

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JULY 30th, 2012

+ + + + +

The Regular Meeting of the
District of Columbia Zoning Commission
convened in the Jerrily R. Kress Memorial
Hearing Room, 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
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)

PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic

Preservation

STEPHEN MORDFIN

STEVEN COCHRAN

MATT JESICK

PAUL GOLDSTEIN

ART RODGERS

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
July 30, 2012.

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

6:36 p.m.

CHAIRMAN HOOD: Ladies and gentlemen, this is the July 30, 2012 Public Meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairperson Cohen, Commissioner May, and Commissioner Turnbull. We are also joined by Office of Zoning Staff, Ms. Sharon Schellin, also the Office of Attorney General, Mr. Bergstein and Mr. Ritting, the Office of Planning, Ms. Steingasser, Mr. Jesick, Mr. Goldstein, Mr. Mordfin and Mr. Cochran, and I think I saw Mr. Jackson.

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

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

Please be advised that this

1 proceeding is being recorded by a court
2 reporter. It's also webcast live.
3 Accordingly, we must ask you to refrain from
4 any disruptive noises or actions in the
5 hearing room. Please turn off all beepers and
6 cell phones.

7 Does the staff have any
8 preliminary matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. If not,
11 let's proceed with our agenda.

12 Let me just ask the Commissioners,
13 do we have any cases that we want to move
14 around, or do we want to proceed as it is on
15 the agenda?

16 Okay, not hearing anything, we
17 will proceed as so noted.

18 Okay. First, final action, Zoning
19 Commission Case No. 05-36F, K Street
20 Developers, LLC, two-year PUD time extension
21 at Square 749.

22 Ms. Schellin.

1 MS. SCHELLIN: Yes, sir.

2 As you stated, this is a request
3 for a two-year time extension. I believe
4 their explanation is that they need this
5 extension due to financing constraints.

6 There is a letter in support from
7 ANC 6B at Exhibit 5.

8 And, I'm sorry, OP also provided a
9 report at Exhibit 6.

10 CHAIRMAN HOOD: Thank you.

11 Commissioners, we have a request
12 for a two-year time extension. I notice that
13 in the ANC letter, the ANC, and I'm sure the
14 Applicant has conveyed to the ANC that they
15 are fully aware of moving forward with this
16 application. And also, have been a good
17 neighbor. That did not go unnoticed.

18 ANC thanks the Applicant for being
19 such a good neighbor. That's always very
20 important, even though I know we have to deal
21 with the regulations and material facts of the
22 extension.

1 So, I'll open it up for any
2 suggestions, any comments?

3 VICE CHAIR COHEN: Mr. Chairman,
4 my only concern is that there is litigation
5 going on, which I think probably does have
6 some impact on why financing isn't available
7 for this project.

8 Again, since I don't know anything
9 about the type of litigation, it may or may
10 not, you know, affect it for two years or
11 more.

12 CHAIRMAN HOOD: Thank you.

13 Anyone else?

14 COMMISSIONER MAY: Mr. Chairman,
15 in the concern that's been presented to us,
16 and the reasons why, I mean, certainly, there
17 are reasons to be concerned about whether the
18 project will ever be completed. But, part of
19 it already has been completed, and I think it
20 make senses to continue, and I am especially
21 comforted by the fact that the ANC is so
22 supportive of the Applicant.

1 So that, I think, speaks well for
2 giving this project some more time to get
3 worked out.

4 CHAIRMAN HOOD: Okay. Anybody
5 else want to comment?

6 COMMISSIONER TURNBULL: Yes, Mr.
7 Chairman.

8 I think I would concur with
9 Commissioner May and yourself. I think that
10 this has, I mean, they have completed Phase 1.
11 I think that the Applicant is trying to make
12 a serious effort, even not looking -- I mean,
13 the litigation is one thing, but I think given
14 the fact that they are going to, hopefully,
15 solve this and move on, I think we should give
16 the two-year extension.

17 CHAIRMAN HOOD: Okay.

18 COMMISSIONER TURNBULL: If you'd
19 like, I'd like to make a motion.

20 CHAIRMAN HOOD: Please do. Thank
21 you.

22 COMMISSIONER TURNBULL: Mr. Chair,

1 I would move that we approve Zoning Case No.
2 05-36, K Street Developers, LLC, two-year PUD
3 time extension at Square 749, and look for a
4 second.

5 COMMISSIONER MAY: Second.

6 CHAIRMAN HOOD: Okay. It's been
7 moved and properly seconded. Any further
8 discussion?

9 Are you ready for the question?

10 All those in favor?

11 (Ayes.)

12 CHAIRMAN HOOD: Not hearing any
13 opposition, Ms. Schellin, would you please
14 record the vote?

15 MS. SCHELLIN: Yes. Staff records
16 the vote 4:0:1 to approve final action in
17 Zoning Commission Case No. 05-36F,
18 Commissioner Turnbull moving, Commissioner May
19 seconding, Commissioners Cohen and Hood in
20 support, third mayoral appointee position
21 vacant, not voting.

22 CHAIRMAN HOOD: Okay. Next we

1 have Zoning Commission Case No. 11-25. This
2 is the VASUDAV, Inc., I have a problem with
3 that, consolidated PUD and related map
4 amendment at Square 3594. I know I pronounced
5 that before, but today I can't say it.

6 Ms. Schellin.

7 MS. SCHELLIN: Yes, sir.

8 The record was reopened to accept
9 the full set of plans and a depiction of the
10 boundary for ANCFMD 5B-06, Exhibits 54 through
11 57 are the proposed hearing and BAFO
12 submissions.

13 CHAIRMAN HOOD: Has the record
14 already been reopened? Okay. The record has
15 been reopened.

16 Thank you, Ms. Schellin.

17 Okay. We have a final draft order
18 in front of us, the BAFO order, and also we
19 have the draft, if you look at the decision
20 part of it, any questions, comments?

21 Again, I think we exhausted a lot
22 of comments when we did the proposed. I'll

1 say this again, I was very excited to see the
2 deal giving the community furniture. I think
3 that was a key piece.

4 I did have some questions about
5 that, but I'm sure that that will be worked
6 out. And, I did notice they made the
7 correction to make sure it's within the GIS
8 map area of 5B, which will change this coming
9 January. So, anyway, I don't have any
10 concerns.

11 Any other comments?

12 COMMISSIONER MAY: Mr. Chairman, I
13 just want to note the additional materials
14 that were submitted, modifications to the
15 elevation to address the couple of spots where
16 the design was lacking a bit. The one end
17 wall that had no windows and so on, and also
18 the details on the louvers that would be used
19 to cover the thru wall units.

20 And, I think that's all fine now,
21 so I'm happy to move forward and bring this to
22 a conclusion.

1 CHAIRMAN HOOD: Okay. Would
2 somebody like to make a motion?

3 COMMISSIONER MAY: I would like to
4 move approval of Zoning Commission Case 11-25
5 for final approval of VASUDAV, Inc.,
6 Consolidated PUD and Related Map Amendment at
7 Square 3594.

8 VICE CHAIR COHEN: Second.

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

12 All those in favor?

13 (Ayes.)

14 CHAIRMAN HOOD: Hearing no
15 opposition, Ms. Schellin, would you please
16 record the vote?

17 MS. SCHELLIN: Yes. Staff records
18 the vote 4:0:1 to approve final action in
19 Zoning Commission Case No. 11-25, Commissioner
20 May moving, Commissioner Cohen seconding,
21 Commissioners Hood and Turnbull in support,
22 third mayoral appointee position vacant, not

1 voting.

2 CHAIRMAN HOOD: Okay. Next let's
3 go to Zoning Commission Case No. 11-13.
4 That's the TC/CSG St. Matthews, LLC.

5 Ms. Schellin, let's go to Ms.
6 Schellin.

7 MS. SCHELLIN: Yes, sir.

8 There are two requests before the
9 Commission this evening. One from Dr. Crause,
10 a request for reconsideration, and then from
11 Ms. Herridge is a request for stay of order.

12 CHAIRMAN HOOD: Okay,
13 Commissioners.

14 Thank you, Ms. Schellin.

15 Commissioners, as stated we have
16 received a request for reconsideration from
17 Dr. Crause, a request for a stay of the order
18 from Ms. Herridge.

19 In addition, we have received
20 responses on both issues from the Applicant.
21 I agree with the Applicant's legal arguments
22 made in the Applicant's filing.

1 Does anyone disagree and want to
2 say anything further on the issue?

3 COMMISSIONER MAY: I agree with
4 you, Mr. Chairman.

5 CHAIRMAN HOOD: Okay. I think the
6 filing speaks for itself. I don't need to
7 elaborate.

8 Okay. So, I will make a motion
9 that we deny the requests -- I guess I can do
10 it all at once, or should I single them out?
11 Okay. I would move that we deny the requests
12 for reconsideration by Dr. Crause, and also
13 deny the request for the stay of the order
14 from Ms. Herridge, and ask for a second.

15 COMMISSIONER TURNBULL: Second.

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

19 Are you ready for the question?

20 All those in favor.

21 (Ayes.)

22 CHAIRMAN HOOD: Not hearing any

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

3 MS. SCHELLIN: Yes. Staff records
4 the vote 4:0:1, to deny both requests from Dr.
5 Crause and Ms. Herridge, in Zoning Commission
6 Case No. 11-13, Commissioner Hood moving,
7 Commissioner Turnbull seconding, Commissioners
8 Cohen and May in support of denial, third
9 mayoral appointee position vacant, not voting.

10 CHAIRMAN HOOD: Okay. Let's go to
11 Proposed Action.

12 Zoning Commission Case No. 07-35C,
13 Sheridan Terrace Redevelopment, LLC -- PUD
14 Modification @ Square 5869 and 5872.

15 Ms. Schellin.

16 MS. SCHELLIN: Yes, sir.

17 Exhibits 37, 38 and 39, we have
18 post hearing submissions. The record in this
19 case was reopened to accept the Applicant's
20 response to ANC 8As response to their post
21 hearing submission.

22 The Commission has all of those

1 documents before them.

2 CHAIRMAN HOOD: Okay, thank you,
3 Ms. Schellin.

4 As stated, we've received a couple
5 of post hearing submissions, and I believe
6 addressing issues raised by the ANC. We need
7 decide if the PUD as modified has been
8 submitted -- that has been submitted
9 originally to us would have been approved. I
10 think that's the first question, as it was
11 first submitted, because as I've moved on,
12 maybe I might have misunderstood something
13 somewhere along the line, that it's still a
14 mixed use income residential project that
15 includes both for sale and for rent.

16 I was under the impression it was
17 all going for rent, so I may have -- I don't
18 know, I might have gotten that wrong.

19 My problem was taking the
20 component out that was for home ownership,
21 that was my issue, and I thought that was
22 complete as well.

1 VICE CHAIR COHEN: Chairman, I'm
2 under the understanding that there was no
3 specificity as to the numbers that would be
4 delivered of home ownership units and rental
5 units.

6 CHAIRMAN HOOD: Okay, well, maybe
7 we need to get some clarification, because --

8 COMMISSIONER MAY: Well, I don't
9 know, I can't quote the order, but as I
10 understand it we went from roughly 50 percent
11 home ownership and 50 percent rental to one
12 quarter home ownership and three quarters
13 rental.

14 Still, a healthy proportion, very
15 large project. It is a fair amount of rental
16 housing, but I honestly think, I mean, I
17 honestly think that if this had come before us
18 at those proportions, that we would have
19 approved it from the beginning. I think it's
20 a legitimate question to have discussion of.
21 I think that's the reason why we didn't take
22 this as a minor modification, because we had

1 that concern, that with the change in the
2 ownership model, you know, would have some
3 effect on the project.

4 But, having seen this now, I'm
5 fairly convinced that the best way to move
6 forward is to approve this modification, and
7 I do believe that it would have been approved
8 at this level initially.

9 It's not uncommon for us to make
10 changes like this in these projects at all, or
11 as they go through the process of getting
12 built I guess is the correct way to put it.
13 It shouldn't be evolving with their PUDs, but
14 the way things get structures sometimes do
15 change the PUDs, and I still think that meets
16 the test.

17 COMMISSIONER TURNBULL: Mr. Chair,
18 I just think, you know, Exhibit 36 from W.C.
19 Smith, they do state, they say the proposal is
20 to change the ratio of home ownership.

21 There was concern, the original
22 proposal called for 165 units, the current

1 proposal calls for 80 units. They still have
2 half, almost half of the original amount that
3 they had planned.

4 CHAIRMAN HOOD: I want to thank
5 you, Mr. Turnbull, for bringing that up,
6 because that is, actually, what the piece that
7 I looked at, like you said, the current
8 proposal calls for 80 units of home ownership
9 housing. I don't know where I got the
10 impression that all the housing was -- all of
11 it was going rental. That's totally
12 different. That's why I made the case, I
13 think Ward 8 has, basically, asked that we try
14 to get more home ownership, and this is just
15 a tool. They have come down two or three
16 times, we've made changes. I mentioned that
17 previously.

18 So, I see not all of it is going
19 away. We didn't get a response from the
20 Council, did we?

21 MS. SCHELLIN: For the record, it
22 was left open for some additional time, and

1 they did not -- he did not submit his written
2 response that he wanted to.

3 CHAIRMAN HOOD: Okay. Any other
4 discussion?

5 Okay. And, they mention also in
6 their letter that Sheridan's site is shared by
7 both ANC 8A and 8C. 8A is in opposition to
8 the change, ANC 8C voted to support it.

9 VICE CHAIR COHEN: Chairman, I
10 understand from the submission No. 37 that the
11 ANC was proposing to change its mind, although
12 I don't believe we have anything to that
13 effect.

14 COMMISSIONER TURNBULL: Mr. Chair,
15 for the record, I should also point out that
16 due to the impasse, there was time, I have
17 read the record.

18 CHAIRMAN HOOD: So, it was their
19 impasse, where will we be now? I don't think
20 we -- I don't think, as a matter of
21 clarification, I think that my argument, while
22 it's not moot, I think my argument still is

1 the same, because I think commend them for
2 trying to have home ownership.

3 But now, all of it is not going
4 away. I don't know where I got that
5 impression from. So, I'm ready to move
6 forward on this.

7 Would someone like to make a
8 motion, or any further discussion?

9 COMMISSIONER TURNBULL: Mr. Chair,
10 I make a motion and move that we approved
11 Zoning Commission Case No. 07-35C, Sheridan
12 Terrace PUD Modification.

13 VICE CHAIR COHEN: I'll second
14 that.

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

17 Also, let me just go back -- any
18 further discussion? Yes, I do have some
19 discussion.

20 Remember, there was -- OP had
21 indicated in its report that it was concerned
22 about the appearance of the trash doors for

1 the motor court unit, slide number 30, I
2 think, in our exhibits.

3 The Applicant's Power Point
4 entitled, Trash Dumpster Area Detail, shows
5 enhanced landscaping around the dumpster in
6 response to OP's comments.

7 And, we have findings of fact, I
8 believe that resolves this problem, brought up
9 by OP. Does that satisfy everyone's -- does
10 that satisfy everyone?

11 COMMISSIONER MAY: The placement
12 is less than ideal, but I don't -- I don't
13 think that's a really huge issue.

14 CHAIRMAN HOOD: Anybody else?
15 Okay.

16 And also, DDoTs Howard Road
17 sidewalk TDM and performance monitoring.
18 Applicant's traffic expert testified that
19 additional TDM measures are unnecessary.

20 Does anyone think those additional
21 -- it's always good --

22 COMMISSIONER MAY: Mr. Chairman,

1 you know, I was -- I made a few points at the
2 hearing with regard to these conditions. It
3 appeared to me that DDoT was trying to re-
4 litigate the original PUD, and I just thought
5 that was inappropriate.

6 You know, it was approved with the
7 appropriate TDM measures, and, I mean, I know
8 it read sidewalk shipping address, and as far
9 as I'm concerned it's outside the boundaries
10 of the PUD how it gets done, and that DDoT and
11 the Applicant figure out the best way to do
12 that.

13 CHAIRMAN HOOD: Does everybody
14 agree with what we heard, or are there any
15 other comments?

16 Vice Chair Cohen?

17 VICE CHAIR COHEN: No, I just
18 agree with Commissioner May on that point.

19 COMMISSIONER TURNBULL: I was just
20 going to concur with Commissioner May also.

21 CHAIRMAN HOOD: Okay. All right.

22 We have a motion in front of us,

1 and it's been seconded. Any further
2 discussion?

3 Are you ready for the question?

4 All those in favor.

5 (Ayes.)

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

9 MS. SCHELLIN: Yes, Staff records
10 the vote 4:0:1 to approve proposed action in
11 Zoning Commission Case No. 07-35C,
12 Commissioner May moving, Commissioner Cohen
13 seconding, Commissioners Hood and Turnbull in
14 support, third mayoral appointee position
15 vacant, not voting.

16 And, Chairman Hood, if I may, if
17 we could have the Applicant provide us another
18 set of labels for owners within 200 feet.

19 Thank you.

20 CHAIRMAN HOOD: Okay. Let me just
21 ask, Mr. Bergstein, on that case did we deal
22 -- did we cover all the issues? I think we

1 did?

2 MR. BERGSTEIN: Yes, you did, sir.

3 CHAIRMAN HOOD: Okay, good. Thank
4 you.

5 The next Zoning Case No. 06-08C,
6 this is the Fort Lincoln/Gateway Village, LLC
7 -- PUD Modification @ Square 4325.

8 Ms. Schellin.

9 MS. SCHELLIN: Yes, sir.

10 At Exhibit 21, we have an ANC 5A
11 report in support, and Exhibit 22 is the
12 Applicant's response to the Commission for
13 information regarding the two-year period of
14 affordability.

15 CHAIRMAN HOOD: Okay,
16 Commissioners.

17 Thank you, Ms. Schellin.

18 Commissioners, I think we had a
19 question about the affordability, and how long
20 it was going to continue. I think the
21 question was raised, I think we had a
22 submission in front of us from the Applicant

1 and from, I think it was, DHCD, a consultant
2 with DHCD.

3 We also have a letter from ANC 5A,
4 which was requested, and also the Affordable
5 Housing Covenant we have in opposition.

6 So, let me open it up for
7 comments, or shall I just ask the question?

8 COMMISSIONER TURNBULL: No, Mr.
9 Chairman. I think the key part -- actually,
10 I don't know what exhibit it is, but it's from
11 the Applicant's attorney, Mr. Tummonds,
12 basically, reaffirming. It says that, "Since
13 the Applicant is now requesting an ability to
14 use a 60-foot townhome model, as well as the
15 two over two condominium use, to satisfy the
16 workforce housing requirement of the approved
17 PUD, the Applicant proposes that the ten-year
18 period of affordability will start to run from
19 the date of the sale of the affordable unit.
20 This will apply for both the townhome and the
21 two over two condominium units. The Applicant
22 agrees that time and commencement date of the

1 ten year affordability period to the sale of
2 the actual affordable unit is more
3 appropriate, and addresses the issue that the
4 single family townhomes are not required to
5 obtain a certificate of occupancy."

6 I think that was going to the
7 issue that we had raised.

8 CHAIRMAN HOOD: Okay. Any other
9 comments?

10 COMMISSIONER MAY: Yes, I think
11 that there is confusion about what exactly the
12 ten year rule meant, which is not, I think, as
13 strong as the nearby neighbors might have
14 wanted, or the other homeowners who drive in
15 the complex.

16 But, you know, it is what it is,
17 and I don't think it's -- it's really not
18 within our purview to try to change anything
19 having to do with that.

20 The essential question is whether
21 the homeowners who bought in at market rate
22 are going to keep their investments

1 appreciate, and I think, you know, it's
2 perfectly reasonable to assume that that will
3 occur. This is, in many ways, an ideal mixed
4 income project, and it includes substantial
5 home ownership, and affordable home ownership,
6 as well as market rate, and I think that in
7 the long run it will pay for everyone
8 involved.

9 CHAIRMAN HOOD: Okay. I,
10 basically, view this as we did in the previous
11 case. The Applicant does have a right to come
12 in and change. I'm just glad that the ten
13 year period is exactly the way it is.

14 I remember when we did the IZ,
15 where my position was, and it falls right in
16 line with what was submitted here. It gives
17 everybody a chance to make a few dollars.

18 So anyway, any other comments?

19 Okay.

20 I would move that we approve
21 Zoning Commission Case 06-08C, the
22 consolidated PUD modification application, and

1 ask for a second.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRMAN HOOD: It's been moved
4 and properly seconded. Any further
5 discussion?

6 Are you ready for the question?

7 All those in favor.

8 (Ayes.)

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

12 MS. SCHELLIN: Yes, sir. Staff
13 records the vote 4:0:1 to approve proposed
14 action in Zoning Commission Case No. 06-08C,
15 Commissioner Hood moving, Commissioner
16 Turnbull seconding, Commissioners Cohen and
17 May in support, third mayoral appointee
18 position vacant, not voting.

19 Two items. I'm looking at the
20 Applicant's attorney, did we have any requests
21 for a draft order which you will get to?
22 Okay, that's what I thought.

1 And, a set of labels for owners
2 within 200 feet. Thank you.

3 CHAIRMAN HOOD: Okay. Next,
4 hearing action in Zoning Commission Case No.
5 06-11G, and 06-12G, George Washington
6 University 2nd Stage PUD Modification to 1st
7 Stage PUD and Related Map Amendment @ Square
8 75.

9 Mr. Goldstein.

10 MR. GOLDSTEIN: Good evening, Mr.
11 Chairman, Members of the Commission.

12 For the record, my name is Paul
13 Goldstein, with the Office of Planning.

14 The application before you is
15 being made by the George Washington
16 University, for your review and approval of
17 the following two requests. First, that the
18 University requests approval for a 2nd stage
19 planned unit development for site 75A, which
20 is a development site previously identified in
21 the Campus Plan.

22 Second, the University requests a

1 modification of the 1st stage PUD and related
2 zoning map amendment and a 2nd stage PUD
3 approval to incorporate Lot 863.

4 These requests would accommodate a
5 consolidated C-4 development site, located in
6 the middle of the 2100 block of Pennsylvania
7 Avenue. A new 11-story, non-academic office
8 building, with possible ground floor retail
9 use, is proposed for the site. The building
10 will be 130 feet in height, contain about
11 250,000 square feet, or 10 FAR, and
12 underground parking is proposed with access
13 from the rear alley. And, the alley would
14 also be reconfigured in coordination with this
15 project.

16 The proposed PUD, generally, meets
17 the requirements of the C-4 zone, and the more
18 specific development limitations imposed on
19 site 75A pursuant to the Campus Plan.

20 The Applicant has identified one
21 area for flexibility, which is for multiple
22 non-conforming courts. The public benefits

1 and amenities proposed for the Foggy Bottom
2 Campus as a whole were initially identified
3 and approved as part of the Campus Plan 1st
4 stage PUD. These generate such things as
5 commitments to sustainability, improved
6 streetscape, below grade parking, among
7 others.

8 Consistent with these themes, the
9 subject proposal calls for a LEED gold
10 building, streetscape improvements along
11 Pennsylvania Avenue, and an enhanced alley
12 system.

13 The University further proposes a
14 significant amenity to rehabilitate three
15 university-owned row dwellings about four
16 blocks south of the project site for
17 affordable housing. Seven affordable units
18 have a mix of unit types and income limits,
19 will be dedicate for a term of 30 years.

20 OP does encourage the university
21 to commit the DHCD administration of the
22 units. OP will continue to work with the

1 university on clarifying the amenities and
2 benefits proper, and OP will work with the
3 Applicant to further explore the proposal's
4 ability to provide active ground floor retail
5 uses along this prominent location on
6 Pennsylvania Avenue.

7 In consideration of the overall
8 Campus Plan and PUD, the Commission previously
9 determined that the Campus Plan, including the
10 proposed uses of the development sites, was
11 not inconsistent with the Comprehensive Plan.

12 The Comp Plan future land use map
13 designates the subject site predominantly for
14 high density commercial uses, so the current
15 request to construct an office building is not
16 inconsistent with the future land use addition
17 to the site. And, the project also is not
18 inconsistent with several policies and actions
19 found in the Comp Plan.

20 With that, the Office of Planning
21 recommends that the Zoning Commission set down
22 the proposal for a public hearing, and we'll

1 take any questions at this time.

2 Thank you.

3 CHAIRMAN HOOD: All right,
4 Commissioners, do we have any questions of the
5 Office of Planning?

6 Vice Chair, do you have any
7 questions?

8 VICE CHAIR COHEN: Just a couple
9 questions.

10 Are the F Street rowhouses
11 historic?

12 MR. GOLDSTEIN: I'm going to need
13 to clarify that.

14 VICE CHAIR COHEN: Okay. And then
15 also, you talk about affordability. 80 or 90
16 percent of the area median income for
17 affordability for 30 years, where 80 percent
18 of median income is \$84,900. And, I think
19 that, again, that's more of what we call
20 "workforce" housing, and I just want to state
21 that for the record.

22 CHAIRMAN HOOD: Okay. Any other

1 comments?

2 Commissioner Turnbull.

3 COMMISSIONER TURNBULL: Well, Mr.
4 Goldstein, we are going to see drawings or
5 something in a package on these units then?

6 MR. GOLDSTEIN: I believe so.

7 COMMISSIONER TURNBULL: Okay.

8 MR. GOLDSTEIN: Yes.

9 COMMISSIONER TURNBULL: It's
10 interesting, I mean, your comment about the
11 retail, I really am, I would agree with you,
12 I'm really -- I'm not sure whether what's
13 going to happen is we are going to see a
14 classroom or something, something appearing on
15 the ground floor.

16 I would really push you to talk
17 with the Applicant about some significant
18 retail opportunities.

19 And also, I guess I was a little
20 bit concerned about, when you see an elevation
21 looking down the street, you see where they've
22 tried to alleviate those glass walls, there's

1 kind of a wave-type accentuation, which, you
2 know, which is on one level fine.

3 So then, I found the ground floor
4 then just doesn't -- it just doesn't meet the
5 -- when you see that wavy articulation at the
6 mullions that sets up one kind of image, but
7 then the ground floor is just, it doesn't
8 strike me as a very significant architectural
9 expression of that same something being
10 carried through.

11 What that would be, I don't know,
12 but it just seems like it falls short. So, in
13 your discussion of retail if you discuss the
14 articulation of that street at the ground
15 floor I think that would be good.

16 The other thing that looks a
17 little tacked on is up on the roof, the
18 trellis. It looks like some other design
19 factor came in and said, I think we need a
20 trellis. To me, architecturally, it just sort
21 of like just stands out there. It doesn't
22 make sense, when you see an elevation of it.

1 Now, I doubt if anybody will ever
2 see it, but just seeing it in elevation.

3 And, I hope that we also are going
4 to get some better drawings in elevation, that
5 articulate the better expression of what this
6 building really looks like, if you could
7 stress that.

8 MR. GOLDSTEIN: I can stress that
9 with the Applicant.

10 COMMISSIONER TURNBULL: Okay. And,
11 material board, just so we really can get a
12 better picture of what we are going to be
13 looking at.

14 Thank you.

15 VICE CHAIR COHEN: Thank you, Mr.
16 Chair.

17 2100 East is, I thought it was
18 part of the same ugly building, but if a
19 building adding height to 2100 West, then some
20 day 2100 East may come in and then we have a
21 little bit of windows facing, and I think that
22 we need to address that.

1 MR. GOLDSTEIN: Yes, that's a good
2 observation. We, actually, did raise that
3 with the Applicant as well. They own the
4 properties, and they, certainly, are in
5 control of 2100 East. But, you are right,
6 they would be at risk of windows above a
7 certain height.

8 VICE CHAIR COHEN: If they own
9 that, it seems that they should address that,
10 too, because that is an eye sore.

11 CHAIRMAN HOOD: Okay. Any other
12 comments?

13 Commissioner May?

14 COMMISSIONER MAY: Yes, I was
15 trying to look for where I saw it, but I
16 thought in the first floor they indicated that
17 the ground floor could be retail or office?
18 Is that what's showing in the plan?

19 MR. GOLDSTEIN: That's correct.

20 COMMISSIONER MAY: Okay. Well, I
21 think it would be a real shame if the ground
22 floor retail space were not leased as a retail

1 space.

2 And, it seems to me that there
3 ought to be -- there ought to be a commitment
4 on what's going to happen with regard to
5 retail on that space.

6 But, as for the rest of this,
7 architecturally I don't have any great anxiety
8 about this. I don't have any anxiety about
9 the at risk windows. I mean, at risk windows
10 are at risk windows, and it's not a
11 particularly deep floor plane at that point.
12 So, I wouldn't think that the offices would
13 use those windows, but it helps that they are
14 controllable sites.

15 So, anyway, that's it.

16 CHAIRMAN HOOD: Thank you.

17 I'm not sure whether I like what I
18 see here or not. I don't want to delve in too
19 much, I want to give the opportunity to the
20 architect when this is set down to come and
21 make a presentation. I'm not sure whether I
22 like it, or I don't like it. I have to figure

1 that out.

2 Let me just say, though, I will
3 ask in this case, and I don't want to be a --
4 what is that call, a microphone --

5 MS. SCHELLIN: Microphone bully.

6 CHAIRMAN HOOD: -- bully, whatever
7 I was called, I don't want to be a microphone
8 bully. I see the person that called me that
9 laughing. But, what I will ask is that DDoT,
10 I've noticed in all of our -- I don't know
11 what's going into our reports, and I'm not
12 being critical of DDoT, but when they respond
13 if they could -- they respond with like a form
14 letter for every case. And, I know every case
15 in this City cannot be the same as far as
16 transportation. I'd like to see a little more
17 work. They don't have to, necessarily, do a
18 whole lot more writing, that's not what I'm
19 asking for, a little more dedication and I
20 guess background going into these different
21 sites, because it's starting to look like a
22 form. I can tell you exactly what it's going

1 to be, ZIP cars, bicycle racks, you know, that
2 kind of stuff. So, I think we need to put a
3 little more exercise into it, because every
4 project in this City is not the same.

5 I know somebody is going to
6 comment, and I just threw that bicycle right
7 out there, not picking, being a microphone
8 bully or whatever I'm called, but I just think
9 we need to do a little more exercise.

10 Not just this case, I'll probably
11 say this on more than this case, but I'm just
12 making that observation.

13 Okay. Anyone else?

14 The bicycle man wants to say
15 something to me, I'm sure.

16 COMMISSIONER MAY: I just -- I'm
17 not sure if you are advocating for more bike
18 racks or not, but I'm sure we'll hear from
19 DDoT what they have to say, and then we'll
20 learn what your opinion is.

21 CHAIRMAN HOOD: That's one thing
22 about all four of us, soon to be five, we all

1 have five opinions. Okay.

2 Anybody else? Any other comments?

3 Somebody like to make a motion?

4 COMMISSIONER TURNBULL: Mr. Chair,
5 I would move that we set down Zoning Case No.
6 06-11G, 06-12G, George Washington University
7 2nd Stage PUD Modification to 1st Stage PUD
8 and Related Map Amendment @ Square 75, and
9 look for a second.

10 VICE CHAIR COHEN: Second.

11 CHAIRMAN HOOD: Okay. It's been
12 moved and seconded. Any further discussion?

13 Are you ready for the question?

14 All those in favor?

15 (Ayes.)

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

19 MS. SCHELLIN: Staff records the
20 vote 4:0:1 to set down Zoning Commission Case
21 No. 06-11G/06-12G, as a contested case,
22 Commissioner Turnbull moving, Commissioner

1 Cohen seconding, Commissioners Hood and My in
2 support, third mayoral appointee position
3 vacant, not voting.

4 CHAIRMAN HOOD: Okay. Thank you.

5 Let's move right into Zoning
6 Commission Case 09-08B. This is D.C. Wheel
7 Productions, Inc., dba Dance Place -- 2nd
8 stage PUD @ Square 3832.

9 Ms. Schellin.

10 I'm sorry, Mr. Jesick.

11 MR. JESICK: Thank you, Mr.
12 Chairman, and Members of the Commission.

13 The Office of Planning recommends
14 that the Commission set down this application
15 for a 2nd Stage PUD for the Dance Place
16 facility, which is located at 8th Street, NE
17 and K Street.

18 The Zoning Commission previously
19 approved a 1st stage PUD for this property,
20 along with the consolidated PUD for the art
21 space CDOs which are located just to the north
22 of Dance Place, and have been constructed

1 since their approval.

2 This application proposes an
3 addition to the existing Dance Place building,
4 which would maintain a building at two
5 stories, rather than constructing a four-story
6 building, as had been proposed in the 1st
7 stage PUD.

8 In fact, the current proposal
9 would not require any extra height or density
10 above what had been the original zoning on the
11 site of CM-1.

12 Also, it is a very modest
13 proposal, and again, OP would recommend set
14 down of the application.

15 I'd be happy to take any
16 questions.

17 CHAIRMAN HOOD: Okay. Any
18 questions of Mr. Jesick?

19 Vice Chair?

20 VICE CHAIR COHEN: Thank you, Mr.
21 Chairman.

22 First of all, I'm happy to see

1 this modification, because the existing
2 building is really an eye sore.

3 The main thing that I would like
4 the architect to take a look at is that
5 embellishment above the canopy. I don't know
6 what my colleagues think of it, but I almost
7 think that you could do a little bit more
8 artistic endeavor, sort of like a Matisse like
9 a dancer, you know, to make it distinguished.

10 Again, I don't have a strong
11 opinion about that. I just think it could be
12 a little bit more -- make a greater statement.

13 The other thing is, I think that
14 we need a letter from the Loft, I think it's
15 a condo or co-op, or -- is it a rental? But,
16 we need something regarding the side yard, to
17 make sure that they are in support. I know
18 that there's a connection, and they did
19 develop, they were partners with Art Space to
20 develop the Loft. But, I would just like to
21 see that there is no issue.

22 CHAIRMAN HOOD: Any other

1 comments, questions?

2 Commissioner May.

3 COMMISSIONER MAY: I just have a
4 couple of comments. One is that I'm very
5 interested in seeing the details of how this
6 renovation is accomplished. You know, there's
7 not enough information in here to judge this
8 very thoroughly, and I'm a little concerned
9 about what some of the facade treatments are
10 going to be and how they are going to work
11 out.

12 Without advocating for or against
13 doing anything more expressive, in terms of
14 the art work, but sometimes things like that,
15 you know, when you do a renovation like this
16 the new material can seem very -- not very
17 well integrated, they are just plastered on.
18 And, you see, you know, the ghost of the
19 former building behind it trying to escape
20 from the ugly fitting kind of enclosure.

21 And, that's -- I'm not saying that
22 that is happening here, but I just -- I'd be

1 very interested in seeing the details, you
2 know, that it's, actually, going to work very
3 well.

4 From what I see right now, it's
5 not -- does not describe it well enough for
6 me.

7 I also did want to say, I mean,
8 this is supposed to be a curiosity issue for
9 me, but when the entire structure, including
10 any rooftop structures, is below the matter of
11 right height limit, and below the Stage 1 PUD
12 approved level of 50 feet, is any relief ever
13 required? I always thought that rooftop
14 structures were subject to setback and the
15 multiple enclosure rules only when they
16 exceeded the height of the building.

17 So, you can either answer that
18 question now or you can answer it later.

19 MS. STEINGASSER: We believe it's
20 not habitable space, and it would be
21 considered a mechanical penthouse, and would
22 be subject to roof structures.

1 COMMISSIONER MAY: What if it's an
2 architectural embellishment? That's okay,
3 that's just a curious thing. You don't need
4 to address that any further.

5 Thank you.

6 CHAIRMAN HOOD: Okay.
7 Commissioner Turnbull?

8 COMMISSIONER TURNBULL: Yes, thank
9 you, Mr. Chair.

10 I just want to say, I know Hickock
11 Cole is a very professional firm, a very
12 capable firm, but I'm wondering, and again, I
13 think -- and I'm just reiterating, we do need
14 some more drawings. I mean, there's only two
15 drawings. There's a lot of black and white
16 sketch-like drawings. I think we are going to
17 need some very -- a more complete set that
18 really shows us what's happening elevation-
19 wise on this. Maybe a nice -- maybe a better
20 view of the two of them, how they relate to
21 one another, the two, the old -- you know,
22 what's going to be the remodeled building and

1 the existing building.

2 Thank you.

3 CHAIRMAN HOOD: Okay. I'd just
4 say, I'm glad to see this coming before us.
5 A lot of times with the 1st stage we don't
6 think certain things are going to happen. So,
7 I think on that street anything is -- we can
8 tweak it or whatever, but I'm just glad to see
9 this come before us so, hopefully, we can move
10 it forward. So, this is my little side bar.

11 Any other questions or comments?

12 I would move that we set down
13 Zoning Commission Case No. 09-08B, and ask for
14 a second.

15 COMMISSIONER MAY: Second.

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

19 Are you ready for the question?

20 All those in favor?

21 (Ayes.)

22 CHAIRMAN HOOD: Ms. Schellin,

1 would you please record the vote?

2 MS. SCHELLIN: Staff records the
3 vote 4:0:1 to approve set down for Zoning
4 Commission Case No. 09-08B, as a contested
5 case, Commissioner Hood moving, Commissioner
6 May seconding, Commissioners Cohen and
7 Turnbull in support, third mayoral appointee
8 position vacant, not voting.

9 CHAIRMAN HOOD: Okay, thank you.

10 Let's move right into Zoning
11 Commission Case No. 10-23, Jemal's Babes, LLC
12 -- consolidated PUD and related map amendment
13 @ Square 1732.

14 Mr. Mordfin.

15 MR. MORDFIN: Thank you, Mr. Chair
16 and Members of the Commission.

17 The Applicant proposes to
18 construct a mixed use retail and residential
19 building on the site of the former Babes
20 Billiards. The existing Babes Billiards
21 building would be retained, with new
22 construction added above, and an addition

1 would be added on the north side of the site.

2 A total of five levels of
3 residential and two levels of retail would be
4 provided. The existing vacant structure would
5 be renovated and incorporated into the new
6 building, at height similar to others along
7 the Wisconsin Avenue Corridor, with the upper
8 floors set back from the rear lot line facing
9 the lower density residential neighborhood
10 located across the public alley.

11 The application also includes a
12 PUD related map amendment to the C3-A to take
13 advantage of the grade of building height, lot
14 occupancy and FAR permitted within that zone.

15 A waiver of minimum land area for
16 a PUD has been requested, and the application
17 is in conformance with the criteria for the
18 granting of this waiver.

19 Flexibility has been requested
20 from the roof structure provisions to allow a
21 roof structure that is not set back a distance
22 equal to its height.

1 Parking requirements, to allow for
2 the provision of no off-street parking, but
3 allow for one car share space.

4 The loading requirements, to
5 permit the retail loading as required to be
6 provided and shared with the residential uses
7 at the rear of the building, and the Applicant
8 also requests the ability to modify the plans
9 as approved for the number of units, and vary
10 the location and design of interior
11 components.

12 Benefits and amenities proposed
13 include, improvements to public space,
14 including street furniture, bicycle racks, and
15 plantings, including new trees, street trees,
16 a transportation demand program, and a LEED
17 Silver designed building.

18 The application is in conformance
19 with the Comprehensive Plan, in that it would
20 allow for a new private sector multi-family
21 housing in a mixed use building within close
22 proximity to the Tenleytown Metro Rail

1 Station.

2 OP supports the proposal for a new
3 mixed use commercial and residential building,
4 and finds the requested PUD-related map
5 amendment to be not inconsistent with the
6 Comprehensive Plan. Therefore, OP recommends
7 that the application be set down for public
8 hearing, and I would be happy to take any
9 questions.

10 Thank you.

11 CHAIRMAN HOOD: Thank you, Mr.
12 Mordfin.

13 Let's start off with any questions
14 that we have.

15 Commissioner May.

16 COMMISSIONER MAY: Okay, I'll
17 start it off. I do have a few questions about
18 this one.

19 I don't see, have we had any
20 indication of working with the neighbors or
21 the ANC and their reaction to this project to
22 this point?

1 MR. MORDFIN: The Applicant has
2 made a couple of presentations before the ANC
3 over the past six months, although the ANC has
4 not yet taken any vote on this application.

5 COMMISSIONER MAY: Do you have any
6 sense of what the reception will be when you
7 propose this, or when this is considered?

8 MR. MORDFIN: My sense is that the
9 ANC is reacting favorably towards the project.

10 COMMISSIONER MAY: So, I mean, the
11 big, big thing asked here is the total relief
12 from parking. What is the -- I didn't see, I
13 notice that in the original approved PUD that
14 there was a substantial amount of parking, and
15 there was a requirement that building -- the
16 occupants building would not be eligible for
17 the RPP program.

18 So, I didn't see a reference to
19 RPP in the Applicant's information. Maybe I
20 missed it.

21 MR. MORDFIN: The Applicant did
22 indicate that the residents would not be

1 eligible for RPP.

2 COMMISSIONER MAY: Okay. This is
3 a very hard leap, frankly, so I'm trying to
4 understand why we want to undertake this and,
5 potentially, deal with this level of, you
6 know, what I think would be quite
7 controversial in the proposed project that has
8 zero parking, when it's required to have 86 if
9 I understand correctly.

10 So, in this in the area where if
11 the Zoning Reg rewrite had been completed in
12 this area, where there would have been no
13 minimum parking requirement?

14 MS. STEINGASSER: Yes, it is.

15 COMMISSIONER MAY: Okay. And,
16 that's simply because of the proximity to
17 Metro?

18 MS. STEINGASSER: And, it's on
19 Wisconsin Avenue, so it's accessible to high
20 occupancy bus rails as well as Metro.

21 COMMISSIONER MAY: Okay. And so,
22 and I appreciate that, but I guess one of my

1 questions is, what -- the spillover parking
2 has always been an issue any time we were
3 talking about having a no parking requirement.
4 And, I'm not that familiar with the immediate
5 vicinity. Is there an issue right now with
6 people parking in the immediate neighborhood
7 and using retail facilities?

8 MS. STEINGASSER: I think retail
9 character here is fairly immature. It's not
10 fully developed. And, the developer has been
11 working with the ANC, I think they've had five
12 public meetings where they've discussed the
13 different options of bringing the building
14 forward, renovating its current state, going
15 forward with this particular addition to the
16 top, and they've got an overwhelmingly
17 positive feedback. This made them feel
18 comfortable.

19 We understand that they will have
20 to make the case on mitigation as well when
21 they -- when we get to public hearing.

22 COMMISSIONER MAY: So,

1 overwhelmingly positive, so all the folks in
2 the neighborhood understand this is a building
3 without --

4 MS. STEINGASSER: I didn't say
5 all, I said overwhelming.

6 COMMISSIONER MAY: Okay. Well,
7 overwhelming. So, an overwhelming number of
8 people who have spoken about this project at
9 ANC meetings and what have you have been
10 supportive of it, because they want to have
11 this site redeveloped.

12 MS. STEINGASSER: That's correct.

13 COMMISSIONER MAY: And, even if
14 that means that there would be no parking.

15 MS. STEINGASSER: That's our
16 understanding.

17 COMMISSIONER MAY: Okay. Is there
18 -- do you know if there's an issue with
19 parking in the immediate vicinity?

20 MS. STEINGASSER: It -- I mean,
21 you can hear the sighs and groans already. I
22 hate to speak for any particular community.

1 Is there parking available on the street?

2 Yes, there is on-street parking on the street
3 that's available for the public. There's also
4 driveways and garages for homeowners.

5 So, whether somebody can park
6 every single time in front of exactly the
7 building they want to be at, no. But, I think
8 there is available parking on the street, and
9 that will be up to the Applicant to make that
10 case.

11 COMMISSIONER MAY: Okay. I'm
12 honestly not convinced yet of that, based on
13 the information that's in front of us, but I'm
14 interested in hearing what my colleagues have
15 to say.

16 What did -- why did the previous
17 project not go forward?

18 MS. STEINGASSER: I believe it was
19 a victim of the financing, and I believe the
20 property went on the tax roll. I'm not
21 positive.

22 COMMISSIONER MAY: So, is there --

1 going back to the multiple options that were
2 presented earlier, I mean, the previous
3 version, obviously, would involve -- would
4 have involved taking down the existing
5 building and building a new structure, garage,
6 and all that sort of stuff.

7 So, is that still an option in
8 this case, or is it just ruled out because
9 folks wanted to keep this building, or thought
10 it was --

11 MS. STEINGASSER: You know, I'm
12 really uncomfortable speaking for the
13 developer in that case. I don't know.

14 COMMISSIONER MAY: Okay. That's
15 another aspect of it that sort of makes me
16 uncomfortable about it as it is.

17 The requirement for the waiver
18 given the size of the project, maybe I'm
19 misunderstanding what the regulation is, but,
20 I mean, I see assurances that 80 percent of
21 this is going to be residential or accessory
22 to residential. But we see other information

1 that indications that it's only about 75
2 percent residential use.

3 So, I think that just needs to be
4 clarified when we get to that point, with a
5 better calculation.

6 MR. MORDFIN: The Applicant did
7 submit additional information, in addition to
8 the calculation sheet, that does revise all of
9 those numbers and it now comes out, I think
10 it's 80.3 percent that would be residential.

11 COMMISSIONER MAY: I'm sorry, how
12 much?

13 MR. MORDFIN: 80.3 percent.

14 COMMISSIONER MAY: 80.3 percent,
15 and where is that?

16 MR. MORDFIN: I received it
17 separately, I guess about ten days ago, I
18 received the revised numbers.

19 COMMISSIONER MAY: Okay.

20 MR. MORDFIN: It was after our
21 report had been filed.

22 COMMISSIONER MAY: Okay. I only

1 have -- I have three submissions. Maybe I
2 lost something in the process. So, that's
3 just something that we'll need when we get --
4 if this gets set down for a hearing.

5 And then, I guess I would really
6 want to understand more about the prior
7 project, because it seems that the way this
8 has evolved the prior project was a C-2-B
9 zone, and not C-3-A, but density was lower.
10 The lot occupancy was lower, and the parking
11 was greater.

12 And, I mean, so as far as I could
13 tell, that actually had substantial community
14 opposition, and I think most of it was
15 addressed in the course of the hearing, and
16 peace was made or something, at least for most
17 folks.

18 But, it makes me a little
19 uncomfortable talking about something that's
20 more dense, more lot occupancy, zero parking,
21 and we are expecting overwhelming support.

22 So, I just have concerns. So

1 anyway, I've taken up way too much time.

2 CHAIRMAN HOOD: You're worried
3 about that tonight? Okay.

4 Vice Chair.

5 VICE CHAIR COHEN: Thank you, Mr.
6 Chairman.

7 Actually, I am very much a
8 supporter of mass transit, a number of the
9 residents will select living there because
10 it's close to the Metro, but on the other hand
11 I also had some concerns about zero parking.
12 And then, of course, not allowing anybody to
13 have a parking pass for parking on the street,
14 an RPP.

15 The other comment I have is, can
16 you confirm the number, I came up with a
17 different number based on just base floor
18 area, and I may have done the calculation
19 improperly. And, I also think that they need
20 to shed some light on proffers.

21 That's all I have to say now.

22 CHAIRMAN HOOD: Commissioner

1 Turnbull.

2 COMMISSIONER TURNBULL: Thank you,
3 Mr. Chair.

4 This project is only two blocks
5 from the Tenley Metro Center, which is only
6 about a block and a half from future AU Law
7 School. We had a lot of concerns about
8 neighbors in that area parking. Maybe
9 neighbors could come down here with the new
10 building and park. Wouldn't that be nice?

11 I guess I would reiterate -- I'm
12 making a bad joke here, but I guess what I'm
13 saying is that the parking is an issue. I
14 think that in this area there's a lot of
15 concerns by residents about parking.

16 I guess I'm not convinced either.

17 MS. STEINGASSER: Okay. If it
18 gives the Commission any concern, this
19 particular part of the City is not shy, and
20 the Office of Planning did not receive one
21 phone call --

22 COMMISSIONER TURNBULL: Wow.

1 MS. STEINGASSER: -- expressing
2 any kind of preliminary meeting on this
3 project prior to filing. It's almost unheard
4 of for the level of relief that's being
5 requested, and it sounded very encouraging.

6 COMMISSIONER TURNBULL: Okay. I
7 guess -- and the other thing I was -- I
8 thought I was reading somewhere that one of
9 the reasons for the parking was because they
10 were saving part of the existing building, and
11 the foundations don't lend itself, but I read
12 someplace else that they've got a raise permit
13 for this to demolish. So, they are keeping
14 some of the foundations, Mr. Mordfin?

15 MR. MORDFIN: There are two
16 buildings on the site. There's the one-story
17 building, and to the north of that the two-
18 story building which is used as offices. The
19 raise permit is for the two-story portion,
20 which is where then that's the new part that
21 they are going to build on the north side of
22 the site, that will have many of the core

1 facilities for the building.

2 COMMISSIONER TURNBULL: All right.
 3 Well, I guess part of the explanation for this
 4 parking relief, we are going to have a very
 5 good thorough explanation as to why we are
 6 saving -- and if the building is not
 7 historical, I mean, are the foundations
 8 historical that we have to save them? I think
 9 we are going to need to know why we are,
 10 actually, doing that. Okay. Thank you.

11 I mean, I guess I'm just looking
 12 at the practicalities of why we are really
 13 doing this and if it really makes sense, just
 14 to get some parking relief. But, if you could
 15 ask the Applicant that.

16 And, with the IZ, you know, the
 17 typical thing, protected layouts. I mean,
 18 where they are going to go, what floors, and
 19 they don't cluster, and everything else.

20 I think that's about it for me,
 21 Mr. Chair.

22 CHAIRMAN HOOD: Thank you.

1 I would concur with most of what I
2 heard my colleagues mention. I do remember
3 this case, and it was highly contested. You
4 had a lot of folks who were in favor, a lot
5 weren't. I think at that time the Commission
6 did the best they could under the leadership
7 of Carol Mitten, in trying to balance all
8 those concerns and still move forward with the
9 project.

10 But, what I would suggest again, I
11 look at all these projects, because it's
12 always, I'm not going to say bike racks this
13 time, it's always the \$25 one-time Smartrip
14 car. So, the Metro -- yes, we put a star on
15 it, but those things need to evolve around
16 what really, actually, is happening.

17 These are real live issues that
18 people are experiencing. I mean, all this
19 stuff sounds good now, and it's great, and I'm
20 not picking on just this Applicant. I'm going
21 to start really looking at that, because the
22 decisions we make down here the impact is

1 going to be felt for ten years. Some of them
2 maybe sooner, but, you know, I don't want to
3 be known as messing up the City. So, that's
4 why I'm -- I don't have a problem setting this
5 down for a hearing. I would be interested in
6 having that hearing. I'm sure that this
7 Applicant, I've seen him in the past, and I'm
8 not sure what he will come -- what he's liable
9 or doable to come up with, but I'll be
10 interested in seeing how the hearing proceeds.

11 But, I do share the concerns of my
12 colleagues, especially, on the parking issue.

13 Okay. Anybody else? Okay.

14 COMMISSIONER MAY: I'm sorry, I
15 did have another comment.

16 I guess I'm okay with moving
17 forward and setting it down. I do have some
18 trepidation, because I think this is going to
19 wind up being a potentially quite long and
20 painful hearing, with a lot of people wanting
21 to testify against it.

22 So, I'm hopeful that the Applicant

1 and the Office of Planning will try to work
2 out as much as they possibly can in advance
3 of, actually, having the hearing. Otherwise,
4 I think it's just going to be -- it could be
5 very, very difficult getting through it.

6 I would appreciate a lot more
7 attention to the whole issue of the parking
8 relief that's required, and why the Applicant
9 and the Office of Planning believe this will,
10 actually, work, other than the fact that it's
11 close to Metro. People live close to Metro,
12 occasionally do have cars, and people who are
13 quite happy living without a car sometimes,
14 they don't want to one, they can't have one,
15 so what do people like that going to do? Are
16 they going to have to move out somewhere else,
17 or are there options for them in the
18 neighborhood to, you know, buy a parking
19 space, or rent a parking space, so that they
20 can have a car.

21 So, I think that some of those
22 practical issues ought to be addressed in the

1 application.

2 CHAIRMAN HOOD: Let me just say,
3 the reason why I concur with moving forward
4 and setting this down, when you've been around
5 long enough, as you all know, applicants have
6 track records, and I believe that this will
7 come back with the concerns that we have.
8 Well, I'm going on a limb here, because I'm
9 going by what's happened in the past, they'll
10 come back. And, I know 4600, whatever that
11 address is, there have been submissions that
12 I've sat on before, so I know.

13 What I'm asking, what I'm saying
14 is, I think that the Applicant has heard us,
15 and it will be interesting to see how that is
16 worked out with the community.

17 I believe the gap will be closed a
18 lot more, if there is a gap, but as Ms.
19 Steingasser mentioned and others, that they
20 have not heard -- even though I heard a little
21 groan, that might have been because we were
22 taking too long.

1 So anyway, whatever the case --
2 you've got to have a sense of humor some time
3 -- whatever the case is, I'm sure that the
4 Applicant has heard our concerns. He's also
5 heard the grumbling. So, let's see what
6 happens. I don't have any problems with
7 setting this down.

8 Anyone else?

9 VICE CHAIR COHEN: No, I just want
10 to add, though, I think that there is some
11 support, because that particular location,
12 which I am familiar with, is really not
13 attractive for the neighborhood. And, I think
14 it just detracts from the neighborhood. It's
15 just no use at all right now.

16 The other thing I just want to
17 mention is, in the future if you can say,
18 instead of Jemal's Babes, maybe you could come
19 up with another name.

20 Thank you.

21 CHAIRMAN HOOD: Let me just say --
22 let me just ask this question. Is this the

1 one that where the PEPCO vault was out in
2 front, or maybe I'm thinking about something
3 else.

4 MS. STEINGASSER: No, sir, that's
5 the Safeway site at Davenport and 42nd.

6 CHAIRMAN HOOD: All right. I just
7 wanted to make sure. Okay. But, this
8 Commission did hear this case previously, or
9 not this case, but --

10 MS. STEINGASSER: We did hear a
11 PUD about six years ago on this site.

12 CHAIRMAN HOOD: Okay. All right.
13 Would somebody like to set it down, somebody
14 like to make a motion, or not set it down?

15 COMMISSIONER TURNBULL: Mr. Chair,
16 I will make a motion that we set down Zoning
17 Case No. 10-23, Jemal's, LLC, consolidated PUD
18 and related map amendment @ Square 1732, and
19 look for a second.

20 VICE CHAIR COHEN: Second.

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

1 discussion?

2 All those in favor?

3 (Ayes.)

4 CHAIRMAN HOOD: Any opposition?

5 Staff, would you record the vote?

6 MS. SCHELLIN: Staff records the
7 vote 4:0:1 to set down Zoning Commission Case
8 No. 10-23, as a contested case, Commissioner
9 Turnbull moving, Commissioner Cohen seconding,
10 Commissioners Hood and May in support, third
11 mayoral appointee position vacant, not voting.

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

14 Zoning Commission Case No. 12-10,
15 Office of Planning text amendment to Chapter
16 34, GAR, and 412 and 2115.19.

17 Ms. Steingasser.

18 MS. STEINGASSER: Chairman Hood,
19 Commissioners, I'm going to introduce both 12-
20 10 and Case No. 12-11 together, so they are
21 going to be broken into two separate hearings,
22 and we request the opportunity to work with

1 the Office of Zoning to align them with some
2 of the other cases that will be coming up this
3 evening that are also smaller text amendments.

4 CHAIRMAN HOOD: Ms. Steingasser,
5 let me make sure I understand, we are doing
6 12-10 and 12-12.

7 MS. STEINGASSER: I'm going to
8 introduce 12-11, which is the administrative
9 text amendments and height. They just have
10 the same general introduction, so I wanted to
11 introduce them together.

12 CHAIRMAN HOOD: Oh, okay.

13 MS. STEINGASSER: And then, we'll
14 talk about them separately.

15 CHAIRMAN HOOD: Thanks.

16 MS. STEINGASSER: So, in
17 particular, these cases, some of the
18 information from these cases has come out of
19 work that the Commission has already seen over
20 the last four years. In particular, the green
21 area ratio, which we are now proposing as
22 Chapter 34, the impervious surface

1 requirements for R1 through R4, which is the
2 amendment to 2115. We'll be working with the
3 Office of Attorney General to get those
4 numbered more correctly.

5 And, of course -- I'm sorry, that
6 was 412, and then the landscape standards for
7 parking lots, which is 2115.

8 The Zoning Commission first heard
9 these back in 2008, and then in 2009 when we
10 did the sustainability report, the Zoning
11 Commission heard these as part of the overall
12 sustainability package. They had a public
13 hearing on May 21st. They gave us guidance
14 on June 22nd of 2009.

15 Exact text was then written and
16 advertised, and a public hearing, again, was
17 held in December of 2010, with action being
18 taken on February of 2011.

19 So, the Commission has seen all of
20 these concepts. The GAR language, in
21 particular, was heard in specific. The
22 Commission also heard the specific standards

1 of the GAR, the Green Area Ratio, and worked
2 through the PDR, the industrial, to establish
3 the level in February of 2011.

4 So, we are bringing those forward
5 to you this evening to incorporate into the
6 existing text and the existing Zoning
7 Regulations. One of our main reasons for
8 doing that is, we see that this -- what we are
9 calling the ZRR text may be upwards of two
10 years out before it becomes effective, by the
11 time it goes through its hearing for text,
12 and then it goes through its hearing for maps,
13 and then we go through a transition to make it
14 effective.

15 We are seeing an upswing in the
16 market. The City has been doing a
17 considerable amount of work in the area of
18 sustainability, and we feel like it's an
19 opportunity to get this into the current
20 Regulations and take full advantage of it.

21 With me tonight is Laine
22 Cidlowski. She's the D.C. Office of Planning

1 Sustainability Planner. She's working on
2 sustainabilities as an initiative. She wrote
3 the GAR and the sustainability regulations for
4 impervious surface, and worked closely with
5 Dr. Miller in establishing these standards.
6 And, she is also here available to answer any
7 questions on this particular GAR
8 sustainability issue.

9 CHAIRMAN HOOD: Okay, thank you
10 very much for the introduction.

11 Any questions from us?

12 Vice Chair?

13 VICE CHAIR COHEN: Thank you, Mr.
14 Chairman.

15 I'm, actually, very excited about
16 the GAR, I think it's worked really well in
17 certain cities.

18 One of the things that I think
19 would be helpful if we do set this down, and
20 if there is a public hearing, is to show how
21 things exist as is, and things -- how they
22 will exist in the future, that there are

1 sophisticated, much more than I am, computer
2 programs that can help us demonstrate that, so
3 that people understand clearly what this will,
4 actually, do for the City, and how it helps
5 us.

6 And then, my only other comment
7 is, I don't know if this is helpful or not,
8 but it seems like we know what kind of trees
9 and plants are sustainable and survive in our
10 environment. And, maybe it would be helpful
11 to keep that as a list for people to know,
12 and, you know, again, there is a lot of
13 sophistication in this City, but when we add
14 in BZA it's a little bit more confusing to
15 people.

16 CHAIRMAN HOOD: Okay. I'm sorry.
17 Ms. Steingasser, the young lady's name again?

18 MS. STEINGASSER: Laine Cidlowski.

19 CHAIRMAN HOOD: Cidlowski. I know
20 I've mentioned her name a number of times.

21 Ms. Cidlowski, would you want to
22 speak to the first one, 12-10?

1 MS. CIDLOWSKI: I'm happy to
2 answer any questions you have, about how we
3 came about developing the various calculations
4 or the parameters we have established for the
5 ratio.

6 CHAIRMAN HOOD: Now, you gave us a
7 full presentation some time back. I don't
8 know how long -- how long ago was that?

9 MS. CIDLOWSKI: A little over a
10 year.

11 CHAIRMAN HOOD: Ms. Steingasser,
12 let me just ask, these, what you are bringing
13 forward to us, as you stated, are things that
14 we asked for prior to us going through the ZRR
15 process, is that correct?

16 MS. STEINGASSER: That's correct.

17 CHAIRMAN HOOD: Okay.

18 MS. STEINGASSER: We discussed
19 this, both at a May meeting, and then again in
20 June, this year.

21 CHAIRMAN HOOD: We wanted, I
22 think, to have some more, we wanted to see

1 some things long before that process ever was.

2 MS. STEINGASSER: That's correct.

3 CHAIRMAN HOOD: Okay. I just
4 wanted to make sure. All right.

5 Okay, any other questions?

6 Now, we are doing 12-10 and 12-11.

7 COMMISSIONER MAY: Mr. Chairman, I
8 have a question on 12-10.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER MAY: So, if I
11 understand the report correctly, we've already
12 seen the Green Area Ratio language, and we've
13 already seen the landscape standards.

14 But, the impervious surface
15 requirements for R1 through R4 is that new to
16 us now?

17 MS. STEINGASSER: The concept was
18 presented and accepted by the Zoning
19 Commission. The standards themselves, the 50,
20 30 and 20 percentage, that was not. That's
21 what we are presenting this evening.

22 COMMISSIONER MAY: I see. Okay.

1 So, if you have a green roof in an
2 R4 Zone, that doesn't count for anything.

3 MS. CIDLOWSKI: Correct, according
4 to the Department of the Environment that
5 doesn't count towards the impervious surface.
6 Fees and charges, the D.C. water applies, or
7 the ones that they apply. So, for our
8 calculations, just to keep things uniform, it
9 wouldn't count.

10 COMMISSIONER MAY: Okay, but it
11 does count in the Green Area Ratio.

12 MS. CIDLOWSKI: Yes.

13 COMMISSIONER MAY: Okay. I'm not
14 -- I'm a little concerned about that. And,
15 you know, this is largely based on my own
16 personal experience in being in a house that
17 had maybe 5 percent pervious surface within my
18 property line. I have more if you count the
19 parking out front, the front yard, which I
20 don't own.

21 Actually, do I get credit for
22 that? No?

1 MS. STEINGASSER: Not if it's off
2 your property line.

3 COMMISSIONER MAY: So -- and I
4 think there are a lot of people like this in
5 older neighborhoods in the City. And, I have
6 -- you know, I've made some improvements to
7 the patio, so it's not quite as impervious as
8 it was before, but it's still impervious.

9 And, I'm collecting rainwater, and
10 I'm planning to do a green roof on the garage.
11 But, I'm always going to be non-compliant.

12 So, I just think that that's going
13 to be the circumstance of a lot of folks, and
14 what is that going to mean when if we need
15 anything else. I know the existing condition
16 is grandfathered, but what is it going to mean
17 when I need any other kind of relief?

18 MS. STEINGASSER: Well, if you
19 were to expand or put an addition on your
20 home, you would have to go for a special
21 exception to the BZA.

22 COMMISSIONER MAY: I would need a

1 special exception to get relief from
2 impervious surface? Okay.

3 You know, I understand what we are
4 trying to get at with this, but it does make
5 me wonder whether we need to think about other
6 aspects of the Green Area Ratio that we should
7 be considering getting credit for to homes in
8 this area, to encourage that.

9 So, I'm not -- I don't want to
10 sort of reopen Pandora's Box, but it's been a
11 while since we talked about this, and so I'm
12 kind of --

13 MS. STEINGASSER: One thing to
14 remind the Commission, the Green Area Ratio
15 doesn't -- won't, actually, apply to the R1
16 through R4.

17 COMMISSIONER MAY: Right.

18 MS. STEINGASSER: It would just be
19 the impervious surface standards.

20 COMMISSIONER MAY: I understand,
21 that's why I'm thinking it's -- and, I mean,
22 I understand why it's being done that way, and

1 I understand the advantages of doing it that
2 way, but I think that there may be some
3 disadvantages to doing it that way.

4 So, we'll think about this more.

5 MS. STEINGASSER: Okay.

6 COMMISSIONER MAY: I'm not asking
7 for anything really in particular at this
8 moment, but I just have questions about that,
9 again, because I think there are probably a
10 lot of houses out there that we want to
11 encourage GAR measures on.

12 Thanks.

13 CHAIRMAN HOOD: Any other
14 questions?

15 Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Yes, Mr.
17 Chair. I just -- on 12-11, Ms. Steingasser,
18 are you going to mention anything about the
19 admin issues, parking, or are you going to
20 deal with that separately?

21 MS. STEINGASSER: Yes. I was
22 going to get into that later and introduce Mr.

1 Bergstein from the Office of Attorney General,
2 who was the author of the majority of these.

3 COMMISSIONER TURNBULL: Okay. All
4 right.

5 MS. STEINGASSER: So, Case No. 12-
6 11 addresses more administrative amendments,
7 and they have to do with, predominantly, with
8 practices that the Zoning Commission is
9 already using, and that the BZA is already
10 using, or issues that the Zoning Commission
11 has asked us, specifically, to bring forward.

12 So, I've done an outline of those
13 on page two of the report. It kind of walks
14 through some numbers, two, three -- two, two,
15 three and four are all those administrative
16 regulations.

17 The one we've brought forward from
18 the ZRR work that the Zoning Commission has
19 also had hearings on is height. And, while
20 the height may not look, in its current form,
21 exactly as it does in the draft final action
22 that's been in the D.C. Register, what we did

1 was, we took that language and then we merged
2 it into the current form, using the current
3 definitions, and that kind of required a lot
4 of shifting.

5 We took the opportunity to take
6 some of the rules out of the current
7 definition in Section 199. It has a lot of
8 rules about when a building is over a certain
9 height it shall do this, and we moved those
10 into the zone categories, as you would see for
11 other rules of how things are done.

12 So, that's why that was a little
13 bit different.

14 And, other than that, we are here
15 to answer any questions, and Mr. Bergstein is
16 also available. I'm sure he would answer any
17 questions.

18 And, I would add that all of these
19 -- we've asked for flexibility to work with
20 OAG to finalize the language part of the
21 public hearing notice.

22 COMMISSIONER TURNBULL: Well, I

1 wanted to thank you for the BZA stuff you
2 added. I know they are looking forward to
3 having those to work on.

4 I did have a question on page two.
5 You start talking about parapets. There's no
6 real definition, I don't think in the regs,
7 regarding parapets, and there's not a real
8 clear definition of height of the parapet.

9 You talk about being beyond three
10 feet, and right now if it's an occupied roof
11 it has to be at least 3'6" I believe for life
12 safety things, from a building standpoint.

13 So, I don't know how you are
14 interplaying -- I mean, how are we looking at
15 a parapet? I mean, is there a maximum height
16 for a parapet, or are we just kind of leaving
17 that open?

18 MS. STEINGASSER: At this -- as
19 part of this amendment we are not. As far of
20 the final ZRR draft regs you will see that in
21 more detail. That was an issue that the
22 Commission discussed, as well as the public

1 hearing.

2 But, in this regulation right now
3 we left the definition -- that particular
4 paragraph of the definition, untouched.

5 COMMISSIONER TURNBULL: Yes. I
6 see we still have the three foot.

7 MS. STEINGASSER: Still at three
8 foot, yes.

9 COMMISSIONER TURNBULL: And, I
10 don't know if that's outdated, or just
11 meaningless anymore.

12 MS. STEINGASSER: If you would
13 like to advertise it as 3.6, we are happy to
14 amend that.

15 COMMISSIONER TURNBULL: I'm not
16 sure what my colleagues -- how they want to
17 address that. I mean, it's really a building
18 code issue, from that standpoint.

19 MS. STEINGASSER: Yes.

20 COMMISSIONER TURNBULL: I mean,
21 I'm concerned about it because it adds height
22 to the building and how far we can go, but, I

1 mean, at some point it really needs to address
2 what it really needs to be.

3 MS. STEINGASSER: I think in the
4 draft -- the bigger draft regs, the DRR regs,
5 we've moved it up to 3'6" and said it had to
6 be set back 1:1, so that you wouldn't have
7 that appearance of the extra height right
8 beyond the three feet.

9 COMMISSIONER TURNBULL: Okay. All
10 right, thank you.

11 CHAIRMAN HOOD: Okay. Anybody
12 else?

13 VICE CHAIR COHEN: Yes. Just
14 again, I've talked to the Office of Planning
15 about this a lot. Since I have not been
16 participating for the last four years, or six
17 years, or however long, I, actually, had to go
18 back and, you know, try to find the parapet,
19 and definition. There isn't one, so again, I
20 think as a visual person I always find
21 pictures are so helpful. And, I know that,
22 you know, you'll work towards that goal.

1 I have a question, and I think
2 this is for our Office of Attorney General.
3 On 24,6, you talk about benefits that are
4 tangible and measurable. And, I think you are
5 aware that I always trip up on that. How do
6 you do that? That's what I would like to
7 always get a handle on.

8 MR. BERGSTEIN: Well, I'm going
9 to, actually, toss that phrase back to the
10 Office of Planning, because I really just
11 lifted that from the proposed ZRR text. And,
12 I was trying to mostly get at the provision
13 that benefits can't be monetary.

14 But, in order to do that I lifted
15 the entire provision from the proposed ZRR
16 text, and I wasn't part of that particular
17 terminology.

18 But, I think the notion is that
19 the benefits have to be something of
20 substance, and not merely conceptual. But, if
21 the Office of Planning wants to add to what it
22 meant by that phrase, wants to look into it,

1 but I can't really add on to that.

2 MS. STEINGASSER: There were
3 several cases about eight years ago, nine
4 years ago, when the market was first taking
5 off, and they had contributions that were just
6 cash, cash contributed to an ANC, cash
7 contributed to a non-profit. And, it became
8 difficult for the Commission to evaluate that.
9 What was it producing? How exactly was it a
10 public benefit if it was given to a non-profit
11 that nobody ever knew what happened to it.

12 So, it was an attempt to get at
13 that particular issue, that the Commission has
14 been in practice -- enforcing anyway. We were
15 trying to just make it clear that cash
16 contributions, you know, were not acceptable
17 in the realm of benefits and amenities.

18 VICE CHAIR COHEN: That's always
19 been clear to me. What's not clear to me is
20 that we are five individuals, and tangible,
21 measurable, quantifiable may mean different
22 things to different people. And, that's kind

1 of where I'm coming from.

2 But, I don't want to belabor that
3 right now, although if my colleagues want to
4 comment I'd appreciate that.

5 CHAIRMAN HOOD: Okay. I don't
6 know if I want to, necessarily, comment, but
7 that was an issue. I'm probably one of the
8 ones that raised that along with -- I'm going
9 to blame it on Carol, she's not here, but I
10 probably was one of the ones who did raise
11 that, that was an issue.

12 There was a little more to it for
13 me than that, but, you know, with all these
14 recommendations, let me not comment so much on
15 that -- let me just say, with all these
16 recommendations, while I don't have any
17 problem setting it down, I also don't have any
18 problem not moving forward with it.

19 But, I think that the history for
20 me is to have a hearing, let's vet it out in
21 the hearing process, and then let's move
22 forward.

1 I would be in support of setting
2 both of these down, and also just having a
3 hearing. I'm looking in the Office of
4 Planning's report of 12-11 GAR, administrative
5 issues, and I'm looking here. And, I really
6 appreciate the Office of Planning citing the
7 transcript, because I see here where I said I
8 wholeheartedly agree. I had to read it over
9 again when I was reading that yesterday.

10 But, I look at the parking
11 minimums and the ADUs, to me there's a shift,
12 and in this shift -- and I'll get into this as
13 we go down this line -- we need to be very
14 cognizant that there are some people who made
15 investments under certain circumstances, and
16 I always -- when I look at this stuff I say
17 what would my parents have done, what would
18 they have done in this case. It may be
19 irrelevant to this case, but, you know, I mean
20 real live situations.

21 And then you have some of the
22 newer people who move to the City, trying to

1 do certain things, and coming up with all this
2 green, and I'm not saying anything against it,
3 but I'm saying we've got to balance that. I
4 don't think the shift should go all one way.

5 But anyway, that's -- those
6 remarks are for another hearing, but I just
7 wanted you to know where this Commissioner is
8 coming from, trying to strike that balance.

9 I will be in favor of setting both
10 of these down, but don't be surprised with
11 what may happen, the outcome. I'm looking
12 forward to the hearing.

13 Anybody else?

14 Okay. I will move that we set
15 down Zoning Commission Case -- I'm going to do
16 both of them, I think it's okay -- Zoning
17 Commission Case 12-10 and 12-11 for a hearing
18 and ask for a second.

19 VICE CHAIR COHEN: Second.

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

1 Are you ready for the question?

2 All those in favor?

3 (Ayes.)

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

7 MS. SCHELLIN: Yes, staff records
8 the vote 4:0:1 to set down Zoning Commission
9 Case Nos. 12-10 and 12-11, both as rulemaking
10 cases, Commissioner Hood moving, Commissioner
11 Cohen seconding, Commissioners May and
12 Turnbull in support, third mayoral appointee
13 position vacant, not voting.

14 CHAIRMAN HOOD: Okay. Next, let's
15 go to -- first I think we have to waive our
16 rules for the late filing.

17 Ms. Steingasser, do you want to
18 take the last three altogether, or do you want
19 to do them one by one?

20 MS. STEINGASSER: I'm going to ask
21 Mr. Cochran and Mr. Rodgers to come to the
22 dias. They are going to present two of these

1 cases, including the inclusionary zoning, but
2 we would request that the Commission waive
3 their rules for all three cases and accept our
4 late reports.

5 CHAIRMAN HOOD: Any objection?

6 Not seeing none, so ordered.

7 Ms. Steingasser, we'll accept the
8 late filings.

9 Okay, so I'll let you all -- I'll
10 tell you what, why don't we do 12-12, then 12-
11 13, then 04-33F in that order, the order
12 that's on the agenda.

13 MR. GOLDSTEIN: Good evening
14 again, Mr. Chairman, Members of the
15 Commission.

16 OP asks that the Commission set
17 down the proposed text in 12-12, which will
18 clarify an important aspect of the combined
19 lot development process. Specifically, that
20 he incentives and flexibilities, such as
21 additional density or a use mix not otherwise
22 permitted by right, which are gained through

1 a planning and development, or a PUD-related
2 map amendment, cannot be transferred through
3 a CLD. Rather, properties base zone and any
4 terms and allowances that that zone provides
5 should be used for CLD calculation purposes.

6 It sounds kind of technical, I
7 understand, but this has been a consistent
8 interpretation of the CLD rules in the past,
9 and serves an important function.

10 As the Commission is aware, when
11 PUDs are extinguished, or cease to exist, the
12 property reverts to terms of its base zone.

13 If additional entitlement is
14 gained through the PUD process or dedicated as
15 part of a CLD agreement, there's a possibility
16 of an imbalance between CLD partners when a
17 PUD is extinguished.

18 The result can be over
19 concentration of density or a mix of uses, at
20 odds with the balancing goals of the CLD
21 system. OP will continue to work with OAG to
22 refine the proposed language going forward.

1 With that, I'm free for any
2 questions you may have.

3 CHAIRMAN HOOD: Okay. Thank you,
4 Mr. Goldstein.

5 Commissioners, any questions?

6 Commissioner May?

7 COMMISSIONER MAY: I find this
8 kind of confusing. So, is there a real world
9 example of what brought this about?

10 MR. GOLDSTEIN: Well, we recently
11 had a party come forward and ask to take
12 advantage of some of the additional density or
13 use mix gains of the PUD, as part of the CLD
14 instrument.

15 This is something that our
16 interpretation had led us to believe you can't
17 do in the past. It's something we are
18 intending to reinforce in this text amendment.

19 COMMISSIONER MAY: Would you care
20 to elaborate, Ms. Steingasser?

21 MS. STEINGASSER: The case, in
22 particular, was down in the Kepler Gateway

1 overlay, and there was a PUD that gained extra
2 density through a PUD.

3 At that time, the Commission
4 weighed the extra density against benefits and
5 flexibilities.

6 The property owners, several years
7 later, wanted to combine a lot with a non-
8 residential property, based on the residential
9 --that they gained through the PUD as opposed
10 to the matter of right.

11 Our fear is, should the PUD get
12 extinguished, and the property go back to its
13 matter of right, there would be an imbalance
14 between the commercial that was now off site
15 and the residential, which would, you know,
16 it's never been done. We've always taken the
17 position that it shouldn't be done. The
18 calculations and the balance between the
19 residential and the non-residential has always
20 been calculation when we looked at these
21 geographic areas as a matter of right. So, we
22 just want to reinforce that.

1 COMMISSIONER MAY: Okay, thanks.

2 CHAIRMAN HOOD: Anybody else?

3 Okay.

4 Would somebody like to make a
5 motion?

6 COMMISSIONER TURNBULL: Mr. Chair,
7 I would move that we approve Zoning Case 12-
8 12, request for a text amendment to the Zoning
9 Regulations, Chapter 24, new section 2405.9,
10 in an expedited public hearing, and look for
11 a second.

12 VICE CHAIR COHEN: Second.

13 CHAIRMAN HOOD: Okay. It's been
14 moved and properly seconded. Any further
15 discussion?

16 Let me go to Ms. Steingasser, an
17 expedited public hearing, are we trying to
18 expedite all of these?

19 MS. STEINGASSER: No, sir, and
20 after talking with the Zoning Administrator we
21 probably don't need an expedited for this case
22 as well. He was comfortable just knowing that

1 if the Commission set it down.

2 CHAIRMAN HOOD: Okay. So --

3 COMMISSIONER TURNBULL: Mr. Chair,
4 I will strike expedited, and just say public
5 hearing.

6 CHAIRMAN HOOD: Okay. All right.

7 It's been moved and --

8 VICE CHAIR COHEN: I'll second.

9 CHAIRMAN HOOD: Okay, thank you,
10 moved and properly seconded. Any further
11 discussion?

12 Are you ready for the question?

13 All those in favor?

14 (Ayes.)

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

18 MS. SCHELLIN: Yes, staff records
19 the vote 4:0:1 to approve Zoning Commission
20 Case No. 12-12, to be set down as a rulemaking
21 case, Commissioner Turnbull moving,
22 Commissioner Cohen seconding, Commissioners

1 Hood and May in support, third mayoral
2 appointee position vacant, not voting.

3 CHAIRMAN HOOD: Okay. Next, Mr.
4 Cochran.

5 MR. COCHRAN: Thank you, Mr.
6 Chair.

7 OP asks the Commission to set down
8 a text amendment to Section 199's definition
9 of clear height from the ceiling. A footnote
10 was also contained in the memorandum, dated
11 July 26, 2012.

12 The amendment, which the Zoning
13 Administrator has encouraged OP to submit,
14 will clarify that when the regulations specify
15 a minimum ground floor clear height this
16 height is to be measured from grade. Grade is
17 now defined for measuring building height.

18 Currently, the clear height
19 definition specifies that the lower measuring
20 point is the clear -- excuse me, is the
21 finished floor. It doesn't distinguish
22 between the measuring point to the ground

1 floor and the measuring point for the floors
2 above it.

3 The existing language leaves open
4 the possibility of sinking the ground floor
5 well below the grade level, and then measuring
6 the clear height from the finished floor of
7 that below grade location.

8 Locating a ground floor below
9 grade undercuts the objective of setting
10 minimum clear height requirements in the first
11 place, which are to provide more flexibility
12 for the fitting out of retail and other uses,
13 and to be more attractive on lively pedestrian
14 streets.

15 The revised language would apply
16 only to the parts of the City where zoning
17 overlays specify minimum ground floor heights.
18 There are currently seven these overlays.

19 It would not affect the areas
20 where no minimum ground floor height is
21 required, nor would it alter the measurements
22 of clear height for the floors two and above.

1 That concludes our testimony, and
2 we are happy to answer any questions.

3 CHAIRMAN HOOD: Are there any
4 questions, Commissioners?

5 COMMISSIONER MAY: Mr. Chairman?

6 CHAIRMAN HOOD: Yes.

7 COMMISSIONER MAY: I would move we
8 set down -- I don't even know, is this 12-12?

9 CHAIRMAN HOOD: 12-13.

10 COMMISSIONER MAY: 12-13. I move
11 that we set down Zoning Commission Case No.
12 12-13, request for a text amendment to the
13 Zoning Regulations, Chapter 1, Section 199,
14 definition of clear height. Is this for an
15 expedited hearing? No expedited hearing, for
16 a public hearing, non-expedited.

17 CHAIRMAN HOOD: Okay, great. It's
18 been moved, is there a second?

19 COMMISSIONER TURNBULL: Second.

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

1 Are you ready for the question?

2 All those in favor?

3 (Ayes.)

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

7 MS. SCHELLIN: Staff records the
8 vote 4:0:1 to set down Zoning Commission Case
9 NO. 12-13, as a rulemaking case, Commissioner
10 May moving, Commissioner Turnbull seconding,
11 Commissioners Cohen and Hood in support, third
12 mayoral appointee position vacant, not voting.

13 CHAIRMAN HOOD: I didn't make any
14 comments, and I should have done that before
15 I made the motion.

16 I don't mind setting it down, but
17 again, that also applies to, Mr. Cochran, I
18 want to make sure that I understand exactly
19 what's happening. I don't mind having a
20 hearing. I'm like the former Architect of the
21 Capitol, George White, who used to say, I
22 understand -- I've done my research and I've

1 heard, he used to say, he thought everything
2 deserved a hearing, and I'm kind of like that,
3 too. But, I'm not saying I agree with it in
4 this case, I'm trying to understand it. So,
5 I'm going to be looking forward to some
6 analysis of what's going on.

7 Okay. I mean, that's just for me,
8 if you can for me, so I can understand it.

9 MR. COCHRAN: Be happy to do that.

10 CHAIRMAN HOOD: Thank you very
11 much.

12 VICE CHAIR COHEN: I'll second
13 that.

14 CHAIRMAN HOOD: Okay. The next
15 one is Zoning Commission Case 04-33F.

16 Ms. Steingasser, they are not
17 asking for an emergency, are they?

18 MS. STEINGASSER: Yes.

19 CHAIRMAN HOOD: I just -- I
20 understand this is a different situation, but
21 you know we had an emergency, what, about a
22 week ago, or two weeks ago, and we granted

1 the emergency, so when the hearing came nobody
2 showed up.

3 So, you know, emergency raises a
4 flag for me now. But anyway, I'm sorry.

5 Mr. Rodgers.

6 MR. RODGERS: Good evening, and
7 thank you, Members of the Zoning Commission.
8 My name is Art Rodgers. I'm the Senior
9 Housing Planner for the D.C. Office of
10 Planning.

11 I'm here tonight regarding Case
12 04-33F, to request on behalf of the Office of
13 Planning and the Department of Housing and
14 Community Development that the Zoning
15 Commission adopt on an emergency basis the
16 proposed amendments to the Chapter 24 planning
17 and development chapter, and Chapter 26,
18 inclusionary zoning, and allow the requirement
19 that the units be affordable for a given term
20 or for the life of the project be removed in
21 the case when a unit goes to foreclosure or a
22 deed in lieu of foreclosure.

1 Also, that these amendments be set
2 down for a public hearing.

3 Before going any further, I would
4 like to introduce some minor changes that are
5 a result of further conversation with DHCD and
6 OAG, that just make some minor adjustments to
7 what we proposed to the Zoning Commission.

8 The first minor change adds to the
9 beginning of the Section B in each case, "In
10 the case of a foreclosure sale of a for sale
11 unit," so that just gets added to the very
12 beginning of B.

13 And then, the second change in C,
14 first of all, it strikes, "provides a formal
15 certification to the first mortgagee," and
16 replaces it with "files and notice in the land
17 records."

18 OP recommends that the Zoning
19 Commission adopt this on an emergency basis,
20 in part because the first two units of IZ have
21 gone unsold for quite a while. And, one of
22 the issues is the availability of FHA

1 financing.

2 As stated in OP's report,
3 implementation of IZ has run into broad
4 changes in the Nation's housing market that
5 has significantly tightened the availability
6 of credit and made it difficult for households
7 to abide by the District's inclusionary zoning
8 program to purchase either a housing unit or
9 a PUD unit.

10 In order to broaden the
11 availability of credit, OP recommends that the
12 Zoning Commission let the affordability
13 requirements, should no longer apply upon the
14 foreclosure or deed in lieu of foreclosure of
15 an IZ unit. This will enable low and moderate
16 income households targeted by IZ to use FHA
17 mortgages.

18 This is necessary, because FHA
19 does not currently ensure loans for purchase
20 of properties that have restrictions that
21 survive foreclosure.

22 This is an issue that not only

1 affects the IZ program, but the affordable
2 needs created by the Zoning Commission's
3 process as well. And, it's not just the ones
4 that are in pipeline, but all the previous
5 PUDs that are now broke and have been unsold
6 and occupied. When the current owner goes to
7 resell the unit to another qualified person,
8 because of the changes in the financing
9 market, they may not be able to find a buyer.

10 And so, it's not just the current
11 pipeline of units, but the existing projects
12 that have already been dealt with.

13 The proposed text uses existing
14 D.C. law, and, essentially, creates an early
15 warning system that will enable DHCD to
16 potentially intervene when an IZ or PUD unit
17 is in danger of foreclosure.

18 Possible interventions include
19 budget and foreclosure prevention counseling,
20 assisting the owner to get the unit sold to an
21 eligible buyer, or failing that the
22 possibility of paying off the first mortgagee

1 and taking title to the unit so it can be
2 resold to an eligible buyer.

3 As the Commission is aware, the
4 District's IZ program offers through a
5 parallel structure zoning regulations and
6 empowering legislation. DHCD and OAG are
7 currently investigating what legislative
8 and/or administrative steps may be necessary
9 to keep the inclusionary unit affordable, when
10 it is threatened by a foreclosure.

11 The first important step in this
12 process to amend the zoning requirements, that
13 the unit remain affordable for the life of the
14 project, and just exempt in the case of when
15 a first mortgagee needs to foreclose on the
16 property.

17 This will, essentially, allow DHCD
18 to amend the current covenants that are being
19 used, and to enable FHA to ensure these
20 potential mortgages, and get the current units
21 that are on the market sold.

22 Thank you. This concludes my

1 testimony, and I would be happy to take any
2 questions the Commission may have.

3 CHAIRMAN HOOD: Vice Chair?

4 VICE CHAIR COHEN: Thank you, Mr.
5 Chairman.

6 Mr. Rodgers, your memorandum does
7 state that Fannie Mae and Freddie Mac are also
8 not allowing these type of covenants on
9 foreclosures -- potential foreclosures, is
10 that correct?

11 MR. RODGERS: Well, that's what I
12 was led to believe, but when I, actually,
13 researched it I looked at Fannie Mae's
14 guidelines, and they do permit restrictions to
15 survive foreclosure.

16 I think what it is, it's not the
17 secondary market, it's the lenders, and the
18 ability to foreclose on any unit, whether it's
19 an affordable unit or not, and the sort of
20 controversies that have come up in the past
21 couple years, but they are just pulling back.
22 And, they themselves are having problems with

1 their ability to foreclose these units.

2 I think that's, as of right now,
3 that's my guess. I was surprised to see that
4 Fannie Mae, their guidelines do allow this.
5 And so, for the final public hearing we'll
6 have more information. We'll be interviewing
7 mortgage bankers and other professionals to
8 understand what's really going on in the
9 market.

10 VICE CHAIR COHEN: I think that's
11 very important, because all of these lenders
12 are doing this lending for the Investment Act
13 credit, and you can't have it both ways.

14 I mean, if they want to get a
15 credit, if it's still -- this legislation is
16 still in effect, then, you know, they may have
17 to just bite the bullet.

18 What have the mortgage bankers
19 done about this issue, since it just doesn't
20 apply to Washington, D.C.? Do you know?

21 MR. RODGERS: It's my
22 understanding that nationally a lot of

1 jurisdictions are allowing this provision.
2 Montgomery County already has this provision,
3 but they allow the affordability to expire
4 upon foreclosure.

5 So, a lot of jurisdictions are
6 going to have the same problem. We understand
7 that Fairfax had applied for a waiver from
8 FHA, but that was, I think, like six to eight
9 months ago that they applied for this. And,
10 they still haven't heard.

11 One of the reasons why we are
12 pursuing this as an emergency is, based on the
13 earlier discussions we understood that FHA
14 might be pursuing an amendment to their own
15 guidelines. But then in July, we found that
16 they had concluded that this was not a
17 regulatory issue for them to act on, it was,
18 actually, a legislative issue. And so that,
19 Congress would have to amend their ability.

20 As soon as we found out that, we
21 started preparing an emergency amendment.

22 VICE CHAIR COHEN: That makes

1 sense.

2 CHAIRMAN HOOD: Any other
3 questions?

4 Mr. Rodgers, I'm glad -- that was
5 one of my questions, because when we went
6 through the IZ Montgomery County was presented
7 to us as the model, the latest and the
8 greatest.

9 One of my comments then, and I
10 want oz be consistent, because at first I was
11 hesitant on this too, especially, with the
12 emergency, but one of my comments at that time
13 was, if we found out they were problems with
14 the IZ in totality, how quick can the Office
15 of Planning bring us something to deal with
16 this? I think -- that was my comment, I
17 remember what I stated at that time, and I
18 think this is an example of that. So, that
19 gives me a comfort level to go ahead, because

20 I appreciate the Office of
21 Planning coming right back as soon as you got
22 notification of how this was proceeding. And,

1 that was for the whole IZ, because I want you
2 all to come back as soon as possible if there
3 were problems.

4 I'm not saying I agree with this,
5 but this is a problem that other jurisdictions
6 are adopting, and I think I'm in favor of
7 this.

8 Any other comments? Okay.

9 VICE CHAIR COHEN: Mr. Chairman,
10 then I would move to set down Zoning
11 Commission Case No. 04-33F, for emergency text
12 amendments to amend affordability duration
13 provisions of 2602.4 of 11 DCMR, Chapter 26,
14 inclusionary zoning, and 2409.10, 11 DCMR,
15 Chapter 2409, development procedures.

16 Do I hear a second?

17 Can I second it, too?

18 COMMISSIONER TURNBULL: Second.

19 CHAIRMAN HOOD: I haven't seen
20 that done, that would be the first time.

21 Okay. It's been moved -- did we
22 include everything -- then I think that motion

1 is sufficient.

2 MR. BERGSTEIN: It was complete.

3 CHAIRMAN HOOD: Okay. It's been
4 moved and properly seconded. Any further
5 discussion?

6 All those in favor?

7 (Ayes.)

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

11 MS. SCHELLIN: Yes, staff records
12 the vote 4:0:1 to approve emergency action and
13 set down for Zoning Commission Case No. 04-
14 33F, as a rulemaking case, Commissioner Cohen
15 moving, Commissioner Turnbull seconding,
16 Commissioners Hood and May in support, third
17 mayoral appointee position vacant, not voting.

18 CHAIRMAN HOOD: Ms. Steingasser,
19 let me just ask, how quick are we going to --
20 I'd rather see this one, the one we did for
21 emergency, quicker than the rest, do we have
22 like a time frame?

1 MS. STEINGASSER: We are happy to
2 work with the Office of Zoning to accommodate
3 whatever schedule Ms. Schellin can slot us
4 into.

5 CHAIRMAN HOOD: Especially, since
6 we did the emergency.

7 Okay. Anything else, Ms.
8 Schellin?

9 MS. SCHELLIN: Yes. We have one
10 correspondence item, and then the Office of
11 Planning, I think, may have an update.

12 So, which one do you want to do
13 first? Do you want them to do their update
14 first?

15 We have one correspondence item.

16 CHAIRMAN HOOD: Let's do the
17 correspondence.

18 MS. SCHELLIN: It's a memorandum
19 from the Office of Planning that just for
20 clarification of the squares to which the
21 proposed extension would apply. This is a
22 case that would extend the time period for the

1 temporary parking lots around the ballpark.

2 CHAIRMAN HOOD: If we have to set
3 something up with the Office of Planning's
4 next report, we need to get started. I
5 thought I saw -- okay, never mind, I'm sorry.
6 I was just trying to expedite it. I'm sorry.

7 Okay. So, there's no action
8 required?

9 MS. SCHELLIN: No, as long as you
10 are okay with it.

11 CHAIRMAN HOOD: Okay. Any
12 problems, Commissioners? No problem.

13 VICE CHAIR COHEN: With this?
14 Wait. Okay. I just think that because some of
15 these sites are located within the
16 Capper/Carrolsburg neighborhood, with a Hope
17 6 project you need input from the Housing
18 Authority as to their timetable on those
19 particular sites.

20 CHAIRMAN HOOD: Okay. Anything
21 else? Okay. Thank you, Vice Chair.

22 I thought we were having a

1 presentation by the Office of Planning. Oh,
2 Ms. Steingasser --

3 MS. STEINGASSER: That
4 presentation is the status report and update.

5 CHAIRMAN HOOD: Okay. I see
6 something on the board.

7 MS. STEINGASSER: We just wanted
8 to update the Commission on the public
9 meetings we've had. The last meeting, we met
10 on the 17th with the Kalorama Citizens
11 Association, went over the ZRR changes, both
12 in general context and those which would
13 affect their neighborhood, specifically.

14 It was an incredibly productive
15 meeting, albeit unbelievably hot, because the
16 air conditioning wasn't working. But, people
17 stuck it out. We got a lot of good feedback.

18 And then, we also had a Ward 5
19 Ecumenical Council meeting, healthcare fair,
20 that got rained out. So, we'll be going back
21 with them.

22 CHAIRMAN HOOD: And, you all went

1 to Ward 4. I'm starting to hear some buzzing
2 from Ward 4, you all did go to Ward 4.

3 MS. STEINGASSER: We've been to
4 Ward 4 three times this calendar year, both to
5 the -- we were out to Crestwood Association,
6 Councilman Bowser, Head of Ward 4 Leadership,
7 where she invited every member of the ANC,
8 plus the business associations, and a member
9 of the civic groups.

10 And then, we also have been out to
11 ANC 4B twice in '09. We were in ANC 3-4G in
12 December of 11, and then again in May of this
13 year.

14 CHAIRMAN HOOD: Okay. Let me just
15 ask. When we start the ZRR hearings, are we
16 expecting people -- are they going to
17 participate. If they say I'm coming to
18 testify, I'll be there, what do you hearing on
19 this case?

20 MS. STEINGASSER: It depends
21 whether they are happy or not. A lot of this,
22 like with Kalorama, some of their issues are

1 not ZRR related. They are either comp plan
2 related or basic zoning related. You know,
3 they have a sense that they are over zoned.
4 So, we've agreed to work with them on looking
5 at their neighborhood, much as we did with
6 DuPont East, when we looked at their R5D
7 versus R4 zoning, and like we did East of the
8 River.

9 So, we'll be working with them,
10 and then we are also doing a survey at their
11 request on some of the particular proposals
12 impacting the neighborhood.

13 So, we are hearing both good -- a
14 lot of people are coming, you know, you are
15 getting a lot of protestation from a
16 particular group, a particular point of view.
17 We are also getting a lot of pressure from
18 other people to move much faster. They want
19 to see, they wanted to see the parking brought
20 forward. They wanted to see the ADUs brought
21 forward. They wanted to see the corner stores
22 brought forward.

1 We decided tonight to bring only
2 the GAR and the administrative regulations,
3 but we are getting a lot of, I don't want to
4 say pressure, but we are getting a lot of
5 feedback from all directions.

6 CHAIRMAN HOOD: Well, I just want
7 to say this. You know, I know, I witnessed
8 the one in Ward 7, which I understand the
9 Office of Planning, you all -- I saw you, and
10 I was in operation on that one.

11 I think what you all are doing is
12 a good job. I know you take a lot of hits,
13 and I'm not saying -- whether you agree or
14 disagree, but at the end of the day, like I
15 said in my statement, we are going to have a
16 hearing here, but I want to commend you all
17 for going out -- the one I heard in Ward 7, my
18 friends, and I appreciate what you all did,
19 you took your time, you were patient with it,
20 and I want to commend you all for the good
21 work.

22 I'm not saying I agree with

1 everything, but I just say, keep up the good
2 work, get the word out.

3 Anything else, Commissioners?

4 Okay. Ms. Schellin, do you have
5 anything else?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. So, with
8 that, this meeting is adjourned.

9 (Whereupon, the above-entitled
10 matter was concluded at 8:23 p.m.)
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In the matter of: Regular Meeting

Before: DCZC

Date: 07-30-12

Place: Washington, DC

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