

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

MONDAY,  
JUNE 16, 2008

+ + + + +

The Special Public Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> 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
GREGORY N. JEFFRIES	Vice Chairman
CURTIS ETHERLY, JR.	Commissioner
PETER MAY	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Spec.
ESTHER BUSHMAN	Gen. Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL:

ALAN BERGSTEIN, ESQ.

JACOB RITTING, ESQ.

This transcript constitutes the  
minutes from the Special Public Meeting held  
on June 16, 2008.

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

2 6:30 p.m.

3 CHAIRMAN HOOD: We are going to  
4 start our Special Public Meeting. This  
5 meeting will, please, come to order. Good  
6 evening, ladies and gentlemen. This is the  
7 June 16, 2008 Public Meeting of the Zoning  
8 Commission. My name is Anthony J. Hood.  
9 Joining me are Vice Chairman Jeffries,  
10 Commissioners Etherly and May.

11 We are also joined by the Office  
12 of Zoning staff Ms. Sharon Schellin, Ms. Donna  
13 Hanousek and Ms. Bushman. Also, Mr. Bergstein  
14 and Mr. Ritting from the Office of Attorney  
15 General. To my right, Office of Planning,  
16 Mrs. Steingasser and Mr. Lawson.

17 Copies of today's meeting agenda  
18 are available to you and are located in the  
19 bin near the door. We do not take any public  
20 testimony at our meetings, unless the  
21 Commission requests someone to come forward.  
22 Please, be advised that these proceedings are

1 being recorded by a Court Reporter and also  
2 webcast live.

3 Accordingly, we must ask you to  
4 refrain from any disruptive noises or actions  
5 in the hearing room. Please, turn off all  
6 beepers and cell phones.

7 Does the staff have any  
8 preliminary matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. What I  
11 would like to do is move the agenda around a  
12 little bit. I would like to have what we have  
13 down here for Hearing Action, I would like to  
14 make that Item No. 4 and make Item No. 2,  
15 Proposed Action, and Item No. 3  
16 Correspondence. So we'll move in that  
17 fashion.

18 Okay. Under Proposed Action we  
19 have Zoning Commission Case No. 05-36A, K  
20 Street Development. It's a 2<sup>nd</sup> Stage PUD at  
21 250 K Street, N.E. Ms. Schellin?

22 MS. SCHELLIN: Okay. I think the

1 Commission has everything necessary before it  
2 to take -- consider this for a proposed  
3 action.

4 CHAIRMAN HOOD: Okay. Thank you,  
5 Ms. Schellin. Colleagues, we have a number of  
6 submittals that were submitted to us as  
7 requested when we had the hearing and I'm  
8 going to go over what I asked for and whether  
9 it was satisfactory.

10 One of the things that I did ask  
11 for, so we could compare with what was done in  
12 the 1<sup>st</sup> Stage PUD, was the 1<sup>st</sup> Stage PUD and I  
13 want to thank the applicant for providing  
14 that, so we can see where we sit as opposed to  
15 what we were actually moving forward to.

16 And I think the applicant very  
17 well spells it out in the submittal. June the  
18 2<sup>nd</sup> and also June the 9<sup>th</sup>, has different things  
19 in the corrective order, but June the 2<sup>nd</sup> is  
20 the one that has the specific issues in which  
21 we requested.

22 He also spoke with the applicant

1 and talked about the dedicated cautionary  
2 spaces in the residential garage. He mentions  
3 in his submittal that because they were not  
4 allowed spaces for the car-sharing at the time  
5 of the 1<sup>st</sup> Stage and those were not allocated  
6 there for retail, and I think it's the  
7 applicant's testimony, which he has in  
8 writing, that the proposed spaces for the Zip  
9 Car -- in addition to the Zip Car, the  
10 District's sole remaining car-sharing service  
11 has informed the applicant's traffic  
12 consultant that it prefers on-street parking  
13 spaces to spaces hidden in controlled access  
14 garages.

15 And this was provided to us for  
16 the record. So that satisfies that issue.  
17 And I'm sure that the applicant will work with  
18 DDOT to establish a number of car-sharing  
19 spaces on the street surrounding the  
20 development. So I will make note of that and  
21 see how they do that before we do final  
22 action.

1 I think that was all of the  
2 concerns I had. If any of my colleagues would  
3 like to chime in? We also have the original  
4 order of the 1<sup>st</sup> Stage. Anyone else?  
5 Commissioner May?

6 COMMISSIONER MAY: Yes. I thought  
7 it was very helpful to get all of the  
8 requested design issues addressed and  
9 enumerated in the statement. And I would say  
10 that it seems that for the most part, I'm  
11 flipping through trying to find the right list  
12 here, the additional information that was  
13 requested, the detail on the materials, the  
14 elevations, the court diagram, central plaza  
15 diagram, landscaping plans, planning notes,  
16 passageway, the gate and the courtyard  
17 furniture and materials, precedence floor  
18 plans, enlarged elevations, new perspectives,  
19 I think, all that information was very helpful  
20 in understanding the missing parts of the  
21 project.

22 You know, I think it would have



1       been helpful to have some of this information  
2       at the hearing to have a more fruitful  
3       discussion of the design, but I think that,  
4       you know, we have -- we are where we are now.  
5       I'm, I think, satisfied that we have enough  
6       information. The drawings, I think, have  
7       improved and have given us the sort of  
8       information that we need.

9               In particular, with regard to the  
10       elevations and the gate. And so now that I  
11       see the materials have arrived here, I think,  
12       I'm -- I feel more comfortable moving ahead.  
13       So thank you.

14              CHAIRMAN   HOOD: Thank you,  
15       Commissioner May. It shows all you have to do  
16       is ask and it just appears. Okay. Thank you,  
17       Commissioner May. And I know that you -- I  
18       don't think you wanted the 1<sup>st</sup> Stage, but I  
19       know that you are coming in on the second part  
20       of that, so that's great that you have that  
21       comfort level.

22              Anyone else? All right. Could we

1 have a proposed order in front of us? Any  
2 other comments? I will move approval of  
3 Zoning Commission Case No. 05-36A - 2<sup>nd</sup> Stage  
4 PUD at 250 K Street and I'll ask for a second.

5 COMMISSIONER ETHERLY: Seconded,  
6 Mr. Chair.

7 CHAIRMAN HOOD: Moved and properly  
8 seconded. Any further discussion? Any  
9 further discussion?

10 All those in favor?

11 ALL: Aye.

12 CHAIRMAN HOOD: So ordered. Ms.  
13 Schellin, could you record the vote also with  
14 the proxy?

15 MS. SCHELLIN: Yes, sir. Staff  
16 records the vote 5-0-0 to approve proposed  
17 action in Zoning Commission Case No. 05-36A.  
18 Commissioner Hood moving, Commissioner Etherly  
19 seconding, Commissioners Jeffries and May in  
20 support and Commissioner Turnbull in support  
21 by absentee ballot.

22 CHAIRMAN HOOD: Okay. Thank you,

1 Ms. Schellin.

2 Next on our agenda, revised  
3 agenda, is correspondence. This is Zoning  
4 Commission Case No. 08-07, Four Points, LLC on  
5 behalf of Curtis Properties, Inc., et al. We  
6 have a letter from Holland & Knight and this  
7 is about clear direction or a letter for a  
8 hearing -- language for our hearing notice.

9 Ms. Schellin?

10 MS. SCHELLIN: The Commission has  
11 before it a request from the applicant and I  
12 think that's it, just for your consideration.

13 CHAIRMAN HOOD: Okay. Colleagues,  
14 if you can remember, I think it was -- I can't  
15 even remember what day it was. Was it last  
16 Thursday or Monday?

17 MS. SCHELLIN: Monday.

18 CHAIRMAN HOOD: Last Monday, it's  
19 a whole week. Okay. We had had some issues  
20 and we had recommended to the applicant we  
21 were not going to set it down as a 1<sup>st</sup> Stage  
22 Preliminary and Consolidated Map Amendment,

1 with the Consolidated Map Amendment. And we  
2 gave some, I guess, fuzzy direction on how we  
3 wanted to proceed.

4 We wanted the whole thing to be 1<sup>st</sup>  
5 Stage. The applicant is requesting that the  
6 Commission set down the case as a preliminary  
7 sand consolidate the PUD Related Map  
8 Amendment. And at the time of hearing, while  
9 we -- once we have the hearing, they are  
10 asking us to set it down like that. If we are  
11 not satisfied at that point in time, then we  
12 go back to setting everything down as a  
13 preliminary stage PUD. We direct it in that  
14 fashion.

15 Mr. Bergstein and Mr. Ritting, did  
16 I phrase that in the correct legal language?

17 MR. BERGSTEIN: Well, I think if  
18 you got to the hearing stage, you would have  
19 the flexibility to simply say at the outset  
20 that either because the applicant didn't  
21 provide the promised supplemental materials  
22 they spoke of in their letter or if the

1 supplemental materials were inadequate, that  
2 you would simply say that this is going to be  
3 considered as a preliminary 1<sup>st</sup> Stage PUD in  
4 its entirety.

5 I don't think you need to reset it  
6 down, at that point, because we would say all  
7 that in the hearing notice to make it clear.

8 CHAIRMAN HOOD: Okay. Thank you,  
9 Mr. Bergstein. Let's open it up for  
10 discussion. Does anyone feel moved to move as  
11 a request who is trying to move this thing  
12 forward or how do we want to proceed?

13 VICE CHAIR JEFFRIES: Well, I'm  
14 still trying to figure out what the confusion  
15 was in terms of what our directions were last  
16 Monday. I thought we maybe cleared that. We  
17 felt that the project was not developed or  
18 refined enough to consider it part of it as a  
19 Consolidated PUD and we wanted to look at this  
20 in two stages. So --

21 MR. BERGSTEIN: Maybe I can  
22 clarify that, because I did speak with the

1 applicant about that. The rules provide at  
2 set down that if the Commission does not  
3 believe that the application is sufficiently  
4 complete to allow for it to be considered as  
5 a consolidated, it would direct the applicant  
6 to revise the application as a 1<sup>st</sup> Stage PUD,  
7 at least from the applicant's perspective,  
8 that direction was not given.

9 So their view was that there still  
10 was technically a consolidated application and  
11 they were asking you to advertise that, in the  
12 alternative, with a preliminary, which I have  
13 conceptual problems with. And so either the  
14 Commission should say to the applicant you  
15 must -- we cannot advertise this until you  
16 come back with a revised 1<sup>st</sup> Stage PUD or you  
17 would say we will provisionally set it down as  
18 a Consolidated PUD with the understanding that  
19 you are going to provide supplemental  
20 materials to address our concern.

21 It's just easier to go from a  
22 consolidated back to a 1<sup>st</sup> Stage, then at the

1 hearing if they did provide you these  
2 materials to go from a preliminary and say  
3 well, now, we're back to consolidated.

4 VICE CHAIR JEFFRIES: Well, I  
5 mean, you know, we looked at this as week ago.  
6 And I clearly recognize that the applicant  
7 wants to submit, you know, additional  
8 information to move this along. You know,  
9 I'm, at this point, still interested in the  
10 applicant, you know, submitting and we can  
11 give that direction, as you stated, you know,  
12 a 1<sup>st</sup> Stage PUD.

13 MR. BERGSTEIN: Which would mean  
14 that the elevations and the actual design  
15 would not give any consideration to you  
16 whatsoever. You would just be addressing the  
17 bulk of the structures themselves.

18 VICE CHAIR JEFFRIES: Absolutely,  
19 the envelope. Absolutely. Yeah, I mean,  
20 because again if you might recall, I mean,  
21 this is a fairly large development. I think  
22 we had 11 acres. I mean, this is a huge

1 development. I think that, you know, the  
2 Commission and the city should be very careful  
3 about what this development looks like going  
4 forward.

5 This is not a single building.  
6 And I want to make certain that, you know, we  
7 are sending out the right message that we  
8 really need to walk this one, slow walk it.  
9 And so that's where I am. But again, I mean,  
10 I'm willing to hear from my fellow  
11 Commissioners here, but I haven't changed my  
12 mind at all.

13 I mean, it sounds like we have  
14 gotten into a procedural argument, which is  
15 perfectly fine, and I'm willing to do what the  
16 applicant wants me to do or -- you know, in  
17 terms of directing them. But, you know, I'm  
18 willing to hear my fellow Commissioners.

19 COMMISSIONER ETHERLY: Mr.  
20 Chairman, I'm happy to just kind of jump in  
21 here. I'll echo the very last thing that Mr.  
22 Jeffries said and that is I'm willing to



1 listen to my fellow colleagues. You recognize  
2 where I was last week on this particular  
3 issue, perhaps being a new Member on the Board  
4 and not having the same sense of process as  
5 relates to these varying ways of approaching  
6 it, I'm of the mind set to move forward.

7 I hear nothing in the applicant's  
8 proposal that precludes this Commission from  
9 looking very tightly in the kind of detail  
10 that Mr. Jeffries, my colleague, has spoken  
11 to. I hear nothing in the applicant's  
12 suggested way of moving forward that would  
13 preclude that.

14 So I'm prepared to move forward.  
15 I agree with Mr. Jeffries that it is a  
16 significant project, but again, I hear nothing  
17 in the applicant's suggested proposal that  
18 would preclude this Commission from moving  
19 forward in the way that it might need to with  
20 regard to the level of detail and the level of  
21 scrutiny that would need to be brought to the  
22 project.

1 CHAIRMAN HOOD: So, Commissioner,  
2 let me make sure I understand. You said you  
3 agree with Commissioner -- our Vice Chairman  
4 Jeffries.

5 COMMISSIONER ETHERLY: I tried to  
6 be diplomatic and build on common ground --

7 VICE CHAIR JEFFRIES: No, he does  
8 not agree with me.

9 COMMISSIONER ETHERLY: -- without  
10 saying I disagree with Mr. Jeffries.

11 CHAIRMAN HOOD: I'm just trying to  
12 see, you know. I'm trying to go somewhere  
13 here. So what you are saying is you don't see  
14 any problems with moving on. And by the way,  
15 if my colleagues remember, I tried to come up  
16 with an alternative way, which does not work.  
17 I mentioned that last week and obviously that  
18 didn't work.

19 So the proposal in which the  
20 applicant is asking us to do is to set it down  
21 as requested. And, Commissioner May, I'm  
22 going to get to you right quick. I'm just

1       trying to get -- understand where Commission  
2       Etherly is.

3               Moving in that fashion and upon  
4       the hearing, if we see that we don't have  
5       enough evidence, then we can pull back, as Mr.  
6       Bergstein said, and make this a 1<sup>st</sup> Stage PUD  
7       directly.

8               COMMISSIONER ETHERLY:   Excellent  
9       summation of my position, Mr. Chair.

10              CHAIRMAN HOOD:   Okay.

11              COMMISSIONER ETHERLY:   Thank you.

12              CHAIRMAN HOOD:   I understand.

13       Commissioner May?

14              COMMISSIONER MAY:   You know, I'm  
15       kind of two minds on this, because, you know,  
16       it seems like to consider moving forward with  
17       the Consolidated and 1<sup>st</sup> Stage, there is  
18       sufficient legal basis for doing that and  
19       there is sufficient safety in the sense that  
20       if we decide having seen the additional  
21       material that it's really not ripe for  
22       consolidation, that we can just go 1<sup>st</sup> Stage.

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1                   So it seems safe. But then again,  
2                   you know, we are kind of taking a flyer on  
3                   this and, you know, I'm not sure that that's  
4                   really what we should be doing in this  
5                   circumstance and that we really -- you know,  
6                   again, given the size of the project and the  
7                   importance of it in remaking that whole  
8                   neighborhood or at least that portion of the  
9                   neighborhood, it's so significant to do that  
10                  in a rush and doesn't really make a lot of  
11                  sense.

12                  You know, I don't really have a  
13                  good sense of how urgent it is that this move  
14                  ahead with the consolidated. And maybe, you  
15                  know, someone else can enlighten me on that,  
16                  but I guess I would be more inclined to take  
17                  a fire, if you will, if I knew that there  
18                  really was -- or if I really understood what  
19                  the time impact was and what the -- whether  
20                  that truly impacts the future of the  
21                  development or has the potential to impact the  
22                  future of the development.

1 Does anybody have a sense of that?  
2 I mean, how much time does it add and how bad  
3 of an effect that would be?

4 CHAIRMAN HOOD: Let me say this,  
5 Commissioner May. I don't know if this -- I  
6 didn't hear all of your comments, but I think  
7 and I hear what all of us are saying. I think  
8 if we move in this fashion, and it gives me  
9 that comfort level to be able to pull back.  
10 You know, a lot of times I have said before we  
11 get to final action, the hard fast rules ain't  
12 right. We won't move any further.

13 And I think we are in the same  
14 scenario here. If we get to the point, as Mr.  
15 Bergstein has already mentioned to us, where  
16 we think that this needs to all be pushed back  
17 as a 1<sup>st</sup> Stage, then that's where we are. We  
18 need to hold that fast line. I understand  
19 what Commissioner Jeffries is saying.

20 And I will tell you the reason why  
21 I'm trying to hopefully even this out across  
22 the board is because where it stands now, we

1 may have to defer even this discussion, and I  
2 would -- hopefully we can make some progress  
3 here tonight.

4 VICE CHAIR JEFFRIES: You know, I  
5 guess my concern is that we discussed this  
6 project last week, about a week ago. And I  
7 thought it was very much the Commission's  
8 position that this project was not ready to go  
9 forward. That we wanted to look at this in  
10 two stages. We wanted to -- the 1<sup>st</sup> Stage  
11 deal with the envelope, deal with massing,  
12 deal with those issues, because it's of such  
13 size and so critical, and I think we are  
14 sending the wrong message. I really do.

15 You know, if this Commission just  
16 a week later, you know, will say okay, well,  
17 maybe there is a way in which we can, you  
18 know, split this, do a split decision here.  
19 I'm just -- the only point that I'm really  
20 trying to make is that if you allow this  
21 project to go forward, it is very unlikely  
22 that this Commission is going to send them

1 back to 1<sup>st</sup> Stage.

2 I mean, we can talk about it, but  
3 you're going to look at all the work that they  
4 have done and all the community meetings and  
5 so forth, so it's very unlikely you're going  
6 to ever send them back. And so I just think  
7 that, you know, I mean, we just look at this  
8 one way or the other, but I'm just concerned  
9 that last week we made a very substantive  
10 argument. I think this commission did in  
11 terms of what we thought about a particular  
12 project.

13 And now because of procedural  
14 issues, you know, we want to sort of revisit  
15 it. And I just think it sets not a great  
16 precedent.

17 CHAIRMAN HOOD: I understand,  
18 Commissioner Jeffries. I'm not going to  
19 belabor the point, but I understand exactly  
20 what you are saying. But the reason I'm torn  
21 is because if you remember, I made the  
22 alternative which was not actually the correct

1 way to do it. And this is the fashion in  
2 which I would like to move forward.

3 But I heard my colleagues loud and  
4 clear tonight. I think what we need to do is  
5 give some clear direction. I'm inclined and  
6 I think your argument Vice Chairman is very  
7 compelling. I don't know, we may get to the  
8 same outcome. We may get to the same place if  
9 we did it the way that I would think we might  
10 want to do it.

11 I guess the best thing is to just  
12 stick with what we said last week. I think it  
13 was very clear. I think it was very clear  
14 what we said about how we were going to  
15 proceed. Come back a week later and tell me  
16 you didn't understand. I'm sorry, I disagree  
17 with that. But that's not where we are.

18 We have a request in front of us  
19 and unless one of my colleagues want to make  
20 a motion, I am not going to do it. But I  
21 would like to hear one of my colleagues if you  
22 want to make a motion on how we proceed and



1 let's just see how it comes out.

2 COMMISSIONER ETHERLY: Mr. Chair,  
3 could we have a brief recess, please?

4 CHAIRMAN HOOD: Mr. Etherly has  
5 requested a brief recess. We will be back in  
6 two minutes.

7 (Whereupon, at 6:51 p.m. a recess  
8 until 6:55 p.m.)

9 CHAIRMAN HOOD: Okay. We are  
10 going to remind everybody that the NBA Finals  
11 is tomorrow night, not tonight. We're going  
12 to go ahead and proceed.

13 Okay. Commissioner Jeffries, I  
14 have heard your comments loud and clear. I've  
15 heard from all my colleagues, Commissioner  
16 May, Commissioner Etherly and myself. I think  
17 what we're going to do to the applicant is to  
18 give clear direction. This is on  
19 correspondence and I think what we need to do  
20 in this case is give clear direction.

21 If it was not clear enough, we're  
22 going to ask the applicant to refile a 1<sup>st</sup>

1 Stage PUD application not being consolidated,  
2 1<sup>st</sup> Stage PUD application for this case.

3 MR. BERGSTEIN: Sorry to be  
4 correcting your words, but you will be  
5 directing them to revise the application as a  
6 1<sup>st</sup> Stage.

7 CHAIRMAN HOOD: To revise the 1<sup>st</sup>--  
8 to revise this -- what am I doing?

9 VICE CHAIR JEFFRIES: Revise this  
10 application to a 1<sup>st</sup> Stage PUD.

11 MR. BERGSTEIN: Yes, to the extent  
12 that it already has some aspects that are  
13 preliminary too, but to the extent that it is  
14 consolidated, you ask them to revise it, so  
15 that it's an entirely preliminary application.

16 CHAIRMAN HOOD: Okay. The entire  
17 application to this applicant should be a 1<sup>st</sup>  
18 Stage application.

19 MR. BERGSTEIN: And that would  
20 mean that --

21 CHAIRMAN HOOD: Revise to a 1<sup>st</sup> --

22 MR. BERGSTEIN: -- Ms. Schellin

1 would not --

2 CHAIRMAN HOOD: -- Stage  
3 application.

4 MR. BERGSTEIN: That's correct.  
5 And that would mean that Ms. Schellin wouldn't  
6 advertise the case until that revised  
7 application is in.

8 CHAIRMAN HOOD: Is submitted,  
9 correct. Okay. Mr. Bergstein, is that  
10 legally sufficient this time?

11 MR. BERGSTEIN: I think you were  
12 probably fine the first time, but I think  
13 that's just abundantly clear now.

14 CHAIRMAN HOOD: Okay. Thank you.  
15 Thank you very much. Okay. All right. Let's  
16 move right along with our agenda.

17 My colleagues, anybody want to add  
18 anything? Okay. Let's move right along.

19 Okay. Item No. 4, oh, I'm sorry,  
20 we're going back to No. 2. Hearing Action,  
21 Zoning Commission Case No. 08-18. This is the  
22 Office of Planning's Emergency Text Amendment

1 for the Reuse of the DC Public Schools.

2 Office of Planning?

3 MS. STEINGASSER: Chairman Hood,  
4 Commissioners, the Office of Planning is  
5 recommending that the Zoning Commission take  
6 emergency action to adopt text amendments to  
7 allow for the immediate reuse and filing of  
8 applications for the reuse of the DC Public  
9 Schools that have recently been closed.

10 We are also asking that the  
11 Commission authorize the issuance of Notice of  
12 Proposed Rule Making, allow the immediate  
13 publication of the public hearing notice,  
14 authorize a 30 day public hearing notice  
15 instead of the 45 days and then adopt the text  
16 amendment as OP has proposed.

17 I will note that we have one typo  
18 in Roman III where we left an extra word  
19 "community." Other than that, we have  
20 circulated the language to the Deputy Mayor  
21 for Education, the Office of Property  
22 Management and the Zoning Administrator for

1       their input.

2                   We have also worked with OAG to  
3       refine some of the way the wording is  
4       proposed. The reason for the emergency is  
5       basically two-fold. It's -- we do consider it  
6       citywide. There is an enormous expense to the  
7       city if these schools are left through the  
8       summer into the winter and have to be  
9       winterized. If we have to move particular  
10      uses that we're hoping to move into these  
11      school uses into temporary locations, there is  
12      a disruption of service, both when we move it  
13      in as a temporary and then when we finally  
14      move it back.

15                  The case load is such that any use  
16      that would require a variance or Zoning action  
17      or a BZA relief would be heard and completed  
18      not before November, which would push then the  
19      uses into -- the school buildings themselves  
20      into winterization, which is an enormous cost  
21      that the city is not hoping to avoid. The  
22      city is hoping to avoid.

1                   We also heard from the community.  
2           We had 20 community meetings focused solely on  
3           the reuse of these schools. The community  
4           heard the full universe. They expanded that  
5           universe with some of their own suggestions of  
6           what they would like to see in these schools.  
7           But the number one message we got from the  
8           communities where they do not want the  
9           buildings boarded up, they do not want them  
10          vacated and left abandoned.

11                   They are concerned about safety,  
12          crime, blight, vagrancy that the schools  
13          attract. Many of the schools are in proximity  
14          to other boarded up schools that have been  
15          vacant for several years and they are really  
16          concerned about what that is going to do to  
17          the neighborhood.

18                   They see an opportunity in some of  
19          the office reuses to create a daytime  
20          population that wouldn't automatically be  
21          there. The Government uses of the city were  
22          all vetted in terms of community type service

1 uses, medical clinics, those were very well  
2 received by the communities.

3 And we also believe that the uses  
4 are not inconsistent with several of the comp  
5 plan policies that talk about the reuse of  
6 large publicly owned sites, public buildings,  
7 vacant lots and structures and most notably,  
8 we draw attention to the land use designation  
9 which identifies 19 of the 23 schools as local  
10 public facilities.

11 And those specifically in the  
12 definition on that map, the Land Use Map,  
13 calls out that these include schools, charter  
14 schools, hospitals, Government office complex  
15 and similar local Government uses. And we  
16 believe the uses that we are proposing are not  
17 inconsistent with that comprehensive plan  
18 designation.

19 CHAIRMAN HOOD: Okay. Thank you,  
20 Ms. Steingasser. Let's pause for a second.  
21 We have some students and I was very  
22 interested to know school they were from. So

1 if I can just get one of them to come to the  
2 table and tell me what school they are from,  
3 I would greatly appreciate it and what their  
4 assignment is.

5 MR. SANS: Johns Hopkins  
6 University, Masters of Real Estate Program.

7 CHAIRMAN HOOD: Oh, okay. And you  
8 all are just trying to see how we operate?  
9 How efficient we operate?

10 MR. SANS: No, we just need to  
11 attend a hearing and then write about it.

12 CHAIRMAN HOOD: Oh. You're under  
13 duress.

14 VICE CHAIR JEFFRIES: You're under  
15 duress here.

16 CHAIRMAN HOOD: Oh, you're here  
17 for the hearing, oh.

18 VICE CHAIR JEFFRIES: Oh, okay.

19 CHAIRMAN HOOD: Well, we're  
20 getting you ready for the hearing.

21 MR. SANS: Okay. Good.

22 VICE CHAIR JEFFRIES: I think you



1 may need to put your name on the record for  
2 the -- for our --

3 CHAIRMAN HOOD: I think he did.  
4 Okay.

5 VICE CHAIR JEFFRIES: No, just the  
6 name of the University, but not the -- not  
7 your name. Your name?

8 MR. SANS: My name is Dean Sans.

9 VICE CHAIR JEFFRIES: Very good.  
10 Thank you.

11 CHAIRMAN HOOD: All right. Well,  
12 welcome and we hope you find some of this  
13 information useful and helpful with your  
14 project. I'm sure you will believe me. It  
15 gets interesting sometimes.

16 Okay. Colleagues, any questions  
17 of Ms. Steingasser? Commissioner May?

18 COMMISSIONER MAY: Yeah, I don't  
19 have questions so much as I guess what I would  
20 like to understand is the -- better the  
21 urgency of an emergency to adopt the text  
22 amendments. In other words, what is the city

1 going to get to do as a result of this that  
2 they wouldn't be able to do if we were to say  
3 adopt the emergency text amendment at the  
4 hearing date, which I assume is going to  
5 happen very shortly. We talked about this  
6 being -- or I understand that there is  
7 scheduling talk about this happening by the  
8 end of July for the hearing.

9 MS. STEINGASSER: Yes, we are  
10 hoping to have the hearing by the end of July.  
11 The emergency portion allows the city to begin  
12 contracting with architects and engineers with  
13 some assurance that the uses are going to be  
14 able to go forward. There is concern about  
15 waiting until the end of July to get the  
16 emergency adopted and then begin to proceed to  
17 get the permits, applications, the work  
18 design, getting it into the system and getting  
19 it out before the schools close.

20 There is a summary use going on in  
21 the school which are the traditional summer  
22 uses at camps, education, summer schools,

1 things like that. They are hoping to be able  
2 to transition from that use directly into  
3 construction. And if they have to wait until  
4 August to even feel comfortable and confident  
5 procuring the services of architects and  
6 engineers, that's going to put them well into  
7 the fall and that will leave the buildings  
8 vacant requiring again security issues and  
9 possible winterization.

10 COMMISSIONER MAY: Right. Okay.  
11 I'm not sure what you mean by winterization,  
12 because the city is going to wind up heating  
13 and using the buildings once they renovate  
14 them anyway, right?

15 MS. STEINGASSER: Right. But that  
16 would be an active use. To have to secure  
17 them, board up the windows, secure the doors.

18 COMMISSIONER MAY: Right. I'm not  
19 sure the boarding of windows is necessary  
20 either. I mean, all you really need is a  
21 security guard I would think.

22 MS. STEINGASSER: Again, it's

1 additional cost. We have to -- the building  
2 has to be kept warm and the pipes have to be  
3 kept from being frozen.

4 COMMISSIONER MAY: I see. Okay.  
5 Do you -- have uses been determined for every  
6 one of these schools?

7 MS. STEINGASSER: Not for every  
8 one of them, for a great many of them they  
9 have been. The Mayor has made a couple public  
10 announcements, not every one though.

11 COMMISSIONER MAY: And is every  
12 one of them going to be in use throughout the  
13 summer with these summer programs?

14 MS. STEINGASSER: Some of them are  
15 not. Some of those like Stevens --

16 COMMISSIONER MAY: Um-hum.

17 MS. STEINGASSER: -- is a C-3-C  
18 Zone School.

19 COMMISSIONER MAY: Uh-huh.

20 MS. STEINGASSER: It's going  
21 straight into its reuse. It's not being used  
22 for the summer. It's going straight into its

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1 construction work and permitting for its other  
2 uses.

3 COMMISSIONER MAY: Um-hum.

4 MS. STEINGASSER: But a lot of  
5 them will be in use.

6 COMMISSIONER MAY: But the rest of  
7 them that are in our neighborhoods,  
8 residential neighborhoods, they are all going  
9 to be in use during the course of the summer?

10 MS. STEINGASSER: I don't know if  
11 all of them are.

12 COMMISSIONER MAY: Okay.

13 MS. STEINGASSER: Some of them are  
14 being -- will probably be taken off-line,  
15 because their future has not yet been  
16 determined.

17 COMMISSIONER MAY: Um-hum.

18 MS. STEINGASSER: But most of them  
19 are going to be -- have --

20 COMMISSIONER MAY: So in other  
21 words, we're going to wind up winterizing and  
22 securing some of these buildings anyway?

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1 MS. STEINGASSER: Some of them  
2 maybe. We just don't know.

3 COMMISSIONER MAY: Yeah. Okay.  
4 You know, I guess that's kind of the thing  
5 that makes -- that raises a concern for me is  
6 that we don't really know a lot of the  
7 particulars. And while I'm comfortable enough  
8 setting this down for a hearing immediately,  
9 I'm not comfortable jumping right in and  
10 setting down the -- or rather adopting an  
11 emergency that allows the text amendment to go  
12 forward.

13 I just -- it's not that I don't  
14 believe all of the things that you are telling  
15 us and assuring us, it's just that having been  
16 through a relatively minor tweaking of the use  
17 provisions for schools and for historic  
18 buildings in residential neighborhoods several  
19 years ago, and knowing how complicated that  
20 was and how involved the neighborhoods got in  
21 determining what uses were appropriate or what  
22 weren't and what the conditions would be and

1 so on, and that was just for the buildings  
2 that were historic, you know, I would just  
3 anticipate that we would need to understand  
4 this in much greater detail than we have at  
5 the moment to be able to just jump ahead and  
6 adopt this text amendment on an emergency  
7 basis.

8 So as I said, you know, I'm okay  
9 with setting it down, but the emergency, we're  
10 really talking about the difference of 30 days  
11 or 40 days or something like that, which if  
12 that's 30 or 40 days you have to heat an  
13 unoccupied building or that you need to have  
14 a security guard, in the bigger scheme of  
15 things, that's really not that huge an  
16 expense. And so I'm -- and I say that with  
17 some experience in that matter.

18 So I'm just -- I would be more  
19 comfortable if we set it down for a hearing  
20 and then consider at that moment whether or  
21 not to set down a text amendment at that time.

22 CHAIRMAN HOOD: Okay. Let me ask

1 a few questions that one of my colleagues --  
2 Ms. Steingasser, one of the things I looked at  
3 in the report and what's in this report it  
4 says on the bottom of your first page "OP will  
5 provide a list of these uses of schools for  
6 our hearing for today.

7 MS. STEINGASSER: Um-hum.

8 CHAIRMAN HOOD: And you may have  
9 given that in your presentation, but could you  
10 just repeat some of the list? I realize about  
11 the summer camps and --

12 MS. STEINGASSER: Well, there is  
13 the summer uses and then there is the long-  
14 term uses. The long-term uses are consisting  
15 of the relocation of several city agencies  
16 that we need to relocate. There are some  
17 MPDs, some fire and emergency, and EMS  
18 services that need to be relocated and  
19 rehoused, Department of Employment Services.

20 There are several family service  
21 agencies that need new space. The city has  
22 over a million square feet of lease space that



1 is coming up by the end of September and they  
2 have to be able to move those space --  
3 relocate those uses into new space.

4 The City Administrator is  
5 desperately trying to put those into city-  
6 owned spaces to keep the cost down. So they  
7 are trying to find the schools that fit these  
8 uses and move them into there. So you will  
9 see a lot of those.

10 The communities have been very  
11 straightforward in their desire to get local  
12 medical and dental clinics into their  
13 neighborhoods, the primary care type of  
14 facilities. One neighborhood in Ward 5  
15 specifically asked for an STD clinic. You  
16 know, they know the type of uses that they --  
17 their particular population wants and they  
18 have been very explicit about those.

19 There is also going to be some  
20 elderly day care, adult day care type of uses  
21 that will be going in. There is also some  
22 non-profit uses. I think they are looking to

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1 locate one of the at risk boxing programs that  
2 also works with children after school hours.

3 There is a program for -- what's  
4 it called, it's an arts program, Life Starts  
5 to Masterpieces, something like that. Thank  
6 you very much. And that's a program that  
7 again kind of reaches out through the arts to  
8 at risk neighborhoods and at risk kids and  
9 builds life skills, so there's a lot of life  
10 skill training that goes on in there.

11 Those are the ones off the top of  
12 my head that I know of.

13 CHAIRMAN HOOD: And, Ms.  
14 Steingasser, what was one of the most urgent--  
15 and I'll tell you that from what I heard from  
16 my first Commission, our Commissioner May, the  
17 issue about the emergency set down.

18 MS. STEINGASSER: Um-hum.

19 CHAIRMAN HOOD: If this was set  
20 down and not set down as an emergency, and you  
21 can kind of discuss this, some of the issues  
22 again if you could tell me what would some of

1 the repercussions be on the city if we don't  
2 set this down as an emergency tonight?

3 MS. STEINGASSER: Mostly it's the  
4 delay. Like any developer, any property  
5 owner, it's the time delay. The District  
6 Government I have to say does not have the  
7 quickest procurement system, as any of us can  
8 attest. It is an enormously bureaucratic and  
9 protocol-driven program to get procurement  
10 services going.

11 So to be able to have some  
12 assurance of hiring architects, engineers and  
13 designers to go in and be able to start  
14 retrofitting the building, if we wait until  
15 the end of July just to have the assurance  
16 that we're going to have these uses, so that  
17 they can start procuring that, will easily  
18 fall into the fall, because there won't be the  
19 assurance of where is MPD going, where is the  
20 fire and emergency services? Where is DOES?

21 I mean, the Office of Planning is  
22 moving. We don't have a home yet either. So

1       there is just a tremendous amount of agencies  
2       that need to be able to start planning for the  
3       termination of their lease, which involves the  
4       procurement and the design. It also involves  
5       the minimizing the disruption of services, the  
6       idea is not to move agencies twice, not to pay  
7       the tremendous increase in temporary lease  
8       space, if we have to roll over these agencies  
9       into a temporary month to month.

10               You know it's 30 to 40 percent  
11       premium on month to month rates that are  
12       coming up. And then if we end up actually in  
13       the winter, then there is actual winterization  
14       of the buildings. And then losing the entire  
15       construction cycle into the spring. So we  
16       consider that to be pretty much a citywide  
17       issue on how those schools are getting used.

18               I gave you a list of the schools  
19       that show that they are pretty much in every  
20       ward. Like I said, some of them are already  
21       zoned commercial and those are available to  
22       begin work right away. Some of the schools

1 will be used for what they are calling swing  
2 space, which means once we'll renovate for  
3 education purposes, the chancellor will move  
4 the education programs into a swing space, so  
5 two or three of the schools are going to be  
6 serving as that and I don't know what their  
7 summer plans are, but they will be maintained  
8 in the system for that.

9 COMMISSIONER MAY: They don't need  
10 to have new zoning to do that though, right?

11 MS. STEINGASSER: No, they are not  
12 affected by that.

13 COMMISSIONER MAY: All right.

14 MS. STEINGASSER: But they are not  
15 going to be in play. Also, the Mayor and the  
16 administration have made a straightforward  
17 commitment that they will not sell these  
18 schools, that they need to be kept in a  
19 condition that allows them to be reused for  
20 education purposes in the future.

21 CHAIRMAN HOOD: So all these  
22 schools on page 5 of 5 will not be sold at any

1 time?

2 MS. STEINGASSER: That is my  
3 understanding will not be sold. They may be--  
4 some may have some long-term ground leases,  
5 they will not be sold.

6 CHAIRMAN HOOD: Okay.

7 COMMISSIONER MAY: What's  
8 happening with Stevens? You said something  
9 else is happening.

10 MS. STEINGASSER: Stevens has been  
11 transferred to the jurisdiction of the Deputy  
12 Mayor for Planning and Economic Development  
13 and that will probably be a private/public  
14 partnership or a fee for more commercial use.  
15 It's right off Washington Circle. It's on C-  
16 3-C and it's pretty much right smack in the  
17 middle of downtown.

18 COMMISSIONER MAY: So that's  
19 likely to be a long-term lease?

20 MS. STEINGASSER: That is more  
21 likely to be a long-term lease. It's also a  
22 landmark building, so it will go through its

1 renovation review.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER MAY: Can I ask a  
4 couple of follow-up questions?

5 CHAIRMAN HOOD: Let me finish mine  
6 up.

7 COMMISSIONER MAY: Okay.

8 CHAIRMAN HOOD: And then I'll go  
9 to my other colleagues and then I'll come  
10 back, Commissioner May. Let's just -- right  
11 in line with the question that I was just  
12 asking about the reuse.

13 COMMISSIONER MAY: It just had to  
14 do with the question you raised.

15 CHAIRMAN HOOD: Oh, okay. Let me  
16 just ask this. I guess let me ask it this  
17 way, the Office of Planning has done a number  
18 of going around to the different communities.  
19 And I might have asked this, but let me ask it  
20 again, because I don't remember. The most  
21 precedent thing you have heard from the  
22 community and we have not had that

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1 opportunity, so that's why, the most -- what  
2 is the most pressing thing that you have heard  
3 from the community about the reuse of the  
4 schools?

5 MS. STEINGASSER: That they be  
6 reused. That they not be left vacant.

7 CHAIRMAN HOOD: Okay. All right.  
8 Any other questions, if not, I'll go back to  
9 Commissioner May. Anyone else? Okay.  
10 Commissioner May?

11 COMMISSIONER MAY: Yeah. You made  
12 reference to the million square feet of lease  
13 space.

14 MS. STEINGASSER: Um-hum.

15 COMMISSIONER MAY: All of these  
16 leases are coming due in the next few months,  
17 right? And does every one of them have a  
18 hold-over provision with a 30 or 40 percent  
19 premium?

20 MS. STEINGASSER: I have -- I do  
21 not know.

22 COMMISSIONER MAY: Okay. Because



1 I would tend to think that some of them are  
2 not that strict, because that's -- well,  
3 anyway. The -- and this is sort of the --  
4 this goes to some of the information that I  
5 would like to have in order to make --

6 MS. STEINGASSER: Um-hum.

7 COMMISSIONER MAY: -- have an  
8 informed decision making on this, because it  
9 would be useful when we get to the hearing to  
10 understand what uses are in leased spaces that  
11 would be considered for the schools, gives us  
12 a sense of what uses would be going in there  
13 an the intensity of those uses, but also the  
14 urgency of their reuse.

15 There is a -- when it comes to the  
16 design process and contracting for the AEs,  
17 the one thing I would note is that when it  
18 comes to actually contracting that, that's one  
19 of the areas where the District Government, I  
20 believe, is fairly streamlined. And there  
21 are --

22 MS. STEINGASSER: That has not

1       been my experience.

2                   COMMISSIONER MAY:   Yeah, well, it  
3       was my experience when I worked for the  
4       District Government.

5                   MS. STEINGASSER:   It has not been  
6       ours.

7                   COMMISSIONER MAY:   Yeah, well, the  
8       -- for this -- this type of work is a little  
9       different from planning work, I think, and  
10      that's probably where the --

11                  MS. STEINGASSER:   Well, OPM hasn't  
12      informed me that that is not -- they are not  
13      having luck moving forward in these things.

14                  COMMISSIONER MAY:   Right. They  
15      are not able to move forward?

16                  MS. STEINGASSER:   There --

17                  COMMISSIONER MAY:   Quickly?

18                  MS.    STEINGASSER:   It's the  
19      uncertainty of not having the uses assured  
20      before they are going to pay someone to design  
21      a use --

22                  COMMISSIONER MAY:   Right.

1 MS. STEINGASSER: -- that they may  
2 or may not be able to have.

3 COMMISSIONER MAY: Right. But the  
4 -- a lot of the time that it takes to get  
5 somebody under contract is time that it takes  
6 to devise a scope and to understand the work.

7 MS. STEINGASSER: And to move  
8 through the procurement process itself.

9 COMMISSIONER MAY: Right. But you  
10 don't -- you can sign the contract once you  
11 know for sure that's going to be that use and  
12 up to that point, it's all been free, right?

13 MS. STEINGASSER: I don't -- if  
14 you know of architects that are willing to do  
15 the work for free, we would be happy to know  
16 their name.

17 COMMISSIONER MAY: Scoping is not  
18 something you pay for.

19 MS. STEINGASSER: Yes, OPM is  
20 doing their own scoping.

21 COMMISSIONER MAY: Right.

22 MS. STEINGASSER: But that's not

1       what procurement would be getting. It's the  
2       outside hiring of the architects and the  
3       engineers.

4               COMMISSIONER MAY: Right.

5               MS. STEINGASSER: Getting the  
6       buildings analyzed, getting the assessment of  
7       the utilities.

8               COMMISSIONER MAY: Right.

9               MS. STEINGASSER: There is -- they  
10      are also looking at most of these buildings  
11      are much larger than a single user, so they  
12      have got to divide the space up and that kind  
13      of thing.

14              COMMISSIONER MAY: Right. That's  
15      it for my follow-up questions. Thanks.

16              CHAIRMAN HOOD: Okay. Vice  
17      Chairman?

18              VICE CHAIR JEFFRIES: You know, I  
19      concur with much of what Commission May is  
20      saying in terms of perhaps, you know, we could  
21      have some additional information. And  
22      historically, you know, I have always been

1 very suspicious about emergency text  
2 amendments, figuring what the emergency is.

3 However, I'm sitting on another  
4 side for this one. I think, quite frankly,  
5 with this administration, taking on the huge  
6 task of dealing with DC Public Schools, I just  
7 don't want this Commission to at all be even  
8 perceived as a road block in terms of moving  
9 this process forward.

10 I think that I am compelled with  
11 what I consider to be a yeoman's task in terms  
12 of what the city has done, in terms of all the  
13 meetings with the communities and really  
14 trying to look at uses that respond to some of  
15 the wishes of the community.

16 And I don't see that I'm going to  
17 look at this any differently in a month or two  
18 from now than I look at it today. I just  
19 don't see where I would fall out any  
20 differently. Again, I mean, Commissioner May,  
21 I agree with you that there is probably -- we  
22 could have a lot more information here and I

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1 think a lot of your questions are very good  
2 ones.

3 But I do think that there is  
4 sufficient information here that we can, you  
5 know, go out on a leap of faith and move  
6 forward. I am willing, you know, to make a  
7 motion to -- you know, two motions. One could  
8 be just a regular set down and then one would  
9 be a motion that would be a set down for  
10 emergency text amendment.

11 CHAIRMAN HOOD: Let me do this --

12 VICE CHAIR JEFFRIES: Yeah.

13 CHAIRMAN HOOD: -- before you do  
14 that.

15 VICE CHAIR JEFFRIES: Yeah.

16 CHAIRMAN HOOD: Let me make sure  
17 by general consensus that we can accept the  
18 late filing of the OP report. Okay? Any  
19 general consensus? Okay. You can continue  
20 with the motion. And then if we make sure  
21 that we also include those recommendations.

22 VICE CHAIR JEFFRIES: Mr. Chair,

1 someone is in the audience motioning and I  
2 want you to make the statement about this is  
3 a meeting and --

4 CHAIRMAN HOOD: You want me to  
5 make it like I made it last week or else you  
6 come up with a new one. Do you want to be  
7 creative?

8 VICE CHAIR JEFFRIES: Okay. Just  
9 to make certain, I mean, you know, this is a  
10 meeting of the Zoning Commission and we don't  
11 take any testimony from those in the audience.  
12 So I don't want you to think I'm ignoring you.  
13 It's just, you know, our rules and regs.

14 Does anyone else have anything?  
15 So okay. Well, I would like to make a motion  
16 that -- the first motion is just to set down  
17 Zoning Commission Case No. 08-18, which would  
18 be a text amendment to allow for the reuse of  
19 the District of Columbia's Public School  
20 buildings. And this would be brought by the  
21 Office of Planning. And I ask for a second.

22 COMMISSIONER ETHERLY: Seconded,

1 Mr. Chair.

2 CHAIRMAN HOOD: Okay. It has been  
3 moved and properly seconded. Any further  
4 discussion? We also, Commissioner Jeffries,  
5 we may want to include --

6 VICE CHAIR JEFFRIES: I'm sorry.

7 CHAIRMAN HOOD: Yeah, we may want  
8 to include the authorization of the issuance  
9 of Notice of Proposed Rule Making.

10 VICE CHAIR JEFFRIES: Yes.

11 CHAIRMAN HOOD: Allow the  
12 immediate publication of the Public Hearing,  
13 authorize a 30 day Public Hearing notice  
14 instead of a 45 day. And then adopt the  
15 following text amendment on an emergency  
16 basis, A, B, C and D, which is, for the  
17 record, in the Office of Planning report.

18 VICE CHAIR JEFFRIES: Yeah. Set  
19 forth in the -- and the recommendations set  
20 forth in the June 9, 2008 Office of Planning  
21 report. Yeah.

22 CHAIRMAN HOOD: Okay. It has been



1 moved and properly seconded.

2 COMMISSIONER MAY: I need a  
3 clarification. I'm sorry. I thought we were  
4 having two motions. One was the set down for  
5 the hearing and then Items 1 through 3 in the  
6 Office of Planning's report.

7 VICE CHAIR JEFFRIES: Yes, this  
8 second --

9 COMMISSIONER MAY: The second  
10 motion is --

11 VICE CHAIR JEFFRIES: Yeah.

12 COMMISSIONER MAY: -- to adopt the  
13 text amendments that are enumerated in No. 4.  
14 Is that correct?

15 VICE CHAIR JEFFRIES: The first is  
16 just to set down the case on a non-emergency  
17 basis, based on the text amendments that are  
18 set forth in the June 9<sup>th</sup>.

19 CHAIRMAN HOOD: We are setting it  
20 down. And then we're going to come back and  
21 revisit the second request.

22 VICE CHAIR JEFFRIES: The motion,

1 the second --

2 CHAIRMAN HOOD: Do we're going to  
3 have two motions.

4 COMMISSIONER MAY: Right. But the  
5 second motion will have to do with the  
6 adopting the text amendments on an emergency  
7 basis, right?

8 VICE CHAIR JEFFRIES: Right.

9 COMMISSIONER MAY: Okay.

10 VICE CHAIR JEFFRIES: Right.

11 COMMISSIONER MAY: So it's Items 1  
12 through 3 in the Office of Planning report?

13 VICE CHAIR JEFFRIES: Oh, I see,  
14 yeah, that's correct.

15 CHAIRMAN HOOD: Text amendments.

16 VICE CHAIR JEFFRIES: That's  
17 correct. Okay. Should I strike that and do  
18 that again? Okay. Do you want to do it?

19 CHAIRMAN HOOD: Let me, hold on,  
20 ask this question. Shouldn't that be in our  
21 additional -- even though it says emergency  
22 basis, but shouldn't that be also for our main

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1 publication that's going out, because we're  
2 going to be dealing with that at the hearing.

3 MR. BERGSTEIN: No, sir. There is  
4 two questions. The first is do you want to  
5 hold a hearing on this? The second and along  
6 with holding a hearing on it, do you want to  
7 authorize certain actions that would expedite  
8 the process in general?

9 Then the second question is do you  
10 want to have this rule have an immediate  
11 effect as of now? And that's the second  
12 issue.

13 CHAIRMAN HOOD: That's --

14 VICE CHAIR JEFFRIES: Okay. Let  
15 me strike my last -- let me strike the last  
16 motion and I will submit -- I will do another  
17 motion.

18 CHAIRMAN HOOD: No, I think your  
19 motion was fine.

20 VICE CHAIR JEFFRIES: Okay. It's  
21 fine?

22 CHAIRMAN HOOD: Except for No. 4.

1 VICE CHAIR JEFFRIES: Yeah, strike  
2 4. Okay. So the first motion, the motion was  
3 based on the first three recommendations from  
4 the June 9, 2008 Office of Planning report.  
5 And that we did a second, and did we vote?

6 CHAIRMAN HOOD: No. Any further  
7 discussion? I will just say that the  
8 correction of the additional -- strike the  
9 additional and community, I think that's what  
10 it was, we want to make sure that's stricken  
11 from the record.

12 VICE CHAIR JEFFRIES: Okay.

13 CHAIRMAN HOOD: I don't know if  
14 that was a typo mistake or whatever.

15 COMMISSIONER MAY: But that's part  
16 of the second motion anyway.

17 CHAIRMAN HOOD: Mr. May, you are  
18 really good at making sure you are on top of  
19 things.

20 CHAIRMAN HOOD: Okay. Let's go  
21 with 1, 2 and 3.

22 VICE CHAIR JEFFRIES: Okay. So --

1 CHAIRMAN HOOD: Okay. Any further  
2 discussion? All in -- maybe that's the  
3 problem, too much discussion.

4 All those in favor?

5 ALL: Aye.

6 CHAIRMAN HOOD: Any opposition?  
7 So ordered. Staff can record the vote.

8 MS. SCHELLIN: Staff records the  
9 vote 5-0-0 to set down Zoning Commission Case  
10 No. 08-18 as a rule making case. Commissioner  
11 Jeffries moving, Commissioner Etherly  
12 seconding, Commissioners May and Jeffries --  
13 May, Jeffries and Hood in support and -- I'm  
14 sorry, May and Hood in support and  
15 Commissioner Turnbull in support by absentee  
16 ballot.

17 CHAIRMAN HOOD: Okay. Mr.  
18 Jeffries?

19 VICE CHAIR JEFFRIES: Okay. So  
20 then let's do the second motion and that is to  
21 adopt the following text amendments on an  
22 emergency basis. Okay. Pertaining to Case

1 No., Zoning Commission Case No. 08-18, and  
2 that is No. 4 under the recommendations set  
3 forth in the June 4<sup>th</sup> Office of Planning  
4 report.

5 That adopts -- that is amendment  
6 to add a definition for community service use,  
7 amendment to 201.1 by the addition of a new  
8 201.1 to allow for the matter-of-right reuse  
9 of DC Public School buildings, repeal of 222,  
10 an amendment to 2101.1 to provide a parking  
11 schedule for uses allowed, pursuant to the  
12 proposed amendments. And I ask for a second.

13 COMMISSIONER ETHERLY: Seconded,  
14 Mr. Chair.

15 CHAIRMAN HOOD: It is moved and  
16 properly seconded. Any further discussion?  
17 Any further discussion?

18 All those in favor?

19 COMMISSIONER ETHERLY: Aye.

20 CHAIRMAN HOOD: Aye.

21 VICE CHAIR JEFFRIES: Aye.

22 CHAIRMAN HOOD: Any opposition?

1 COMMISSIONER MAY: Oppose.

2 CHAIRMAN HOOD: Okay. Ms.

3 Schellin, could you record the vote, also with  
4 the absentia?

5 MS. SCHELLIN: Okay. Yes.

6 CHAIRMAN HOOD: Absentee ballot.

7 MS. SCHELLIN: Staff records the  
8 vote 4-1-0 to approve Zoning Commission Case  
9 No. 08-18 or rather to adopt the emergency  
10 language in Zoning Commission Case No. 08-18.  
11 Commissioner Jeffries moving, Commissioner  
12 Etherly seconding, Commissioner Hood in  
13 support, Commissioner Turnbull in support by  
14 absentee ballot, Commissioner May opposed.

15 CHAIRMAN HOOD: Okay. Ms.  
16 schellin, do we have anything else before us  
17 in our Special Public Meeting?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: Okay. With that,  
20 this Special Public Meeting is adjourned.

21 (Whereupon, the Special Public  
22 Meeting was concluded at 7:25 p.m.)