

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

APRIL 25, 2011

+ + + + +

The Regular Meeting of the
District of Columbia Zoning Commission
convened in Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 6:30 p.m., Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
GREG SELFRIDGE, Commissioner
(DC RESIDENT)
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
DAN EMERINE
TRAVIS PARKER
KAREN THOMAS
STEVEN COCHRAN
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
JACOB RITTING, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on
April 25, 2011.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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ADJOURNMENT 139

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

2 6:40 p.m.

3 CHAIRMAN HOOD: Okay. We're ready
4 to begin. This meeting will please come to
5 order.

6 Good evening, ladies and
7 gentlemen. This is the April 25, 2011 public
8 meeting of the Zoning Commission.

9 My name is Anthony Hood. Joining
10 me are Vice Chairman Schlater, Commissioner
11 Selfridge, Commissioner May and Commissioner
12 Turnbull. We're also joined by the Office of
13 Zoning staff, Ms. Sharon Schellin; Office of
14 Attorney General, Mr. Bergstein and Mr.
15 Ritting; Office of Planning, Ms. Steingasser
16 and Mr. Jesick, Ms. Thomas, Mr. Goldstein, and
17 Mr. Cochran.

18 Did I get that right? Is anyone
19 behind the pole?

20 MS. STEINGASSER: Mr. Parker.

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1 CHAIRMAN HOOD: Okay. Mr. Parker
2 and Mr. Emerine.

3 Copies of today's meeting agenda
4 are available to you and are located in the
5 bin near the door.

6 We do not take any public
7 testimony at our meetings unless the
8 Commission requests someone to come forward.

9 Please be advised that this
10 proceeding is being recorded by a court
11 reporter and is also webcast live.
12 Accordingly, we must ask you to refrain from
13 any disruptive noises or actions in the
14 hearing room.

15 Please turn off all beepers and
16 cell phones.

17 What I'd like to do is have a
18 moment of silence that we keep Jerrily Kress
19 in our prayers at this moment. So I'd like
20 for everyone to do a moment of silence.

21 (A MOMENT OF SILENCE WAS

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1 OBSERVED.)

2 CHAIRMAN HOOD: Thank you.

3 Does the staff have any
4 preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: If not, let us
7 proceed with the agenda.

8 Okay. Final action of Zoning
9 Commission Case No. 06-11A and 06-12A, George
10 Washington University, Square 103. And this
11 we're doing the second 2nd Stage PUD and
12 Further Processing of a Campus Plan.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes, sir. We have
15 in Exhibit 46, WECA's response to the DDOT
16 report which the record was left open to allow
17 them to respond to that. And Exhibit 47 is
18 the Applicant's response to WECA's filing.
19 And then Exhibit 48 is the NCPC report which
20 advises that there it would not affect any
21 federal interests.

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1 CHAIRMAN HOOD: Thank you, Ms.
2 Schellin.

3 Again Commissioners, I think we
4 left the record open to receive the response
5 to the DDOT report from West End. I think
6 that's all we left it open for, am I correct?

7 MS. SCHELLIN: That's correct.
8 And then to allow the Applicant to respond.

9 CHAIRMAN HOOD: Okay. We have
10 Exhibit 46 and Exhibit 47 and also 48. And
11 I'll just read that the National Capital
12 Planning Commission basically states, "Further
13 processing of approved campus plan would not
14 be inconsistent with the comprehensive plan
15 for the National Capital, nor would it
16 adversely affect any other federal interests."

17 Okay, Commissioners, if we look at
18 what's proposed, we've flushed a lot of this
19 out, and I know there was some debate about
20 the DDOT visit, whether they visited for this
21 project or they were there for something else.

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1 We went back and forth on that. And I think
2 DDOT actually has mentioned in a previous
3 filing that they were not actually out there
4 for this specific case. So I think we can
5 leave that well enough alone unless somebody
6 is moved to pursue that further.

7 Also, Option 4, which is stated if
8 you look at the response to Option 4 in
9 Exhibit 47. Any comments?

10 (No audible response.)

11 CHAIRMAN HOOD: Any questions?

12 (No audible response.)

13 CHAIRMAN HOOD: Any unreadiness?

14 (No audible response.)

15 CHAIRMAN HOOD: Anyone would like
16 to make a motion?

17 COMMISSIONER TURNBULL: Mr. Chair?

18 CHAIRMAN HOOD: Mr. Turnbull?

19 COMMISSIONER TURNBULL: I'd like
20 to move that we approved Zoning Case 06-11A,
21 06/12A, GW University, Square 103, one for 2nd

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1 Stage PUD and two, Further Processing of the
2 Campus Plan. And look for a second.

3 CHAIRMAN HOOD: Thank you, Mr.
4 Turnbull.

5 It's been moved and we need a
6 second.

7 COMMISSIONER SELFRIDGE: Second.

8 CHAIRMAN HOOD: It's been moved
9 and properly seconded.

10 Any further discussion?

11 (No audible response.)

12 CHAIRMAN HOOD: Are you ready for
13 the question? All those in favor?

14 (A CHORUS OF AYES.)

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

18 MS. SCHELLIN: Yes. Staff records
19 the vote 5-0-0 to approve Final Action of
20 Zoning Commission Case 06-11A/06-12A,
21 approving both the 2nd Stage PUD and the

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1 Further Processing of the Campus Plan.
2 Commissioner Turnbull moving; Commissioner
3 Selfridge seconding; Commissioners Hood, May
4 and Schlater in support.

5 CHAIRMAN HOOD: Okay. Thank you.
6 Let's move right along.

7 Again, under Final Action B,
8 Zoning Commission Case No. 06-14C. This is the
9 MidAtlantic Realty Partners, LLC, Two-Year PUD
10 Time Extension to Square 3584.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. As you
13 said, this is a request for a two-year time
14 extension. There is a report from the OP at
15 Exhibit 4. And then in Exhibit 5, there's a
16 letter from the ANC. That's ANC 5C in
17 support. However, it doesn't meet the
18 requirements for great weight. But it is in
19 support.

20 CHAIRMAN HOOD: Okay. They left
21 out the count, is that what it was?

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1 MS. SCHELLIN: Right. And whether
2 proper notice was given for a meeting, how
3 many make a quorum and how many were present.

4 CHAIRMAN HOOD: Okay. So we will
5 so note it even though we can't acquire and
6 give it great weight.

7 If we look at the Office of
8 Planning's report, Exhibit #4, and also the
9 submission from the Applicant which is Exhibit
10 1 which spells out -- no, it's not Exhibit 1.

11 If you look at the Office of
12 Planning's report, they basically spell out
13 the same thing which was in the report from
14 the Applicant which talks about some of the
15 issues of why this has not moved any further
16 -- the deterioration of the ratio between the
17 developer's loan. It talks about delays
18 stemming from the need to bring in a new
19 capital partner, time delays engendered by the
20 need to develop an all-residential alternative
21 to the hotel component, which they've done.

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1 But it talks about some of the financing
2 issues which we've seen a lot of here in the
3 most recent days or months.

4 So I will open it up for any
5 questions.

6 And the Office of Planning is
7 recommending that we extend this.

8 Okay. And it also states -- I
9 just want to read what they say, "with
10 explanation and other PUD extension requests
11 during the recent economic slowdown and do not
12 seem unreasonable."

13 So let me open it up for any
14 comments or a motion. Anyone?

15 (No audible response.)

16 CHAIRMAN HOOD: Okay. I would
17 move that we extend Zoning Commission Case No.
18 06-14C, Two-Year PUD Time Extension as
19 requested by the Applicant -- and I'm not sure
20 of the exact dates, but a two-year extension
21 -- and ask for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIRMAN HOOD: It's moved and
3 seconded.

4 Any further discussion?

5 (No audible response.)

6 CHAIRMAN HOOD: All those in
7 favor?

8 (A CHORUS OF AYES.)

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

12 MS. SCHELLIN: The staff records
13 the vote 5-0-0 to approved the two-year time
14 extension in Zoning Commission Case 06-14C.
15 Commissioner Hood moving; Commissioner May
16 seconding; Commissioners Schlater, Selfridge
17 and Turnbull in support.

18 CHAIRMAN HOOD: Thank you, Ms.
19 Schellin. Let's move right along.

20 Zoning Commission Case No. 06-14B,
21 MidAtlantic Realty Partners, LLC, PUD

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1 Modification at Square 3484, Lots 23 and 811-
2 813.

3 Ms. Schellin?

4 MS. SCHELLIN: Yes, sir. In
5 Exhibit 39, you have the Applicant's post-
6 hearing submission. At Exhibit 40, you have
7 ANC 5C's resolution in support. And Exhibit
8 41, you have a report from NCPC stating that
9 this project would not affect any federal
10 interests. And staff would ask the Commission
11 to consider this case for final action.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Ms. Schellin.

14 Again, Commissioners, if we turn
15 our attention to Exhibit 38 and 39 which is
16 the drawings, you can see the modifications.
17 And I'm not sure if anybody asked for anything
18 but if you look at Exhibit 38, it will tell
19 what is supplied in this packet. Take time to
20 refresh our memories and review it.

21 VICE CHAIRMAN SCHLATER: Mr.

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1 Chairman, I think I asked for the chart on the
2 affordability and this chart generally does
3 the trick of saying how the units are going to
4 be distributed floor by floor. I think
5 sometimes we get an exhibit that shows how
6 which units are going to be identified as
7 affordable. I'm not sure I asked for that.
8 And I'm not even sure they have the unit
9 layouts done yet because they seem pretty
10 early in the process of the design. I think
11 this is okay for now.

12 It also says in the order that the
13 units need to be distributed in accordance
14 with consistent with how the IZ regulations
15 would mandate they be distributed. So I see
16 no problem there.

17 CHAIRMAN HOOD: Okay. Thank you,
18 Vice Chairman.

19 Does anyone else see anything they
20 may have asked for?

21 (No audible response.)

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1 CHAIRMAN HOOD: All right. Can we
2 get a motion? Anybody like to make a motion?
3 Nobody would like to make a motion?

4 VICE CHAIRMAN SCHLATER: Mr.
5 Chairman?

6 CHAIRMAN HOOD: Thank you.

7 VICE CHAIRMAN SCHLATER: I have
8 moved that we approve MidAtlantic Realty
9 Partners PUD Modification for Zoning
10 Commission Case No. 06-14B.

11 CHAIRMAN HOOD: It's been moved.
12 Can we get a second?

13 COMMISSIONER TURNBULL: Second.

14 CHAIRMAN HOOD: It has been moved
15 and properly seconded.

16 Any further discussion?

17 COMMISSIONER MAY: Mr. Chairman?

18 CHAIRMAN HOOD: Commissioner May?

19 COMMISSIONER MAY: I just had a
20 very, minor, minor question, and Ms. Schellin
21 gave clarity on this. But the ANC report

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1 reports that 12 Commissioners were present and
2 voted unanimously in favor. And their
3 letterhead only lists actually 11 filled ANC
4 Commissioners. One is vacant. So maybe that
5 vacant has actually been filled. I don't
6 know. But it's inconsistent.

7 CHAIRMAN HOOD: Is that what the
8 Comp Plan or it was just inconsistent with
9 their plan?

10 COMMISSIONER MAY: What? It's
11 just --

12 CHAIRMAN HOOD: You'll get it on
13 the way home.

14 COMMISSIONER MAY: I didn't hear
15 it. That's all.

16 CHAIRMAN HOOD: Oh, okay. No, I
17 asked was that inconsistent with the Comp
18 Plan?

19 COMMISSIONER MAY: Totally
20 consistent.

21 CHAIRMAN HOOD: That's actually a

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1 good pick-up because it does say 12
2 Commissioners were present, and then we look
3 to the right and they only had 11
4 Commissioners.

5 COMMISSIONER MAY: I don't think
6 it has any bearing on the case. Clearly there
7 was support for it. But it should be
8 clarified.

9 COMMISSIONER TURNBULL: I think
10 it's clear that vacant voted.

11 CHAIRMAN HOOD: It may be --

12 MS. SCHELLIN: Does the Commission
13 want to hold the record open to allow them to
14 correct the letter?

15 CHAIRMAN HOOD: Let's do that.

16 MS. SCHELLIN: Okay.

17 CHAIRMAN HOOD: Let's hold it open
18 and let Commissioner Edwards and his ANC
19 correct this letter.

20 MS. SCHELLIN: Okay. We'll look
21 to the Applicant to work with the ANC to get

1 us a corrected letter.

2 CHAIRMAN HOOD: I think that this
3 letter in this particular portion --

4 MS. SCHELLIN: It definitely has
5 great weight. It meets the standards for
6 that. It's just that it is incorrect.

7 CHAIRMAN HOOD: Okay. That's a
8 good catch, Commissioner May.

9 Okay. It's been moved and
10 properly seconded. Any further discussion?

11 (No audible response.)

12 CHAIRMAN HOOD: All those in
13 favor?

14 (A CHORUS OF AYES.)

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

18 MS. SCHELLIN: Yes. Staff would
19 record the vote 5-0-0 to approve final action
20 of Zoning Commission Case No. 06-14B.
21 Commissioner Schlater moving; Commissioner

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1 Turnbull seconding; Commissioners Hood, May
2 and Selfridge in support.

3 CHAIRMAN HOOD: Okay. Next Zoning
4 Commission Case No. 09-21, Office of Planning
5 Text and Map Amendments to Establish the Union
6 Station North District.

7 Ms. Schellin?

8 MS. SCHELLIN: Yes, sir. On this
9 one at Exhibit 43, NCPC did advise. They
10 provided a report at Exhibit 43 stating that
11 they have issues with the bonus height
12 permitted and have requested that NCPC be
13 allowed to review both first stage and master
14 plan submissions on the south side of H
15 Street. Staff would ask the Commission to
16 please consider final action on this case.

17 CHAIRMAN HOOD: Okay. Thank you,
18 Ms. Schellin.

19 Commissioners, as you know, I
20 think a few of our Commissioners had an issue
21 with the height of 130. And it comes back it

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1 looks like NCPC is wanting to review the first
2 stage and also the whole master plan. So we
3 have a request -- let's deal with that first
4 -- a request from NCPC that they be given
5 review authority to review the plan and to
6 review the first stage.

7 Let's open it up for discussion.

8 COMMISSIONER MAY: Mr. Chairman?

9 CHAIRMAN HOOD: Commissioner May?

10 COMMISSIONER MAY: Yes. In this
11 circumstance, I think you may recall that I
12 was reluctant to vote in favor of this project
13 because of my own concerns about the height.
14 And I was actually comforted by the NCPC's
15 action in this regard. I think they took a
16 very measured step here by requesting master
17 plan and first-stage review. And I think
18 frankly it's good to hear their opinion on
19 this question of the concerns about the height
20 and the impact on the federal interests.

21 So I'm inclined to adopt that

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1 request and incorporate this review, including
2 the master plan because even though it may be
3 argued that the standards for master plan
4 review don't explicitly include height, it
5 does include things like FAR and the parcels
6 that would be developed. And so, there is
7 implied within that a sense of the massing of
8 the buildings that would be considered at the
9 master plan stage. And I think that is an
10 important thing.

11 And I'd rather hear early in the
12 process about their concerns rather than
13 waiting until a project gets much more
14 specific because we could wind up with a stage
15 1, stage 2 combined review with a project
16 very, very well developed and then find out
17 NCPC has very serious concerns about what's
18 being proposed. So I think it's good to adopt
19 it pretty much as NCPC has suggested.

20 CHAIRMAN HOOD: Okay. And that's
21 to give them review authority over both.

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1 Okay.

2 Does anyone else -- Commissioner
3 Turnbull?

4 COMMISSIONER TURNBULL: I have
5 concerns about the height also in those areas.

6 But I think before I go talking about that,
7 OAG has some issues with I think having NCPC
8 review at this stage of the process. Maybe
9 Mr. Bergstein can clarify that.

10 MR. BERGSTEIN: No, the issue that
11 we raised after speaking with OP was whether
12 it would be logical to include the master plan
13 referral because the NCPC resolution only
14 focused on height, and the master plan process
15 doesn't itself address height. So we pointed
16 out perhaps that you might want to limit the
17 referral to just a stage one or if there was a
18 consolidated.

19 Nothing prevents any agency from
20 commenting upon an application. The only
21 thing that would happen here is that NCPC

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1 would actually get a referral, almost in
2 essence a tickler to tell them that they can
3 comment. Any agency that sees a notice of
4 proposed hearing can comment on the case. All
5 that would happen here is that there would be
6 an actual referral to NCPC advising them of
7 their opportunity which would also mean that
8 they would have to submit their report when
9 everybody else submits their report in terms
10 of an agency referral.

11 So we don't have any legal issues
12 with you doing it. It was a question of the
13 scope.

14 COMMISSIONER TURNBULL: I guess
15 I'd ask one question of OAG which does it give
16 NCPC any special standing aside from the
17 formal referral?

18 MR. BERGSTEIN: No, not really. I
19 mean, the only time that NCPC gets a special
20 referral is under the charter where there's an
21 amendment to the text or map, and this would

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1 not be the case. This is in essence like a
2 special exemption or a design review. So
3 there would be just one agency commenting
4 among many.

5 COMMISSIONER MAY: Okay. Thank
6 you.

7 CHAIRMAN HOOD: Any other
8 comments?

9 (No audible response.)

10 CHAIRMAN HOOD: I'm going to call
11 for a vote.

12 Is there anyone that may disagree
13 with going in that fashion of giving them both
14 reviews?

15 (No audible response.)

16 CHAIRMAN HOOD: Okay. I don't see
17 no harm, no foul. Actually I don't think it's
18 a major issue.

19 So Vice Chairman, you have
20 something you want to add?

21 VICE CHAIRMAN SCHLATER: I would

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1 just say that NCPC's report that we got as
2 part of the record today I thought was very
3 good and helpful and thoughtful and measured.

4 And I think the process would benefit from
5 them providing comment to both the master plan
6 and the stage 1 and 2 submissions.

7 CHAIRMAN HOOD: Okay. So it
8 appears that we all are in agreement.

9 Commissioner May, would you like
10 to make a motion?

11 COMMISSIONER MAY: Okay. I would
12 move approval of Zoning Case No. 09-21, Office
13 of Planning Text and Map Amendments to
14 Establish the Union Station North District as
15 modified to include review of master plan and
16 stage 1 -- I'm sorry -- stage 1 and stage 2?

17 CHAIRMAN HOOD: I guess we'll say
18 as revised.

19 COMMISSIONER MAY: As revised.

20 CHAIRMAN HOOD: Okay.

21 COMMISSIONER MAY: And would ask

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1 for a second.

2 COMMISSIONER TURNBULL: Before
3 anyone seconds, I would just like to make a --
4 I still have some angst about that in those
5 two areas where we set at 90 feet and 110 that
6 pending architectural design qualities, this
7 Commission can increase those to 110 and 130.

8 Are you all on board with that totally?

9 MS. STEINGASSER: Well ---

10 COMMISSIONER TURNBULL: I mean, if
11 this Board was sitting all the time, I'd feel
12 very comfortable. But at some point, we're
13 not going to be here. And I'm just concerned
14 that issues may come before us as far as
15 design review.

16 I'm just really concerned about
17 110 feet behind Union Station no matter how
18 good the design is that the view shed looking
19 from the historical standpoint of the capitol
20 and the capitol area that you're going to see
21 a large building at 110 feet instead of 90

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1 feet which I think some of the analysis showed
2 that you really don't see anything.

3 I don't want to go through it
4 again. But if you're all comfortable with it,
5 I just --

6 CHAIRMAN HOOD: So I know we
7 talked about the 130. So you have a concern?

8 COMMISSIONER TURNBULL: Well, the
9 way it's set up now is that it's 90 feet right
10 behind Union Station, then it's 110 and then
11 it's 130. But you can add 20 feet to both of
12 those increments depending upon the
13 "architectural quality." If it's exceptional
14 architectural quality, they can go higher.
15 That's an undefined term.

16 So I'm just concerned if that's
17 going to be manipulated to such a point that
18 we're going to get 110 feet instead of the 90
19 feet.

20 Mr. May?

21 COMMISSIONER MAY: Yes, I think

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1 it's a safe assumption that the initial
2 proposals we'll see are going to be with that
3 extra 20 feet included. And I'm not totally
4 comfortable with it either. But I made peace
5 with what was ultimately approved in the
6 proposed action, and I think that the NCPC
7 report and modifying our process to
8 accommodate them for further comment I think
9 addresses it to the best that we can.

10 I mean, this is still a very
11 difficult --

12 COMMISSIONER TURNBULL: I know it
13 is.

14 COMMISSIONER MAY: -- so I can see
15 some reason to be flexible in this
16 circumstance.

17 And as for who will be here when
18 it comes for review, I certainly intend to be
19 here.

20 COMMISSIONER TURNBULL: Okay. All
21 right. Well, I'll trust your architectural

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1 vision to help us through this.

2 Thank you, Mr. Chair.

3 CHAIRMAN HOOD: Okay. So Mr.
4 Turnbull, did you want proffer putting some
5 caps on the height?

6 COMMISSIONER TURNBULL: No. I
7 mean, there is a cap there at 90 and -- and I
8 just want to make sure that architectural
9 quality -- exceptional architectural quality
10 is something that doesn't get misapplied.

11 It's a nebulous term. Some of us
12 have a better feeling for what we think might
13 be acceptable. But I just hate to see the
14 Union Station with something that is kind of
15 hideous behind it and destroys the whole
16 picturesque view shed that you've got from
17 that whole area of the capitol.

18 CHAIRMAN HOOD: I'm just trying --
19 and I know you're ready to move along -- but I
20 was just trying to make sure we satisfied your
21 --

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1 COMMISSIONER TURNBULL: Yes, I
2 guess if you had the full Commission would
3 vote in favor of that set of whatever that
4 was, then I'd feel fine. I mean, if we had a
5 split Commission vote of three to two, I'd
6 feel a little uncomfortable.

7 CHAIRMAN HOOD: But you're fine
8 with the way it's probably going to proceed
9 now.

10 COMMISSIONER TURNBULL: Well, I
11 think if you get a five-zero vote on
12 something, I think you then get a little bit
13 more feeling that all ayes are in favor on it
14 and that it makes sense to do it -- to get the
15 increase.

16 I'm just being picky here.

17 CHAIRMAN HOOD: Okay. And while
18 you're being picky, I'm trying to make sure
19 that I satisfy your concern or try to deal
20 with it.

21 COMMISSIONER TURNBULL: Yes.

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1 CHAIRMAN HOOD: I'm trying to
2 understand it.

3 So you don't have a problem with
4 proceeding now since Peter is going to be here
5 when this comes back.

6 (LAUGHTER.)

7 COMMISSIONER TURNBULL: Right.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER TURNBULL: And I'm
10 not leaving any too soon.

11 CHAIRMAN HOOD: You're not leaving
12 either. Okay. I never know where I might be.

13 COMMISSIONER TURNBULL: You'll be
14 here.

15 CHAIRMAN HOOD: I don't know.

16 COMMISSIONER TURNBULL: You'll be
17 here after we're gone.

18 CHAIRMAN HOOD: So are you fine
19 with proceeding?

20 COMMISSIONER TURNBULL: Yes. I
21 mean, unless there's some way to tighten it

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1 up, and I don't know how you would do that.

2 CHAIRMAN HOOD: I guess I would go
3 to Mr. Bergstein and we would probably have to
4 work with the Office of Planning -- if
5 everyone's in agreement with tightening it up
6 even more than what it is.

7 Mr. Bergstein, can you tell us how
8 we should proceed if we wanted to go down the
9 line of what Mr. Turnbull has mentioned like
10 putting some parameters there and tightening
11 of the language some?

12 MR. BERGSTEIN: I would throw it
13 over to the Office of Planning because
14 basically you've got a minimum height and a
15 maximum height and a criteria to get to the
16 maximum height. And so I don't know if you're
17 talking about reducing the maximum height or
18 making the criteria more objective than
19 dealing with the architectural design of the
20 project. I think we would need more guidance,
21 and I don't know if the Office of Planning

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1 would have anything more to say on that.

2 MS. STEINGASSER: I guess what I'm
3 hearing is that Mr. Turnbull is comfortable
4 with the text as written as long as NCPC does
5 have a referral role.

6 COMMISSIONER TURNBULL: Yes, I
7 think we need that.

8 MS. STEINGASSER: As long as the
9 rest of the Commission is also comfortable.

10 CHAIRMAN HOOD: So you're fine
11 with that?

12 COMMISSIONER TURNBULL: All right.
13 Yes.

14 CHAIRMAN HOOD: I'm trying to
15 understand because --

16 COMMISSIONER TURNBULL: Yes, I
17 know. Again, without actually going down the
18 road and tightening it up some more, but I'm
19 not sure right now how we would do that.

20 CHAIRMAN HOOD: Something like the
21 overlay -- the capital gateway, I'm sorry --

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1 where we had specific -- you're talking about
2 design requirements pretty much, am I correct?

3 COMMISSIONER TURNBULL: Well, I'm
4 just concerned that we've got this nebulous
5 hearing and architectural design that's of a
6 superior quality, whatever that is.

7 MS. STEINGASSER: Perhaps I could
8 offer that should the Commission be completely
9 dissatisfied with the first application that
10 comes before you, the Office of Planning at
11 that time will work with the Commission to
12 narrow this parameter.

13 I'm concerned that we'll just be
14 endlessly trying to refine --

15 COMMISSIONER TURNBULL: All right.
16 So what you're saying is the first
17 presentation we get, if we feel that it isn't
18 something that we can feel comfortable with,
19 you would look at modifying the language a
20 bit?

21 MS. STEINGASSER: Right. Zoning

1 is a living document.

2 COMMISSIONER TURNBULL: Right.

3 MS. STEINGASSER: We can always
4 back and amend it at that time.

5 COMMISSIONER TURNBULL: Okay.

6 MS. STEINGASSER: But at least
7 allowing it to move forward.

8 COMMISSIONER TURNBULL: All right.
9 I can go along with that.

10 CHAIRMAN HOOD: Okay. I think we
11 had a motion, and it didn't get a second. Can
12 I get a second?

13 I'll second it. I'll second the
14 motion.

15 It's moved and properly seconded.

16 Any further discussion?

17 (No audible response.)

18 CHAIRMAN HOOD: All those in favor
19 by the usual sign of voting?

20 (A CHORUS OF AYES.)

21 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you please
2 record the vote?

3 MS. SCHELLIN: Yes. Staff records
4 the vote 5-0-0 as revised. Commissioner May
5 moving; Commissioner Hood seconding;
6 Commissioners Schlater, Selfridge and Turnbull
7 in support.

8 CHAIRMAN HOOD: Okay. Next Zoning
9 Commission Case No. 08-06, Office of Planning
10 Comprehensive Zoning Regulations Review;
11 Parking, Bicycle Parking and Loading.

12 Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. On this
14 one at Exhibit 40, there's an OP report that
15 provides some requested supplemental
16 information regarding the driveway entrance
17 location restrictions, buffering requirements
18 for loading facilities and a few technical
19 corrections. Staff would ask the Commission
20 to consider final action on this case.

21 VICE CHAIRMAN SCHLATER: Mr.

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1 Chairman?

2 CHAIRMAN HOOD: Vice Chairman
3 Schlater?

4 VICE CHAIRMAN SCHLATER: I raised
5 the issues about the driveway entrance
6 location restrictions. And OP went back,
7 looked at DDOT's design and engineering manual
8 which set the standards for curb cuts and
9 determined that it would be okay to remove the
10 provision that sets these driveway entrance
11 location restrictions within the Zoning Code.

12 And I agree with that proposed
13 course of action because I think it's
14 ultimately DDOT that's going to be approving
15 these curb cuts. They've got their standards
16 which everybody in the development community
17 knows well. And they also have their
18 procedures for flexibility on that. And
19 sometimes they'll show that flexibility. And
20 I think we should put people through that DDOT
21 process instead of automatically kicking them

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1 into a BZA review in the event that an
2 applicant can't meet these more stringent
3 driveway entrance location requirements.

4 CHAIRMAN HOOD: Okay. Any other
5 comments? So you're fine? Okay. Any other
6 comments or questions?

7 (No audible response.)

8 CHAIRMAN HOOD: Is this Mr.
9 Parker?

10 Mr. Parker, what actually did we
11 do with the PDR loading zones?

12 MR. PARKER: I'm actually going to
13 let Mr. Emerine answer that if it's all right.

14 MR. EMERINE: So there were as I
15 recall two issues with loading and PDR zones.

16 One was the issue of queuing on public
17 streets. And as we discussed at the last
18 public meeting, Mr. Bergstein pointed out that
19 there are use restrictions in the PDR zones
20 that prevent that queuing on public streets
21 from taking place.

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1 The other thing though that we
2 noticed when we went back and looked at the
3 regulations was that by exempting the loading
4 facilities in PDR zones from all of the
5 provisions in -- excuse me -- I think it's
6 Section 1704.2 -- we were also exempting them
7 from the sideyard buffering requirement. And
8 upon reviewing that and looking back at the
9 record and the concerns that people had
10 addressed, OP thought it was appropriate to
11 ensure that loading facilities in PDR zones
12 are subject to the same buffering requirement
13 in sideyards that they would be in every other
14 zone. So we've proposed modifying the
15 language to ensure that they are subject to
16 that buffering requirement.

17 MR. BERGSTEIN: Along with Section
18 1704.3 in the version that you have.

19 CHAIRMAN HOOD: Okay. Thank you.
20 Thank you very much. I think that satisfied
21 my issue. Thank you and thank you for working

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1 on that.

2 Any other questions?

3 (No audible response.)

4 CHAIRMAN HOOD: Okay. With that,
5 I would move that we accept the proposed
6 changes in text and also with the restrictions
7 on the driveway distance, and we approve
8 Zoning Commission Case 08-06, and ask for a
9 second.

10 COMMISSIONER TURNBULL: Second.

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

13 Any further discussion?

14 (No audible response.)

15 CHAIRMAN HOOD: All those in
16 favor?

17 (A CHORUS OF AYES.)

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

21 MS. SCHELLIN: The staff will

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1 record the vote 5-0-0 to approve final action
2 in Zoning Commission Case 08-06, Parking,
3 Bicycle Parking and Loading. Commissioner
4 Hood moving; Commissioner Turnbull seconding;
5 Commissioners May, Schlater and Selfridge in
6 support.

7 CHAIRMAN HOOD: Okay. Let's move
8 right to Proposed Action.

9 Your proposed action, Zoning
10 Commission Case No. 06-11B/06-12B, George
11 Washington University 2nd Stage PUD at Square
12 55.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes, sir. At
15 Exhibit 69, you have the Applicant's post-
16 hearing submission. At Exhibit 71, you have
17 WECA's response thereto. And in Exhibit 72,
18 ANC 2A's response thereto.

19 And staff would ask the Commission
20 consider proposed action on this case.

21 CHAIRMAN HOOD: Commissioners, if

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1 you all recall, this was the issue about the
2 additional Metrorail entrance. And there was
3 some talk about going back and forth. And I
4 was trying to recall exactly what DDOT said
5 off the top of my head, but I can't remember.

6 Let me just open it up. I know
7 that some different people responded. The
8 West End Citizens Association responded about
9 the additional Metro entrance. But I
10 specifically remember DDOT saying something at
11 the hearing. And also I remember that George
12 Washington mentioned that they would not be
13 fully funding it. And I'm not sure exactly
14 how we get to getting that additional entrance
15 which everybody seems to want. But I just
16 don't know where the money -- at least what's
17 the hearing said -- where the money's coming
18 from. So I don't know how much of that is
19 within our jurisdiction.

20 Anyway, let me open it up. Any
21 comments, questions, concerns?

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1 And if you look at Exhibit 69 --
2 I'm not sure who all asked for different
3 things -- but I'm looking here, I wrote DDOT.

4 "And importantly, however, Howard
5 University's development of Square 77 does not
6 preclude WMATA's ability to construct a second
7 Metrorail station entrance either now or in
8 the future." And I know that West End -- I
9 know the community -- I'm not going to just
10 say West End -- I know that the community
11 wants to see that happen. And I don't know to
12 what relevance or what we can do to ensure
13 that that happens quicker. Obviously it's
14 going to happen. The problem is nobody knows
15 when. So anyway.

16 Any other comments, questions,
17 concerns?

18 Also there is --

19 COMMISSIONER MAY: Mr. Chairman?

20 CHAIRMAN HOOD: Okay. I'm sorry.

21 COMMISSIONER MAY: It's all right,

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1 Mr. Chairman.

2 No, I just want to say it's very
3 difficult given where we are in the stage of
4 processing this particular case for us to try
5 to somehow compel the University to include a
6 second entrance here. I mean, we're talking
7 about an infrastructure expense of -- I don't
8 know -- tens of millions of dollars? And what
9 they committed to spend was an amount of money
10 that would allow maybe a study of an entrance,
11 but not an actual entrance. And it seems to
12 me that it's going to take some time to get a
13 project that includes a second Metro entrance
14 cooking anyway. It's just not practical to
15 try to insist on it this moment.

16 So as much as everyone would like
17 to have that entrance built in and included in
18 the project, I just don't see that it's a
19 practical possibility in this circumstance.
20 All we can do is remember that that's part of
21 what's going to happen in Square 77 and

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1 hopefully that will happen when Square 77
2 rolls around. I just don't see that we can do
3 anything to make it happen here and now.

4 CHAIRMAN HOOD: And I think one of
5 the West End Citizens Association at least --
6 or somebody testified that nobody knew when 77
7 -- I think the University said they didn't
8 know when 77 was even going to come on line.
9 So we couldn't even get a feel for that.

10 So you're right. I think where we
11 are now, I don't know what else we can do but
12 to do like everybody else and wait and deal
13 with it at the appropriate time.

14 VICE CHAIRMAN SCHLATER: Mr.
15 Chairman?

16 CHAIRMAN HOOD: Vice Chairman
17 Schlater?

18 VICE CHAIRMAN SCHLATER: Since
19 this is only proposed action, I don't know if
20 it would be possible for the Office of
21 Planning to reach out to WMATA's planning

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1 department and just get a read from them on
2 where they are in their planning process and
3 where their heads at currently.

4 MS. STEINGASSER: We have talked
5 to them several times about this square. And
6 they are not in a position to even begin to
7 study. The University tried to work with them
8 several years ago to initiate that study, and
9 they weren't in a position to accept the money
10 or the city consultant. So we have been
11 working with them.

12 When this came back up, we've
13 asked them to weigh in. And I think everybody
14 agrees that the entrance is desirable. It
15 could go forward prior to anything happening
16 from the University on that square. It's not
17 contingent on the University moving on that
18 piece. But WMATA -- it's contingent on WMATA,
19 and they're just not in a position at this
20 time or in the foreseeable future.

21 VICE CHAIRMAN SCHLATER: Don't

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1 most of these stations that are being built
2 now get funded by the local jurisdiction?
3 WMATA doesn't go out of its way to fund -- I
4 would imagine any station that got built there
5 would have to be some sort of partnership
6 between the District, probably GW --

7 MS. STEINGASSER: It's possible.
8 I don't know that.

9 MR. BERGSTEIN: That actually is
10 true. That's how New York Avenue was done.

11 The other jurisdictions obviously
12 aren't going to pay for a station that is not
13 part of the general transit plan. And this is
14 different from entrances. But at least from
15 New York Avenue, it's an example of an infill
16 station that got paid for by the District by
17 attack zone. There was three parts of that.

18 VICE CHAIRMAN SCHLATER: Well, I
19 think everybody here would like to see it move
20 forward and find a way to get funding for the
21 station. I know from my perspective, I don't

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1 think we can look to GW to fund the station
2 exclusively. And I don't know that we're the
3 proper jurisdiction to be determining how much
4 GW should be putting forward towards that.

5 I think at the beginning of the
6 process when the benefits and amenities were
7 hashed out on the PUD, it could have got a
8 specific dollar commitment that was higher,
9 but we didn't. And so I don't think it would
10 be fair at this point to ask for millions or
11 tens of millions of dollars towards that
12 effort particularly when WMATA doesn't seem to
13 be anywhere close to moving forward on the
14 station.

15 CHAIRMAN HOOD: Okay.
16 Commissioner Turnbull?

17 COMMISSIONER TURNBULL: Thank you,
18 Mr. Chair.

19 I just wanted to -- I think the
20 letter that we got from Goulston & Storrs
21 clarified the sidewalk issue that I had. I

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1 think they actually clarified it at the
2 meeting. There's actually a structural
3 concrete slab underneath the brick pavers
4 which I think there's a question about heaving
5 of bricks. So I think that's been answered.

6 The only thing that I didn't see
7 in here, I think we had talked about a plaque
8 at the church. Was that in there? Did I
9 gloss over that?

10 CHAIRMAN HOOD: Was it the church
11 or the park?

12 COMMISSIONER TURNBULL: Well, no.
13 They come in on the park. West End Civic
14 Association talked about the John A. Wilson
15 park. And the University has clarified that
16 they will move the stone, the plaque.

17 But I was just curious if I had
18 seen something on the church. I think we
19 talked about a plaque. I think we all
20 recognize that you're not going to restore the
21 church. Most of the historic elements are

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1 gone. But I think we talked about a plaque.

2 Is it going to be in the order?

3 MS. STEINGASSER: It's in the --

4 COMMISSIONER TURNBULL: It's in
5 the -- oh, okay. It looks like it's covered.

6 I didn't read it myself. But let me go back.

7 CHAIRMAN HOOD: Anyone else?

8 (No audible response.)

9 CHAIRMAN HOOD: And it looks like
10 the park is going to be preserved. I know
11 that West End mentioned that the park that
12 some of it was on public property and some of
13 it was on private property.

14 But I don't know why I thought it
15 was a plaque. But maybe the plaque was for
16 the church.

17 But it also mentions about the
18 "University notes that in response to concerns
19 expressed by WECA regarding the relocation of
20 the current John A. Wilson Commemorative
21 Plaque on 22nd Street, the University has

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1 agreed to relocate the plaque to 23rd Street
2 pocket park."

3 VICE CHAIRMAN SCHLATER: Mr.
4 Chairman?

5 CHAIRMAN HOOD: Vice Chairman?

6 VICE CHAIRMAN SCHLATER: One thing
7 that the West End Citizens Association
8 highlighted which I think we should get a
9 response from GWU on is they asked that the
10 Commission should ask GWU to present a visual
11 depicting the size and configuration of the
12 new relocated pocket park space. And I think
13 that would be good to see exactly how that's
14 being laid out and treated.

15 CHAIRMAN HOOD: Okay. Maybe we
16 can get that before -- I don't like to assume
17 these things. I was going to say maybe we
18 could get that before final action, if we get
19 there. You never know.

20 COMMISSIONER TURNBULL: And Mr.
21 Chair, the Applicant has advised us that in

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1 the Order 8D and E covers our concerns about
2 the plaque for not only the park but for the
3 church as well.

4 CHAIRMAN HOOD: Okay. It's in the
5 order. I missed that.

6 Okay. All right. So the only
7 thing we're asking for is -- what was it
8 again?

9 MS. SCHELLIN: Visual.

10 CHAIRMAN HOOD: Visual. Okay.

11 VICE CHAIRMAN SCHLATER: A plan
12 rendering.

13 CHAIRMAN HOOD: Some kind of
14 rendering. And we'll ask for that before
15 final. Is that all we have --

16 MS. SCHELLIN: Yes. I just got
17 from the Applicant that they need about two
18 weeks for that. So if we could set a date of
19 May 9th for that.

20 Are you looking for a response
21 from the parties on that, or do you just want

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1 something for the record? Just for the
2 record. Okay.

3 So we could have the Applicant
4 provide that for the record by May 9th, 3:00
5 o'clock p.m., that'd be good. Thank you.

6 CHAIRMAN HOOD: All right. Thank
7 you. Anything else?

8 (No audible response.)

9 CHAIRMAN HOOD: Okay.
10 Commissioners, what is your pleasure? Vice
11 Chairman Schlater?

12 VICE CHAIRMAN SCHLATER: Mr.
13 Chairman, I would move that we take proposed
14 action on Zoning Commission Case No. 06-
15 11B/06-12B, GWU, 2nd Stage PUD at Square 55.

16 CHAIRMAN HOOD: It's been moved.
17 Can I get a second?

18 COMMISSIONER MAY: Second.

19 CHAIRMAN HOOD: Okay. It's been
20 moved and properly seconded.

21 Any further discussion?

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1 (No audible response.)

2 CHAIRMAN HOOD: Are you ready for
3 the question?

4 All those in favor?

5 (A CHORUS OF AYES.)

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

9 MS. SCHELLIN: Yes. Staff would
10 record the vote 5-0-0 to approved proposed
11 action on Zoning Commission Case No. 06-
12 11B/06-12B. Commissioner Schlater moving;
13 Commissioner May seconding; Commissioners
14 Hood, Selfridge and Turnbull in support.

15 CHAIRMAN HOOD: Okay. Zoning
16 Commission Case No. 08-06, Office of Planning
17 Comprehensive Zoning Regulations Review,
18 Parking.

19 Hold on. You know what? My mind
20 is gone. I'm going backwards. Okay. Let me
21 go forwards now.

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1 Hearing action Zoning Commission
2 Case No. 11-06, Urban Investment Partners, Map
3 Amendment at Square 3028.

4 Mr. Goldstein?

5 MR. GOLDSTEIN: Good evening, Mr.
6 Chairman and Members of the Commission. My
7 name is Paul Goldstein.

8 Urban Investment Partners has
9 filed an application to re-zone lots 813 and
10 814 in Square 3028 from R-4 to C3A. The sites
11 are located at 3800 New Hampshire Avenue and
12 811 Quincy Street, N.W., just east of Georgia
13 Avenue and a block from the Georgia Avenue
14 Petworth Metro Station.

15 Both properties are improved with
16 pre-1958 apartment buildings. The New
17 Hampshire Avenue property is a five-story, 52-
18 unit building whereas the Quincy Street
19 property is a four-story, 47-unit building.

20 The buildings are currently
21 nonconforming to the applicable R-4 zoning

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1 which is the zone that is generally designed
2 for row dwellings which places limits on
3 apartment expansion. In contrast, a requested
4 C3A zone which the properties border to the
5 west is designed to permit medium-density
6 development, typically mixed use.

7 As stated in the application, the
8 Applicant intends to renovate and add
9 additional units within each building which
10 would facilitate more comprehensive upgrades
11 to the property. A re-zoning of C38 would
12 allow the proposed unit increase as a matter
13 of right and make the properties more
14 conforming to their applicable zone.

15 To correct a point in the OP
16 report on page three of our submission,
17 following the re-zoning to C3A, Lot 813, which
18 is the New Hampshire Avenue property would be
19 nonconforming the floor area ratio, while Lot
20 814, the Quincy Street property, would only
21 have limited development potential.

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1 Nevertheless, the Applicant is not proposing
2 any physical expansions of the building.

3 As further described in the OP
4 report, based on an examination of the
5 generalized guidance of the Comp Plan and the
6 future land-use map, the C3A zoning
7 designation would not be inconsistent with the
8 comprehensive plan.

9 OP therefore recommends that the
10 map amendment be set down for public hearing.

11 And thank you. And I'm now available for any
12 questions that you may have.

13 CHAIRMAN HOOD: Thank you, Mr.
14 Goldstein.

15 Commissioners, any questions?
16 Commissioner Selfridge?

17 COMMISSIONER SELFRIDGE: Mr.
18 Chairman, in the past I've recused myself from
19 cases regarding urban investment partners.
20 And I think for consistency purposes, I will
21 do that again.

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1 CHAIRMAN HOOD: Okay. Ms.
2 Schellin, could you schedule that on a night
3 where we have two hearings so he won't get the
4 night off.

5 Okay. Any questions?

6 (LAUGHTER.)

7 CHAIRMAN HOOD: Any questions,
8 Commissioners, of Mr. Goldstein? Mr.
9 Turnbull?

10 COMMISSIONER TURNBULL: I just
11 have one question.

12 With this change, is this subject
13 to any inclusionary zoning requirements, or
14 none?

15 MS. STEINGASSER: No, sir. Only
16 if the building were to add more than ten
17 units and expand 50 percent of its floor area.

18 COMMISSIONER TURNBULL: Okay.

19 MS. STEINGASSER: And it's doing
20 neither.

21 COMMISSIONER TURNBULL: Thank you.

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1 VICE CHAIRMAN SCHLATER: This case
2 feels like Ground Hog Day. I feel like we
3 just had two other buildings that were right
4 on the edge of their zone and they were
5 planing to do the same thing.

6 I don't think I have any
7 objections.

8 CHAIRMAN HOOD: All right. Okay.
9 I don't actually have any questions.

10 So with that, I would move that we
11 set down Zoning Commission Case No. 11-06, and
12 ask for a second.

13 VICE CHAIRMAN SCHLATER: Second.

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

16 All those in favor?

17 (A CHORUS OF AYES.)

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

21 MS. SCHELLIN: Yes. Staff would

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1 record the vote 4-0-1 to set down Zoning
2 Commission Case No. 11-06 as a contested case.

3 Commissioner Hood moving; Commissioner
4 Schlater seconding; Commissioners May and
5 Turnbull in support; Commissioner Selfridge
6 not voting having recused himself.

7 CHAIRMAN HOOD: Okay. Next is
8 Zoning Commission No. 11-08. This is Pallazzo
9 -- I believe that's how you pronounce it --
10 LLC, Consolidated PUD and Related Map
11 Amendment at Square 2578.

12 Ms. Thomas?

13 MR. THOMAS: Yes. Good evening,
14 Mr. Chairman, Members of the Commission.
15 Karen Thomas.

16 The application before us is a
17 request for a consolidated plan unit
18 development and a related map amendment to re-
19 zone the western portion of the former Italian
20 Embassy site at 2700 16th Street from the R-5B
21 to the R-5D district to accommodate an

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1 apartment building and retention of the
2 existing landmark building. The proposal
3 would also include a below-grade garage with
4 four levels of parking for 60 to 90 spaces.

5 Because of the landmark status of
6 the building, it is difficult for it to be
7 developed to its R-5D potential. Therefore
8 through a PUD, the requested height and
9 density is being transferred to the
10 underdeveloped portion of the large lot to
11 ensure the project's financial viability.

12 OP is supportive of the requested
13 map amendment as the 2.8 FAR is well below the
14 maximum 3.0 FAR permitted under the R-5B PUD,
15 and well below the 3.5 FAR for the matter-of-
16 right in the R5-D district. The FAR would
17 also be consistent with that expected in a
18 moderate density designation. Relief from the
19 court and roof structure provisions are
20 requested as part of the application.

21 The adaptive re-use of this

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1 property will fulfill many policies and action
2 of the comprehensive plans objectives for land
3 use, housing, urban design and historic
4 preservation. The design has been refined for
5 over a year working with the community and
6 HPRB, resulting in an addition which remains a
7 respectful separation from the historical
8 resource through a courtyard which would be
9 available to the residents for passive
10 recreation. The historic resource and the
11 addition would be connected to the north by a
12 meaningful connection to provide access to the
13 historic common areas including the library
14 and ballroom.

15 The fifth and eighth floors are
16 recessed to provide a better massing
17 relationship with the surrounding development
18 of apartment buildings and row houses along
19 Mozart Place, five inclusionary units for 80
20 percent AMI to be located on the third floor
21 of the historic east wing and the terrace,

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1 ground, third and fourth floor of the new
2 addition.

3 The roof structure of the
4 mechanical penthouse would gradually slope
5 upward to enclose the building's mechanical
6 equipment and is designed to complement the
7 tile hip roof of the east wing. Elevator
8 access to the rooftop recreation area is also
9 included.

10 Ingress and egress to the building
11 would respect the directional traffic flow of
12 Fuller Street and Mozart Place to minimize
13 traffic impacts on the surrounding
14 neighborhood. Bike parking and electric car
15 charging station and car share would also be
16 accommodated in the first level of the garage.

17 The Applicant has proffered the
18 adaptive reuse and preservation of the
19 historic resource, the provision of two-
20 bedroom affordable units and a hiring
21 agreement between the Applicant and the ANC to

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1 hire locally has project benefits.

2 OP recommends that the case be set
3 down for public hearing as the proposed
4 development is not inconsistent with the
5 comprehensive plan including the future land
6 use and policy map. And we will continue to
7 work with the Applicant towards a more
8 detailed review prior to public hearing.

9 Thank you.

10 CHAIRMAN HOOD: Okay. Thank you,
11 Ms. Thomas.

12 Commissioners, any questions? Mr.
13 Turnbull?

14 COMMISSIONER TURNBULL: Yes. I
15 just want to get back to the inclusionary
16 zoning on this project. And there's how many
17 units -- five?

18 MR. THOMAS: Five.

19 COMMISSIONER TURNBULL: But aren't
20 you looking at eight percent of the total
21 units?

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1 MS. STEINGASSER: It's based on
2 square footage, and then the units are worked
3 out by the square footage, not by the number
4 of units.

5 COMMISSIONER TURNBULL: Okay. I
6 guess one thing I'm looking at is that the lot
7 going north, I guess, toward Columbia Avenue,
8 between that and what's a parking lot now. I
9 mean, that's R-5-B.

10 MS. STEINGASSER: Yes, sir.
11 What's interesting about the site is the
12 development and the zoning are flip-flopped
13 because the historic structure is the low-
14 density --

15 COMMISSIONER TURNBULL: Right.

16 MS. STEINGASSER: -- of the site.
17 It faces 16th Street which is the more
18 historically consistent development. However,
19 in order to develop the site, the density has
20 to be to the rear to respect the historic --

21 COMMISSIONER TURNBULL: No, I

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1 understand that. But I guess what I'm getting
2 at is to the property just to the north is
3 still a parking lot right now, but it's zoned
4 R-5-B. If that did get developed, they can
5 build up to the property line.

6 MS. STEINGASSER: Yes.

7 COMMISSIONER TURNBULL: So this
8 building which is only three feet from their
9 property line could be looking into a blank
10 wall of something else.

11 MS. STEINGASSER: That's correct.
12 Yes.

13 But there's been a lot of design
14 work on this site, more than probably we've
15 seen on any other site in many years. I'm
16 sure they're aware of that and the potential
17 re-development of that parking garage.

18 COMMISSIONER TURNBULL: Okay.

19 CHAIRMAN HOOD: Okay. Any other
20 questions? Commissioner May?

21 COMMISSIONER MAY: Yes. I saw the

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1 HPRB staff report. And it's probably in the
2 information, but did the HPRB actually vote a
3 final approval of this design?

4 MR. THOMAS: The HPBR staff report
5 is in the --

6 COMMISSIONER MAY: I saw the staff
7 report. But --

8 MR. THOMAS: Oh, I'm sorry.

9 COMMISSIONER MAY: -- the Board
10 itself?

11 MR. THOMAS: The Board gave
12 concept approval.

13 COMMISSIONER MAY: So they'll go
14 back there after they're done with us? Is
15 that the order of sequence?

16 MR. THOMAS: Probably in between.

17 COMMISSIONER MAY: Between us?

18 MR. THOMAS: For the re-
19 definement.

20 MS. STEINGASSER: Between set down
21 in public hearing.

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1 COMMISSIONER MAY: Oh, okay.

2 Okay. And then I just had a
3 question about the measurement of height. I
4 saw in the chart that the height of the
5 building is 89 feet. But the pitched roof
6 exceeds that. Is that because in theory it's
7 a penthouse?

8 MR. THOMAS: Yes. The pitched
9 roof is the covering of the penthouse.

10 COMMISSIONER MAY: So it's not
11 really a roof at all. It's just a sloped
12 penthouse wall?

13 MR. THOMAS: Yes.

14 COMMISSIONER MAY: Have we done
15 that before?

16 MR. THOMAS: It's no different.

17 COMMISSIONER MAY: Is this
18 precedent-setting in some way to do something
19 like this? Because it definitely increases
20 the perceived mass of it much more so than a
21 setback penthouse in my view.

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1 MS. STEINGASSER: I don't know if
2 we have done it through a PUD. I've seen it
3 done in other -- I don't know.

4 COMMISSIONER MAY: Okay. It would
5 be helpful to know that. I'm not outright
6 opposed to it, although I'm not totally
7 convinced that you need to do a pitched roof
8 when you do a 10- or 11-story version of the
9 three-story building next door or the two-
10 story building next door. I'm not sure it
11 makes total sense.

12 But I'm open to the idea. I just
13 need to know a little bit more about how we
14 view that from a zoning perspective.

15 CHAIRMAN HOOD: Any other
16 questions? Vice Chairman Schlater?

17 VICE CHAIRMAN SCHLATER: Thank
18 you, Mr. Chairman.

19 I think Commissioner Turnbull
20 raises a good point about the adjacent
21 property and what could be built there and the

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1 relationship of this building to what could be
2 built there. So I think it would be good to
3 just when we get into the hearing actually get
4 some graphic depicting what it might look like
5 -- the full build-out of that adjacent site on
6 the back lot of the Scottish Rite Temple. I
7 think that would be helpful.

8 I also think there needs to be a
9 little bit more -- I don't know exactly how to
10 get to it -- but I think I need a better
11 understanding of the relationship of this
12 building to -- there's townhouses right across
13 the street. Is that Mozart Place? I'm not
14 saying that it's too tall or not the right
15 relationship. I guess I would just say from
16 the submission that I got here, I'm not
17 getting a good sense of how it will feel to be
18 in those townhouses next to this building.

19 This is definitely an area that's
20 got a lot of variable height. And so it's not
21 necessarily a bad thing. But I think it would

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1 be just good to get some information on the
2 record on that.

3 I also think that overall the
4 benefits and amenities proffered with this
5 application are pretty light. I'm not a huge
6 fan of the architecture that's proposed. So I
7 don't know that the design and architecture is
8 that compelling a benefit or amenity.

9 I also think that the preservation
10 of the historic resource is important. It'll
11 be great to have that building looking good
12 and used again and active. But I think there
13 needs to be more, particularly with the
14 affordable housing being something that's
15 required by IZ. I don't recognize that as a
16 benefit or amenity. It's a requirement.

17 So I'll be looking at that in
18 greater detail when we get to the hearing and
19 asking more questions about that.

20 Other than that, I don't think I
21 have anything else. Thank you.

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1 CHAIRMAN HOOD: Okay. On the same
2 note, I'm just curious, Ms. Thomas, I'm
3 reading your report where the ANC has
4 requested another type of employment agreement
5 instead of the standard DOES. What's going on
6 there? And how's that being counted? Is that
7 a proffered amenity or benefit? Or how are we
8 going to deal with that?

9 MR. THOMAS: The First Source
10 agreement -- and I wasn't aware of this until
11 I researched it myself -- is an agreement
12 that's mandatory when District funds in whole
13 or in part is being used for a project. If a
14 project goes through private funding, it
15 doesn't have to be a First Source agreement.
16 It is not required.

17 So I actually think that having an
18 agreement made to hire actual local residents
19 seemed to be more effective in this case since
20 First Source can't be applied, or it's not
21 mandatory.

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1 MS. STEINGASSER: They're working
2 with the ANC to do a local hiring unique to
3 Ward 1, and they're trying to focus it. We've
4 asked that it be evaluated against the current
5 city standards and programs and how it would
6 be administered. But they are proffering it
7 as an amenity.

8 CHAIRMAN HOOD: Okay. So we'll
9 learn more about that at the hearing. Okay.

10 Okay. Mr. Turnbull?

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

13 Getting back to Commissioner May's
14 comment about the penthouse roof, the roof
15 plant we have on A13, I'd like to see a better
16 view of the roof plant -- a bigger scale
17 showing what's actually going on up there with
18 either a transverse or a longitudinal section
19 showing actually what's maybe -- it might be
20 two or three of them -- to really show what's
21 going on up there. But I think Commissioner

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1 May brings up a good point about the height in
2 the context of what's really going up on that
3 roof. So if we could get some expanded views,
4 plans of what's going on, I think that would
5 be good.

6 CHAIRMAN HOOD: Okay. Any other
7 comments or questions?

8 (No audible response.)

9 CHAIRMAN HOOD: All right. With
10 that, I would move that we set down with all
11 the comments and things that we'd like to see
12 during the hearing that we set down Zoning
13 Commission Case No. 11-08. And I ask for a
14 second.

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: It's moved and
17 properly seconded.

18 Any further discussion?

19 (No audible response.)

20 CHAIRMAN HOOD: Are you ready for
21 the question?

1 All those in favor?

2 (A CHORUS OF AYES.)

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

6 MS. SCHELLIN: Yes. Staff records
7 the vote 5-0-0 to set down Zoning Commission
8 Case No. 11-08 as a contested case.
9 Commissioner Hood moving; Commissioner
10 Turnbull seconding; Commissioners May,
11 Schlater and Selfridge in support.

12 CHAIRMAN HOOD: Okay. Next,
13 Zoning Commission Case No. 11-03, Hoffman-
14 Struever -- hopefully I've pronounced that
15 right -- Waterfront, LLC, 1st Stage PUD and
16 Related Map Amendment at Squares 390, 391,
17 471W, 472, 473 and 503).

18 Mr. Jesick?

19 MR. JESICK: Thank you, Mr.
20 Chairman and Members of the Commission.

21 The Applicant in this case has

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1 submitted a Stage 1 PUD and Related Map
2 Amendments along the Southwest Waterfront.
3 And you can find a vicinity map of the project
4 site on page two of the OP report. The
5 property is generally bounded by Maine Avenue
6 on the east and by the proposed pierhead line
7 in the Washington Channel on the west.

8 Now on page five of the OP report
9 is an image of the proposed site plan. The
10 project would consist of 11 mixed-use
11 buildings, ten rowhouses, a number of smaller
12 landside and waterside structures, four major
13 plazas and a park, the wharf itself and a
14 number of public and private piers.

15 Now the application would have a
16 mix of uses in each of the projects for
17 development segments. And for each segment,
18 the application gives a floor area range for
19 residential/hotel/office, et cetera. And
20 under this proposal, the exact mix of uses
21 would be determined at a future Stage 2 PUD.

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1 OP does not object to this
2 approach because it in all likelihood is a
3 very long-term project, and it's difficult to
4 determine the exact mix of uses at this time.

5 Also, the proposed minimums and maximums
6 within each development segment does give
7 assurance or a guarantee even of a mix of uses
8 throughout the project.

9 The application proposes heights
10 of 130 feet for the tower elements on parcels
11 1 through 9, and heights of approximately 60
12 and 45 feet for parcels 10 and 11,
13 respectively.

14 On the issue of FAR, I would like
15 to note that the landside FAR in the OP report
16 is based on the gross land area. We are
17 working with the architects to determine how
18 much land should be subtracted out for private
19 streets and private rights of way. Based on
20 early estimates, the net FAR would increase
21 from about 3.2 to somewhere in the range of

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1 3.5 to 3.9. So it's a relatively small
2 change, and it would certainly remain within
3 the realm of medium-density development.

4 To develop as proposed, the
5 application requests PUD-related map
6 amendments to C-3-C and W1. And the Comp Plan
7 future land-use map and the Comp Plan text
8 when taken together would support a medium-
9 density of development on the site with tall
10 buildings transitioning down to lower-scale,
11 adjacent development. In particular, the Comp
12 Plan looks at the area south of M Street for
13 more moderate-density development. So while
14 OP feels that the proposed zoning is not
15 inconsistent with the comprehensive plan, we
16 feel that zoning other than C-3-C at the
17 southern end of the site could be more
18 consistent with the Comp Plan.

19 So we are therefore recommending
20 that the Commission set down in the
21 alternative W1 zoning for parcel 10 and the

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1 waterfront park and R-5-B zoning for parcel
2 11.

3 Now the southwest waterfront plan
4 also gives policy guidance for the site. This
5 is the small area plan which supplements the
6 Comp Plan. One of the topics it talks about
7 are views through the site both at ground
8 level and at upper story levels. And OP feels
9 that the proposal would not be inconsistent
10 with the view preservation goals of the small
11 area plan. In fact, in one sense, the
12 proposal is superior because it proposes
13 smaller block sizes which allow many more
14 views through the site towards the water. OP
15 will work with the Applicant to create view
16 studies and other graphics which demonstrate
17 where and how these views would be preserved.

18 The application lists a number of
19 benefits and amenities including affordable
20 housing, the reconstruction of Maine Avenue,
21 improvements to the fish market and stairs to

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1 Banneker Overlook, below-market retail rents,
2 and the creation of a new business improvement
3 district. OP feels that these amenities and
4 benefits are sufficient for setdown, but we
5 will continue to work with the Applicant to
6 refine and add detail to the amenity package.

7 Finally, in the past few weeks, OP
8 has met with a number of members of the
9 community, and we will continue to solicit
10 neighborhood input. And the Applicant also
11 has had many meetings with neighborhood
12 groups, and we encourage them to continue
13 their outreach efforts.

14 In summary, OP feels that the
15 application is not inconsistent with the
16 comprehensive plan, and we recommend that the
17 Commission set down the application, and in
18 the alternative, set down W1 and R-5-B zoning
19 for the areas noted in the report.

20 I'd be happy to take any
21 questions.

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1 CHAIRMAN HOOD: Thank you, Mr.
2 Jesick. Any questions? Vice Chairman
3 Schlater?

4 VICE CHAIRMAN SCHLATER: Mr.
5 Chairman, I just wanted to say before we get
6 into our comments that just for the record
7 that I have had previous involvement in this
8 case. It was a long time ago, I think almost
9 fives years ago now when I was working for the
10 Deputy Mayor's office. I represented the
11 Deputy Mayor's office on the selection panel
12 that ultimately selected Hoffman-Struever
13 Waterfront, LLC, to be master developer for
14 the site.

15 I don't think that's recent enough
16 for me to recuse myself. I was just acting in
17 my official capacity in the Mayor's office at
18 the time. But I just wanted to put that on
19 the record. And if you have any problems with
20 it, I can hear it now.

21 CHAIRMAN HOOD: No, you're not

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1 going to get off that easy.

2 (LAUGHTER.)

3 CHAIRMAN HOOD: Anybody have any
4 problems? No. So you'll be with us.

5 Okay. Let's open it up for any
6 questions. Any questions, comments?

7 VICE CHAIRMAN SCHLATER: I'll kick
8 us off.

9 Just to say up front that I think
10 the plan is very thoughtful and is clearly
11 trying to implement the goals of the small
12 area plan, the Comp Plan and a huge amount of
13 thought has clearly gone into this. And I
14 think it's very good in many ways.

15 I like that it's trying to break
16 up the site into smaller individual blocks and
17 buildings. And I think it's very much
18 oriented towards the pedestrian experience,
19 and it embraces the waterfront which is the
20 most important thing.

21 So in that context, I will say it

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1 is also an enormous application. There's a
2 lot to wade through. And I have a lot of
3 questions about it which doesn't necessarily
4 mean that I have problems with it. I just
5 have questions. So I think I'll just jump
6 into it.

7 The first question I have is on
8 phasing -- a phasing plan. I realize it said
9 in the application that there isn't known
10 today what the phasing plan is. But I think
11 we need to have a better sense of what are
12 approval of this first-stage PUD means. I
13 think it said that there's three years until
14 we have our first second-stage application.
15 But how long is the stage 1 approval good for?

16 I think we need to just get a better handle
17 on how that's going to be treated going down
18 the pike, unless you know right now.

19 MR. JESICK: Just on the one point
20 of the duration of this validity of the Stage
21 1 approval, the Applicant has asked for relief

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1 to extend that validity for a period of three
2 years. But regarding the construction
3 phasing, that is one of the questions we
4 raised in our report.

5 VICE CHAIRMAN SCHLATER: Is our
6 approval going to be then if they get
7 something in for a Stage 2 approval, does that
8 mean it is then an infinite period of time
9 they have to build out the site, or is it
10 within 20 years, ten years? I think we would
11 like to see some definition to that and not
12 leave it open-ended. That's at least my
13 perspective.

14 Also I think that for a project of
15 this size which I'm sure is going to be
16 watched carefully by the community, I think
17 the proposed parking right now is between 1900
18 and 3,050 parking spaces. And that's a pretty
19 big range. And I'd like to see if there's a
20 way that we can narrow that down and figure
21 out where that variability is coming from,

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1 particularly on a project that has a lot of
2 retail. I think you want to have a sense that
3 it's going to be properly parked for the
4 people in the region who are going to be
5 coming here to visit it.

6 We also want to encourage people
7 to bike there. And right now, I think there's
8 a proposal for 132 bicycle spaces for the
9 entire project. I think the Applicant should
10 go back and look at the standards that we're
11 approving in the new zoning regs regarding
12 bicycles and try to compare more favorably to
13 that new standard.

14 I also think that the flexibility
15 on mix of uses, I hear where everybody's
16 coming from on that. But it does make it
17 difficult to evaluate the project because I'm
18 not sure exactly what we're approving at this
19 point. I think there's a lot of buildings
20 that can either be office or residential. And
21 in my experience, an office building and a

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1 residential building have very different
2 shapes and sizes and massing to them. And so
3 I don't know what the best approach is to
4 that.

5 I think these applications are
6 inherently flexible. The Applicant could come
7 back for modifications. But clearly the plan
8 that's in front of us has some preference over
9 what that use would be. I would like to have
10 it wrestled to some more specificity so that
11 we know what we're looking at and approving.
12 This whole idea of approving density by
13 segment and mix by segment, I'm a little
14 uneasy about it.

15 A couple of other questions I had
16 was the Liveaboard community -- how they were
17 going to be relocated and where they were
18 going to be relocated on the site.

19 Also was interested to hear more
20 about the improvements to the Fish Market
21 which is an active and excellent part of that

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1 area right now. And I specifically wanted to
2 get a better sense of how the Market Square
3 and the Fish Market worked together. It
4 seemed like there was some mention in the
5 application of a grade change between Market
6 Square and the Fish Market and certainly
7 wouldn't want the project to turn its back on
8 the Fish Market since it's an important part
9 of the waterfront right now.

10 I think I support OZ's proposal to
11 set down on the alternative, the R-5-B zoning
12 for parcel 11 and the W-1 zoning for parcel
13 10.

14 I also think it's a little early
15 to be granting a loading variance on these
16 buildings when we don't know exactly what's
17 going to be built there. I think that should
18 come at a later stage.

19 On the affordability, I'd like to
20 understand exactly what the mix of the
21 affordable units is going to be between the 30

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1 percent AMI units, the 60 percent AMI units
2 and then the 120 percent AMI units. And I'd
3 like to understand how those are going to be
4 distributed throughout the project.

5 And then, I think one thing OP
6 asked for that I definitely would like to see
7 is this building height diagram and orthogonal
8 massing, particularly for the portion of the
9 site down towards -- I think it's sites 10 and
10 11.

11 That's it for now, I think. Thank
12 you.

13 CHAIRMAN HOOD: Any other
14 questions or comments? Commissioner May?

15 COMMISSIONER MAY: Okay. Thank
16 you.

17 First of all, let me say that I've
18 had a chance to see this project in various
19 forms over the last couple of years, and it's
20 been a while since I've seen it since there
21 are certain issues that involve the Park

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1 Service and I've handed those off to others
2 within the Service so that I can participate
3 in this case.

4 I'm very glad to see this actually
5 making it to the Zoning Commission at this
6 point. This has been a very long process.
7 And I know it's been a complicated one getting
8 it up to this point. So I appreciate the fact
9 that it's come as far as it has, and I really
10 appreciate its potential for reinvigorating
11 the southwest waterfront which is very
12 important to the city and of course also very
13 important to the Park Service.

14 And I'm also glad that this is
15 just a Stage 1 application and that there's
16 not some component of it that's consolidated
17 because very often we have to deal with things
18 like that. And it makes it very difficult. I
19 think this is the sort of thing that really
20 just needs to be Stage 1 only, and we consider
21 Stage 1 issues and then hopefully see Stage 2

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1 start coming quickly thereafter. Clearly,
2 there's going to be some phasing of the work
3 here, and I'm sure that'll become more
4 apparent as time goes on.

5 You mentioned specifically there
6 have been multiple meetings with the
7 neighbors, and I'm curious about what the
8 reactions have been up to this point.

9 MR. JESICK: We've met with the
10 Chairman of the ANC, representatives of Tiber
11 Island which is just to the east of the
12 southern portion of the project site and
13 representatives of the Liveaboard and
14 Workaboard communities. And I would say the
15 two specific community representatives that we
16 met with had very sort of targeted comments to
17 their own situation, for example, height on
18 parcels 10 and 11 for the Tiber Island
19 community, issues about connections of
20 utilities for the Liveaboard communities.

21 MS. STEINGASSER: They were also

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1 though overwhelmingly supportive of the
2 project, and all three were very clear they
3 did not want their comments to be construed to
4 hold the project up in any way. They were
5 just focused, detailed issues that were
6 relevant to them that several of which they
7 knew would not be addressed until the Stage 2.

8 COMMISSIONER MAY: Okay. I'm
9 curious. I know that this development is
10 dependent on some legislation including a
11 redefinition of the channel. And I wonder if
12 you know whether that's been resolved at this
13 point. I kind of lost track of it, but I
14 thought it had died in the last Congress. Do
15 you know?

16 MS. STEINGASSER: I don't know.
17 We'll get you that.

18 COMMISSIONER MAY: And I think
19 there are a couple other things there.
20 There's a shoreline regularization and there's
21 the ability to lease air rights and so on.

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1 All those things were legislation that I think
2 just so we have a clean record or a full
3 understanding of what the state of things are,
4 I think we need to have that information so if
5 you can work with the Applicant to provide
6 that.

7 Along the same lines, there is one
8 parcel in here embedded within I think the
9 park. One section of park is a small park
10 over which the Park Service still has
11 jurisdiction. And of course the underlying
12 title for the whole area is federal anyway.
13 But this is one area where it's still under
14 Park Service jurisdiction. I don't know how
15 that's been resolved yet. But if there needs
16 to be clarity in terms of the actual
17 application, that should get sorted out with
18 others in my office, and we'll make sure that
19 that happens one way or another.

20 I'm interested in the sort of
21 transportation improvements and infrastructure

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1 improvements like the circle in front of the
2 Arena Stage and allowing for the streetcar.
3 And I'm curious about how much of that work is
4 actually part of this project or is this sort
5 of notional and is the streetcar -- is it just
6 room for the streetcar or is it the full
7 infrastructure for the streetcar including the
8 -- I don't know if they need transformers or
9 any of those sorts of things along the way.
10 So just knowing that the space is available is
11 one thing or knowing that there's this
12 potential for these improvements is one thing,
13 but it would be helpful to know more about the
14 specific transportation improvements that are
15 part of this. At some point in the future, I
16 think streetcar access to this site will be
17 very, very important. It may not be initially
18 as critical.

19 One of the major concerns that I
20 have for this site actually is the view shed
21 at the other end -- the heights of buildings

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1 at the parcel 1 and 2 end of the project
2 rather than 10 and 11. And I think that for
3 this project, the master plan was conceived
4 with certain assumptions about the future
5 development of Banneker Park and Banneker
6 Overlook and that whole area. And I don't
7 know that they're necessarily correct or that
8 they're necessarily going to happen in the
9 near future.

10 In other words, even if that site
11 is developed as has been envisioned first in
12 the museums and monuments master plan and then
13 eventually in the framework plan, even if that
14 development does occur, it's really not clear
15 what kind of development it might be. I think
16 ideally that site becomes a museum site or a
17 museum memorial kind of site. But in either
18 case, it's not going to be developed with the
19 same kind of downtown urban office building as
20 I think might have been assumed in the initial
21 master planning here. So I think we want to

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1 make sure that special view that you get from
2 the Banneker Overlook is respected, not
3 necessarily preserved intact which would mean
4 major issues for parcels 1 and 2.

5 But I think based on what I've
6 seen in the images here, I think that there's
7 still some work that needs to be done to make
8 sure that that adjacent space which is
9 currently park land and may eventually be a
10 memorial site maintains some of the view that
11 it has. It's elevated over the site. So it
12 shouldn't be too hard to try to sculpt the
13 development a bit to respect that.

14 And I'll just point out or mention
15 the prospect of they're being some sort of
16 improved access from the site to Banneker
17 Circle which I think is certainly beneficial.

18 But I think the whole stretch along L'Enfant
19 Plaza -- I don't know how often you get up
20 there and have to walk that stretch -- but
21 it's -- daily -- oh, yes, that's right. Well,

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1 that used to be my bike route to come over
2 here. And I just can't do it anymore. I go
3 another way and just avoid it.

4 Anyway, that whole area needs
5 improvement. I don't know if that's in the
6 cards for this project. But the idea of
7 making that connection or improving that
8 connection I think is good, and hopefully the
9 Applicant is working with the Park Service to
10 try to establish something there. I believe
11 that's happening but I don't know any of the
12 particulars.

13 And I think the overall -- as I
14 said in the beginning, it's great to finally
15 have this in front of us as a real proposal.
16 I think it's got a ways to go. And I know
17 that there are going to be approval hurdles to
18 clear in many respects. And I don't where it
19 stands in all of that. I believe Commission
20 of Fine Arts has to review and NCPC has to
21 review. And I don't know where all those

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1 things occur in this sequence. But it
2 actually would be helpful to understand a
3 little bit of that as we're considering it.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER MAY: Thanks.

6 CHAIRMAN HOOD: Any other
7 questions? Okay. Commissioner Turnbull?

8 COMMISSIONER TURNBULL: Thank you,
9 Mr. Chair.

10 Yes, I would agree that this is a
11 very complex project -- a needed project but
12 very complex on a lot of different levels.

13 I just want to get back to what
14 Commissioner May was talking about with parcel
15 1 and 2. We have a lot of different plans
16 that show on 4.5 either the different piers at
17 parcel 3 and 2, and I think those are nice.
18 And a lot of the view sheds either from 6th
19 Street, 7th Street show a very wide sort of
20 little plaza. But the one between parcel 1
21 and 2 is a little tighter, and I understand

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1 there's Theater Alley and there's other things
2 going on that they want to have. But getting
3 back to what Commissioner May was talking
4 about, there's some unknowns what's happening
5 up by L'Enfant Plaza and everything. And so,
6 it's hard to visualize what the vista is going
7 to be or what it should be. But right now, it
8 looks a lot shorter.

9 And as Commissioner Schlater was
10 talking about -- the Fish Market and
11 everything -- I think that's going to need a
12 lot more study. I think that's going to be a
13 very complicated but critical piece of this
14 project. And so I think that that should be
15 expanded a little bit more so we get a better
16 feel for what we think may happen there. And
17 I know we're just scratching the surface on
18 this. But a lot of the other plazas are a
19 little bit more well developed. This is a
20 little bit smaller and it seems like it ought
21 to be a little bit more dramatic than what's

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1 showing right now.

2 And I just wanted to get for the
3 record that we talked about the alternative
4 zoning. And the Applicant has consented to
5 this?

6 MR. JESICK: Yes, we've discussed
7 that with the Applicant. And they're fine
8 with that proposal.

9 COMMISSIONER TURNBULL: Okay. And
10 just my last item is that I think the
11 Applicant has orally stated that it will
12 reconstruct Maine Avenue -- whatever
13 reconstruct really means?

14 MR. JESICK: That's correct. In
15 our meetings with the Applicant, they said
16 that they would re-build Maine Avenue. We
17 would like to get that in writing.

18 COMMISSIONER TURNBULL: Right.
19 Okay. I just wanted to bring it up for the
20 record that it was discussed.

21 Thank you, Mr. Jesick.

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1 CHAIRMAN HOOD: Any other
2 questions? Commissioner Selfridge?

3 COMMISSIONER SELFRIDGE: Mr.
4 Chairman, I don't have any questions. It's a
5 very complex project, and I look forward to
6 getting into it in greater detail. It's
7 obviously pre-dated me quite a bit so I have
8 no comments. And I look forward to reviewing
9 the material as additional information comes
10 in.

11 CHAIRMAN HOOD: Okay. Thank you,
12 Commissioner Selfridge.

13 I also would agree while I have
14 not had a lot of information on this project
15 prior and waiting for it to come, I've heard
16 that there were things happening in this area,
17 and I'm glad to see that it's starting to
18 materialize.

19 I think there's a number of
20 unanswered questions that actually can be
21 answered at the hearing. Case in point, in

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1 the 1st Stage PUD, we normally get the
2 development plan indicating the proposed
3 mixes. Is that something the Office of
4 Planning is asking for or are we trying to
5 waive that and do it at the second stage? I
6 think that's what you alluded to in the
7 report.

8 MR. JESICK: The mix of uses
9 you're referring to?

10 CHAIRMAN HOOD: Yes.

11 MR. JESICK: Yes, I think we're
12 okay with the approach that the Applicant has
13 taken in laying out a range for each
14 development segment. So I think that probably
15 would be a little bit different than what is
16 normally done in a PUD. But I think for a
17 project of this size and likely time duration,
18 it's a little more understandable in this
19 case.

20 CHAIRMAN HOOD: The W-1 zone, do
21 you know what the height is in the W-1? And

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1 there's probably somebody up here --

2 MS. STEINGASSER: Forty feet.

3 CHAIRMAN HOOD: Forty feet.

4 MS. STEINGASSER: Sixty under a
5 PUD. I'm sorry.

6 CHAIRMAN HOOD: Sixty under the
7 PUD. Okay.

8 Did we get clarification on the
9 parcel 10? Is it 70 feet or 67 feet? And
10 these are actually questions that I don't know
11 if you want to answer them now. But these are
12 questions I'm mentioning so maybe they can
13 help clarify -- and maybe my colleagues might
14 already know -- but help clarify at the
15 hearing. And if we could just get that
16 clarified.

17 And then the rowhouses show 67
18 feet. I think the Applicant says 60 feet.
19 Those are some of the things that we're going
20 to need to clarify at the hearing so we can
21 fine tune and find out exactly what's being

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1 asked for.

2 And I was glad that Commissioner
3 Turnbull brought up the issue with the street.

4 I just need to get that in writing as it as
5 asked for in the report.

6 Okay. Is there anything else?
7 Any other comments?

8 (No audible response.)

9 CHAIRMAN HOOD: Okay. All right.
10 Let me just ask this, and I think I saw it in
11 here.

12 What has been the response of the
13 neighborhood? I see where you've met with the
14 Chair of ANC 6D. What kind of response are we
15 getting?

16 MR. JESICK: I think the response
17 overall has been quite positive. Some of the
18 communities we met with like Tiber Island and
19 the Liveaboard community have voiced
20 particular concerns related to their
21 relationship geographically to the project.

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1 And for example, on the Liveboards, how would
2 utilities be maintained to their boats
3 throughout the course of construction, that
4 sort of thing. But overall, it's been I think
5 very positively received from our initial
6 meetings.

7 CHAIRMAN HOOD: So the Applicant
8 is continuing to work with those people
9 concerned so we can get it down to one hearing
10 night?

11 MR. JESICK: I'm sure they will
12 continue to work diligently to outreach to the
13 community.

14 CHAIRMAN HOOD: Okay. All right.
15 Again, I would echo my colleagues. I think
16 this is a good piece and there are some parts
17 that we need clarification. It's a lot of
18 work. But this is a good start.

19 So any other comments, questions?

20 (No audible response.)

21 CHAIRMAN HOOD: All right. I

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1 would move that we setdown Zoning Commission
2 Case No. 11-03 and ask for a second.

3 COMMISSIONER SELFRIDGE: Second.

4 CHAIRMAN HOOD: It's been moved
5 and properly seconded.

6 Any further discussion?

7 I'm sorry.

8 MS. STEINGASSER: Excuse me,
9 Chairman Hood, with the alternative.

10 CHAIRMAN HOOD: And the
11 alternative. Okay. Did I get everything.
12 And the alternative. Okay.

13 All right. Can I get a second
14 with the alternative?

15 COMMISSIONER SELFRIDGE: Second.

16 CHAIRMAN HOOD: Okay. It's been
17 moved and seconded.

18 Any further discussion?

19 (No audible response.)

20 CHAIRMAN HOOD: All those in
21 favor?

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1 (A CHORUS OF AYES.)

2 CHAIRMAN HOOD: Not hearing any
3 opposition, Ms. Schellin, would you please
4 record the vote?

5 MS. SCHELLIN: Yes. Staff records
6 the vote 5-0-0 to setdown Zoning Commission
7 Case No. 11-03 as a contested case. And this
8 is setdown with the alternatives.
9 Commissioner Hood moving; Commissioner
10 Selfridge seconding; Commissioners May,
11 Schlater and Turnbull in support.

12 CHAIRMAN HOOD: I just wanted to
13 acknowledge the former Chair of the Board of
14 Zoning Adjustment who was a colleague and
15 served the city well. He's been in the
16 audience. I meant to do that earlier, but
17 I'll do it at this time before he departs.
18 Mr. Geoffrey Griffis.

19 Okay. Next on the agenda, I think
20 this is the last item, right, Ms. Schellin?

21 MS. SCHELLIN: Yes.

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1 CHAIRMAN HOOD: Okay. Great.
2 This is ZRR Guidance, Office of Planning,
3 Zoning Commission Case No. 08-06, Office of
4 Planning, Additional Public Outreach in the
5 Zoning Review Process.

6 Mr. Parker?

7 MR. PARKER: Thank you, Mr.
8 Chairman, Members of the Commission. For the
9 record, my name is Travis Parker with the
10 Office of Planning.

11 First of all, thank you to the
12 Commission Members for attending our task
13 force meeting on March 30th. At that meeting,
14 you were all part of and heard a lot of
15 discussion about a need for adding some
16 additional public outreach to the already
17 significant public outreach that's been a part
18 of this process. And we all came to the
19 general conclusion at that meeting that we
20 could add a significant public outreach
21 component to this process.

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1 Since that meeting, we've thought
2 about how to accomplish that. We talked a
3 little bit about it on March 30th but didn't
4 resolve what the procedural changes would be
5 to add this component. And since March 30th,
6 we have suggested a couple of procedural
7 options to the task force with the basic
8 difference of them being between whether we
9 continued to do text hearings on individual
10 subtitles prior to the public outreach or
11 after the public outreach. And one of our
12 main concerns was doing it prior to the public
13 outreach would basically require us to double
14 our number of public hearings because we need
15 to take those results to the public and then
16 come back afterwards and re-hear everything
17 again once additional people had been reached.

18 But some people on the task force
19 did express the concern that they wanted to
20 see some Zoning Commission input on -- and I
21 know the Zoning Commission members have

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1 expressed that as well -- have some Zoning
2 Commission input on draft text prior to making
3 public presentations. So the task force
4 themselves were basically evenly split on
5 whether to have hearings prior to or after the
6 public outreach.

7 The people who were supporting
8 continuing text hearings before public
9 outreach were somewhat more vociferous. But
10 there was an even split down the middle. And
11 based on sort of what we heard, we came up
12 with what we considered to be a compromise
13 position which would put the setdown meetings
14 -- basically the process from here on out
15 would be we would work internally to continue
16 finishing draft of the text until we had all
17 ten subtitles written and available for public
18 review. Then we'd bring them one at a time to
19 you for your regular setdown. You would have
20 a chance to review the text of each subtitle,
21 have a setdown meeting, offer your comments

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1 and proposed changes, and then with the task
2 force input and your input from the setdown
3 meeting, we would then have a full draft with
4 comments that we could take out on the road --
5 go to different wards, go to different ANCs
6 and drum up as much interest as we can in the
7 zoning review process and let people know that
8 this change is happening -- that this is
9 coming. Then once that public outreach
10 process is complete, we would then schedule
11 hearings on the individual subtitles.

12 So this is where we've ended up.
13 It leaves sort of a question mark as far as
14 when all these dates will be. Likely the
15 setdowns would happen in the summerish time
16 period. And this outreach may happen over the
17 fall with hearings resuming then after the
18 public outreach. But I can't be much more
19 specific than that.

20 But this is the update I wanted to
21 give to you tonight based on our subsequent

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1 meeting with the task force after our March
2 30th meeting and ask for any input or thoughts
3 that you all might have.

4 CHAIRMAN HOOD: Okay. Any
5 comments? Vice Chairman Schlater?

6 VICE CHAIRMAN SCHLATER: Mr.
7 Chairman, I think I come down on the camp of
8 completing the draft text, setting it down by
9 the Zoning Commission, having our chapter-
10 specific hearings on the text and then coming
11 up with a package of draft zoning regulations
12 -- a completed draft of zoning regulations
13 that the Zoning Commission has reviewed, and
14 then presenting that completed draft to the
15 public for an additional round of comments.
16 At that point we'll have had public hearings
17 on each and every one of the chapters, and we
18 will have put it together into one large text
19 that will have to relate to itself. And we'll
20 have a completed package.

21 I think at that point, it would be

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1 very advisable for this Commission to then say
2 okay, we think we've done a good job of coming
3 up with a fully baked text. Let's go back out
4 to the public, have another set of hearings,
5 have OP and OZ go out to the public, conduct
6 their outreach, and then bring it to
7 completion.

8 I don't know. I feel like this
9 compromise position is -- I don't see an
10 advantage to it frankly. I think we've
11 already had hearings on a number of chapters
12 already. We've already completed the text on
13 a number of chapters, and it feels a little
14 disjointed not to stop now. I think we've got
15 momentum. I think we can get a draft complete
16 package done by the end of this fall. And
17 then we can start the new year out by going
18 back out to the public. And I think that
19 would be a better way to proceed.

20 CHAIRMAN HOOD: Okay. So let me
21 make sure I understand.

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1 Out of the three proposals that we
2 have in this letter from the Office of
3 Planning, Vice Chairman Schlater, you're
4 saying number 2? Is that where you are?
5 Okay.

6 VICE CHAIRMAN SCHLATER: No. Is
7 that even one of the options that's been put
8 forward? I'm option 4.

9 MR. PARKER: Let me see if I
10 understand you.

11 You're saying complete the text,
12 then go through setdown and public hearings on
13 all the text. And then we have basically a
14 final draft version. Then do public outreach.
15 And then do another one big hearing or
16 another series of individual hearings?

17 VICE CHAIRMAN SCHLATER: At the
18 task force meeting, I thought we had a pretty
19 long discussion about this. And certainly one
20 of the proposals that was out there --

21 MR. PARKER: Right.

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1 VICE CHAIRMAN SCHLATER: -- was to
2 do exactly that. Complete our hearings on
3 individual text, bring together a fully
4 completed draft, and then take that draft-
5 proposed text and have a public outreach
6 process that would culminate in a series of
7 additional hearings -- formal Zoning
8 Commission hearings -- to gather the final
9 comments from the public, and then go final.

10 MR. PARKER: The two concerns that
11 we heard with that at our task force meeting,
12 first off, you're basically doubling the
13 number of hearings. So --

14 VICE CHAIRMAN SCHLATER: I'm not
15 proposing to having redundant parking
16 hearings. I think I'm saying have two or
17 three hearings at the end of the process on
18 the full draft of the text.

19 MR. PARKER: I see. Not one on
20 each subtitle again?

21 VICE CHAIRMAN SCHLATER: No.

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1 MR. PARKER: But just --

2 VICE CHAIRMAN SCHLATER: I don't
3 see the reason to do that.

4 MR. PARKER: I see.

5 VICE CHAIRMAN SCHLATER: And I
6 think that we did discuss that at the task
7 force meeting.

8 COMMISSIONER MAY: Isn't that
9 essentially the process that we were already
10 doing except adding the public outreach and
11 saying that it's going to be more than just
12 errors and omissions and corrections at that
13 final stage? It's going to be a more
14 substantive hearing on the totality of the
15 text at the end.

16 VICE CHAIRMAN SCHLATER: I think
17 that's right. And I wouldn't minimize the
18 broad public outreach portion of it where we
19 actually --

20 COMMISSIONER MAY: I don't mean to
21 minimize it. I'm just --

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1 VICE CHAIRMAN SCHLATER: -- take
2 it to the community and sell it.

3 COMMISSIONER MAY: The concern
4 that I have here is essentially that it's not
5 very different from what we were intending. I
6 mean, yes, it does add that extra public
7 outreach. But I think that there's
8 substantial kind of discomfort with the
9 process. Now that we've gotten through a lot
10 of it, I think that there's some significant
11 discomfort with it in the public. And I'd
12 rather do something even if it isn't
13 necessarily the most time-efficient or it
14 doesn't take advantage of the momentum that we
15 might have at this moment. I think it's
16 important to be responsive to what we heard in
17 the task force meeting and try to adapt the
18 text or try to adapt our process a little bit
19 as a result.

20 VICE CHAIRMAN SCHLATER: I think
21 part of what I heard at the task force meeting

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1 was process fatigue and people having to spend
2 too many nights going out to hearings and too
3 many things to track at one time. And I think
4 by extending the process, I'm not sure that
5 that is going to improve that situation.

6 COMMISSIONER MAY: Not
7 necessarily. I mean, I don't think we can
8 address every single comment that occurred at
9 that meeting. I just feel a need to try to do
10 something that's a bit more different from
11 what we have been doing because there was
12 substantial discomfort with the process and
13 where we are right now.

14 And frankly the momentum that we
15 have isn't necessarily a good thing. I mean,
16 it may be good for us because we're in the
17 mode and we're moving along. But sometimes
18 momentum is progress, and sometimes momentum
19 is considered steamrolling. And we don't want
20 to crate that impression.

21 CHAIRMAN HOOD: One of the things

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1 that I often think about -- and I'm going to
2 include all of us now because all of us are
3 going to be a part of t his -- Hood, Turnbull,
4 Schlater, Selfridge and May messed up zoning
5 in the District of Columbia. Okay? That's
6 one of the things that bothers me.

7 And I will tell you -- and I want
8 to hear from others first before I really
9 actually weigh in -- so let me hold my
10 remarks.

11 Commissioner Selfridge?

12 COMMISSIONER SELFRIDGE: I guess I
13 had a couple questions for Mr. Parker.

14 One is what is the impact on the
15 schedule if proposal 1, 2 or 3 were adopted
16 recognizing there's a fourth proposal out
17 there as well even if it's not in front of us?

18 And then, isn't there a concern
19 that there would be this broad public outreach
20 and that if we did this that there could still
21 be so many major changes during the hearing

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1 process? And so I just wondered if we're
2 going to achieve anything by representing the
3 finished draft texts, what the product is
4 going to look like with still the opportunity
5 for wholesale changes during the hearing
6 process. So I think that would be a concern
7 to me if we didn't go through the hearing
8 process at the Commission level before the
9 public outreach.

10 MR. PARKER: I think we share some
11 of that concern. I mean, in theory we don't
12 have any problem with the program that
13 Commissioner Schlater has recommended. The
14 difficulty with it is in how that public
15 outreach is perceived because it takes place
16 after the Zoning Commission has not only
17 reviewed but taken votes. So the Zoning
18 Commission has actually voted 5-0 to approve
19 draft text for chapter X. And so, it gives
20 the appearance that this is a done deal.

21 And we're coming back and we're

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1 going to have more hearings on it, but it's
2 not going to be a hearing on chapter X. It's
3 going to be a hearing on the whole thing where
4 somebody's going to have three minutes to pick
5 which parts of the whole thing that they want.

6 So that's kind of why we backed away from
7 that as an option to put the public outreach
8 earlier in the process.

9 VICE CHAIRMAN SCHLATER: So are
10 you proposing going back and re-hearing
11 bicycles, parking and loading?

12 MR. PARKER: No.

13 VICE CHAIRMAN SCHLATER: I'm not
14 sure why not given that logic.

15 MR. PARKER: Those were done. And
16 people have participated. I mean, we're
17 hearing that we should change what we're doing
18 from here. We haven't heard strong opinions
19 on either that we need to go back. In fact,
20 we've heard opinions that we shouldn't go back
21 and start over on the stuff that we've already

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1 done.

2 But everything from here on out,
3 if we're going to add public outreach, it's
4 probably more meaningful before a vote. But
5 from our standpoint, we're fine with either
6 one.

7 COMMISSIONER SELFRIDGE: What
8 about the schedule?

9 MR. PARKER: Again, hard to say.
10 I think obviously one round of hearings is
11 shorter than two. But now that I understand
12 what Commissioner Schlater is saying, his
13 second round is only a few hearings and then a
14 short time period. So they're probably not
15 that different -- the two options that are
16 sort of being considered. But either way,
17 it's well into next year.

18 CHAIRMAN HOOD: Commissioner
19 Turnbull, did you want to weigh in?

20 COMMISSIONER TURNBULL: Well, I
21 was just trying to understand on this

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1 compromise. Now the completion of the draft
2 text, the Zoning Commission is then reviewing
3 that?

4 MR. PARKER: In the compromise,
5 yes. We'd come to you with each subtitle as a
6 setdown. And you'd setdown each one, give us
7 your comments. So that way, we're taking out
8 something that you've reviewed, but not
9 something that you've made a decision on.

10 COMMISSIONER TURNBULL: Well, I
11 think no matter what we do, whatever anyone's
12 going to look at is something that we've
13 already given our views on then, no matter
14 which way.

15 MR. PARKER: Well, unless you go
16 with option 2 which is basically we complete
17 it and do the outreach before you see it --

18 COMMISSIONER MAY: But even in the
19 compromise position, we're giving comments but
20 we're not voting before they do the public
21 outreach.

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1 COMMISSIONER TURNBULL: So it's
2 setdown, we're going to review it, give our
3 comments, but we don't vote on it?

4 COMMISSIONER MAY: We vote to set
5 it down.

6 COMMISSIONER TURNBULL: And that's
7 it?

8 COMMISSIONER MAY: But we don't
9 vote on the actual text. We give comments on
10 the text, and we vote to have a hearing. And
11 then they do the public outreach. And then we
12 hear from the public. And frankly, I think
13 that's a really useful way of doing it because
14 I think a lot of the discussion on what the
15 actual text is occurs between the Office of
16 Planning and the public that they're going to
17 be interacting with on this outreach effort.
18 So when it comes to us, it's already been
19 cooked for a while or re-cooked and the Office
20 of Planning can make further recommendations
21 when we actually get to the hearing.

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1 COMMISSIONER TURNBULL: So after
2 the broad public outreach, you're going to
3 revise and incorporate those comments into
4 what we would then have a hearing for which we
5 would then a discussion, again we would re-vet
6 those issues?

7 MR. PARKER: Right. Exactly. I
8 mean, we'll sort of consolidate what we hear
9 in our broad public outreach and re-present it
10 to you. Obviously part of it is getting
11 people to come that are interested.

12 COMMISSIONER TURNBULL: Right.

13 MR. PARKER: But a lot of it is
14 going to be collecting input. And that's
15 another of my fears that under Mr. Schlater's
16 proposal that we actually wouldn't end up --
17 the number of issues might be big enough that
18 we'd be pushed back into having a bunch of
19 subject-specific rather than just having one
20 since --

21 COMMISSIONER TURNBULL: Do you

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1 think this will then satisfy them? One of the
2 comments we heard was that we had these
3 meetings, we gave our comments to OP and they
4 didn't listen to us. And so they weren't
5 incorporated in the document.

6 I guess you still may have people
7 who feel that those comments weren't
8 incorporated into it.

9 MR. PARKER: I think the best way
10 to handle that in this broad public outreach
11 is actually to do a good job of recording the
12 comments. So whether we agree with it or not,
13 we're reporting the comments to you as best we
14 can.

15 COMMISSIONER TURNBULL: So you may
16 give us an annotated sheet or something that
17 says this comment was brought up or highlight
18 the main comments, but we would recommend this
19 comment be incorporated?

20 MR. PARKER: Yes. Like we heard
21 these 50 comments. We incorporated these ten.

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1 And we didn't incorporate these 40 and here's
2 why.

3 COMMISSIONER TURNBULL: Okay. I
4 don't mind that. I don't know. I mean, I
5 think we're always going to have people who
6 are not going to be agreeing with everything
7 that comes up. But at least at this point,
8 we'll be able to see some of those other
9 comments.

10 CHAIRMAN HOOD: But we've got to
11 look at why we really did this, why this
12 really came up. It didn't up basically for
13 the folks that are in the zoning family.

14 COMMISSIONER TURNBULL: Right.

15 CHAIRMAN HOOD: They didn't come
16 up for them. They came up for the folks that
17 are not in the zoning family. And I don't
18 want to call them names, but I was going to
19 say Ms. Elwood -- Ms. MacWood. It might have
20 been her. Or it might have even been Ms.
21 Gates. I'm not sure who it was. But someone

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1 mentioned that people are going to wake up,
2 and they're going to wake up and find out that
3 zoning has changed in their homes.

4 Now the reason that I wanted to
5 push this forward and move in this fashion was
6 because I wanted to make sure we have
7 exhausted as much outreach as we can, more
8 than just the task force, more than just us.
9 We were trying to get those people. That's
10 why I mentioned Channel 16. Even if they just
11 do a sound byte. I want people to know that
12 this is happening. And I mentioned this. I
13 even went around to ANC meetings and community
14 meetings. And I've also mentioned get
15 involved, look at the Office of Planning
16 website, call Office of Planning and find out
17 if you can get in a work group because we are
18 re-writing the zoning regulations.

19 The reason I am not in favor of
20 the Vice Chairman's way of doing things
21 because I'm also a community leader. When

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1 people bring stuff to me, if it's already been
2 voted, don't bring it to me. You already have
3 made the decision. I don't want to see it.
4 Bring me something where I have some input.

5 But before I go any further, let
6 me ask you this, Mr. Parker. Option 1 --
7 explain option 1 how that work. And I know
8 that you have a compromise. I'm only doing 1,
9 2, 3. I don't know where 4 came from. I
10 don't see 4 in black and white even though I
11 know 4 was mentioned. I don't want to
12 disregard it, but right now I can't operate on
13 4. I'm looking at 1, 2 and 3. I'm trying to
14 understand what we have in black and white.

15 MR. PARKER: Option 1 is sort of
16 what we thought we heard at the end of March
17 30th where we'd continue our review of each
18 subtitle, but instead of taking preliminary
19 and final action, we'd call it like draft text
20 or something like that.

21 So we'd have a hearing on each

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1 one. Then we do this broad public outreach,
2 and then we'd come back and do hearings on
3 them all again after the public outreach. And
4 that one was kind of scary to us because it
5 adds about a year to the process because
6 you're doubling the number of hearings. And
7 so, that has the benefit of maximum outreach,
8 maximum input, maximum everything, but it's
9 incredibly intensive on resources and time,
10 and it also has basically one hearing where
11 only the in-the-knows can participate and then
12 another hearing later where everybody that's
13 been outreached to gets to participate.

14 CHAIRMAN HOOD: Okay. So let me
15 ask you this. What is the difference in
16 option 1 and Mr. Schlater's option 4?

17 MR. PARKER: Commissioner
18 Schlater's option 4 is taking that last step
19 and just consolidating it into one hearing or
20 series of hearings on the entire text. And I
21 think that's a good thing. My worry is that

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1 the broad public outreach would come up with
2 enough comments that that would get expanded
3 again into as many hearings as we were trying
4 to avoid.

5 CHAIRMAN HOOD: So you'll
6 compromise.

7 And let me ask you this. How many
8 people were at the task force hearing where
9 this was discussed?

10 MR. PARKER: In April? The one
11 after?

12 CHAIRMAN HOOD: After the one we
13 came to.

14 MR. PARKER: Oh, I think we had
15 ten to 12.

16 CHAIRMAN HOOD: Twelve?

17 MR. PARKER: Maybe eight.
18 Somewhere between -- eight voting members.

19 CHAIRMAN HOOD: So you had more
20 when we showed up, right?

21 MR. PARKER: We did.

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1 CHAIRMAN HOOD: Okay. That's
2 fine, if eight show up. But again, this goes
3 to the next point. The next point is making
4 sure that we get it on 16. And I don't know
5 what the budget looks like. We can ask the
6 Mayor. They got plenty -- well, I can't say
7 they've got plenty of money. But they've got
8 some. But we can start notifying the people
9 to at least make sure that at the end of the
10 day we've exhausted all we could to get into
11 those households. Whether they show or not,
12 we've done all we can to make sure we did the
13 outreach. And I don't know if 3 gets us
14 there. But if 3 gets us there, I would go
15 with the compromise. I'd like 1, but if it
16 adds a year to the process, I don't think
17 anyone wants that.

18 MR. PARKER: I think exhaustive
19 definitely applies.

20 CHAIRMAN HOOD: Right. So again,
21 could you just explain 3 to me again?

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1 MR. PARKER: Okay. The proposal
2 here is that the schedule that you've seen to
3 date sort of goes away. We take another month
4 or two or as much time as we need to finish
5 the draft of the text -- finish all ten
6 subtitles. Then we come to all of your
7 regular monthly meetings one at a time and we
8 setdown each subtitle. There's about six or
9 seven left that need to be setdown.

10 Once you've reviewed them, set
11 them down, offered your comments, then we
12 organize two, three months of broad public
13 outreach. We do these ward meetings --
14 whatever it takes, put it on television and
15 the radio, et cetera. Then after that public
16 outreach, we consolidate all the comments, and
17 those become part of our report to you for the
18 hearing for each one of these.

19 CHAIRMAN HOOD: Okay. And this
20 wouldn't prolong it. It wouldn't be a year
21 like option 1?

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1 MR. PARKER: Well, it's definitely
2 going to be a year from now, but it's not
3 going to be an additional year from where we
4 were a month ago.

5 CHAIRMAN HOOD: And let me also
6 make a recommendation. Most council members
7 have leadership meetings. I know 4 and 5, and
8 I'm not sure about the other wards. They have
9 leadership meetings. That'll be another place
10 that we can do some of that. Then it's
11 incumbent upon some of those leaders to also
12 get the word out.

13 MR. PARKER: That's actually a
14 comment we heard at the most recent task force
15 meeting that the word out was yes, that we
16 should be get the council members involved in
17 outreach and use their networks to get the
18 word out.

19 CHAIRMAN HOOD: But the key is
20 they have leadership meetings. And then
21 that's where all their ANC commissioners and

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1 some of their presidents of civic associations
2 come together and meet once -- well, some of
3 them do it once a month, I know for a fact.
4 I'm not sure if all wards, but I know 4 and 5
5 do that.

6 Any other questions?

7 COMMISSIONER SELFRIDGE: I have a
8 couple comments or questions.

9 CHAIRMAN HOOD: Commissioner
10 Selfridge?

11 COMMISSIONER SELFRIDGE: I guess I
12 like option 4, but kind of seeing where this
13 is going, I recognize that it's not getting
14 the broad support, at least at this stage
15 although the discussion's not over.

16 But option 3, setdown text by the
17 Zoning Commission, is that really going to
18 gain us anything? The idea that the Zoning
19 Commission comments on this text, are you
20 going to bring those comments out? Is it
21 going to be confusing to people if we're doing

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1 a broad public outreach and you have draft
2 text and then there's Zoning Commission
3 comments? And what are we really bringing to
4 people?

5 MR. PARKER: Well, you become part
6 of the drafting. So we go away and draft our
7 text and then we take it to the task force.
8 And they have a series of comments and we
9 incorporate them as much as possible. We
10 bring it to you and you have a series of
11 comments. And if you say we really don't like
12 this, you need to re-look at this strategy or
13 you need to change this number from 10 to 12,
14 we make those changes so that ultimately what
15 goes out as a draft for public outreach has
16 the comments from the task force and from you
17 in it. Maybe not all of them we agree with
18 and we put in, same as everybody else, but it
19 incorporates everything that we've heard.

20 COMMISSIONER SELFRIDGE: So there
21 may actually be a step two and a half on

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1 option 3? Because there will be some change
2 to the draft text potentially based on the
3 setdown.

4 MR. PARKER: That happens
5 continuously. We're drafting, re-drafting
6 text everyday.

7 COMMISSIONER SELFRIDGE: And then
8 I guess if you could just enlighten me. When
9 they do zoning re-writes in other cities, is
10 the process similar to the process that we've
11 undertaken in terms of the outreach and the
12 number of public meetings? Or has Office of
13 Planning engaged in less outreach or more
14 outreach or --

15 MR. PARKER: No. The process in
16 other cities is more like the federal process.
17 They write everything behind closed doors, and
18 then they present you with a final document or
19 a draft document, and they say here it is and
20 we have a series of meetings.

21 We've actually just reached the

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1 starting point of the federal process. Up
2 until now, it's been the writing. We've
3 included everyone in the city in writing the
4 document. So what we've done up until now is
5 unprecedented and well beyond what anybody
6 else does. And now we're entering the phase
7 of here's a draft document. Now let's have a
8 discussion on the text.

9 COMMISSIONER SELFRIDGE: So these
10 100 and -- how many odd meetings have you
11 done?

12 MR. PARKER: Eighty-six.

13 COMMISSIONER SELFRIDGE: Eighty-
14 six? That's more than most jurisdictions
15 would see. So you've been pretty thorough in
16 your outreach up to this point.

17 MR. PARKER: We're just at the
18 starting point of what most jurisdictions do
19 right now.

20 COMMISSIONER SELFRIDGE: You
21 should be commended and your staff commended

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1 for that. That's a lot of work. And I think
2 that gets missed a lot in these discussions
3 how much you guys have been out there talking
4 about this.

5 MR. PARKER: Thank you.

6 CHAIRMAN HOOD: And I would agree
7 with Commissioner Selfridge because -- and I
8 say this actually and I think Ms. Steingasser
9 has heard me say this at the oversight hearing
10 -- I was here when the Office of Planning was
11 not staff up to like it was now and where the
12 community did not have a place at the table.
13 So that does not go -- and my colleague just
14 mentioned it -- but that does not go
15 unnoticed, at least by this Commissioner
16 because I was here before we even had sit down
17 discussions with community and the Office of
18 Planning. So hats off to you. You do a great
19 job. But again, I'm still just thinking this
20 little piece -- I think that extra little -- I
21 think I consider this -- is this a minor

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1 delay? Could we call it a minor delay?

2 MR. PARKER: It's one of many.

3 CHAIRMAN HOOD: One of many?
4 Okay. This is just a minor delay.

5 But at the end of the day, I think
6 we will be happier and won't be noted -- well,
7 you all won't be noted -- but we won't be
8 noted as messing up zoning in the city.
9 That's the way I look at it.

10 But we haven' decided. I think
11 option 3. Commissioners, I'm recommending
12 that. I know there's an option 4 that was put
13 out on the table. I think that that to me as
14 a community person getting something that's
15 already been at least voted on by the Zoning
16 Commission to me is just don't bring it to me.
17 That's the way I feel.

18 So let me open it up.

19 COMMISSIONER TURNBULL: Mr.
20 Chairman, the difference between 3 and 4 is
21 basically the quantity of the number of

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1 meetings. And I guess -- I think --

2 MR. PARKER: And the timing of
3 them.

4 COMMISSIONER TURNBULL: Well, the
5 timing.

6 CHAIRMAN HOOD: And the vote. And
7 the vote, correct?

8 MR. PARKER: The vote?

9 CHAIRMAN HOOD: There's no vote on
10 3, right?

11 MR. PARKER: No vote prior to
12 public --

13 CHAIRMAN HOOD: Right. No vote
14 prior. No vote prior. I'm sorry. No vote
15 prior.

16 COMMISSIONER TURNBULL: Well, I
17 don't think you're voting on 4 either, right?

18 VICE CHAIRMAN SCHLATER: To be
19 clear, it's not as if you're not having a
20 public hearing on each. You're having a
21 public -- a noticed public hearing on each

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1 specific chapter where everybody is noticed in
2 the register at the ANCs that you're going to
3 have a hearing on this. So it's not as if
4 we're turning our backs on the community.
5 We're actually embracing it, wanting to have a
6 public hearing on it. And all I'm saying is
7 then we have another series of public hearings
8 after that to look at the completed product.

9 So I do not agree that my proposal
10 in any way is insensitive to the community's
11 need for input into the process.

12 COMMISSIONER MAY: I think it's
13 overstating it for anybody to characterize it
14 as insensitive. No one's suggesting that it's
15 insensitive. I just think it's a question of
16 going the extra mile. And I don't know. I
17 mean, I think we heard a clear message at the
18 task force meeting that we should be doing
19 something a little bit differently. And we
20 heard that regularly at hearings when we
21 considered text up to this point, that we were

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1 hearing from people that they didn't feel like
2 they were being listened to.

3 And so, I think doing something a
4 little bit differently, specifically setting
5 down the text for hearing and then doing
6 significant public outreach I think give us an
7 opportunity to get input at a stage when we
8 haven't before. And I'm hopeful that the
9 community will respond very positively to it
10 and that some of the folks who have not yet
11 fully embraced the process or the re-write at
12 this point really will as a result of this.

13 So I think that OP's suggested
14 compromise is the right way to go. And I'm
15 ready to move in that direction.

16 CHAIRMAN HOOD: Any other
17 discussion?

18 COMMISSIONER MAY: Wrap it up.

19 CHAIRMAN HOOD: Okay. What I will
20 do, I will make a motion that we move -- and
21 let me just say that no one -- I will have to

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1 agree with Commissioner May and I want to say
2 to Vice Chairman Schlater, no one is saying
3 that option 4 which I don't see on the paper
4 -- I've been looking for it now for a while --
5 is insensitive to the community. I think no
6 one up here is trying to be that way towards
7 the community. I would think that this
8 Commission definitely wants to hear all sides.

9 And I know we're all open to that. So that
10 was not a characterization to say that someone
11 was insensitive to the community's input. But
12 I just think that we get what we get as
13 Commissioner May has already mentioned with
14 number 3.

15 So what I'm going to do, I'm going
16 to call for a vote.

17 I move that we move in the
18 recommendation of the compromise which is
19 number 3 on the memorandum to us dated April
20 14th which was presented by the Office of
21 Planning, and ask for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIRMAN HOOD: It's been moved
3 and properly seconded.

4 Any further discussion?

5 (No audible response.)

6 CHAIRMAN HOOD: All those in
7 favor?

8 (A CHORUS OF AYES.)

9 CHAIRMAN HOOD: Any opposition?

10 (No audible response.)

11 CHAIRMAN HOOD: So staff, would
12 you record the vote?

13 MS. SCHELLIN: Okay. Hearing none
14 opposed, staff would record the vote 5-0-0 to
15 approved option 3 as suggested from the Office
16 of Planning as the additional public outreach
17 option. Commissioner Hood moving;
18 Commissioner May seconding; Commissioners
19 Turnbull, Schlater and Selfridge in support.

20 CHAIRMAN HOOD: Okay. Again, I
21 want to thank the Office of Planning for all

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1 the work you've done with the task force and
2 with us and the work groups.

3 So Ms. Schellin, do we have
4 anything else?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay. I want to
7 thank everyone for their participation
8 tonight.

9 This meeting is adjourned.

10 (Whereupon, at 8:48 p.m., the
11 hearing was adjourned.)