

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING
1100th MEETING SESSION (6th OF 2000)

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MONDAY
MAY 8, 2000

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The Regular Meeting of the District of Columbia
Zoning Commission convened at 1:30 p.m., in the Office of Zoning
Hearing Room, at 441 4th Street, Northwest, Washington, D.C.,
Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
CAROL J. MITTEN	Vice Chairperson
HERBERT M. FRANKLIN	Commissioner
KWASI HOLMAN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Alberto Bastida	Secretary, ZC
Stefanie D. Brown	Office of Zoning
Vincent C. Erundu	Office of Zoning

OTHER AGENCY STAFF PRESENT:

Mary McCarthy	Office of Planning
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D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

(1:37 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. This is the regular monthly meeting of the D.C. Zoning Commission, Monday, May 8, 2000, at 1:37 p.m.

Again, I want to apologize for the delay. Again, I had mentioned earlier we were going to start on time. We're only seven minutes late.

Any preliminary matters, Mr. Bastida?

SECRETARY BASTIDA: Yes, Mr. Chairman. When I prepared the agenda and send it out, we didn't have any preliminary matters, but that has changed since Thursday afternoon.

We have a letter regarding the Yale site, and we have two letters, one from the applicant requesting that the Commission postpone consideration of these cases until July, based on HRPB recommendations, and a letter from Ms. Sullivan -- and it was just provided to us a few minutes ago. And I have provided you with copies of those letters, and I would like to see what -- I would like to see what your pleasure is regarding this matter.

CHAIRPERSON HOOD: Colleagues, we have before us what we were at one time -- we are going to see whether or not we are going to sit down and dispose of the issue of the Yale Laundry, which is Case Number 00-01. What I wanted to do when I got note of this a few minutes ago was to turn to Office of

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1 Planning. But when I turn to the Office of Planning, they're not
2 here.

3 So I think what we need to do is go for the
4 postponement, because I wanted to actually find out -- I'm going
5 to put it on the record -- I wanted to get the large track review
6 and find out where the Office of Planning was with that. But at
7 this time, we don't have anyone here from the Office of Planning,
8 so I don't know whether I should delay it and hold people up in
9 the audience and we deal with it next month, or should we wait for
10 the Office of Planning. I'm open for suggestions at this point.

11 COMMISSIONER HOLMAN: Mr. Chairman, why don't we
12 just go ahead and schedule it for next month, and -- because we
13 just got Ms. Sullivan's letter, and it seems to be long and I'd
14 like to have an opportunity to review it.

15 CHAIRPERSON HOOD: Okay.

16 VICE CHAIRPERSON MITTEN: Maybe I could just ask,
17 Mr. Bastida, is the Office of Planning -- is someone from the
18 Office of Planning expected?

19 SECRETARY BASTIDA: Yes.

20 VICE CHAIRPERSON MITTEN: So we could -- we could
21 really accomplish two things. One is we could vote on the
22 postponement, which is an independent issue from whatever Office
23 of Planning would impart by way of where they are in their
24 process. So we could just wait to ask them that.

25 CHAIRPERSON HOOD: I think our problem has just

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1 been solved.

2 (Laughter.)

3 So let me just give Mrs. McCarthy time to get
4 herself together and we will direct that to Mrs. McCarthy.

5 Mrs. McCarthy, we wanted to find out how the Office
6 of Planning was coming along with the large track review on the
7 Yale Laundry project, or in general?

8 MS. MCCARTHY: We have a draft report that's been
9 written, which we've made revisions to in house, and we are just
10 getting ready to finalize that within the next day or so.

11 CHAIRPERSON HOOD: So that's where we are,
12 colleagues. So I guess --

13 VICE CHAIRPERSON MITTEN: Could I ask a question?

14 CHAIRPERSON HOOD: Sure.

15 VICE CHAIRPERSON MITTEN: You know, we had raised
16 some issues at the meeting when we first took up the Yale Laundry
17 request. And there was an issue about height, and there was an
18 issue about exemptions. And I believe at that time you had said
19 that you were going to, in the large track review process, be
20 addressing these issues. And has that been done?

21 MS. MCCARTHY: Yes. We've addressed it. The
22 revisions -- so far, the work that we've done has been on just
23 coordinating with the other departments and the report, began to
24 look at -- or looked at those policy issues. I've reviewed it,
25 but I haven't had a chance to review it with the Director, whose

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-- that all of us our policy recommendations are okay with him.

So that's as it's -- as it's being revised, as my revisions are being incorporated in it, and the very next step is taking it to him within the next day or so, go over it with him; then I think we will -- it'll be ready to report out.

And those issues are issues that we have definitely looked at, agonized over, talked about, because they are -- it's very difficult trying to balance with thousands of cars every day going by, and what kind of development is appropriate for that, versus what about having this sort of business behind that with a very low density scale.

CHAIRPERSON HOOD: Let me just ask a very brief question. Maybe, Mr. Bastida, if you can answer. Do we know when the HRPR is going to have their final approval?

SECRETARY BASTIDA: I think that it is scheduled for the June meeting, which is after our general meeting.

CHAIRPERSON HOOD: So after our general meeting. So we will not be able to take this up until July, colleagues.

VICE CHAIRPERSON MITTEN: And that's what Mr. Briggs asked for in his --

CHAIRPERSON HOOD: Right. They're asking for that. I was trying to move it as expeditiously as possible; I was hoping we could do it in June. With what I'm reading here now, we're not going to be able to deal with it until July.

SECRETARY BASTIDA: Okay.

1 CHAIRPERSON HOOD: So can we just do that on
2 general consensus?

3 SECRETARY BASTIDA: Fine with me.

4 COMMISSIONER FRANKLIN: That's fine.

5 CHAIRPERSON HOOD: Okay.

6 COMMISSIONER FRANKLIN: I won't be here in July,
7 but that's fine with me.

8 CHAIRPERSON HOOD: With everything being equal and
9 normal, at that time we will take this up, Mr. Bastida, at our
10 July meeting.

11 SECRETARY BASTIDA: Right, Mr. Chairman. It will
12 be on the July agenda for proposed action.

13 CHAIRPERSON HOOD: Next, moving right along, do we
14 have any more preliminary matters?

15 COMMISSIONER FRANKLIN: No, Mr. Chairman.

16 CHAIRPERSON HOOD: Action on our minutes, Mr.
17 Bastida?

18 SECRETARY BASTIDA: You have the minutes in your
19 packages, and I would like to see if you would approve the minutes
20 as submitted for March 13.

21 COMMISSIONER FRANKLIN: Mr. Chairman, I have just
22 one line of comment from March 13th. Roman numeral 6, Hearing
23 Action, paragraph number 2, I think the reference to Ms. Mitten
24 not voting needs to be clarified, having recused herself from the
25 case, rather than from hearing the case further. I think the

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1 words "hearing" and "further" should be deleted.

2 CHAIRPERSON HOOD: Okay. Did you get that
3 correction, Mr. Bastida?

4 SECRETARY BASTIDA: No.

5 CHAIRPERSON HOOD: It's on page 3 of the March 13th
6 minutes. It's Roman numeral 6, Item 2. It's the last two lines,
7 where you have Ms. Mitten not voting, having recused herself from
8 hearing the case further. She has recused herself altogether. I
9 think you need to clarify that.

10 COMMISSIONER FRANKLIN: Well, hearing -- having
11 recused herself from the case --

12 CHAIRPERSON HOOD: From the case.

13 COMMISSIONER FRANKLIN: Right.

14 SECRETARY BASTIDA: Okay.

15 COMMISSIONER FRANKLIN: Thank you.

16 VICE CHAIRPERSON MITTEN: I have just a small
17 notation, just because it's a little bit unclear, because Mr.
18 Franklin came in late, so he's under -- he's listed under members
19 present, and then I would suggest that on the action on the
20 minutes there it says, under number 2, what -- this is Roman
21 numeral 4, Action on Minutes, under A2 and --

22 SECRETARY BASTIDA: Roman numeral under section
23 what?

24 VICE CHAIRPERSON MITTEN: Four, Action on Minutes.

25 SECRETARY BASTIDA: Okay.

1 VICE CHAIRPERSON MITTEN: That it says Mr. Franklin
2 not voting, not yet present, in each case. So that it conveys
3 that, you know, because there's a mixed message if you read
4 through the --

5 COMMISSIONER FRANKLIN: Thank you. I was a little
6 confused by that myself.

7 (Laughter.)

8 CHAIRPERSON HOOD: The only other thing that I
9 would just like to call to your attention -- and I'm not sure, we
10 may want to check the transcript, to see whether I made all these
11 motions, because I'm not sure. Usually, at this point, being the
12 Chair, I don't usually make a lot of motions. I may have. But
13 I'd just like for us to make sure that that is exactly what took
14 place.

15 VICE CHAIRPERSON MITTEN: Mr. Hood, you know, I
16 usually take pretty good notes. And I did -- I verified all of
17 those, so --

18 CHAIRPERSON HOOD: Okay. We thank you.

19 (Laughter.)

20 My memory is not like it used to be, so we thank
21 you. Okay. Good.

22 Okay. Colleagues, let's -- can I get a motion to
23 adopt with the necessary corrections?

24 VICE CHAIRPERSON MITTEN: So moved.

25 COMMISSIONER FRANKLIN: Second.

1 CHAIRPERSON HOOD: Moved and properly seconded.

2 All those in favor by the usual sign of voting?

3 (Chorus of ayes.)

4 Any opposition?

5 (No response.)

6 So ordered.

7 Next --

8 MS. BROWN: Staff will record the vote as four to
9 zero to adopt the minutes of March 13, 2000. Thank you.

10 CHAIRPERSON HOOD: Do we have a proxy for Mr.
11 Parsons?

12 SECRETARY BASTIDA: Yes, I'm sorry.

13 CHAIRPERSON HOOD: Okay.

14 SECRETARY BASTIDA: Mr. Parsons will vote aye by
15 proxy.

16 MS. BROWN: So it's five to zero.

17 CHAIRPERSON HOOD: Next, we have our meeting
18 minutes, our special public meeting, Thursday, April 13, 2000.
19 I'd like to obtain a motion, unless there are some corrections.

20 VICE CHAIRPERSON MITTEN: I have just a very small
21 correction, which is on the third line it says its the 2000th
22 meeting session. It was really the 1099th meeting session. I
23 think that just caught my eye; I was like, wow, 2000 meetings, but
24 it wasn't.

25 COMMISSIONER FRANKLIN: I'm glad somebody's

1 counting.

2 (Laughter.)

3 CHAIRPERSON HOOD: Okay. Any other corrections?

4 If so, I'd like to get a motion to accept -- adopt the minutes.

5 COMMISSIONER HOLMAN: So moved.

6 COMMISSIONER FRANKLIN: Second.

7 CHAIRPERSON HOOD: Moved and properly seconded.

8 All those in favor by the usual sign of voting.

9 (Chorus of ayes.)

10 Any opposition?

11 (No response.)

12 So ordered.

13 COMMISSIONER FRANKLIN: Mr. Chairman, I don't know
14 whether this is the proper time, but I noticed that the March 13th
15 minutes indicated that Mr. Bastida had briefly discussed the
16 Kennedy Warren status. And I was wondering whether there's
17 anything further on that.

18 CHAIRPERSON HOOD: Let me ask staff to record the
19 vote, and then I'll go right back to --

20 COMMISSIONER FRANKLIN: Oh, I'm sorry. Okay.

21 CHAIRPERSON HOOD: Did Mr. Parsons --

22 SECRETARY BASTIDA: Yes.

23 CHAIRPERSON HOOD: Okay.

24 MS. BROWN: Okay. The staff will record the vote
25 as five to zero to approve the March 13th meeting.

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1 SECRETARY BASTIDA: That includes a proxy from Mr.
2 Parsons to approve.

3 CHAIRPERSON HOOD: Okay. Thank you.

4 Mr. Franklin, in answer to your question, the three
5 mayoral members of the Commission who did not participate on that
6 case, as I know right now, we are reading the record.

7 COMMISSIONER FRANKLIN: Oh, okay.

8 CHAIRPERSON HOOD: I think Ms. Mitten has the three
9 boxes. But, anyway, she has the record and we're in the process
10 of reading it. And I think I'm next.

11 (Laughter.)

12 But however it is, we're all each taking a turn and
13 reading the record.

14 COMMISSIONER FRANKLIN: Okay. And there was a
15 briefing schedule established. When are the briefs due?

16 SECRETARY BASTIDA: The first round of briefs is
17 due May 12th. The second one is May 26th

18 COMMISSIONER FRANKLIN: Okay. I thought it was
19 almost upon us.

20 SECRETARY BASTIDA: Right. And then we will have
21 it on either the June or July agenda.

22 COMMISSIONER FRANKLIN: Thank you.

23 CHAIRPERSON HOOD: Okay. So we need to read a
24 little faster, colleagues.

25 Okay. Next, moving right along with our agenda,

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1 Status Report by the Office of Planning?

2 Well, let me move on with the agenda. It says
3 hearing action; we have none. For the record, let me say final
4 action; we have none. We'll go back to the status report of the
5 Office of Planning.

6 PARTICIPANT: Yes. Mr. Chairman, Ms. McCarthy
7 asked if she could do that at the -- later in the meeting, at the
8 end.

9 CHAIRPERSON HOOD: Okay. That's fine.

10 We'll move right along. That's no problem.
11 Proposed Action?

12 SECRETARY BASTIDA: Mr. Chairman, the Office of
13 Zoning will handle this. You had your public hearing two weeks
14 ago, and the record was closed, and specific comments that have
15 been submitted to you. And the staff requests action on the
16 proposal.

17 CHAIRPERSON HOOD: Okay. Colleagues, we have in
18 front of us a text amendment to Chapter 7, Summit Properties,
19 requesting for us to deal with an incentive to increase
20 residential housing downtown. What I would like to do, first of
21 all, is open it up for discussion.

22 I have a few comments that I would like to make,
23 but I will reserve mine. Are we ready? Okay. I will reserve my
24 comments, after which we -- after we have our discussion on the
25 Case Number 99-08, text amendment to Chapter 7, Summit Properties.

1 So I'm going to open it up for discussion at this point.

2 SECRETARY BASTIDA: Mr. Chairman, if I may
3 interrupt, I have a proxy for Mr. Parsons on this case.

4 CHAIRPERSON HOOD: Okay.

5 SECRETARY BASTIDA: Thank you.

6 CHAIRPERSON HOOD: Once we get to the end of the
7 discussion, we'll --

8 VICE CHAIRPERSON MITTEN: I'll start, if you'd
9 like.

10 CHAIRPERSON HOOD: Yes.

11 VICE CHAIRPERSON MITTEN: Well, let me just begin
12 by saying I thought that we had a very healthy discussion at our
13 public hearing. And I thought that all of the sides, you know,
14 presented things that, you know, urge us to think about this
15 carefully.

16 And I would like to say, preliminarily, there was
17 some notion that through this grant, you know, if we grant this
18 amendment, if we approve this amendment, that there should be some
19 need to review the TDR incentive program. I think that we really
20 need to review the incentive program, regardless. We have to -- I
21 think we constantly have to be reviewing these sorts of things to
22 determine whether or not we're accomplishing what we intended to
23 accomplish. So I just want to begin by saying that.

24 I think the Office of Planning is appropriately
25 concerned that we be cautious. Andy Altman urged us to look

1 seriously at the policy framework. And I think that there were --
2 there had been a lot of good -- has been a lot of good discussion
3 on that point.

4 One of the reasons why, in my view, the policy
5 framework thus far has not adequately addressed the issue of
6 housing outside the downtown development district is because until
7 recently it was inconceivable that such a thing would even be put
8 on the table. So I don't think there has been an occasion to
9 consider that in the past as a realistic alternative.

10 And, in that regard, this leads to a distinction
11 that Andy Altman made between an area where housing may be
12 developed versus a housing priority area, and the housing prior
13 area being sort of -- that's where the policy has been leading.

14 So, in the housing priority area, what happened, as
15 a consequence of that, we said to property owners, "You must
16 develop housing as a component of your development." That's what
17 we said in the housing priority area. And what happened there is
18 that land prices adjusted to that requirement.

19 Now, we have a difference in this case, and
20 Margaret Smith Swart commented on it earlier in her testimony, and
21 then we sort of just let that fall away, which is the fact that in
22 C-4 zoning outside the downtown development district, for
23 residential uses to occur, they have to compete effectively with
24 commercial uses. There is no requirement, and there's no --
25 there's no support for it in terms of an incentive.

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1 So I think that makes a significant difference.
2 And it's in that economic environment that this -- that this
3 amendment has in my opinion.

4 I think that, again, the Office of Planning is
5 right that we should be cautious, so that we don't send a message
6 to property owners and developers that the value of these
7 incentives will be eroded in the future, or that we take -- take
8 our role lightly in that regard.

9 But I think the applicant pointed out in a lot of
10 detail that this proposal is already very narrow. It applies only
11 to C-4 zone sites. It applies only to sites that have
12 improvements that are historically significant. It applies only
13 to whole building retention. And it only provides TDRs for the
14 residential component of the development. I think that's quite
15 narrow.

16 And it also, as I think Andy Adams pointed out, it
17 promotes two significant land use policies together, which is
18 historic preservation and residential development downtown.

19 I didn't see any problem with the fact that this
20 amendment has been generated as the result of a specific project.

21 I think if we get good ideas we should take them whenever they
22 come to us and however they come to us. And I think it's
23 sometimes sort of in the heat of battle out in the real world that
24 people see that amendments to our regulations are appropriate.

25 I would not endorse having a sunset provision to

1 this. I would suggest if we wanted to make it more narrow, which
2 I it's fine the way it's written, but if we wanted to be even more
3 cautious, we could apply it only to individually designated
4 landmarks and then restudy the issue again in, you know, five
5 years or so and decide if we wanted to expand it to include
6 contributing structures.

7 But I would not want to put something out in the --
8 create an incentive and then pull it back after a certain period
9 of time. So I'm in favor of the amendment as it has been written,
10 as it has been drafted.

11 CHAIRPERSON HOOD: Okay. Commissioner Holman?

12 COMMISSIONER HOLMAN: I just wanted to indicate
13 that I concur with Ms. Mitten's comments, and I think that this
14 case has been well made. And I'm prepared to support it as it's
15 written.

16 CHAIRPERSON HOOD: Okay.

17 Mr. Franklin?

18 COMMISSIONER FRANKLIN: I also want to concur with
19 Commissioner Mitten. I have a little bit of a problem that
20 perhaps the staff can clarify for me. It has to do with the
21 terminology that's employed in this amendment.

22 It refers, in some subsections, to residential
23 components and residential uses. And then, when we get to sort of
24 the core provision, it talks about a new apartment house use.
25 Now, our regulations define "apartment house" as having three or

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1 more apartments, one or more bachelor apartments, whatever a
2 bachelor apartment is, providing a combination on a monthly or
3 longer basis.

4 And it's a very, very specific definition. And
5 it's one where, it seems to me -- maybe this is unintended --
6 there would be additional flexibility given to the applicant who
7 basically decides, for whatever reason, that the development could
8 be partially residential and the rest non-residential, which I
9 don't think is our intent, and I hope it's not the applicant's
10 intent. And maybe the use of the word "apartment house" is not
11 really intended.

12 What harm would there be to the intent here if you
13 referred to the residential uses as such, instead of apartment
14 house uses, in which case I would want the site to being wholly
15 residential except for other permissible uses on the ground floor.

16
17 Can somebody explain this for me?

18 SECRETARY BASTIDA: Let me check the definition of
19 "residential."

20 COMMISSIONER FRANKLIN: "Residential" as such is
21 not defined in the regulations.

22 SECRETARY BASTIDA: Right. It's not. And that's
23 what I was afraid of. You can say that -- I tried to figure out a
24 way that -- to phrase it that, in fact guarantees, that it would
25 be residential units. Ms. Mitten has that.

1 CHAIRPERSON HOOD: Let me refer this -- I'm going
2 to ask Corporation Counsel to kind of give us some guidance. And
3 then if you're ready -- if not, we'll defer that to Ms. Mitten.

4 MS. SANSONE: Mr. Chair, perhaps you should defer
5 that to Ms. Mitten.

6 CHAIRPERSON HOOD: Okay.

7 VICE CHAIRPERSON MITTEN: I guess my response -- I
8 guess I wanted to touch on two things that Mr. Franklin said. One
9 is that -- and just so I'm sure that we're moving in the direction
10 that you intended, I think that in the context of the zoning
11 ordinance there's not a uniform application of the word
12 "residential."

13 For instance, sometimes "hotel" can count as a
14 residential use, and other times it's specifically not a
15 residential use.

16 COMMISSIONER FRANKLIN: Yes, that's true.

17 VICE CHAIRPERSON MITTEN: So, the word
18 "residential" is a more liberal word. And I guess I thought maybe
19 you were going to go in the direction of having something that was
20 more definite. And, in that sense, "apartment house" is a more
21 definite term.

22 COMMISSIONER FRANKLIN: Well, I'll accept that, and
23 I think that's helpful. But I would like to add some language to
24 indicate that the entire site must be devoted to apartment house
25 use except for such uses as might be permitted on the ground --

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1 otherwise permitted on the ground floor.

2 VICE CHAIRPERSON MITTEN: Well, let me just maybe
3 remind you that the non-residential component of the -- not to say
4 that this is about a specific case but -- a specific property, but
5 the Summit Property proposal includes more than ground floor
6 retail in the historic building. And the TDRs are only generated
7 by the residential or the apartment house component not, not any
8 other use.

9 COMMISSIONER FRANKLIN: Yes. Well, I was referring
10 to the TDR generation.

11 VICE CHAIRPERSON MITTEN: So you don't mean that
12 the whole project --

13 COMMISSIONER FRANKLIN: No, no, no. I thought, you
14 know, 755.4 -- that subsection -- well, I guess they're called --
15 they're talking about the old building there as well as the new,
16 are they not?

17 VICE CHAIRPERSON MITTEN: Yes.

18 COMMISSIONER FRANKLIN: Because of the whole
19 building retention.

20 VICE CHAIRPERSON MITTEN: I think --

21 COMMISSIONER FRANKLIN: What are they calling for,
22 in terms -- remind me what they're calling for in the old building
23 in terms of non-apartment house --

24 VICE CHAIRPERSON MITTEN: This is going to be my
25 best -- as best I can recall, but ground floor retail, and at the

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1 second floor as well of the old building, with residential above
2 that, and then a residential tower next to it.

3 CHAIRPERSON HOOD: Was it two floors retail?

4 VICE CHAIRPERSON MITTEN: Yes, I think --

5 CHAIRPERSON HOOD: And four floors residential?

6 VICE CHAIRPERSON MITTEN: I think that's right.

7 CHAIRPERSON HOOD: Okay. Mr. Franklin, I think, if
8 I'm hearing you correctly, your concern is new apartment house?
9 Is that --

10 COMMISSIONER FRANKLIN: Yes. Well, yes, it's
11 simply because of the definition of "apartment house" in our
12 regulations, which means that any site providing three or more
13 apartments, or one or more bachelor apartment -- whatever that is
14 -- would be constituting an "apartment house." And I don't know
15 whether that could end up with a relatively small amount of
16 apartment house use.

17 VICE CHAIRPERSON MITTEN: Well, if it does, then
18 you only generate a couple of, you know, residence --

19 COMMISSIONER FRANKLIN: I understand. But that's
20 just, you know, historic preservation issues. But the generation
21 of residential uses will not be as great as otherwise -- as I
22 would like to see. So I just want to raise that question.

23 If you're comfortable with it, we'll -- you know,
24 it's interesting because you look at 755.5, and there it is. It
25 talks about a two to one in terms of residential use.

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1 CHAIRPERSON HOOD: I can say this, Mr. Franklin.
2 This is not going to help us out today, but the definition of
3 "residential" will be coming to the Zoning Commission from the
4 Board of Zoning Adjustment. I think when we -- apparently,
5 there's this large itinerary of things that we need to deal with,
6 of holes in the regulations, and things that we need to tighten
7 up. And I can assure you that residential -- the definition of
8 "residential," from what I'm informed, will be coming to us to
9 revisit.

10 But for the time being, Mr. Franklin, do you have
11 anything to recommend to kind of make that coincide with 755.5?

12 COMMISSIONER FRANKLIN: Well, I thought I did until
13 Commissioner Mitten had a better memory than I in terms of what
14 wasn't proposed here.

15 VICE CHAIRPERSON MITTEN: I have something that
16 would make me more comfortable now that -- I don't know if we're
17 going to be made comfortable by the same thing. But I would
18 rather, now that 755.5 said that it's two for one of apartment
19 house use -- because I like the specificity in -- of that.

20 CHAIRPERSON HOOD: You're saying 755.5 --

21 COMMISSIONER FRANKLIN: Well, strike "residential"
22 and --

23 CHAIRPERSON HOOD: -- residential --

24 COMMISSIONER FRANKLIN: -- "new apartment house"
25 use. I think we're talking about new apartment house use.

1 VICE CHAIRPERSON MITTEN: Yes.

2 CHAIRPERSON HOOD: Square foot of new apartment
3 house use.

4 COMMISSIONER FRANKLIN: In 755.5.

5 VICE CHAIRPERSON MITTEN: Yes. Let's put "new
6 apartment house use." That's even better.

7 CHAIRPERSON HOOD: Since this is a text amendment
8 that's not contested, let's see what's being said to staff to see
9 if we can -- I'm just wondering if we just do this, if we just
10 say, what are we creating, are we creating anything, are we
11 disturbing anything, or --

12 COMMISSIONER FRANKLIN: I'm comforted by -- ow that
13 I know more or recall more, my recollection has been refreshed in
14 terms of the old project, I think, yes, substituting "new
15 apartment house" -- the words "new apartment house" for
16 "residential" in 755.5 would be comforting. And I guess maybe, if
17 we go down in 755.7, sub 2, we would put the word "new" in front
18 of "apartment house."

19 CHAIRPERSON HOOD: I didn't follow that last one,
20 Mr. Franklin.

21 COMMISSIONER FRANKLIN: 755.7 --

22 CHAIRPERSON HOOD: Okay.

23 COMMISSIONER FRANKLIN: -- sub 2, provides for the
24 construction of new apartment houses.

25 CHAIRPERSON HOOD: Okay. I'm going to ask staff,

1 are you making note of the changes?

2 SECRETARY BASTIDA: Yes, Mr. Chairman, and I will
3 clarify them when you are completed.

4 CHAIRPERSON HOOD: Okay. Colleagues, Mr. Franklin
5 has made two changes where I think it makes this amendment more
6 consistent throughout. Any comments on the changes that we have
7 made thus far?

8 Okay. Mr. Franklin, do you have any more?

9 COMMISSIONER FRANKLIN: Well, I just want to take
10 note of the point that Commissioner Mitten raised regarding
11 whether we want to be more limited in our approach by limiting
12 this to historic landmark structures, and not including
13 contributing building in any historic district.

14 And after having pondered that, we had a discussion
15 of this at the hearing, I think I agree that, since I'm less
16 concerned than others about the so-called glut in TDRs, that I
17 would go with it as it's written.

18 CHAIRPERSON HOOD: Okay. I just had --
19 Commissioner --

20 COMMISSIONER HOLMAN: I just wanted to say that I
21 concur with what Commissioner Franklin just said, which I remember
22 -- I believe it was Ms. Adams who pointed out the role of the
23 contributing structures in the historic district, and I found that
24 persuasive at the time and still do.

25 CHAIRPERSON HOOD: I just had -- 755.3 says, "This

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1 section shall authorize a transfer of development rights from
2 certain projects." For some reason, "certain" -- I had a problem
3 with that. I wanted to say something more like qualifying
4 projects. "Certain" --

5 VICE CHAIRPERSON MITTEN: I think that's --

6 CHAIRPERSON HOOD: -- I just --

7 COMMISSIONER FRANKLIN: I think that's good.

8 VICE CHAIRPERSON MITTEN: "Qualifying" is a good --

9 CHAIRPERSON HOOD: And the next issue I have --
10 unfortunately, Commissioner Mitten has already explained her
11 position -- my position on the sunset provision. When I took into
12 consideration the Office of Planning report, and the incentives
13 that are out there that weren't being provided or offered, I
14 wanted to see something where the Zoning Commission, at that time,
15 would be more of a mandate to come back and revisit.

16 And, at that time, it'll be up to whichever
17 Commission is sitting here to say whether or not we need to
18 revisit this or we need to continue it. I'm not exactly saying
19 put something out and then take it away. What I'm saying is to
20 make sure it's a mandate, because of the concerns that I've heard
21 from Office of Planning about the glut and making amendments for
22 specific cases.

23 But I wanted to make sure that we put something in
24 place, a time limit for this regulation. I think that Corp
25 Counsel may be able to help me and add to that, but I wanted to

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1 see a time limit, whether it's eight years or ten years. So it
2 would be mandatory that somebody -- a commission looks back at
3 this.

4 And they may dissolve them and say, "Okay. We
5 don't need it; leave it as it is." Or they may need to refine it.

6 But something in place to make sure that the Commission goes back
7 and takes care of the concerns that Office of Planning raised, as
8 well as the Summit Properties, or whoever at this time is going to
9 be benefitting from this incentive.

10 So what I was in favor of is putting a time limit
11 on the regulation. I'm going to open it up for discussion. I
12 already heard from Commissioner Mitten.

13 COMMISSIONER FRANKLIN: Well, if I can address
14 that, Mr. Chairman. There's no assurance that there would be a
15 proactive commission in a timely fashion reexamining this. I
16 think what's more likely to happen if we sunset this provision is
17 that we'll be -- our successors will be surprised one day that
18 something that they thought was in existence has lapsed, and a
19 project that would otherwise be able to go forward under our
20 perspective will be frustrated, the commission will then be
21 engaged in a protracted issue of whether to renew it.

22 You know, the Congress does this all the time as a
23 way of, you know, effectuating some kind of compromise on
24 controversial issues. And, for example, the Elementary and
25 Secondary Education Act has to be revisited every five years, and

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1 it becomes very contentious because they could not get enough
2 votes to authorize it in the first place. And it is not
3 government at its best.

4 So I would think if it's worth -- if you think it's
5 worth doing, we just ought to do it. And if our successors come
6 to the conclusion that a mistake has been made, there's nothing
7 that prevents them from, at that point, simply taking it off the
8 books. So that's my view on the sunset provision.

9 CHAIRPERSON HOOD: Okay. Mr. Holman?

10 COMMISSIONER HOLMAN: I would concur with
11 Commissioner Franklin in this regard. The discussion of where we
12 stand in terms of the glut/non-glut was not sufficiently -- let's
13 just say that it's an open question in my mind as to whether there
14 is a glut, and I'm looking forward to our further discussions on
15 that. But I would prefer the regulation as it's currently
16 written.

17 CHAIRPERSON HOOD: Okay. I guess I'm hearing I'm
18 outvoted. But I don't think that -- I just wanted to make sure
19 that we had something in place, so things won't drop through the
20 crack. I'm not saying that the government lets things drop
21 through the crack, but I just believe that if it's there at that
22 time they can dissolve it or dispose of it, or however.

23 But if I'm getting -- from what I'm hearing from
24 Mr. Franklin and Commissioner Mitten and Mr. Holman, that they
25 don't see any need for it, I will -- it's not to the point where I

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1 would vote against this.

2 VICE CHAIRPERSON MITTEN: Can I just make one
3 additional comment? I don't think of this use of TDRs in
4 isolation. I think of the use of TDRs overall. And I -- I mean,
5 I -- and as I said when I started, that I think that the TDR --
6 the use of TDRs as an incentive needs to be examined periodically
7 to figure out is it accomplishing what we want to accomplish.

8 So, I mean, I hope that there is this periodic
9 review, rather than have this very one, narrow component of the
10 overall TDR incentive program sunset after a period of time. I
11 think we should undertake to keep it on the agenda, that we are
12 examining the effectiveness of the whole program of using TDRs.

13 So that's -- you know, that's harder to do than if
14 we had something that was imposed on us, but I think, you know, we
15 have taken up other issues and tried to move them forward, keeping
16 them on a priority list, and I think that we should do that.

17 I mean, I think it's a good idea. I just resist
18 having one of our regulations that lapses like that.

19 CHAIRPERSON HOOD: Okay. With that, Mr. Bastida,
20 did you want to add something?

21 SECRETARY BASTIDA: Yes, Mr. Chairman. I have
22 provided you a Corporation Counsel memorandum dated April 27th
23 that basically relates two small additions to the zoning
24 regulation that is more in clarification of whether TDRs are
25 obtained and how they go back and forth.

1 And I would like Corporation Counsel to address
2 those issues for a minute. I think that way you will understand
3 them completely. She will do a better explanation than I would.

4 MS. SANSONE: Mr. Chair, when Mr. Bastida had asked
5 me to take a look at the proposed regulation, one of the items
6 that struck me was that the TDR regulations in Chapter 17 are very
7 difficult to read, and that it would be an improvement to the
8 proposed regulation if, in Chapter 17 and 1709.2, a sentence were
9 added to cross-reference back to the new proposed regulation.

10 So we have proposed a sentence to be added to
11 1709.2 that would say, "Transferrable development rights shall
12 also be generated pursuant to the downtown historic properties
13 residential rehabilitation incentive provisions of Section 755 of
14 this title."

15 That would simply give someone reading Chapter 17,
16 if they're coming to it cold, this would give them a clue to go
17 back to Section 755 and see that there's a different type of TDR
18 that's been created.

19 We also suggested an alternative version to the
20 sentence that would cure another omission by referencing a section
21 that's been deleted -- 1706.3. That's simply a technical
22 correction that could be made at this time. It's not necessary;
23 it's just suggested as housekeeping.

24 The other proposed amendment we would suggest is to
25 1709.3, and that would be simply to add a cross-reference to

1 Section 755 into that provision, so that it would be captured in
2 the other TDR provisions.

3 Then, we had a proposed change in 755.6 to add the
4 words "file and record," so that when the instrument of transfers
5 is being executed, part of the obligation is to also file that and
6 record it as provided in 1709, in addition to just executing it.
7 So our amendment would go to that.

8 Those suggestions were made simply to -- for
9 clarification, so that these TDRs can be integrated into some of
10 the -- into the appropriate provisions of 1709.

11 CHAIRPERSON HOOD: Colleagues, we have in front of
12 us -- thank you, Ms. Sansone. Do you have any questions for Ms.
13 Sansone?

14 We have in front of us some additional language
15 that may incorporate, and also cross-reference to this new text
16 amendment, if it's adopted. Any questions?

17 COMMISSIONER FRANKLIN: I would be glad to move the
18 inclusion of those amendments, Mr. Chairman.

19 CHAIRPERSON HOOD: Okay. It's been moved to
20 include the amendments. Is there a second?

21 COMMISSIONER HOLMAN: Second.

22 CHAIRPERSON HOOD: Moved and properly seconded.
23 All those in favor by the usual sign of voting?

24 VICE CHAIRPERSON MITTEN: Can I just ask a
25 question?

1 CHAIRPERSON HOOD: We have some --

2 VICE CHAIRPERSON MITTEN: Just, you know, because I
3 don't have the whole Chapter 17 in front of me right now, let me
4 just ask my question and then we can all look a little more
5 closely.

6 1709.3 specifically relates to transfer of unused
7 development rights from historic properties. Okay? So that's
8 historic properties that are otherwise underdeveloped. And then
9 it speaks about bonus density derived from bonus uses. So this
10 doesn't fall into either of those categories. Is that still okay?

11 MS. SANSONE: Commissioner Mitten, what I'm
12 proposing is the deletion of the word "unused," so this would say,
13 "No transfer of development rights from historic properties
14 pursuant to Sections 755 and 1707." And by doing that, then --
15 the word "unused" doesn't really add anything to that sentence.

16 VICE CHAIRPERSON MITTEN: Okay.

17 MS. SANSONE: So taking it out allows us to capture
18 the Section 755 into there.

19 VICE CHAIRPERSON MITTEN: Okay. Sorry. I didn't
20 -- I'm sorry.

21 MS. SANSONE: Maybe I should have made that more
22 clear, that that was a proposed deletion.

23 CHAIRPERSON HOOD: Okay. We had a motion, and I
24 think it was seconded. All those in favor by the usual the sign
25 of voting?

1 (Chorus of ayes.)

2 Any opposition?

3 (No response.)

4 So ordered. Staff, you can record the vote.

5 SECRETARY BASTIDA: Before we record that,
6 in accordance with the instructions that I received from Mr.
7 Parsons, I will have to vote no.

8 CHAIRPERSON HOOD: Vote no?

9 SECRETARY BASTIDA: Yes.

10 CHAIRPERSON HOOD: Okay.

11 SECRETARY BASTIDA: Could I clarify the
12 modifications you made on the language? And I think that it's
13 very clear, but just to double check on it, 755.3, we changed the
14 words "certain projects" to "qualifying projects." On 755.5, the
15 last line at the end of the sentence says, "The square foot of new
16 apartment house use." And 755.7, subsection 2, "Provides for the
17 construction of a new apartment house use on site."

18 CHAIRPERSON HOOD: Okay. Mr. Bastida, let me just
19 -- let me back up a little bit. Mr. Parsons voted no against the
20 amendment from Corporation Counsel?

21 SECRETARY BASTIDA: No. It was a no against the
22 text as approved. He wanted an apartment building --

23 CHAIRPERSON HOOD: Okay. Hold on, hold on. We
24 haven't gotten to that point. We're not right there yet, because
25 I have another motion I'm going to put on the table.

1 SECRETARY BASTIDA: Okay.

2 CHAIRPERSON HOOD: But all I'm just doing is just
3 voting on incorporating what Ms. Sansone had wanted to put into
4 cross-referencing the new text amendment.

5 SECRETARY BASTIDA: Oh, I am sorry. I
6 misinterpreted that.

7 CHAIRPERSON HOOD: Okay.

8 SECRETARY BASTIDA: No. Mr. --

9 CHAIRPERSON HOOD: Colleagues, is that clear,
10 that's what we voted?

11 VICE CHAIRPERSON MITTEN: Yes.

12 CHAIRPERSON HOOD: Okay.

13 SECRETARY BASTIDA: Okay. I'm sorry. If it is
14 only for the amendment, Mr. Parsons' proxy will be in favor.

15 CHAIRPERSON HOOD: Okay. He's in favor of the
16 amendment.

17 SECRETARY BASTIDA: Of the Corporation Counsel
18 amendments to the regulations.

19 CHAIRPERSON HOOD: Okay.

20 SECRETARY BASTIDA: Sorry.

21 CHAIRPERSON HOOD: Okay. So can we record that
22 vote? We --

23 SECRETARY BASTIDA: Yes. We recorded the vote five
24 to zero, then, Mr. Franklin moving it, Mr. Holman seconded. Mr.
25 Hood and Ms. Mitten voted in favor; Mr. Parsons voted in favor by

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1 proxy.

2 CHAIRPERSON HOOD: I also want to back up,
3 colleagues, to the -- and I'm not going to beat it in the ground,
4 but the sunset provision. I'd like to obtain a motion that we
5 incorporate a sunset provision with the text amendment. Can I get
6 a motion on that?

7 (No response.)

8 Okay. Well, I'll just withdraw that.

9 Okay. Next, for the language itself, the text
10 amendment as -- with the necessary corrections that we've made,
11 and the incorporation of Corporation Counsel, I wanted to find out
12 if we're ready to proceed, and we can make a motion to adopt the
13 text amendment.

14 MS. McCARTHY: Mr. Chairman?

15 CHAIRPERSON HOOD: Yes?

16 MS. McCARTHY: There was one policy issue that the
17 Office of Planning had raised, which I don't think you've
18 specifically addressed today. And I -- and that was the issue of
19 whether we should be making the vesting provisions for housing
20 outside the DDD more liberal than the provisions inside, in that
21 the applicant proposes vesting at the 50 percent level and there
22 is no vesting at 50 percent for housing TDRs within the DDD.

23 CHAIRPERSON HOOD: So I believe what it is now is
24 25 percent?

25 MS. McCARTHY: It's 25 percent only for historic

1 preservation. Other uses you have to wait until the lease is
2 signed or there's -- for other preferred uses, there's no vesting
3 at all. You have to wait until the building is constructed and
4 the use is agreed to by -- either by a lease or certificate of
5 occupancy, depending on whether it's 15,000 square feet or below,
6 or above.

7 But for housing there is no partial vesting. It is
8 -- you have to wait until the housing is constructed and the
9 certificate of occupancy is issued for the housing before any TDRs
10 can -- before the instrument of transfer can be developed and
11 recorded.

12 CHAIRPERSON HOOD: Okay. Mr. Holman?

13 COMMISSIONER HOLMAN: Yes. I do remember that part
14 of the discussion. I'll refer to it colloquially as "the bathroom
15 issue," because I think there was some discussion about, well,
16 once you've put in all the plumbing, and all of that, there's
17 really no turning back.

18 And so that kind of -- I do remember that being an
19 issue, and I am not really persuaded that we need to change this
20 amendment unless I hear something different from the other
21 Commissioners.

22 CHAIRPERSON HOOD: Okay. We've heard from
23 Commissioner Holman.

24 Commissioner Franklin?

25 COMMISSIONER FRANKLIN: I concur with Commissioner

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1 Holman.

2 CHAIRPERSON HOOD: Commissioner Mitten, do you want
3 to add --

4 VICE CHAIRPERSON MITTEN: I agree. And I also
5 think that there will have been -- I mean, just as Mr. Holman was
6 saying, there will have been a significant investment made at that
7 point. And I wasn't -- I'm really not troubled by the 50 percent
8 vesting provision at that point.

9 CHAIRPERSON HOOD: Okay. I think we -- and I
10 didn't hear it earlier, Ms. McCarthy, but I think that we have
11 kind of settled with 50 percent.

12 But let me just ask Office of Planning -- have the
13 issues -- I believe all issues are intact, and everything has been
14 addressed, other than -- okay.

15 Okay. Colleagues, with that, I'm going to ask for
16 a motion to adopt.

17 COMMISSIONER FRANKLIN: So moved, Mr. Chairman.

18 CHAIRPERSON HOOD: It's been moved and properly
19 seconded. Sorry. Moving a little too fast.

20 (Laughter.)

21 Okay. It has been moved and properly seconded.
22 All those in favor by the usual sign of voting?

23 (Chorus of ayes.)

24 Any opposition?

25 SECRETARY BASTIDA: Mr. Parsons will oppose the

1 project. He wanted an apartment building but for the first floor.

2 So his vote is -- I will have to cast his vote as opposing it.

3 CHAIRPERSON HOOD: He wanted a total -- I'm just
4 trying to make sure we put on the record what he --

5 SECRETARY BASTIDA: He wanted a new apartment
6 building for the entire building, but for the first floor. In
7 other words, commercial uses could have been used --

8 CHAIRPERSON HOOD: For the first floor only.

9 Okay. Staff will --

10 SECRETARY BASTIDA: So the staff will record the
11 vote four to zero -- four to one, Mr. Franklin moving, Mr. Holman
12 seconded. Ms. Mitten and Mr. Hood voted to approve; Mr. Parsons
13 to deny by proxy.

14 COMMISSIONER FRANKLIN: Could I, at the risk of
15 casting a little cloud on what we've done, point out that the
16 comments that Mr. Parsons makes, which are sort of resonant with
17 my concerns initially, take on a perhaps greater significance if
18 we include contributing buildings in a historic district as able
19 to generate these TDRs, because then we're talking about buildings
20 that may have far less residential uses than what we're talking
21 about in terms of the Summit project.

22 CHAIRPERSON HOOD: Okay. Mr. Franklin, I didn't
23 follow you. You're saying --

24 COMMISSIONER FRANKLIN: Well, an apartment house,
25 as I said before, is defined as just having three or more

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1 apartments in it.

2 CHAIRPERSON HOOD: Right.

3 COMMISSIONER FRANKLIN: And it opens up a great
4 deal of flexibility in a contributing building -- for example,
5 some of the ones that we saw on the slides -- if there could be
6 sort of mixed uses, predominantly office but some residential.

7 There are, for example, the Lestanza Buildings that
8 are predominantly office but have residential uses on the top
9 floors. And we may, perhaps advertently, perhaps not, open up the
10 possibility of not getting as much residential out of this through
11 contributing buildings as we are talking about in the context of
12 this specific project.

13 VICE CHAIRPERSON MITTEN: Can I just respond to
14 that? I think that there's two things that we are hopefully going
15 to be abetting by this amendment. One is a whole building
16 historic preservation, and the other is introduction of
17 residential uses outside of the DDD for a C-4 zoned site.

18 If we get only partial building conversion to
19 residential -- I mean, I think that's better than nothing. That's
20 better than having it, you know, totally commercial.

21 So, I mean, I want you to be comfortable that we've
22 done a good thing, because as it stands now what we've done is
23 helped to tip the scale slightly in the direction of residential,
24 but we know from the discussion that we had at our public hearing
25 that this isn't going to make or break any projects.

1 COMMISSIONER FRANKLIN: Right.

2 COMMISSIONER HOLMAN: And, you know, am I not also
3 correct that they would only get the benefit if that portion of
4 the building were residential? So that, to me, is more than
5 incentive for them to consider more than they might otherwise. So
6 I'm comfortable with --

7 COMMISSIONER FRANKLIN: And we can also say that we
8 won't have to --

9 (Laughter.)

10 CHAIRPERSON HOOD: And since everyone else is
11 chiming in, I'm going to chime in again about the sunset
12 provision.

13 (Laughter.)

14 I really think that a lot of things sometimes are
15 dropped, and that's why I was hoping we could, at some point in
16 time, have someone to come back -- or a Commission to revisit.
17 And I understand the magnitude of having to look back into the
18 regulations and the anguish it may cause to have to go through it,
19 and all of that, but I just thought that that would put a
20 protective measure in there for the city as a whole.

21 So, but I couldn't get a motion, so we'll move on.

22

23 So that's been moved and adopted and everything, so
24 we'll --

25 COMMISSIONER FRANKLIN: Well, I'm happy with what

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1 we got, Mr. Chairman.

2 CHAIRPERSON HOOD: Okay. Okay. Moving right along
3 with our agenda, let me -- let's back up to the status report,
4 Office of Planning. Ms. McCarthy?

5 MS. MCCARTHY: Good afternoon, Mr. Chairman,
6 members of the Commission.

7 Let me say, first of all, that we expect this will
8 be the last report that you will not get in advance. This --

9 CHAIRPERSON HOOD: Okay. Well, thank you, Ms.
10 McCarthy, so I don't have to comment on it now.

11 (Laughter.)

12 MS. MCCARTHY: As you'll hear in a minute, we have
13 activities going on. A number of the projects that have been sort
14 of on hold for a long time -- and I think many of you who've been
15 sitting on the BZA lately know, between the private school cases
16 and some of the others, that has been really taxing, given our
17 staffing levels.

18 However, I am in the process of interviewing
19 candidates for four positions. I have found several excellent
20 candidates which we are in the process of negotiating with right
21 now. So we expect within the next month to have some additional
22 people on staff, and within two months to have folks that are
23 really feeling comfortable and in the saddle and able to help out
24 on the writing of reports, including the progress report.

25 In the interest of time, I thought what I would do

1 is particularly lead to what I just mentioned, that there are a
2 number of efforts that have been kind of on hold for a while that
3 the Commission has expressed interest in hearing about
4 periodically. And I just wanted to review them, because they're
5 not dealt -- some of them are not dealt with at all, or are dealt
6 with only very briefly in the report.

7 First is on the issue of campus plans. As you
8 know, George Washington University and Georgetown have campus
9 plans that have been submitted, as has American University, and we
10 are working on a facilitation process with all of those to try
11 come to a consensus.

12 But we have also contacted organizations that have
13 asked us -- on the planning activism side, indicated their
14 interest in getting involved -- specifically, the Committee of One
15 Hundred and the Federation of Citizens Associations have indicated
16 their desire to put together a task force on campus planning
17 issues.

18 We've also had submissions from the consortium of
19 the universities indicating their position on the issue. But we
20 are in the process of trying to design a process to begin to move
21 forward where we can incorporate all of those points of view on
22 looking at both of the issues you've asked us to take a look at --
23 the revisions to the regulations themselves, and the issue of
24 whether jurisdiction should be transferred to the Zoning
25 Commission.

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1 So we are finally in the position to begin that
2 effort. And, you know, as you know, by the time I came on in
3 January we already had at least one campus plan submitted and
4 another one in final stages, so it would have been nice had we had
5 more staff earlier to revise the regulations before the campus
6 plans were submitted. But we will at least try to do a good
7 process, so that there can be agreement on those regulations and
8 they will help govern the campus plans from now on -- or from, you
9 know, from the time of enactment.

10 We also, particularly relevant to the 99-8 case
11 we're considering now, we have met with Mr. Helman about his
12 proposal to modify the HR overlay zone or modify other aspects of
13 TDRs. And I think we'll be able to come back to the Commission
14 with some sort of language for your consideration for set down at
15 the next Zoning Commission meeting.

16 The Albemarle Planned Unit Development, which you
17 had set down but which we indicated would require substantial
18 reduction in density, we are working with both the developer and
19 the community on that project, but have not set a definite date
20 for hearing in connection with the Office of Zoning because of the
21 sense that the project is -- there is not an agreement at this
22 point in time on the level of density on that project sufficient
23 to even sort of set a date to work backwards from for the 60 days.

24 I think the Commission had made it quite clear they
25 didn't want to see that rush, and they wanted to see sufficient

1 time spent on that to develop a good consensus between the
2 community and the developer. To the extent that there will be a
3 consensus of the neighborhood, but at least a feeling on the part
4 of the residents and the developer that sufficient time and
5 attention have been devoted to be as close as they possibly could
6 to some sort of consensus.

7 We are working on, with the applicants on Squares
8 369 and 370, next to the Convention Center, on a rezoning they
9 have proposed for that. We are having some difficulty coming up
10 with a rezoning. We had recommended a PUD so that the Commission
11 could have more approval on the issue of whether or not office
12 space, for example, would be considered Convention Center-related
13 use, which it would be if those had simply been rezoned.

14 Some of the applicants with regard to Convention
15 Center hotels felt that a PUD would slow down their ability to
16 land a flag. So we've compromised, and we're now looking at an
17 overlay, which would specify uses that would not be permissible in
18 those zones but which would allow the increase in zoning that
19 would make Convention Center hotels and other Convention Center-
20 related uses possible to go forward in some timing that would fit
21 in and coordinate well with the opening of the new Convention
22 Center in 2003.

23 JBG, as you have read in the paper, no doubt, has
24 proposed some changes in zoning that would permit them to combine
25 lots with housing they're proposing on E Street, in the 900 block

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1 of E Street, outside of the DDD, that would be able to be combined
2 with Square 406 just south of the Portrait Gallery and Museum of
3 American Art.

4 And we are -- we've had several meetings with JBG
5 as we try to move forward on that project. We are in the process
6 of looking at the text amendment for that, to make it possible to
7 do that project.

8 The Buzzard's Point -- we've had a request for
9 rezoning of Square 701, which is between Half Street and First
10 Street, Southeast, M and N Street, adjacent to the Metro bus
11 garage and the Metro station. And that, of course, will bring up
12 the whole issue of the Buzzard's Point zoning, which has been
13 vested on that site.

14 As you know, also, as our report mentions, we have
15 got a major planning initiative going with regard to the
16 waterfront, but we will need to visit that issue with the
17 Commission and see, do you want to adopt some zoning on an interim
18 basis? Do you want to wait until the larger study is done?
19 Should we go forward with parts or rezonings on an individual
20 level? We have committed to the applicant that we would have a
21 broader response to that for your meeting next month.

22 As you may have also read in the paper, there is
23 controversy over a Metro station development in Takoma Park, and
24 the applicant there has proposed a planned unit development of
25 something around 90 or 100 townhouses. But the Office of Planning

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1 has committed to the community that we will do a small area plan
2 in conjunction with that, but we expect the small area plan to
3 come first.

4 The developer is about 90 days away from finalizing
5 financial arrangements with Metro, so that will give some time to
6 do the small area plan, and then have the PUD set down and
7 Planning go forward after that.

8 There are three economic development projects that
9 the city is working on that will involve some rezonings, either
10 because we've got land that's currently unzoned that's a part of
11 that, or land that needs to have the zoning designation changed.
12 That is for the proposed K-Mart project at Rhode Island Avenue
13 Metro.

14 The East Capitol dwellings, Hope 6 Project, which
15 has a commercial component and land that's currently zoned mixed
16 use, and Camp Simms, where we are talking as well about a
17 commercial development on that land. And we are working to bring
18 all of those forward to you for rezoning.

19 The last project is Medstar, which, as you know, is
20 scheduled to be heard by you on June 22nd.

21 So that's part of why our report is so late. But
22 we -- I want to just give you a sense of those are issues that are
23 in the pipeline and that we expect will be coming to you over the
24 next several months.

25 CHAIRPERSON HOOD: Ms. McCarthy, let me start off

1 -- thank you for your report. But let me start off by asking a
2 question that has been burning. The campus plan -- is that -- I
3 didn't hear a timeframe. And I'll tell you my rationale for
4 asking. We've been asked by the City Council and the citizenry to
5 move as expeditiously as possible on this campus plan issue.

6 And especially with the number of the campus plans
7 coming within the next month, two months -- I'm not sure when all
8 of them will be coming forward. We've been asked to act -- I'm
9 not sure -- has our office informed you how we've been asked to
10 move forward with the campus plan, the whole issue?

11 MS. McCARTHY: I'm not so sure about your office,
12 but I think we've heard independently from all of the people that
13 have also been talking to your office about it. So we're very
14 conscious of the need for speed.

15 But I think, as we discussed at a meeting shortly
16 after I came on board, it's -- you know, it's -- you've got the
17 consortium with the universities on one side, which is saying,
18 "Don't change the regulations at all," and you have citizens'
19 groups that are looking for the regulations to be changed,
20 although not necessarily the same changes.

21 And it just does not -- as we've gone out and met
22 with people and gotten their contributions about the kinds of
23 changes they want to see, it doesn't seem to me to be a very fast
24 process.

25 CHAIRPERSON HOOD: Because my concern is, I do not

1 want to move forward on the transition of campus plans or the
2 regulations -- the new regulations without an OP report. I can
3 let you know up front, I'm very hesitant because I read the
4 material once when we looked at this prior. And I saw where that
5 had been discovered by the Zoning Commission some years back, and
6 it's still with BZA. So I'm just -- I'm very skeptical about
7 moving forward.

8 MS. MCCARTHY: Right. Well, one of the things that
9 we thought we might recommend, but we hadn't had a chance to talk
10 to the consortium about it, was that the Zoning Commission might
11 want to host a roundtable, as it has done in the past, and as
12 Council Member Cropp did on general zoning issues, the Commission
13 might want to hold a roundtable with regard to campus plan issues,
14 because then we could get, in one fell swoop, everybody's ideas
15 for the kinds of changes they wanted to see in the regulations,
16 and it would give us some more specific material to work with in
17 trying to craft some specific test to bring back to you along
18 those lines.

19 CHAIRPERSON HOOD: Mr. Bastida, could we coordinate
20 it with Ms. McCarthy and the Office of Planning to try to maybe
21 come -- I think that's a good idea about a roundtable. What do
22 you think, colleagues, so we can move forward on this? I think
23 that's an excellent idea. If we can coordinate that, Mr. Bastida
24 --

25 SECRETARY BASTIDA: Yes.

1 CHAIRPERSON HOOD: -- with Ms. McCarthy.

2 SECRETARY BASTIDA: I will add that to our next
3 meeting with the Office of Planning coordination meeting, to see
4 if we can make a determination of --

5 CHAIRPERSON HOOD: If we can come back at our next
6 meeting, when we know exactly --

7 SECRETARY BASTIDA: Right.

8 CHAIRPERSON HOOD: -- when the date is.

9 SECRETARY BASTIDA: Right.

10 CHAIRPERSON HOOD: Okay. Good.

11 SECRETARY BASTIDA: Mr. Chairman, may I add
12 something? I should -- prior to the Office of Planning, that as a
13 reminder of the schedule, Medstar called me and requested a
14 postponement of the hearing to July 13th. So it's not June 22nd;
15 it's July 13th. So your report is due on the 3rd of July.

16 MS. MCCARTHY: Okay. Thank you.

17 SECRETARY BASTIDA: The day before the 4th of July.

18 (Laughter.)

19 MS. MCCARTHY: Thank you so much for pointing that
20 out.

21 SECRETARY BASTIDA: Thank you.

22 CHAIRPERSON HOOD: Any other questions for the
23 Office of Planning?

24 COMMISSIONER FRANKLIN: Yes, Mr. Chairman, a couple
25 of brief questions for Ms. McCarthy.

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1 On the Tenley Circle or Albemarle Project, is OP
2 going to have a recommendation on density, or are you just waiting
3 for the dust to settle between the developer and the community?

4 MS. MCCARTHY: We have made to the developer a
5 recommendation of a level of units that we thought was
6 appropriate. What the developer brought back to the community
7 were substantially more than that, and then the community met with
8 us and said that this isn't acceptable.

9 So I've communicated that to the developer's
10 attorney, and we are looking to maybe set up a meeting with the
11 developer and talk about that in more detail. But I had also
12 talked to the community about whether they could provide --
13 thought it would be useful to the developer and to the Office of
14 Planning -- their position up until this point has been, as you
15 may have heard, no more than four housing units on the site.

16 And we suggested to them that it would be more
17 useful to look at issues like lot coverage, levels of parking,
18 design, types of units, that if they could provide us guidance on
19 those kinds of issues it would let us better reflect the
20 neighborhood's concerns, it would give the developer some specific
21 guidance to react to, and they were -- they had a meeting -- the
22 Tenley Neighbors Association had a meeting on May 4th, and has
23 said they will discuss process and suggestions at that point in
24 time and then get us back some further information.

25 We had also asked them to consider, then, did they

1 want a process in which we were trying to act as facilitators
2 between the two, or one, instead, where they continue to meet
3 directly with the developer? And we just met individually with
4 them as time went on, and that was supposed to be another one of
5 the issues that they were considering on May 4th.

6 COMMISSIONER FRANKLIN: Thank you. One other brief
7 question. Has anyone in the Office of Planning taken a look at
8 our regulations from the standpoint of this controversy that
9 erupted over the fourth floor home in the Forest Hills section
10 which the BZA has directed be removed, and has to do with the
11 interpretations of our regulations? Has anyone suggested that
12 those regulations ought to be looked at again?

13 MS. MCCARTHY: The thought had certainly occurred
14 to us, after seeing what was done, that the BZA -- it's one of the
15 issues we were going to bring up at the coordinating committee
16 meeting on the 15th, to talk about how to proceed.

17 COMMISSIONER FRANKLIN: Okay.

18 VICE CHAIRPERSON MITTEN: And if I could just add
19 something as the Zoning Commissioner that sat on that case. That
20 was raised as part of the decisionmaking process, that there are
21 weaknesses in the regulations that contributed to that whole
22 situation. And that's one of the things that I want to bring
23 forward, is it's at least some suggestion, from my perspective,
24 that could be correct -- you know, that would be correct, so we
25 don't read this as the same issue again.

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1 MS. MCCARTHY: That would be very useful to the
2 Office of Planning because, as you know, we don't do reports on
3 every case. And so we were not actively involved in that case.
4 But getting some sense of the Commission about the way you'd like
5 to see us go in those regs would be great.

6 VICE CHAIRPERSON MITTEN: Thanks.

7 CHAIRPERSON HOOD: Let me just add, Mr. Franklin,
8 we are also in the process -- and I may have mentioned this
9 earlier, I believe I did, but I'll mention it again. We are in
10 the process of getting this -- we have a long list, a big list of
11 things that we need to deal with. And I believe the timeframe,
12 Mr. Bastida, is July?

13 SECRETARY BASTIDA: It is the last quarter of the
14 year, so it would be July, August, and September.

15 CHAIRPERSON HOOD: Is when we're going to deal with
16 all of those issues.

17 SECRETARY BASTIDA: Right. Well, we're in the
18 process of preparing a laundry list of all the things that are
19 presently in front of us that we have made the determination that,
20 in fact, that it is -- some of them, really, are more important.
21 So we're going to do a laundry list. We are in the process of
22 creating a laundry list, and then we will put priorities on them.
23 So we probably can share that laundry list with you for the next
24 meeting.

25 CHAIRPERSON HOOD: Okay. I think that will be a

1 good idea. And, colleagues, if we want to add something to it,
2 because it's often we talk about it but we just don't get it done.

3 And I think it's time now for us to start getting these things
4 done, putting them down, let's talk about them, let's get them
5 done, and let's carry it through. And that's the direction I
6 think that we need to move in.

7 Mr. Franklin, were you finished with your
8 questions?

9 COMMISSIONER FRANKLIN: Yes.

10 CHAIRPERSON HOOD: Mr. Holman, did you have any
11 questions? Ms. Mitten, did you --

12 VICE CHAIRPERSON MITTEN: No.

13 CHAIRPERSON HOOD: Thank you, Ms. McCarthy, and the
14 Office of Planning.

15 Okay. Moving right along with our agenda, moving
16 to final actions, we have none. Consent Calendar, Mr. Bastida?

17 SECRETARY BASTIDA: Yes, Mr. Chairman. There are
18 two items on the consent calendar, and I have Mr. Parsons' proxy
19 for both items.

20 Item A is a small modification to the text and map
21 amendment to the Southwest Urban Renewal TDRs Receiving Area. At
22 the time that the Commission advertised it, Square 435 was left
23 out because the government made the determination that that square
24 was owned totally by the Federal Government because it's the
25 square where HUD is located.

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1 They failed to notice that there were two minor
2 lots that were excluded, since those were zoned C-3-C and, in
3 fact, were privately owned. And this proposal is to remedy that
4 action or oversight of the -- I don't want to say of the
5 Commission -- of the report of the government agency not spelling
6 it out clearly. And this is what I am trying to remedy with this
7 minor modification.

8 And I have provided you, with the criteria for the
9 consent calendar, an item 30, 30.32. It's the one that you should
10 take this into consideration in order to approve or deny the
11 proposed modification.

12 For the purpose of this section, minor modification
13 shall mean modification of little or no importance or consequence,
14 as determined in the sole discretion of the Commission. I believe
15 that this minor modification, in fact, is of little or no
16 importance or consequence to the previous action of the
17 Commission, and the staff recommends that you approve this minor
18 modification.

19 In what I included to you, I included -- this is a
20 rulemaking, so it will have to be advertised. And we will have to
21 wait 30 days for comment.

22 I prepared a proposed draft order, more with the
23 intent to -- for you to understand more the complexity of the
24 proposal, or the lack of complexity. But at the same time, it
25 will save me time next time to put it in front of you. So we are

1 not contemplating action on the order today, but only on the
2 proposed rulemaking.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr. Bastida.

4 Colleagues, we have in front of us an issue where
5 there's a minor modification or -- how are we going to dispose of
6 it? Commissioner Mitten?

7 VICE CHAIRPERSON MITTEN: Well, I guess I'd just
8 like to maybe get in the habit of having us vote, first, on
9 whether something is minor, and then vote on the issue itself, so
10 that we -- so that, you know, we're exercising the authority that
11 we have, which is that we determine what's minor, not whoever is
12 placing something before us.

13 CHAIRPERSON HOOD: Any other comments? I would
14 just say, though, as -- being on the Commission almost two years,
15 this looks to me like a -- definitely it's a mistake. I believe
16 it's definitely a minor modification. I've seen some that have
17 come through which I didn't think so, and I'm still waiting to
18 address that. But I can assure you that, in my view, I think this
19 is a very minor modification. It's a mistake, and mistakes do
20 happen.

21 Colleagues, any other comments?

22 Okay. So, Commissioner Mitten, I think you wanted
23 to -- we'll do this in two phases. First of all, we will -- can
24 we do a general consensus to see whether or not it's a minor
25 modification? Okay. It's a minor modification by general

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1 consensus.

2 Also, if we could --

3 SECRETARY BASTIDA: And Mr. Parsons will
4 participate in the consensus.

5 CHAIRPERSON HOOD: Okay. Good.

6 Also, can I get a motion that we adopt -- or are we
7 amending? Let me see. We are adding Square 435.

8 SECRETARY BASTIDA: That is correct.

9 CHAIRPERSON HOOD: Okay.

10 SECRETARY BASTIDA: So you are amending the --

11 CHAIRPERSON HOOD: Right. Can I get a motion to
12 amend Order Number -- is it 00-11MM/97-14Z?

13 VICE CHAIRPERSON MITTEN: So moved.

14 COMMISSIONER FRANKLIN: Second.

15 CHAIRPERSON HOOD: It has moved and -- hold on.
16 Hold on.

17 SECRETARY BASTIDA: Mr. Chairman?

18 CHAIRPERSON HOOD: Let me back up. I made the
19 wrong --

20 SECRETARY BASTIDA: It's Square -- Order Number
21 860.

22 CHAIRPERSON HOOD: 860.

23 SECRETARY BASTIDA: To include Square 435.

24 CHAIRPERSON HOOD: Okay. Let me take that off the
25 table and come back and ask for a motion to adopt Zoning

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1 Commission Order -- to amend Zoning Commission Order number 860,
2 to include Square 435.

3 VICE CHAIRPERSON MITTEN: So moved.

4 COMMISSIONER FRANKLIN: Second.

5 CHAIRPERSON HOOD: It has been moved and properly
6 seconded. All those in favor by the usual sign of voting.

7 (Chorus of ayes.)

8 Any opposition?

9 (No response.)

10 So ordered.

11 Can you record the vote also with Mr. Parsons'
12 proxy?

13 SECRETARY BASTIDA: Yes. Mr. Parsons will vote to
14 approve.

15 VICE CHAIRPERSON MITTEN: Can I just ask a quick
16 question about the draft before we go on?

17 SECRETARY BASTIDA: Yes.

18 VICE CHAIRPERSON MITTEN: So this would be on the
19 first page of the draft in the first paragraph? It says --

20 SECRETARY BASTIDA: Okay. The draft order or --

21 VICE CHAIRPERSON MITTEN: Draft order, yes. Sorry.

22 SECRETARY BASTIDA: Could you give me a minute to
23 -- okay. Go ahead.

24 VICE CHAIRPERSON MITTEN: In the first paragraph on
25 the first page, the beginning of the fifth line, it says,

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1 "Pursuant to Chapter 24." Is that supposed to be "pursuant to
2 Chapter 17"?

3 SECRETARY BASTIDA: You are talking about the order
4 or the rulemaking? The order, you said, five lines from the top?

5 VICE CHAIRPERSON MITTEN: Okay. Just a second.
6 I'm on the draft order. It says, "The Zoning Commission Order
7 Number" --

8 SECRETARY BASTIDA: Oh. I'm sorry.

9 VICE CHAIRPERSON MITTEN: 860A.

10 SECRETARY BASTIDA: Yes. I was looking at the
11 proposed rulemaking.

12 VICE CHAIRPERSON MITTEN: Sorry. I might have said
13 the wrong thing.

14 SECRETARY BASTIDA: Pursuant to Chapter 24?

15 VICE CHAIRPERSON MITTEN: Yes. Is that supposed to
16 be 17?

17 SECRETARY BASTIDA: I will have to check. You are
18 probably -- you are likely to be correct.

19 VICE CHAIRPERSON MITTEN: I just wanted to make
20 sure that we have that correct.

21 SECRETARY BASTIDA: Okay. Thank you.

22 CHAIRPERSON HOOD: Mr. Bastida, all of those
23 corrections will be made before it's publicized.

24 COMMISSIONER HOLMAN: Sorry. There is a minor typo
25 on the -- on your memo, four lines down. It should be "Southwest"

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1 rather than "Southeast." Right?

2 SECRETARY BASTIDA: Okay. Thank you.

3 CHAIRPERSON HOOD: Okay. With that, we've already
4 taken a motion. But Mr. Bastida and staff will take care of the
5 cleaning up of the order.

6 SECRETARY BASTIDA: The order will not be in front
7 of you until the next meeting, but it will be clear for that. The
8 only thing I was asking for an action was on the proposed
9 rulemaking, to have it advertised.

10 CHAIRPERSON HOOD: Right. Okay. So we're --

11 SECRETARY BASTIDA: Thank you.

12 CHAIRPERSON HOOD: -- ready to move forward with
13 that.

14 Next on the consent calendar, we have Zoning
15 Commission Case Number 00-13TE/90-03C, which is a time extension
16 for Catholic University Conference Center.

17 Mr. Bastida?

18 SECRETARY BASTIDA: Yes, Mr. Chairman. The
19 Director of the Department of Housing and Community Development
20 has, with the applicant, requested a further extension of the
21 Conference Center's PUD. And it's in front of you for your
22 determination.

23 The staff would suggest that even though it is 90
24 to 120 days, the time extension, that the Department of Housing
25 and Community Development has requested that perhaps the

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Commission might like to be a little more generous on that,
because the last time they made a request it was for three months,
and it has taken more than four months to resolve the matter. So
--

CHAIRPERSON HOOD: Okay.

SECRETARY BASTIDA: -- that is for your
consideration.

CHAIRPERSON HOOD: Okay. Thank you. I would like
to open it up for a quick discussion. I'm going to start off with
Commissioner Franklin.

COMMISSIONER FRANKLIN: Mr. Chairman, I have no
difficulties with a more generous extension. In this case, it
looks like something is actually happening on this PUD. So
depending on the pleasure of my colleagues, I will go beyond 90
days. 120? 180? Whatever.

CHAIRPERSON HOOD: Okay. Any other --

COMMISSIONER FRANKLIN: However, I think if we do
it for 180, it ought to be the final one.

CHAIRPERSON HOOD: Mr. Franklin, I consider you the
PUD Commissioner, so that's why I started with you first.

(Laughter.)

Okay. So we have on the table 180 days,
respectively. Any other comments? We'll just do that by general
consensus to extend? So we'll extend it for 180 days by general
consensus.

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1 SECRETARY BASTIDA: If this is a timing thing, then
2 I would like to have a vote, because it will be a preliminary vote
3 on a final vote and --

4 CHAIRPERSON HOOD: Okay.

5 SECRETARY BASTIDA: -- bring it in front of you
6 again.

7 CHAIRPERSON HOOD: Okay.

8 COMMISSIONER FRANKLIN: Let me say, Mr. Chairman, I
9 hope the applicant does not misconstrue this generous extension as
10 an indication that they can rest on their laurels, trying to get
11 this project done.

12 CHAIRPERSON HOOD: I concur, Mr. Franklin, because
13 the discussion we had prior, I think that's why we gave them the
14 fourth months.

15 COMMISSIONER FRANKLIN: Yes.

16 CHAIRPERSON HOOD: Because we didn't want to see it
17 again. But due to the circumstances, 180 days, and I saw their
18 submittal where they said "final."

19 COMMISSIONER FRANKLIN: Right.

20 CHAIRPERSON HOOD: And I think this Commission will
21 leave this as final.

22 SECRETARY BASTIDA: Mr. Chairman --

23 CHAIRPERSON HOOD: Something is moving, and that's
24 good to see.

25 SECRETARY BASTIDA: Mr. Chairman, the staff will

1 communicate that to the applicant and to the Director of the
2 Department of Housing and Community Development, so they have an
3 understanding.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 With that, I'd call for a motion.

6 VICE CHAIRPERSON MITTEN: I move that we grant a
7 final 180-day extension of the PUD that is Case Number 00-13TE/90-
8 03C.

9 COMMISSIONER HOLMAN: Second.

10 CHAIRPERSON HOOD: It has been moved and properly
11 seconded. All those in favor by the usual sign of voting.

12 (Chorus of ayes.)

13 Any opposition?

14 (No response.)

15 So ordered.

16 Staff, could you record the vote, including Mr.
17 Parsons?

18 SECRETARY BASTIDA: Mr. Parsons will vote to
19 approve.

20
21 MS. BROWN: Staff will record the vote as five to
22 zero to grant the 180-day extension of -- for the number 689, WG.
23 Thank you.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 Legislative report. We have none.

1 Litigation. Mr. Bastida?

2 SECRETARY BASTIDA: The staff has included in your
3 packets a couple of -- two litigations, one in front of the Court
4 of Appeals and one in front of the Superior Court. If you would
5 like a discussion of the matters --

6 CHAIRPERSON HOOD: Colleagues, would you like to
7 discuss or talk about it? Anything? Commissioner Mitten?

8 VICE CHAIRPERSON MITTEN: Well, I was just going to
9 say that there's -- you know, one of the issues that was raised in
10 the case having to do with Swann House is yet another, you know,
11 deficiency of the regulation, which is some terminology that's not
12 defined. So, just so that everybody knows, that needs to go on
13 the list.

14 SECRETARY BASTIDA: Yes. Ms. Mitten, Corporation
15 Counsel has written a little thing on that matter, and it has been
16 already through the list of proposed modifications or -- not
17 proposed modifications -- of things to consider.

18 VICE CHAIRPERSON MITTEN: Okay. Great.

19 CHAIRPERSON HOOD: Commissioners, any other
20 comments? Okay.

21 Let's move right along. Correspondence. Mr.
22 Bastida?

23 SECRETARY BASTIDA: Yes. I have included in the
24 package a memorandum from Mr. Bergstein addressing good cause. I
25 would be glad to clarify that matter for you. And then there is

1 also the letter from Mr. Mahone requesting the time extension for
2 the Catholic University Center. And that has already been taken
3 care of.

4 The reminder schedule is in front of you. We
5 discussed it last week, and I think that the change was from June
6 22nd to July 13th. And it is on your calendar.

7 Mr. Franklin voiced that he will not be present at
8 the meeting because he will be out of town.

9 COMMISSIONER FRANKLIN: Yes.

10 SECRETARY BASTIDA: Okay.

11 CHAIRPERSON HOOD: We are hoping that Mr. Franklin
12 will read the record, so he can participate in the final vote.

13 Also, okay, the Report of the Secretary. Mr.
14 Bastida? No, I'm sorry. No, no.

15 SECRETARY BASTIDA: The report of the Director --
16 Mrs. Kress is going to be meeting with the Commissioners after
17 this meeting to discuss administrative matters and the budget.
18 And that will be her report to you.

19 CHAIRPERSON HOOD: Okay. Other Business, Mr.
20 Bastida? Let me just say, we want to make sure that -- which also
21 in working and talking with BZA, we're trying to do a better
22 coordinating effort of Zoning Commissioners sitting on BZA cases.

23 So far, it hasn't worked out. But we're still
24 working on it, and it takes a little time to correct things that
25 have kind have been a little dysfunctional. So with that, Mr.

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1 Bastida, if you can comment on the BZA meetings and hearings.

2 SECRETARY BASTIDA: Yes. I am glad you mentioned
3 that, because I am providing you hopefully with a better
4 understanding of the record that is forthcoming.

5 The BZA meeting and heading schedule I have put in
6 front of you goes through July -- October 3rd in several matters.

7 But going to the May calendar that I have provided,
8 unfortunately, this was not prepared until Thursday, and the
9 package was already out, so I couldn't make the corrections on the
10 calendar that I had included for you.

11 But if you'll bear with me, for May 10th, we have
12 the Field School and the Georgetown School, in which Ms. Mitten
13 has offered gracefully to read the record for the Field School,
14 and she will be participating in that meeting.

15 For the meeting on the 16th, a Georgetown campus
16 plan has been postponed, and we are only going to have a Charles
17 Sisson case, in which Mr. Hood has heard part of it already.

18 CHAIRPERSON HOOD: So this is on the -- okay. This
19 is the first I'm hearing of this. May 16th. Yes, I attended this
20 on the 3rd. What time is it? This is going to be at 9:30? Or
21 that's just a public hearing? What time do I need to be here?

22 SECRETARY BASTIDA: It will be 9:30, because
23 Georgetown University campus plan has been postponed.

24 CHAIRPERSON HOOD: Okay.

25 SECRETARY BASTIDA: If you look at May 16th there.

1 CHAIRPERSON HOOD: Okay. Yes. I see.

2 SECRETARY BASTIDA: On May 23rd, there is a public
3 hearing on the Lauren Condominium, in which I think Mr. Hood has
4 volunteered to be --

5 CHAIRPERSON HOOD: No, that's just the way these
6 cases are falling, which is no problem. Okay.

7 SECRETARY BASTIDA: And on May 24th, it will be --
8 which is the Wednesday following the 23rd, it's a public hearing
9 on the George Washington University campus plan, which Ms. Mitten
10 has volunteered to hear. So that takes care of May.

11 In June, we'll have -- June 7th, a public meeting,
12 followed by a public hearing. And here I am not clear who --
13 which Commissioner has volunteered to work on the Georgetown Flea
14 Market that --

15 CHAIRPERSON HOOD: Well, let me just say that I sat
16 on the Georgetown Flea Market, so --

17 (Laughter.)

18 -- I don't know whether or not I need to be there
19 because we haven't gotten into the merits of the case.

20 SECRETARY BASTIDA: that's right.

21 CHAIRPERSON HOOD: So, Mr. Holman --

22 COMMISSIONER HOLMAN: Absolutely.

23 CHAIRPERSON HOOD: Okay.

24 SECRETARY BASTIDA: So Mr. Holman will be attending
25 the meeting on June 7th?

1 VICE CHAIRPERSON MITTEN: Now, can I ask something?

2 On the 7th, we have a public meeting, and then we have like this
3 little white space under there. But it's important to know what
4 deliberate -- what cases are going to be deliberated there.
5 Because we have to -- you know, whoever is going to -- whoever has
6 heard those cases has to show up that morning.

7 SECRETARY BASTIDA: Right.

8 VICE CHAIRPERSON MITTEN: So we need to know which
9 those are going to be.

10 SECRETARY BASTIDA: You are correct. And I
11 couldn't make the determination for this memo, so we will be
12 contacting all the Commission members we need to have for that
13 meeting.

14 CHAIRPERSON HOOD: And, also, we all may not have
15 to come. Maybe we can do a proxy, possibly.

16 SECRETARY BASTIDA: Yes. But, of course, you
17 always have that privilege.

18 CHAIRPERSON HOOD: Okay. So June 7th, we have Mr.
19 Holman.

20 SECRETARY BASTIDA: Mr. Holman. On June 13th, we
21 have Georgetown University campus plan, and we'll have -- we'll be
22 graced with the presence of Ms. Mitten.

23 CHAIRPERSON HOOD: Okay. Mr. Franklin, you can
24 chime in whenever you get --

25 VICE CHAIRPERSON MITTEN: Pick one.

1 SECRETARY BASTIDA: Well, how about June 20th? We
2 have a public hearing and a -- from -- all day, in which we have
3 -- we have the Dumbarton Oaks continuation, and I don't know who
4 attended that meeting -- that hearing.

5 CHAIRPERSON HOOD: If we could just clear out
6 through June, we can wait on July.

7 SECRETARY BASTIDA: Okay.

8 CHAIRPERSON HOOD: So where are we now, June 20th?

9 SECRETARY BASTIDA: June 20th. And I am trying to
10 make a determination. In the afternoon is Dumbarton Oaks, Howard
11 University continuation from March 15th.

12 VICE CHAIRPERSON MITTEN: I didn't hear it.

13 CHAIRPERSON HOOD: I didn't hear that. But I did
14 hear Byrd and Tucker, but we didn't get into the merits.

15 Mr. Franklin, how does your schedule look for --

16 COMMISSIONER FRANKLIN: Well, June 20th is better
17 for me than June -- or June 13th is better than June 20th.

18 VICE CHAIRPERSON MITTEN: Would you like to do
19 Georgetown University campus plan?

20 COMMISSIONER FRANKLIN: That should be a non-
21 controversial matter.

22 (Laughter.)

23 That's probably going to go more than one day, I
24 presume.

25 VICE CHAIRPERSON MITTEN: Yes, I think so.

1 COMMISSIONER FRANKLIN: I'll be glad to do that.

2 CHAIRPERSON HOOD: So you want to do Georgetown
3 University.

4 COMMISSIONER FRANKLIN: Right.

5 CHAIRPERSON HOOD: Okay.

6 SECRETARY BASTIDA: Ms. Mitten, you have been very
7 wise.

8 (Laughter.)

9 CHAIRPERSON HOOD: Okay. Ms. Mitten can do June
10 20th.

11 SECRETARY BASTIDA: Ms. Mitten can do what?

12 CHAIRPERSON HOOD: June 20th, right, because he
13 switched -- you all are switching, right?

14 SECRETARY BASTIDA: I don't think so.

15 VICE CHAIRPERSON MITTEN: Well, he's taking the
16 13th. I mean, whether we're switching is another matter.

17 CHAIRPERSON HOOD: Okay. Well --

18 VICE CHAIRPERSON MITTEN: But, see, we still have
19 whoever heard Dumbarton Oaks.

20 CHAIRPERSON HOOD: Could we find out -- either
21 Commissioner Mitten or myself will come in on the 20th. If we can
22 find out who heard these cases, Mr. Bastida, and let us know as
23 soon as possible.

24 SECRETARY BASTIDA: That's right. And then we are
25 in July, so we can stop at June 20th, if you so choose.

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1 MS. SANSONE: Mr. Chair, I'm aware that Dumbarton
2 Oaks has not been heard. It came up for hearing, but due to the
3 opposition and the need for more time to work on it, none of the
4 merits of the case were heard.

5 CHAIRPERSON HOOD: Okay. Well, we will leave that
6 open. Thank you, Ms. Sansone.

7 We'll leave that open, Mr. Bastida. Either
8 Commissioner Mitten or myself or Commissioner Franklin -- I mean,
9 Parsons will fill in.

10 SECRETARY BASTIDA: Okay.

11 CHAIRPERSON HOOD: Okay. Do you want to talk about
12 the new cases filed and the copies of published orders, and I'll
13 say a word or two, and then we'll close.

14 SECRETARY BASTIDA: I think that they are self-
15 explanatory.

16 CHAIRPERSON HOOD: Okay.

17 SECRETARY BASTIDA: But if you want me to elaborate
18 on them, I will be glad to.

19 CHAIRPERSON HOOD: Not -- no, I don't think -- do
20 we need any clarification? No. I think we're okay.

21 Okay. So, with that, Commissioners, any other
22 comments? Questions?

23 Okay. I just want to also make sure we always
24 thank our staff -- Stefanie Brown, Vincent Erondou, and Alberto
25 Bastida. I think they do an excellent job. Keep on working

1 together, so we can do what's in the best interest of this city.

2 Again, I want to thank -- make sure we always thank
3 the staff, and your work does not go unnoticed.

4 So, with that, everything is in order. This
5 meeting is adjourned.

6 (Whereupon, at 3:10 p.m., the meeting was
7 adjourned.)
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