSER: Yes, Commissioner Hood and
2 -- Chairman Hood, Commissioners, Elisa Vitale is with
3 us this evening with the development staff and she's
4 been working, you know, part and parcel on the zoning
5 rewrite and we wanted to just kind of go through what
6 we'll be bringing you on Thursday and just give you
7 what we think are the next steps in the process.

8 MS. VITALE: Good evening, Mr. Chair, Members
9 of the Commission. As you're aware a number of
10 comments were received in the ZRR record. You have a
11 document before you that summarizes those comments
12 and as discussed, you're scheduled to take this up on
13 Thursday evening.

14 To facilitate the discussion on Thursday the
15 Office of Planning is proposing to further
16 consolidate those comments and group together
17 anything that we view is a technical correction. A
18 number of the comments that came in really do have to
19 do with commas, updating references, and those sort
20 of thing.

21 Those changes that were proposed where OP
22 would recommend that the Commission adopt the
23 proposal, also changes that were proposed where OP
24 believes that it would not be appropriate to make a
25 change to the draft text.

1 And then finally those items where we do
2 think it would be appropriate for the Zoning
3 Commission to have some additional discussion. In
4 particular there is the issue of vesting an effective
5 date. We believe that's, you know, one topic that
6 would be appropriate for the Commission to discuss in
7 detail on Thursday evening. So if you're amenable to
8 this approach that's how we'll proceed and I can --
9 if you have other thoughts, other things you'd like
10 to see for Thursday, let us know now. Thanks.

11 CHAIRPERSON HOOD: Okay. Let me just state
12 for the record, Thursday, I'm going to be late. I
13 have something that I cannot get out of. I probably
14 -- we probably won't be taking any votes. At least
15 I'm asking that we not take any votes because I want
16 to make sure that we have a full commission.

17 If I could get out of what I have to do, I
18 would, but I can't. So this was sprung on me at the
19 last minute. But anyway, I will review the things
20 that happen for the 30 minutes to the hour that I may
21 not be here. Maybe I'll catch Uber down here. Or
22 maybe there's a bicycle I can get from where I need
23 to be down here. But anyway, I might not make it if
24 I ride a bicycle. So --

25 MR. MILLER: [speaking off mic.]

1 CHAIRPERSON HOOD: Trust me, if I could --
2 Commissioner Miller is saying why don't we start it
3 later. But here's the thing. I don't want to
4 inconvenience everybody just because of me. If I
5 didn't have to do this, it's something I have to do
6 that was sprung on me that I need to do. I don't
7 know. Is that an option?

8 MR. MILLER: I would not object if we started
9 it --

10 CHAIRPERSON HOOD: At 7:00?

11 MR. MILLER: -- an hour later or whenever you
12 needed.

13 CHAIRPERSON HOOD: Let me ask this; can I get
14 30 minutes and I'll be here 30 minutes after? Can I
15 get to 7:00 and if I get here at 7:30 that way I
16 won't miss but so much?

17 Okay. Is that okay with everybody?

18 MS. COHEN: Yes.

19 CHAIRPERSON HOOD: If we start at 7:00. Now,
20 I might not be here at 7:00, but I will be here by
21 7:30. I'm going to try Uber or Lift. So anyway.

22 Okay. So could we do that, Ms. Schellin?
23 Thank you, Commissioner Miller. I appreciate that.

24 So the 30 minutes that I miss, or so, I will
25 review that, the record. So any other questions or

1 comments? Ms. Vitale is asking us additional. And
2 some of the things that we may be agreeable if we
3 group it like that as we proceed, but we'll between
4 now and Thursday, I'll be working with Ms. Schellin,
5 see how we're going to format for the sake of
6 efficiency. Okay.

7 Any other comments or questions? And we do
8 have a second night that we had. I don't know. Has
9 that night been announced?

10 MS. SCHELLIN: You guys just agreed on it
11 about 30 minutes --

12 CHAIRPERSON HOOD: Oh, okay.

13 MS. SCHELLIN: -- an hour ago.

14 CHAIRPERSON HOOD: I guess it hasn't been
15 announced.

16 MS. SCHELLIN: No.

17 CHAIRPERSON HOOD: What date was it again?

18 MS. SCHELLIN: Tuesday, October 27th.

19 CHAIRPERSON HOOD: Twenty-seventh.

20 MR. MAY: If needed.

21 MS. SCHELLIN: If needed.

22 CHAIRPERSON HOOD: And we plan on going to --
23 and I know, it's my fault for starting late, but
24 we're planning on going to about 11:00. I would have
25 done it even if we started at 6:30, if that's okay

1 with everybody else. But at 7:00 we will start. If
2 I'm not here the Vice Chair will get us started.

3 MS. SCHELLIN: And so we're going to start at
4 7:00 p.m. We will post that in our office. We'll
5 put it, I'm assuming, on our website. And we'll just
6 -- you know, people arrive at 6:30 then they can chit
7 chat until 7:00.

8 CHAIRPERSON HOOD: Okay. Okay. And back to
9 Ms. Vitale's request. Commissioner May?

10 MR. MAY: Yeah, I just had a question. When
11 do you think that -- will we see the product of your
12 labors sort of sorting and consolidating at the
13 hearing or will we have a chance to look at it in
14 advance of the hearing?

15 MS. VITALE: We'd like to get something to
16 you in advance. It may not be a good deal in advance
17 of the hearing.

18 MR. MAY: So half an hour, or like four
19 hours, or a day? Is a day too much? I'm not asking
20 for the impossible. I'm just trying to gauge what
21 you think it would be.

22 MS. VITALE: Well, as you know there's well
23 over 1,000 --

24 MR. MAY: Yes.

25 MS. VITALE: -- comments. And so we're going

1 to try to distill them down, which is --

2 MR. MAY: Right. Well, 1,000 comments since
3 -- not since it was -- well --

4 MS. VITALE: Yes. There has been several
5 hundred exhibits and each exhibit contains --

6 MR. MAY: Oh, got it. Got it. That's what I
7 see.

8 MS. VITALE: -- multiple comments. And so
9 we've been -- we've been trying to --

10 MR. MAY: Cut them apart and -- yeah.

11 MS. VITALE: -- cut those apart, keep the
12 ANCs together so you can deal with those with great
13 weight and then --

14 MR. MAY: Right.

15 MS. VITALE: -- do this grouping. So we
16 can't really realistically give you a reliable
17 timeframe.

18 MR. MAY: Okay. Well, I appreciate it as
19 soon as we can get it. Okay. Thank you.

20 CHAIRPERSON HOOD: Okay. Is there anyone
21 else?

22 Okay. Ms. Vitale, all that direction you --
23 okay. Anyway, I want to thank everyone for indulging
24 us for the changes. Hold on a second.

25 [Pause.]

1 CHAIRPERSON HOOD: Okay. Considering that we
2 have never rewritten the zoning code before, changes
3 are evolving as we go on and I think Commissioner May
4 has definitely one that would solve my situation from
5 a selfish standpoint. But I also think it would be
6 maximizing to the Commission so I'm going to let him
7 -- Commissioner May?

8 MR. MAY: So, it was my thought that since we
9 -- the Office of Planning is planning to do what I
10 think will be a very helpful analysis of the comments
11 that we've received, and consolidation and response
12 and so on, and I know that they're under great
13 pressure to get it done, I also know that they've
14 been working feverishly to do the analysis that they
15 gave us tonight so far, which is not fully
16 categorized and so on. And the fact that we're not -
17 - you know, we were struggling a bit to squeeze in a
18 potential second date.

19 I actually think that it might be more
20 productive if we defer the entire discussion until
21 the next available regular day, which I believe is
22 November 16th on the calendar. And if we took it up
23 on November 16th, that would give the Office of
24 Planning time so that they could get us their report
25 a week or so in advance. Preferably more since I'm

1 going to be away most of the week before that 16th.
2 But I just think that we're kind of -- we're rushing
3 it and I would really love to see what the Office of
4 Planning has to say in all their analysis so we can
5 accept or reject or whatever, and go into it without
6 having to think it through on the fly.

7 CHAIRPERSON HOOD: Commissioner May, where
8 are we getting the 16th from?

9 MR. MAY: Isn't it the 16th? Isn't it --
10 there's a Monday coming up in November, isn't there?

11 MS. SCHELLIN: It's the 12th. We have the
12 12th open.

13 MR. MAY: It's the 12th.

14 CHAIRPERSON HOOD: We have a hearing on the
15 16th?

16 MS. SCHELLIN: Oh, you're out on the 12th.
17 That's why you're thinking --

18 MR. MAY: I'm out on the 12th.

19 MS. SCHELLIN: -- the 16th. Yeah.

20 CHAIRPERSON HOOD: Yeah, 16th. Yeah, we need
21 -- yeah, 16th. And can we start at 6:00?

22 MR. MAY: We could start at 4:00 from my
23 perspective. I mean --

24 CHAIRPERSON HOOD: That's fine with me.

25 MR. MAY: I'm just talking about --

1 CHAIRPERSON HOOD: We'll start at 4:00.

2 MR. MAY: -- talking off the top of my head.
3 Let's see. Yeah. I mean, I could start any time
4 after 3:00.

5 CHAIRPERSON HOOD: So why don't we do this
6 for the sake of the community also? Let's start at
7 6:00. That will give us 30 minutes. I know some
8 years ago that was an issue, make sure the community
9 got off from work and come in. So if we start at
10 6:00 and we plow through it with additional
11 information I think that -- well, it works for
12 Commissioner May and myself. Let's see about my
13 other colleagues.

14 MR. TURNBULL: I'm okay with that.

15 MR. MAY: And I'm interested in the Office of
16 Planning too, so.

17 CHAIRPERSON HOOD: Okay. I'm sure Ms.
18 Vitale, but Ms. Steingasser? I'm sorry. Ms.
19 Steingasser.

20 MS. STEINGASSER: Yes, sir, that will work.

21 CHAIRPERSON HOOD: Okay. All right. Ms.
22 Schellin, do we need any dates? Well, no, we know
23 the date. Do we need to do anything else?

24 MS. SCHELLIN: No.

25 CHAIRPERSON HOOD: Do we need to make a

1 public -- I mean, an announcement? I guess, put it
2 on the web site and for those who are watching us
3 we're going to be meeting on November the 16th at
4 6:00 p.m. in this room, starting discussions of
5 Zoning Regulations Review. Is that the name of it
6 now? It took so many different names. Is that what
7 it's called?

8 MS. SCHELLIN: Zoning Regulations Review.

9 CHAIRPERSON HOOD: Okay. That's it now.
10 Okay. Oh, it has changed. Zoning Rewrite. Okay.
11 Okay. So November the 16th, and if we can post that
12 on our website? And for those who are here, if you
13 could let others know in the community, because
14 that's important. All right?

15 All right. Anything else, Ms. Schellin?

16 MS. SCHELLIN: No, sir.

17 CHAIRPERSON HOOD: I want to thank everyone
18 for their participation tonight in this meeting, and
19 indulgence, and this meeting is adjourned.

20 [Hearing adjourned at 7:38 p.m.]

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