

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

SEPTEMBER 12, 2011

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Terrily 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
KONRAD W. SCHLATER, Vice Chairman
GREG M. SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, ESQ., General Counsel

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District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

(202) 234-4433

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy
Director, Development Review &
Historic Preservation
JOEL LAWSON
MAXINE BROWN-ROBERTS
MATT JESICK
PAUL GOLDSTEIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the
minutes from the Regular Public Meeting held
on September 12, 2011.

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

2 6:30 p.m.

3 CHAIRMAN HOOD: Okay. This
4 meeting will please come to order. Good
5 evening, ladies and gentlemen. This is the
6 September 12, 2011 Public Meeting of the
7 Zoning Commission for the District of
8 Columbia.

9 My name is Anthony Hood. Joining
10 me are Vice Chairman Schlater, Commissioner
11 May, Turnbull, and Selfridge.

12 I want to ask from the dais, other
13 than the Commissioners to my left, if you can
14 introduce yourselves and who you're
15 representing?

16 MS. SCHELLIN: Sharon Schellin,
17 Secretary to the Zoning Commission, Office of
18 Zoning.

19 MS. HANOUSEK: Donna Hanousek,
20 Office of Zoning.

21 MS. BUSHMAN: Esther Bushman,
22 Office of Zoning.

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1 MR. RITTING: Jacob Ritting,
2 Office of the Attorney General.

3 CHAIRMAN HOOD: Okay. And if I
4 can start with the Office of Planning to my
5 right?

6 MS. STEINGASSER: Jennifer
7 Steingasser, Office of Planning.

8 MR. LAWSON: Joel Lawson, Office
9 of Planning.

10 MS. BROWN-ROBERTS: Maxine Brown-
11 Roberts, the Office of Planning.

12 MR. GOLDSTEIN: Paul Goldstein,
13 Office of Planning.

14 CHAIRMAN HOOD: Okay. And for the
15 note, we are located in the new main hearing
16 room of Jerrily Kress, a former director.

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 this

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1 proceeding is being recorded by a court
2 reporter and is 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: If not, let us
11 proceed with the agenda.

12 Commissioners, unless you
13 otherwise may disagree, I wanted to move the
14 agenda around. I want to take final action
15 first, hearing action second, and proposed
16 action we'll do -- I think there will be more
17 detail so let's do that third, unless I hear
18 any objections.

19 Okay. Let's move right into final
20 action. Zoning Commission Case No. 10-19,
21 Office of Planning, Map and Text Amendment, H
22 Street Overlay, Zoning Consistency at Squares

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1 1050, et al.

2 Ms. Schellin?

3 MS. SCHELLIN: Yes, sir. If
4 you'll recall, this case had come before the
5 Commission for final action a few months back.

6 However, between OP and ANC-6A, they asked
7 that the Commission defer action until tonight
8 to allow them some time to maybe come to a
9 different agreement.

10 The Commission had left the record
11 open until September 6 to receive anything
12 that the ANC and OP wanted to submit.

13 However, ANC-6A did not make a
14 submittal until September 9, which I have
15 tonight if the Commission -- they've also made
16 a request to reopen the record to accept that
17 request.

18 If the Commission would like to
19 see that letter, I do have it this evening to
20 give to you. But I would need the Commission
21 to reopen the record to accept that because it
22 was late. The record was closed.

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1 CHAIRMAN HOOD: Is this from the
2 ANC?

3 MS. SCHELLIN: It is from ANC-6A.

4 CHAIRMAN HOOD: Okay.
5 Commissioners, I don't have any objections.

6 Do we have any objections? Any
7 objections?

8 I'm not seeing any, Ms. Schellin.

9 MS. SCHELLIN: I'll pass that out.

10 CHAIRMAN HOOD: It's going to take
11 us a few moments, I guess, to read it.

12 In speed reading this, it looks as
13 though the ANC is in agreement with the Office
14 of Planning with two lots. Three lots
15 apparently, on the other hand, the ANC-6A
16 strongly believes that Lots 840, 841, and 804
17 should be downsized from C-3-A to C-2-A as in
18 the proposed final order.

19 Apparently they agree with Office
20 of Planning, Mr. Lawson?

21 MR. LAWSON: Yes. That's
22 absolutely correct. The position of the ANC

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1 and OP is in line.

2 CHAIRMAN HOOD: Okay. All right.

3 Commissioners, any other comments or
4 questions, concerns?

5 We do have what is being presented
6 to us. It looks like everybody is on the same
7 page now.

8 Office of Planning for approval of
9 the proposed text amendment with the
10 modification of the properties at Lot 849.
11 Lots 141, 142, and 143 within Square 1027
12 retain the current C-3-A zoning but be rezoned
13 and included within the H Street Overlay
14 consistent with the properties directly to the
15 north.

16 Hopefully that's captured
17 everything in a nutshell.

18 Any other comments?

19 Okay. Not hearing any, I would
20 move to approve --

21 VICE CHAIRMAN SCHLATER: Mr.

22 Chairman, I just would say --

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1 CHAIRMAN HOOD: Sure.

2 VICE CHAIRMAN SCHLATER: I voted
3 against the text amendment the first time
4 around and I'm going to continue to vote
5 against it this time around.

6 Because I don't believe -- I think
7 this modification that we're approving tonight
8 sort of exemplifies why we shouldn't be doing
9 this.

10 We can have well designed, more
11 dense residential projects on this portion of
12 H Street, the portion of H Street that is
13 going to be served by a streetcar line very
14 soon. It doesn't make any sense at all to me
15 to downzone these properties right now. So I
16 remain unconvinced on that point.

17 I think the changes that we're
18 adopting tonight, I guess, get us closer to
19 that because we're not downzoning as many
20 lots. But we haven't gotten far enough, in my
21 opinion.

22 CHAIRMAN HOOD: Okay. Thank you,

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1 Vice Chairman.

2 Any other comments?

3 Okay. I will move for approval of
4 Zoning Commission Case No. 10-19, Office of
5 Planning, Map and Text Amendment, H Street
6 Overlay, Zoning Consistency at Squares 1050,
7 et al, and ask for a second.

8 COMMISSIONER TURNBULL: Second.

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

11 Any further discussion?

12 Are you ready for the question?

13 All who is in favor?

14 PARTICIPANTS: Aye.

15 CHAIRMAN HOOD: Any opposition?

16 VICE CHAIRMAN SCHLATER: No.

17 CHAIRMAN HOOD: Okay. Staff,
18 would you please record the vote?

19 MS. SCHELLIN: Yes. Staff records
20 the vote 4-1-0 to approve final action on
21 Zoning Commission Case No. 10-19, Commissioner
22 Hood moving, Commissioner Turnbull seconding,

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1 Commissioners May and Selfridge in support,
2 Commissioner Schlater opposed.

3 CHAIRMAN HOOD: Okay. Next,
4 Zoning Commission Case No. 11-01, Office of
5 Planning, Text Amendment at Section 2116,
6 Location of Parking Spaces.

7 Ms. Schellin?

8 MS. SCHELLIN: Yes, sir. At
9 Exhibit 18 we have an NCPC report where they
10 had no adverse issues.

11 At Exhibit 19, we have a letter
12 from the Committee of 100.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, the committee has asked us not
15 to go forward at this time. I guess they want
16 the Office of Planning to do more evaluation
17 about some of the language we have in the
18 text.

19 I'm sure we have the committee's
20 proposal in front of us.

21 Can we open up for any comments?

22 Maybe we can have a dialogue with

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1 the Office of Planning. I know this is not
2 normally what we do but we'll see if we can
3 maybe cut some of this and have a conversation
4 with the Office of Planning. I know we did at
5 the hearing but maybe we can fine tune some of
6 this.

7 Vice Chairman Schlater?

8 VICE CHAIRMAN SCHLATER: I guess
9 the main argument here is that the proposed
10 text amendment would actually be in conflict
11 with the Comprehensive Plan regarding the
12 unbundling of parking costs.

13 I'm just not seeing the connection
14 there. Maybe one of my fellow Commissioners
15 can explain to me what it is.

16 CHAIRMAN HOOD: Do any of the
17 Commissioners feel like explaining to the Vice
18 Chairman? I know I don't. I'm having a hard
19 enough time myself.

20 So Vice Chairman Schlater, you're
21 saying that you don't see what unbundling has
22 to do with -- in other words, you don't buy

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1 the Committee of 100's argument?

2 Let me ask you this. Look at
3 2116. I'm not saying I buy it or not. But
4 let's look at -- I tried to look at what they
5 were speaking of. I looked at -- I think this
6 is 2116.4. It talks about it.

7 Ms. Gates, she's here tonight.
8 She actually mentioned that at the hearing,
9 about what actually are we changing in the
10 front of some of the single-family homes, in
11 the lot line? That's what I characterized
12 from her letter. That's what I think she's
13 trying to figure out. What are we doing here?

14 VICE CHAIRMAN SCHLATER: My
15 understanding is it doesn't impact any
16 existing structure. If you have a house and
17 you've got parking in front of your house
18 today within that restricted area, you're
19 still going to be allowed to park there.

20 I think what we're talking about
21 is future development, new homes. In that
22 case you would be restricting the ability to

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1 put parking in that area. Theoretically you
2 would be restricting the supply of parking in
3 the long run in the District.

4 CHAIRMAN HOOD: The way I
5 interpret it, in some neighborhoods we're
6 changing the whole character, what's already
7 been existing. Is that what we want to do?

8 In the letter that Ms. Gates -- I
9 have it highlighted it somewhere. She
10 mentioned carports and a parking light right
11 in front of the window of the homes. In some
12 houses that is the character of the city. It
13 might not be all over the city but we're
14 making a major change.

15 I'm not arguing for it or against
16 it. I'm just getting a discussion going.
17 I've got to feel where everybody is.

18 COMMISSIONER TURNBULL: I'm trying
19 to remember the discussions that went on. But
20 I think it was Ms. Gates that brought up a
21 question that night about a driveway that did
22 not go all the way back past the house to a

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1 garage but simply was at the side, and that
2 people had been parking on these driveways for
3 years, and would they now be excluded from
4 doing so.

5 I think Commissioner May got into
6 some questions on that. But I think that was
7 her big issue at the time.

8 I think we were trying to say that
9 would not impact it. Maybe OP could comment
10 on that but I thought -- I'm not sure exactly
11 how that finally ended up.

12 COMMISSIONER MAY: My sense of
13 things is that we were not doing something
14 that was going to be a radical change --

15 COMMISSIONER TURNBULL: Yes.

16 COMMISSIONER MAY: -- from what's
17 permitted right now.

18 COMMISSIONER TURNBULL: Right now.

19 COMMISSIONER MAY: Many of the
20 circumstances that were described that the
21 committee was concerned would no longer be
22 allowed are not allowed now under the current

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1 regulations.

2 COMMISSIONER TURNBULL: Okay.

3 COMMISSIONER MAY: Yes. I think
4 there may be some cases -- I'm intrigued by
5 the diagram that's on the last page of this
6 which refers to a building facade line versus
7 a building restriction line when they are not
8 coincident.

9 Are we now saying you can't park
10 anywhere forward of the face of the building
11 or anywhere in front of the face of the
12 building? That's where the new regs are.

13 Theoretically there's a space
14 there in some circumstances where there's a
15 separate building restriction line. In other
16 words, the lot line is not coincident with the
17 face of a house.

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER MAY: So, yes.
20 There's theoretically a small area there where
21 we would be preventing parking that were
22 previously legal. But I don't know how

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1 frequently that condition actually occurs.

2 MS. STEINGASSER: As you stated,
3 Commissioner May, the new regulations would
4 not impact, would not require people no longer
5 park in their existing parking spaces. There
6 would be no forced removal of parking spaces.

7 People would be able to continue to use --
8 their property would not be deemed
9 nonconforming because of the location of their
10 parking.

11 New construction, new residential
12 construction, if this case existed which we
13 typically do not see anymore, then the parking
14 would be required to be behind the facade of
15 the house or the front line. But it could be
16 to the side. It would just need to be behind
17 the building front.

18 COMMISSIONER MAY: I see the
19 potential loss of parking from this
20 circumstance in new construction to be minimal
21 if any at all.

22 And is it a bad thing that we

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1 require them to park beyond the facade of the
2 building? No.

3 Actually, I think if there's going
4 to be a driveway in the front of the house I'd
5 rather see the cars alongside the house than
6 in the front yard. But I don't think it's
7 that frequent of a circumstance.

8 CHAIRMAN HOOD: Let me ask it like
9 this. Does anyone see any reservation or
10 should we hold on the Committee of 100's
11 recommendation asking us not to move forward
12 at this time?

13 Not hearing anything.

14 The ANC also mentioned it was
15 concerned that the proposed text would limit
16 the ability of residents to replace their
17 driveways and garages in the future.

18 I think that kind of goes along
19 with the Committee of 100. Parking would
20 become even more of a problem for neighborhood
21 residents in the future.

22 It also goes on that they wanted

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1 to talk about the residential parking permit
2 program, which is inadequate to ensure that
3 neighborhood street parking is available to
4 local residents.

5 Does anyone have any reservation
6 or hesitation on any of that?

7 Any further discussion?

8 Vice Chairman Schlater?

9 VICE CHAIRMAN SCHLATER: Mr.
10 Chairman, I'd like to make a motion that we
11 approve Zoning Case No. 11-01, Text Amendment,
12 location of parking spaces on a lot.

13 CHAIRMAN HOOD: It's been moved.

14 Can I get a second?

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: Moved and properly
17 seconded.

18 Any further discussion?

19 Are you ready for the question?

20 All those in favor?

21 ALL: Aye.

22 CHAIRMAN HOOD: Not hearing any

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

3 MS. SCHELLIN: The staff records
4 the vote 5-0-0 to approve final action on
5 Zoning Commission Case No. 11-01, Commissioner
6 Schlater moving, Commissioner May seconding,
7 Commissioners Hood, Selfridge, and Turnbull in
8 support.

9 CHAIRMAN HOOD: Okay. Moving
10 right along. Let's go to Zoning Commission
11 Case No. 11-04. This is SeVerna LLC and
12 Golden Rule Apartments, Inc. Map Amendment at
13 Square 621.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. We have
16 at Exhibit 28 an NCPC report. Again, there
17 were no adverse issues found in this case.

18 CHAIRMAN HOOD: Okay. Thank you.

19 You've heard the report from the
20 NCPC. Were there any outstanding issues? I
21 know we probably covered a lot of what's been
22 proposed. Anything else we have outstanding?

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1 I don't have anything listed. Okay.

2 With that I would move that we
3 approve Zoning Commission Case No. 11-04 and
4 ask for a second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: Moved and properly
7 seconded.

8 Any further discussion?

9 Are you ready for the question?

10 All those in favor?

11 ALL: Aye.

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

15 MS. SCHELLIN: Staff will record
16 the vote 4-0-1 to approve final action on
17 Zoning Commission Case No. 11-04, Commissioner
18 Hood moving, Commissioner May seconding,
19 Commissioners Schlater and Turnbull in
20 support, Commissioner Selfridge not voting
21 having not participated.

22 VICE CHAIRMAN SCHLATER: I don't

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1 think I participated.

2 MS. SCHELLIN: Okay. Staff will
3 record the vote 3-0-2 to approve final action
4 on Zoning Commission Case No. 11-04,
5 Commissioner Hood moving, Commissioner May
6 seconding, Commissioner Turnbull in support,
7 Commissioners Schlater and Selfridge not
8 voting not having participated.

9 CHAIRMAN HOOD: Okay. Thank you.

10 Next let's go to Zoning Commission
11 Case No. 08-27A, American Institute of
12 Architects, Two-Year PUD Time Extension.

13 Did I miss one? I must be trying
14 to hurry up and get home. Is Monday night
15 football on? Okay.

16 Zoning Commission Case 11-05, the
17 Forest City Washington Text Amendment: Section
18 1805.9.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes. All right.
21 Exhibit 25. Again, NCPC report. And once
22 again, no adverse issues.

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1 CHAIRMAN HOOD: Okay. Any
2 comments? Let's open it up.

3 Vice Chairman Schlater, any
4 comments?

5 Would somebody like to make a
6 motion?

7 VICE CHAIRMAN SCHLATER: Mr.
8 Chairman, I would like to make a motion that
9 we approve Zoning Commission Case No. 11-05,
10 Text Amendment to Section 1805 to permit
11 general office use on the second floor of
12 Building 173 in the Southeast Federal Center
13 on an interim basis.

14 COMMISSIONER TURNBULL: Second.

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

17 Any further discussion?

18 All those in favor?

19 ALL: Aye.

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

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1 MS. SCHELLIN: Staff records the
2 vote 4-0-0 to approve final action on Zoning
3 Commission Case No. 11-05, Commissioner
4 Schlater moving, Commissioner Turnbull
5 seconding, Commissioners Hood, May, and
6 Selfridge in support.

7 CHAIRMAN HOOD: Okay. Next let's
8 go to the one I was trying to get to, Zoning
9 Commission Case No. 08-27A. This is the
10 American Institute of Architects Two-Year PUD
11 Time Extension at Square 170.

12 Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. At
14 Exhibit 4 we have an ANC-2A report voting 5-0
15 against extending the PUD.

16 At Exhibit 5 we have a letter from
17 the applicant responding to the ANC's letter.

18 We do have an OP report
19 recommending approval of the extension.

20 CHAIRMAN HOOD: Okay.
21 Commissioners, I think Ms. Schellin has framed
22 the issue.

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1 I'm not sure and I'm trying to
2 recall if this is an issue that was brought up
3 once before by WECA and also ANC-2A. We
4 already ruled on that in the order that we
5 submitted in this case. It seems like this is
6 the same issue coming back up.

7 But it goes on to talk about a
8 two-year time extension. In the Office of
9 Planning's report I think they frame it.

10 They said, "The applicant has been
11 unable to obtain sufficient project finance
12 support. The proposed building is a result of
13 the continuing credit crisis which is beyond
14 the applicant's reasonable control. Therefore
15 there is substantial evidence that there is
16 good cause for requested extension."

17 We have Exhibit 1. It's the
18 applicant's submission. There are a number of
19 letters, I think, behind Tab C. Behind Tab C
20 we have an affidavit from the Chief Financial
21 Officer.

22 But anyway, let me open it up.

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1 Any questions? Do we have any comments on the
2 extension?

3 Would somebody like to make a
4 motion?

5 COMMISSIONER TURNBULL: Mr. Chair,
6 I'd like to make a motion that we approve
7 Zoning Commission Application No. 08-27 and
8 08-27A, PUD extension request, the American
9 Institute of Architects, 1735 and 1799 New
10 York Avenue Northwest, Square 170, Lots 38 and
11 39.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Mr. Turnbull.

14 It's been moved.

15 Can I get a second?

16 COMMISSIONER SELFRIDGE: Second.

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

19 Any further discussion?

20 All those in favor?

21 ALL: Aye.

22 CHAIRMAN HOOD: Not hearing any

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

3 MS. SCHELLIN: Staff records the
4 vote 5-0-0 to approve final action on Zoning
5 Commission Case No. 08-27A, Commissioner
6 Turnbull moving, Commissioner Selfridge
7 seconding, Commissioners Hood, May, and
8 Schlater in support.

9 CHAIRMAN HOOD: Okay. Next Zoning
10 Commission Case No. 03-12L/03-13L, the Capper
11 Carrollsburg Venture, LLC and DCHA Two-Year
12 PUD Time Extension at Squares 769 and 882.

13 Ms. Schellin?

14 MS. SCHELLIN: Yes, sir. We have
15 an OP report -- I keep wanting to say OAG, but
16 an OP report recommending approval at Exhibit
17 4.

18 However, at Exhibit 5 we do have
19 an ANC letter requesting that the record
20 remain open until September 16. They are
21 having their meeting this evening. I believe
22 the applicant is actually presenting before

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1 them this evening.

2 I did speak to the applicant's
3 attorney and they have no problem with
4 deferring this case to the Commission's
5 September 26 meeting.

6 CHAIRMAN HOOD: Okay. I think
7 it's always good when we work in harmony. So
8 unless I hear any objection, we will hold off
9 and deal with this at our September 26 public
10 meeting.

11 Thank you. Let's move right to
12 the next case, which is Zoning Commission Case
13 No. 11-06, Urban Investment Partners, Map
14 Amendment at Square 3028.

15 MS. SCHELLIN: We have at Exhibit
16 37 a post-hearing filing from the applicant.

17 At Exhibit 38, an NCPC report.
18 Once again, no adverse issues from NCPC.

19 CHAIRMAN HOOD: We don't normally
20 just get up and walk out but he's finished
21 with his cases. He's probably trying to catch
22 the game. That's what it is.

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1 MS. SCHELLIN: Just to let you
2 know, I do have two absentee ballots from him
3 for the other two cases he will be voting on.

4 CHAIRMAN HOOD: Okay. Urban
5 Investment Partners Map Amendment at Square
6 3028, Commissioners.

7 Would somebody like to start us
8 off with discussion?

9 VICE CHAIRMAN SCHLATER: Just as a
10 preliminary matter, I think the last time
11 around we didn't give the ANC recommendation
12 on this case great weight because they hadn't
13 recorded the actual vote in their letter to
14 us.

15 But our lawyers have correctly
16 informed us that our regulations and the ANC
17 Act don't require actually that the vote be
18 recorded.

19 So I think I'm comfortable giving
20 the ANC recommendation great weight in this
21 case.

22 MR. RITTING: That's correct.

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1 That was my advice. I think that their letter
2 did comply with the ANC Act.

3 There was some confusion because
4 the Zoning Regulations have a separate
5 requirement for when ANCs want to participate
6 as parties. It appears that their letter
7 didn't comply with that requirement.

8 However, they weren't seeking to
9 participate as a party and the issue of
10 whether you give their written recommendation
11 great weight is a separate question.

12 Fortunately their letter was in
13 support and that's consistent with the action
14 that you took previously. So it's sufficient
15 for you just to note that you're taking it
16 into consideration now and you're giving it
17 great weight.

18 CHAIRMAN HOOD: Okay. We will
19 retract that, I guess, and give the ANC great
20 weight in this case. The only specific reason
21 I think it was stated was because of the vote.

22 But as we've been counseled, it's not a

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1 requirement.

2 So we want to make sure we reflect
3 to the ANC that we will be affording great
4 weight. Like you said, it's good, it was
5 already in support. That makes things a lot
6 easier.

7 Any other comments, Commissioners?

8 VICE CHAIRMAN SCHLATER: Mr.
9 Chairman, the only other thing is I think we
10 had only one real open issue after leaving the
11 hearing that night.

12 That was addressing some of the
13 concerns that were raised by a neighbor about
14 the management of that property. There were
15 issues of trash, rodents, lighting, property
16 management issues.

17 I think the applicant has
18 addressed those issues in a letter and have
19 committed to work to improve the management of
20 the property. I'm certainly comfortable
21 moving forward tonight.

22 CHAIRMAN HOOD: As you've stated,

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1 I think you're exactly correct. I think the
2 applicant has outlined even though they have
3 not gotten a response from that particular
4 resident who had some of the issues. But
5 that's here in the record so that has been
6 addressed as was asked by Mr. Green.

7 Any other questions or comments?

8 Okay. I would move that we
9 approve Zoning Commission Case No. 11-06 and
10 ask for a second.

11 VICE CHAIRMAN SCHLATER: Second.

12 CHAIRMAN HOOD: Moved and properly
13 seconded.

14 All those in favor?

15 ALL: Aye.

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

19 MS. SCHELLIN: Yes. Staff records
20 the vote 4-0-1 to approve final action on
21 Zoning Commission Case No. 11-06, Commissioner
22 Hood moving, Commissioner Schlater seconding,

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1 Commissioners May and Turnbull in support,
2 Commissioner Selfridge not voting having not
3 participated.

4 COMMISSIONER MAY: I need to
5 correct that. I did not vote on this case. I
6 didn't hear the case.

7 MS. SCHELLIN: Okay. Staff would
8 correct the vote 3-0-2, Commissioner Hood
9 moving, Commissioner Schlater seconding,
10 Commissioner Turnbull in support,
11 Commissioners May and Selfridge not voting
12 having not participated.

13 CHAIRMAN HOOD: Okay. Next the
14 Office of Planning. This is Zoning Commission
15 Case No. 11-10, Office of Planning, Map
16 Amendment and Variance at Dunbar High School.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes. We have one
19 exhibit in this case that came in, Exhibit 24,
20 an NCPC report. No adverse issues with this
21 case.

22 CHAIRMAN HOOD: Okay.

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1 Commissioners, I think you remember we had a
2 pretty straightforward case about the
3 rebuilding/renovation of Dunbar High School.

4 So let me open it up. Any
5 questions or comments? Okay.

6 Remember Commissioners, we are
7 looking at the variance test. Is there any
8 extraordinary or exceptional condition
9 affecting the property? The second prong,
10 where practical difficulty or care of the
11 Zoning Regulations are strictly enforced.
12 Will granting the application result in a
13 substantial detriment to public good or impair
14 the Zone Plan?

15 I think that the first prong,
16 there are a number of things we can look at.
17 The existing school building is very overly
18 large for the school's current and expected
19 enrollment and needs to be modernized. I
20 think that's the key.

21 We looked at all the different
22 labs and things that now go into a school

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1 system.

2 And then when you talk about the
3 practical difficulty, the newly configured
4 site and all its programmatic needs including
5 classroom labs, administrative spaces, outdoor
6 recreation centers, and the track at Dunbar, I
7 think that creates the difficulty.

8 But then when you look to the cost
9 of constructing an underground parking and
10 loading facility, when you're using public
11 money it's not advantageous to dig deep for a
12 parking garage.

13 I think that would be definitely
14 not advantageous for us to hold a strict
15 application of the Zoning Plan, a detriment to
16 the public good or an improvement of the Zone
17 Plan.

18 We have two Metro stations that
19 are close by and there are a lot of bus lines
20 which run. So I don't see any detriment in
21 that case.

22 Also most of the time, unless

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1 things have changed, I've been out of school a
2 few years but in high school I don't remember
3 any 55-foot trucks backing up to deliver
4 anything. I don't know. On the first day
5 maybe there was some furniture or something.
6 But I don't remember seeing that and I don't
7 think that would cause any detriment to the
8 public good.

9 Would anybody else like to chime
10 in on this?

11 It's kind of hard because I went
12 to McKinley Tech. We didn't like Dunbar so
13 it's hard for me to deliberate on this one.

14 COMMISSIONER MAY: I would just
15 add, I think that what's being done to the
16 site overall with the reopening of O Street is
17 an exceptional condition and benefit to the
18 site. So you go from ample land and a
19 highrise structure to a more manageable height
20 of structure.

21 You don't want to build school
22 buildings too high because then you wind up

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1 having to move between floors on elevators or
2 something like that. That's not really
3 practical in a high school so there's a
4 practical limit for how high a high school
5 would be. You can't gain land area by
6 building taller.

7 It's really not practical to build
8 massive underground garages, I think, for a
9 variety of reasons in this circumstance.

10 I also think frankly there is
11 precedent for other high schools that are
12 located approximate to transit to be able to
13 have a reduced parking requirement.

14 I know the School Without Walls
15 has very few parking spaces available to them
16 and only on the GW campus. They seem to
17 manage with that limited number and a lot of
18 the teachers simply don't require them.

19 It's a little bit different, I
20 think, if it were a more remote location and
21 there was a more defined need for all of the
22 teachers who come to the campus to park. But

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1 I think in this case this is a manageable
2 circumstance.

3 Thanks.

4 CHAIRMAN HOOD: Anybody else?

5 COMMISSIONER TURNBULL: I'd just
6 concur with everything the two of you said.

7 CHAIRMAN HOOD: All right. With
8 that --

9 VICE CHAIRMAN SCHLATER: Mr.
10 Chairman, I'd be happy to make a motion that
11 we approve Zoning Commission Case No. 11-10,
12 Dunbar High School, variances and map
13 amendment.

14 COMMISSIONER TURNBULL: Second.

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

17 Any further discussion?

18 Are you ready for the question?

19 All those in favor?

20 ALL: Aye.

21 CHAIRMAN HOOD: Not hearing
22 opposition, Ms. Schellin, would you please

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1 record the vote?

2 MS. SCHELLIN: Yes. Staff records
3 the vote 5-0-0 to approve final action on
4 Zoning Commission Case No. 11-10, Commissioner
5 Schlater moving, Commissioner Turnbull
6 seconding, Commissioners Hood and May in
7 support, Commissioner Selfridge in support by
8 absentee ballot.

9 CHAIRMAN HOOD: As stated earlier
10 at the beginning of this meeting, I moved the
11 agenda so we can go through with the hearing
12 action. Zoning Commission Case No. 11-19,
13 30th Street Crescent, LLC, Map Amendment at
14 Square 4376.

15 Ms. Brown-Roberts?

16 MS. BROWN-ROBERTS: Good evening,
17 Mr. Chairman and members of the Commission. I
18 am Maxine Brown-Roberts from the Office of
19 Planning.

20 The 30th Street LLC has submitted
21 an application to enable the development of 27
22 townhouses within the Woodridge neighborhood.

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1 The application includes a map amendment from
2 the R-1-B Zone to the R-5-A Zone.

3 I request that the Zoning
4 Commission retain jurisdiction to hear and
5 decide special exception review for
6 residential development in the R-5-A District,
7 special exception review for multiple
8 buildings on a single subdivided lot, and
9 variance relief from the FAR lot occupancy
10 side, rear, and front yard requirements.

11 I would like to note that the
12 Zoning Commission has entertained requests to
13 hear special exception and variance concurring
14 with map amendments previously.

15 Regarding the proposed map
16 amendment, the property is in the R-1-B
17 District which is designated for low-density,
18 single-family detached dwellings while the R-
19 5-A Zone is designated for moderate density
20 dwellings.

21 The Future Land Use Map of the
22 2006 Comprehensive Plan and amended by the

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1 Comprehensive Plan Amendment Act of 2010
2 designates the property as moderate-density
3 residential.

4 The Comprehensive Plan designates
5 the R-5-A Zone as a moderate-density
6 residential zone and includes rowhouses.

7 The proposed R-5-A Zone and
8 rowhouse development is therefore not
9 inconsistent with the Future Land Use Map.

10 The development is also not
11 inconsistent with the Neighborhood
12 Conservation area designation of the
13 generalized policy map which encourages infill
14 housing.

15 Further, the proposal is not
16 inconsistent with many of the elements of the
17 Comprehensive Plan regarding land use,
18 housing, environment, and the Upper Northeast
19 Area elements.

20 Regarding the special exception
21 review under Section 353, the applicant has
22 submitted the required maps and drawings which

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1 will be reviewed by the named agencies.

2 The Office of Planning has
3 reviewed the plan submitted and requests that
4 the applicant provide additional rear and side
5 yard elevations of the building, detailed
6 landscape plans showing the views into and
7 from adjacent properties, an elevation plan
8 for retaining walls, and grading plans.

9 The proposal to subdivide the
10 property into 27 lots, each with a principal
11 building, and one lot dedicated to a private
12 right-of-way and open spaces, requires special
13 exception review under Section 2516, which is
14 the exception to build a lot control in
15 residence districts.

16 The proposal meets the allowed FAR
17 and lot occupancy requirements for the overall
18 development, although they have requested
19 variances for those requirements on the
20 individual lots that do not meet them.

21 OP has requested that the
22 applicant provide a detailed analysis of how

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1 the proposal meets special exception
2 requirements as well as a variance test.

3 In summary, the proposed map
4 amendment is not inconsistent with the
5 Comprehensive Plan.

6 OP will continue to work with the
7 applicant, other District agencies, the ANC,
8 and neighbors to ensure coordination of this
9 proposal and the resolution of concerns on the
10 requested special exception and variances.

11 The Office of Planning recommends
12 that the Zoning Commission set down the
13 application for public hearing.

14 Again, in order to fully review
15 the application the applicant should provide
16 prior to the public hearing detailed
17 elevations, a detailed landscape plan, drawing
18 of views from the adjacent single-family
19 residences to demonstrate their relationship,
20 grading plans, a complete lot tabulation
21 chart, and a full analysis of the required
22 special exceptions and variances.

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1 Thank you, Mr. Chairman. I'm
2 available for questions.

3 CHAIRMAN HOOD: Thank you very
4 much, Ms. Brown-Roberts.

5 I just want to make one
6 correction. This is not in the Woodridge
7 neighborhood. This is in the Gateway
8 community.

9 MS. BROWN-ROBERTS: Thank you.

10 CHAIRMAN HOOD: Being the
11 president of the Woodridge Civic Association,
12 I said wait a minute. But anyway, this is in
13 the Gateway community.

14 Commissioners, any questions or
15 comments?

16 Mr. May?

17 COMMISSIONER MAY: Yes. What's
18 going on with the wooded area that's
19 immediately adjacent to the west?

20 MS. BROWN-ROBERTS: The west,
21 that's a very steep area that is going to
22 remain undeveloped. It's not owned by the

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1 applicant.

2 COMMISSIONER MAY: Is it owned by
3 another private landowner?

4 MS. BROWN-ROBERTS: I'm not 100
5 percent sure. Are you asking if it's the
6 District or --

7 COMMISSIONER MAY: Yes.

8 MS. BROWN-ROBERTS: I'm not sure.
9 I'd have to check and get back to you on
10 that.

11 COMMISSIONER MAY: Okay. Is it a
12 single parcel that connects down to V Street?
13 Am I reading that right in one of these
14 plans?

15 MS. BROWN-ROBERTS: The C-M-1 Zone
16 parcel, yes. That's a single parcel.

17 COMMISSIONER MAY: Okay. Was
18 there originally a plan for a cul-de-sac type
19 development?

20 MS. BROWN-ROBERTS: Yes. I don't
21 know if there was a development proposal prior
22 to this. But there was a cul-de-sac that

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1 intruded into the property.

2 COMMISSIONER MAY: It looks like
3 it might have been subdivided according to one
4 of the maps that was provided. Was it
5 previously subdivided?

6 MS. BROWN-ROBERTS: I would have
7 to get back to you on that.

8 COMMISSIONER MAY: Okay.

9 MS. BROWN-ROBERTS: I'm not 100
10 percent sure.

11 COMMISSIONER MAY: I'm just
12 curious.

13 I saw something else in one of the
14 other drawings. Some of the houses that
15 surround this, are they duplexes or are they
16 all single-family homes?

17 MS. BROWN-ROBERTS: They're all
18 single-family houses but there are some
19 duplexes within the community.

20 COMMISSIONER MAY: Yes. Okay. It
21 looks like some of them are just on double
22 lots.

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1 CHAIRMAN HOOD: Excuse me. We
2 don't take public comment and we're not going
3 to take any yelling out. So I would ask that
4 you just hold your comments. There possibly
5 may be a hearing. There may not be a hearing.

6 You may continue.

7 COMMISSIONER MAY: I saw a
8 reference to 24 percent lot occupancy. I
9 guess maybe it's true that there's only 24
10 percent building here but it looks like
11 there's about 50 percent pavement.

12 I understand part of this is an
13 alley that I assume must be maintained to
14 service the properties along 30th Street.

15 But it just strikes me if you're
16 going to put homes into this parcel the way
17 they've laid it out, it seems to maximize the
18 amount of pavement. So I'm a little troubled
19 by that aspect of it.

20 I'm not necessarily so troubled
21 about the proposed density of it. But I don't
22 really quite understand the need to have

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1 basically a handful of townhouses surrounded
2 on all sides by pavement with just a little
3 bit of green space in the middle. It's not a
4 very compelling site plan.

5 I'm interested in hearing the
6 reaction of the other Commissioners.

7 CHAIRMAN HOOD: Any other
8 comments?

9 Mr. Turnbull?

10 COMMISSIONER TURNBULL: Thanks,
11 Mr. Chair.

12 I would agree with Commissioner
13 May. I think it is maximizing the site with
14 pavement.

15 Basically it's got an alley which
16 rings the units and then a street down the
17 middle that connects up to the alley. I think
18 it's a bit much. I think there needs to be
19 more green space.

20 It just seems like it's a very
21 abrupt change from what's already there. I
22 think there needs to be a better response to

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1 the existing neighborhood as to how this
2 development would blend in with it. I think
3 it's a little abrupt.

4 CHAIRMAN HOOD: Any other
5 comments?

6 I would associate myself with the
7 comments I've heard. I look at what's being
8 presented to us tonight. Even going from R-1-
9 B to R-5, that's kind of steep.

10 Also as my colleagues have already
11 mentioned, I don't want to be redundant, it
12 isn't like we're just flopping something in
13 there. As Mr. Turnbull has already said, we
14 need to make sure that it's within the
15 character of the surrounding neighborhood.

16 But let me ask this. Maybe this
17 will answer my question. Ms. Brown-Roberts,
18 what has been the response from the people who
19 live in the area?

20 MS. BROWN-ROBERTS: I've been told
21 that there is some concern about the
22 development.

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1 CHAIRMAN HOOD: Okay.

2 MS. BROWN-ROBERTS: I have not met
3 with them directly as yet. But that has been
4 conveyed to me.

5 CHAIRMAN HOOD: All right. That's
6 the Gateway Civic Association and Advisory
7 Neighborhood 5B. Okay.

8 I can tell you that I share the
9 same concern as my colleagues.

10 Any other comments?

11 Is the concern enough not to set
12 it down?

13 COMMISSIONER MAY: This is not a
14 really awful plan. We've had some things that
15 I think we've seen that were just really not
16 ready for primetime. I don't know that this
17 is really awful. I don't feel though that
18 there's a compelling case that this needs to
19 be heard in public.

20 I think that there needs to be
21 some more work on this site to demonstrate
22 that this level of density can work, be

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1 appropriate, and fit comfortably within the
2 neighborhood. I don't know. I don't see a
3 compelling reason to set it down here and now
4 tonight.

5 Maybe it can be reworked and
6 brought back to us with some improvement.
7 Maybe some folks in the neighborhood want to
8 get involved and can help push this project in
9 a good direction.

10 CHAIRMAN HOOD: Okay. Vice
11 Chairman?

12 VICE CHAIRMAN SCHLATER: I will
13 say that in reading the applicant's
14 submission, there has been a fair amount of
15 community outreach over a number of years and
16 the density of the project seems to have come
17 down significantly in an iterative process.
18 Now, whether it's ended at the right place is
19 certainly a matter for debate.

20 I think the Comprehensive Plan
21 supports the density. The Future Land Use
22 Plan certainly supports the density on the

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1 site.

2 The question for me is whether
3 this site plan itself is appropriate for the
4 neighborhood. Is it responding to the
5 neighborhood properly? I'm not convinced that
6 it is.

7 I'd like to know a little bit more
8 about the character of the neighborhood.
9 These are, I think, the outside of the
10 buildings. They're kind of an interesting
11 color pattern, cementitious siding. I don't
12 know what the rest of the neighborhood looks
13 like but I'm not sure that that's the right
14 approach.

15 Also, the plan itself sort of
16 turns its back on the community. I don't know
17 if there's any way to fix that but the backs
18 of all the units are facing away. It's a very
19 inward facing site plan. Maybe that's just a
20 matter of geography and how you could lay out
21 the site.

22 I'm not enamored with the site

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1 plan myself. I'd be open to giving it some
2 more time and work, although in general I'm in
3 favor of putting townhouses on the site. In
4 terms of the density of the site, I don't have
5 a problem with that.

6 COMMISSIONER MAY: I would agree.
7 My great difficulty is not so much with the
8 density.

9 I think the density if it were
10 laid out differently might fit more
11 comfortably within the overall site. Maybe
12 the townhouses are not really the right
13 solution or townhouses the way they've been
14 configured here.

15 Certainly I have to question
16 townhouses all with individual garages
17 underneath them, which is never my favorite
18 model for a townhouse because it simply
19 requires that there be no rear yards. This is
20 an area where every house has a rear yard, a
21 side yard, and a front yard. It just seems
22 uncomfortable.

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1 CHAIRMAN HOOD: Mr. Turnbull?

2 COMMISSIONER TURNBULL: I would
3 agree with one of my colleagues that said it
4 is a site planning issue.

5 You've got one way in on this new
6 30th Place Northeast, an avenue coming up and
7 going into 30th Street. So what happens as
8 you come into this complex? It's tough,
9 again, not realizing how the topography
10 totally lays out and what the real problems
11 are.

12 I think they really should go back
13 and take another look at this and see if they
14 can make this work to be a little bit more
15 appropriate in the neighborhood. I don't
16 think they've tweaked it enough.

17 CHAIRMAN HOOD: Okay. Again, I
18 would agree with everything I've heard.

19 Again, at least for me it needs to
20 match. It needs to look like it belongs. It
21 needs to be part of the character of the
22 neighborhood. Right now I'm not saying

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1 single-family home, townhome, or what. But
2 this just doesn't get it for me.

3 Ms. Schellin, I don't know if they
4 need to start from scratch. For me, probably
5 scratch but I don't know where my other
6 colleagues are. But how much time do you --
7 if you could look in the ordinance and just
8 see, the next meeting, the meeting after that,
9 a couple of months?

10 MS. SCHELLIN: If the Commission
11 is -- it's up to the Commission. If you
12 actually want to defer it to a date specific,
13 that's the Commission's prerogative.

14 Or you could just leave it to the
15 applicant and when they file I will put it on
16 that agenda. Although I think that they need
17 to work with OP to allow OP an opportunity to
18 file their report.

19 It's up to the Commission if they
20 want to do that to allow the applicant to get
21 their revised plans together and file it with
22 OP.

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1 When OP files their revised
2 setdown report, then I could put it on the
3 next agenda. I think that way you're not
4 forcing them to get it in two weeks or two
5 months.

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: We can give them as
8 much time as they need.

9 CHAIRMAN HOOD: Thank you, Ms.
10 Schellin.

11 I think, Commissioners, that's the
12 way we'll proceed. I'm sure we all agree on
13 that. We don't want to put any time limit on
14 anyone or force them to hurry up. We want
15 them to come back with a thoughtful plan and
16 they've heard our comments.

17 With that we will postpone this
18 until it comes back ready for our
19 consideration. Thank you.

20 Let's move right along with
21 proposed action. Zoning Commission Case No.
22 11-03, Hoffman-Struever Waterfront, LLC,

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1 First-Stage PUD and Related Map Amendment at
2 Squares 390, 391, 471, 472, 473, and 503.

3 Ms. Schellin?

4 MS. SCHELLIN: Yes.

5 CHAIRMAN HOOD: Give us a minute
6 and let us -- go ahead.

7 MS. SCHELLIN: Go ahead.

8 CHAIRMAN HOOD: Give us a minute
9 and let us get our stuff together.

10 MS. SCHELLIN: Sure. Go ahead.

11 CHAIRMAN HOOD: We're going to
12 take about a five-minute break.

13 (Whereupon, at 7:24 p.m. off the
14 record until 7:28 p.m.)

15 CHAIRMAN HOOD: Okay. Ms.
16 Schellin, if you could continue. Thank you.

17 MS. SCHELLIN: Yes. We have at
18 Exhibit 104, ANC-6D's revised/amended
19 resolution in support. At Exhibits 105 and
20 106 are the applicant's post-hearing submittal
21 and their draft findings of facts and
22 conclusions of law. At Exhibit 107 you

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1 have the 6th Street Homeowners' post-hearing
2 submittal. Staff would ask the Commission to
3 consider this case for a proposed action.

4 COMMISSIONER MAY: Ms. Schellin,
5 all those were in our packet that we already
6 received. Right?

7 MS. SCHELLIN: That's correct.

8 COMMISSIONER MAY: Nothing new
9 tonight?

10 MS. SCHELLIN: Nothing new
11 tonight. The record was closed so nothing
12 new.

13 COMMISSIONER MAY: Mr. Chairman,
14 before we get started, I just want to say how
15 much I enjoyed watching seven hours of
16 hearing. It's actually quite convenient to be
17 able to watch it sometimes rather than read
18 the transcript. I did read some of the
19 transcript but you miss a lot. I had a good
20 time listening to it.

21 I also appreciate the attention to
22 which my questions were asked by you, Mr.

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1 Chairman, and the concern that my fellow
2 commissioners had about making sure that they
3 were all well answered.

4 I think for the most part they
5 were -- I also appreciate the applicant being
6 concerned and wanting to address some of those
7 things specifically and most of it was during
8 the course of the hearing. I am prepared to
9 participate fully in the decision making.

10 CHAIRMAN HOOD: Okay. Thank you
11 very much, Commissioner May.

12 Ms. Schellin, you mentioned
13 Exhibit 107. What was 107?

14 MS. SCHELLIN: That was the party
15 in opposition 6th Street Homeowners' post-
16 hearing submittal. It's just a few pages
17 long. It should have been -- it looks like
18 this.

19 CHAIRMAN HOOD: This?

20 MS. SCHELLIN: Yes. I think
21 that's it.

22 CHAIRMAN HOOD: 110.

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1 MS. SCHELLIN: Yes. Closing
2 statement and party opponent 6th Street
3 Homeowners.

4 CHAIRMAN HOOD: What I'm saying is
5 110, Exhibit 110.

6 MS. SCHELLIN: Oh, I'm sorry, 110.

7 CHAIRMAN HOOD: Okay. I was
8 looking for 107.

9 MS. SCHELLIN: Wrong exhibit
10 number.

11 CHAIRMAN HOOD: Okay. All right.
12 We're good.

13 Okay. Commissioners, this is a
14 major undertaking. I think, at least from at
15 least the way I've heard it at the hearing,
16 was that even though people may have had
17 concerns, and I have written down one of the
18 piers. Can't think off the top of my head.

19 While the concerns were there, I
20 think everyone was thinking of frame of mind
21 of trying to move something forward. I think
22 that was very collegial with -- at least

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1 that's what I picked up from the hearing.

2 So, Commissioners, let's open it
3 up and let's see what our concerns were first
4 before we get into -- ANC-6D has a submission
5 here, Exhibit 104. They actually italicized
6 the different meetings and what the comments
7 were. I thought that made it a lot easier.
8 You have some brown writing, you have some red
9 writing, you have some purple writing, you
10 have some -- well, anyway, some blue writing
11 but they made it very easy to peruse and see
12 what some of their comments were.

13 Let me open it up. Any comments
14 or questions or anything that any of you
15 Commissioners were looking for that we did
16 get? We also have Exhibit 105. I'm not sure
17 who exactly asked for that but this talks
18 about the modal split, the time of the PUD
19 phases, the marina plan, the M Street view
20 corridor. It has a lot in there. Let me open
21 it up.

22 VICE CHAIRMAN SCHLATER: Mr.

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1 Chairman, there was one item that I asked for
2 that I will just address up front. It's the
3 assumptions underlying the transportation
4 study. I think during the hearing we talked
5 about the mode splits and where they came
6 from. We got a memorandum from Gorove/Slade
7 laying that out specifically.

8 I think I was a little concerned
9 that this project was being compared to other
10 downtown sites when, in fact, it's actually a
11 pretty good hike from the Metro station and so
12 I guess the concern is routed in the fact that
13 providing a limited amount of parking but
14 there's a lot of residential here and I wasn't
15 sure that people are going to be using transit
16 at the rates that the Gorove/Slade study said
17 they would.

18 I have to say that I'm still not
19 convinced even with the memo. I mean, I think
20 it's good. It shines some light on it. I
21 don't think on either the residential or the
22 office or the retail splits it makes a lot of

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1 sense to compare them to the projects that
2 they did compare them to.

3 That being said, I think at some
4 level there are a lot of different
5 transportation options that are going to be
6 available to people coming here. Hopefully a
7 street car service, definitely have circulator
8 route, definitely have good bus options.

9 You can walk from a Metro,
10 actually two Metros, and they are proposing
11 putting in a connection to L'Enfant Plaza on
12 Banneker Hill.

13 At some level I think just not
14 providing a lot of parking will force people
15 to take that transportation and so I am -- I
16 guess my only concern is going to be -- I'm
17 not too concerned about spillover parking into
18 the neighborhood because there really isn't a
19 lot of opportunity for that.

20 I might be concerned if and when
21 they come forward with a proposal for some
22 sort of entertainment venue. I would like to

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1 take another close look at that. That's it.
2 I think I'm comfortable with the parking
3 counts that have been provided in the plan.

4 COMMISSIONER TURNBULL: And I
5 think the Chair is right. We're going to get
6 another bite at the apple when we come back
7 with individual buildings and squares. That
8 is going to be a big issue as we get into
9 especially the entertainment area.

10 Mr. Chair, we did get a lot of --
11 I like the renderings that we asked for down
12 by parcel 11 for the housing and looking at
13 the matter of right. I think that was very
14 illustrative of what they are trying to do
15 down there.

16 I guess my big question that I've
17 got right now looking at what we got from the
18 applicant is trying to incorporate, or trying
19 to understand, this little epistle from ANC-6D
20 and trying to figure out what's -- I almost
21 need like an Excel spreadsheet to work with
22 the applicant as to what's covered, what's not

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1 covered.

2 By that I'm not sure yet how to
3 really take a hard look at this and
4 incorporate it as to what we've got from the
5 applicant.

6 CHAIRMAN HOOD: I would actually
7 have to agree it's a lot and I'm trying to put
8 everything together here. I just remembered
9 Pier 4 for some reason but I can't remember
10 what the issue was with Pier 4. You know what
11 we're going to do? We're going to take our
12 time and put all of this together.

13 It would be nice if one was cross-
14 referenced with the other. As you stated in
15 Exhibit 104 the different colored writing. I
16 wasn't sure whether -- at least the way I read
17 it they had a special -- it also says if you
18 look on page 1 of 19.

19 COMMISSIONER TURNBULL: Well, I
20 think the one thing overall that they are in
21 support. They are still in support.

22 CHAIRMAN HOOD: In support. I

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1 guess -- you know what? Do we have anybody
2 here from the ANC? We don't normally do this
3 but, you know what?

4 COMMISSIONER TURNBULL: They have
5 their meeting tonight.

6 CHAIRMAN HOOD: They have their
7 meeting tonight. Why don't we adjourn. Where
8 are they meeting at?

9 MS. SCHELLIN: They are going
10 until 10:00.

11 CHAIRMAN HOOD: They go until
12 10:00?

13 Any other issues?

14 Mr. Ron McBee. Look at page 19,
15 colleagues. I mean, I'm sorry, page 1 of 19.

16 It says, "July 11, 2011 our regularly-
17 scheduled duly-noticed meeting where a quorum
18 was present and all Commissioners voting. By
19 unanimous vote of 7 to 0 ANC-6D voted to
20 support this project."

21 It says, "With the following
22 concerns and conditions to be further

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1 elaborated during written and oral testimony."

2 They have some brown writing, some green
3 writing, mixed with some brown writing.

4 VICE CHAIRMAN SCHLATER: Mr.
5 Chairman, might I make a suggestion? If we
6 vote to push this forward tonight, maybe we
7 could get a letter from the ANC just in one
8 place that states there the entirety of their
9 position so that we don't have to try to
10 interpret the memo so if they still have
11 remaining concerns that they are listed there
12 and it's clear in one letter. Maybe in a
13 bulleted form of some sort.

14 COMMISSIONER MAY: I agree that
15 would be helpful. It was helpful for me to
16 read the 19 pages because it sort of recapped
17 everything start to finish.

18 By the time you read each point
19 it's not entirely clear if there are still
20 remaining issues or not, although most of them
21 end with "ANC accepts" so I think that means
22 they were comfortable. Yeah, I think

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1 something that's in this simple form spells
2 out remaining concerns so that we can duly
3 note them and act accordingly.

4 CHAIRMAN HOOD: You're right.
5 Exactly right. It says, "Accepts, agrees,
6 approves." Maybe they agree with everything
7 but we want to make sure.

8 When you look at -- like I said,
9 look at page 1 and it still says "with the
10 following concerns and conditions." Maybe
11 they can help us find -- break the color code
12 to this submission. I appreciate the format
13 it's in but it would help us get right to the
14 point.

15 Also, Commissioners, let's look at
16 Exhibit No. 110. This is the parties in
17 opposition 6th Street Homeowners. For me
18 sometimes when you're reading all this stuff
19 you have to reread what you read so you can
20 remember what the issues were so I would ask
21 for everyone's indulgence.

22 Is anyone moved by any of this?

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1 Let me just read some of the highlights and
2 they go into further explanation. "The
3 developer should not be allowed to tack the
4 church onto the PUD to avoid seeking a
5 variance from matter-of-right development."

6 I think that was brought up at the
7 hearing also. "The developer's proposal
8 negatively impacts the design of open space by
9 narrowing 6th Street and positioning the
10 proposed solid structure significantly closer
11 to our homes than originally conceived by the
12 Tiber Island condo design."

13 Let's make sure we take some time
14 and read this again and make sure that we are
15 comfortable and address these concerns.

16 COMMISSIONER TURNBULL: Mr. Chair,
17 on page 3, I guess the item about the church,
18 I don't know if you could really say they are
19 tacking the church on since the church owns
20 the property. I believe the church owns the
21 property so they are very integral into the
22 development of that piece.

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1 CHAIRMAN HOOD: I think they
2 testified in support.

3 COMMISSIONER TURNBULL: Right.

4 COMMISSIONER MAY: If anything, I
5 think the church might have latched themselves
6 on to the developer.

7 COMMISSIONER TURNBULL: Yes, they
8 are co-applicant.

9 COMMISSIONER MAY: I have to say I
10 really did not find any real zoning basis for
11 the objections. Yes, there will be an impact
12 of this development on the individual
13 homeowners along that row. It does mean that
14 they will not have certain views or they will
15 not have certain sunsets or what have you.

16 The right to those was dependent
17 on adjacent or properties across the street
18 never being developed or being developed only
19 at the level that they were developed by the
20 church. There is nothing that guarantees that
21 the church would stay there in perpetuity.

22 I think we saw very helpful

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1 diagrams -- I'm glad you asked for them --
2 that showed the matter-of-right development
3 potential there. Just doing a matter-of-right
4 set of townhouses under R3 would have largely
5 the same effect.

6 While I'm sympathetic to the fact
7 that there is an impact, there isn't really a
8 zoning basis for us to say that it's
9 inappropriate. You're not entitled to views
10 across other people's property in perpetuity
11 unless you own an easement or something and
12 they didn't.

13 CHAIRMAN HOOD: I think we've
14 heard enough about you don't buy views. You
15 may have it for only a time. Some places
16 probably but not in this case. You only have
17 it until the time somebody decides to build or
18 do something on the other side of that
19 property line.

20 Other than the ANC-6D and trying
21 to decipher some of that, I think this is a
22 major undertaking. As was stated, we've had

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1 bites at the apple a couple of times with the
2 phasing. I think we need to talk about the
3 phasing. The applicant actually in 105,
4 Exhibit 105, the time of the PUD phasing.
5 Let's make sure we're all right with that.

6 VICE CHAIRMAN SCHLATER: Mr.
7 Chairman, I don't think I have a problem with
8 the phasing as outlined in Exhibit No. 5 but
9 I'm not sure it totally comports with what's
10 actually written in the order that was
11 provided by the applicant.

12 The way I see it is -- let me just
13 get it. "The applicant may file one or more
14 second-stage applications for review and
15 approval of the PUD. The first stage of this
16 PUD will be valid for a period of 18 months
17 within such time a second-stage application
18 must be filed for at least a portion of Phase
19 2."

20 Now, I think that's good. That is
21 certainly an aggressive time frame. I think
22 it sort of ends there and doesn't speak to how

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1 long the order is valid after that so you're
2 talking about a PUD is sort of an open-ended
3 PUD and I have concerns about that. I mean,
4 there certainly needs to be a window in which
5 all phases of the PUD must be completed.

6 Now, given the enormous nature of
7 this development and the many real estate
8 cycles over which it will probably be built,
9 I'm willing to be generous in that timeline
10 but I don't think it's a good practice to
11 leave open-ended PUDs. I think we need to
12 build in some more logic into the phasing for
13 me to be able to get behind the language.

14 CHAIRMAN HOOD: So is that
15 something that we can acquire before we do
16 final or would you like to --

17 VICE CHAIRMAN SCHLATER: I think
18 it depends on how the discussion goes.

19 CHAIRMAN HOOD: Okay. So we
20 definitely need to figure out that phasing.
21 As you said, it leaves it open-ended after, I
22 think, Phase 2, isn't it? So whatever we need

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1 we need to have them specify, more specificity
2 on the phasing.

3 COMMISSIONER MAY: And a
4 completion date or a final closure date.

5 CHAIRMAN HOOD: Okay. I'm going
6 to look over a few things here. I was looking
7 at the Finding of Fact 84 that talks about
8 the, "The Commission finds that the ANC has
9 given extremely detailed and thoughtful
10 consideration to the PUD." They responded in
11 Exhibit 109. We are going to take out time
12 and go through this. If you have any
13 questions, just bring them up.

14 VICE CHAIRMAN SCHLATER: Mr.
15 Chairman.

16 CHAIRMAN HOOD: Vice Chairman.

17 VICE CHAIRMAN SCHLATER: While
18 you're working on that, one other thing I
19 noted in the order and it has to do with the
20 traffic counts issue that I raised earlier.

21 I think DDOT was hoping that a
22 traffic impact study would be submitted on

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1 each project as they came before the
2 Commission for their Stage 2 applications.
3 That is something that I would support.

4 Particularly in light of the fact that
5 we've got a parking count that seems to
6 -- it could fluctuate. We've also got uses
7 that can fluctuate.

8 You need to know -- we don't even
9 have a commitment that there's -- we don't
10 even know really what the entertainment center
11 is going to look like. I think you need to
12 have a firm proposal. We need to have a
13 traffic impact analysis attached to that
14 specific proposal.

15 COMMISSIONER MAY: I would agree
16 with that. I mean, there are certain factors
17 involved, particularly in operating something
18 like an entertainment facility where hours of
19 operation affect whether parking can be shared
20 and so on. I think having additional traffic
21 analysis for each Stage 2 submission I think
22 would be appropriate.

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1 CHAIRMAN HOOD: I just wanted to
2 know. And then Finding of Fact 89 which is
3 proposed by the applicant he states -- this
4 goes back to this whole view issue.

5 He states, "The Homeowners further
6 stated that the Tiber Island residence would
7 suffer unique and severe adverse effects,
8 particularly in light of the unique design of
9 the Tiber Island which was intended to
10 maximize the light and air and water views."

11 I think that was actually brought
12 up. Does that give us any pause or hesitation
13 at this point? Do we agree with what is being
14 said here? They argue that the value of their
15 homes would decline significantly. Do we
16 believe that?

17 COMMISSIONER MAY: I don't know.
18 It's hard to argue property values are going
19 to go one direction or the other. I mean, on
20 the one hand, they are using views.

21 On the other hand, they are
22 gaining the wharf development as an amenity

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1 and it's going to -- I mean, certainly the
2 property values there right now -- I mean, the
3 existing Waterfront is a little depressed so I
4 can't believe that is adding to property
5 values as it is.

6 VICE CHAIRMAN SCHLATER: I agree
7 with Finding of Fact 84 as written.

8 CHAIRMAN HOOD: Okay. Now, Vice
9 Chairman, I think you mentioned something
10 about the DDOT report. I actually was looking
11 for that issue. DDOT submitted a memorandum.

12 "DDOT concluded that the site is
13 generally suitable for PUD and the proposed
14 uses and development are compatible with the
15 District of Columbia plans for the area and
16 the city at large. DDOT noted that the
17 applicant should..." and has a list of things
18 that the applicant should be trying to aspire
19 to do. Finding of Fact 80 that talks about
20 the DDOT report.

21 These are things that are going to
22 be -- I think this issue came up also --

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1 things that we're going to be asking for in
2 the process of Stage 2. Do we want to see
3 traffic impact studies? Do we want to see
4 those kinds of things?

5 I think that came up at the
6 hearing. Was that this hearing? It came up
7 somewhere but I think it came up at -- oh, you
8 weren't here but it came up at the hearing.

9 COMMISSIONER MAY: I watched every
10 minute. What was the question? I was reading
11 the --

12 CHAIRMAN HOOD: Did you doze off
13 any?

14 COMMISSIONER MAY: No.

15 CHAIRMAN HOOD: Finding of Fact
16 80.

17 COMMISSIONER MAY: What was it
18 that you were --

19 CHAIRMAN HOOD: I was trying to
20 see do each stage -- I'm not sure if the
21 question was whether or not the traffic impact
22 study for each -- do we want to see a traffic

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1 impact study for each second stage?

2 COMMISSIONER MAY: Yes, we do.

3 VICE CHAIRMAN SCHLATER: I do.

4 COMMISSIONER TURNBULL: Yes, we
5 do.

6 CHAIRMAN HOOD: Okay. That was an
7 issue, I think, came up at the hearing.

8 VICE CHAIRMAN SCHLATER: I think
9 Finding of Fact 81 is going to need to be
10 changed.

11 CHAIRMAN HOOD: 81? Okay. "The
12 Commission finds that these matters can either
13 be addressed with DDOT outside the zoning
14 process on appropriate for consideration the
15 context of a second stage PUD. Do we want to
16 strike 81?"

17 COMMISSIONER MAY: No. I think we
18 can revise it.

19 VICE CHAIRMAN SCHLATER: I think
20 based on what I've heard from the
21 Commissioners that you are interested in
22 seeing the two items specified by DDOT related

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1 to the traffic impact study and the mitigation
2 strategies that they will be required to be
3 filed with each second-stage PUD application.

4 I will modify the order to require that.

5 CHAIRMAN HOOD: Okay. Is there
6 anything else we want to see as we go along in
7 the second stage? Anything specific other
8 than what is already required?

9 COMMISSIONER MAY: We don't do too
10 many Stage 1/Stage 2 applications that it's --
11 so for me it's a -- usually they are
12 consolidated. The majority of stuff we do is
13 consolidated.

14 Knowing what automatically comes
15 with a Stage 2 it's not always fresh in my
16 mind. I would think we would want to have
17 certain sort of basic check-ins against the
18 Stage 1; a report on delivery of amenities and
19 benefits, those sorts of packages, things like
20 that that I would think would be automatic but
21 maybe they're not. I don't know.

22 CHAIRMAN HOOD: I don't want to

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1 limit us to anything anyway but we can ask for
2 it at the appropriate time. If we have to
3 wait, we -- I don't like to be in the corner.

4 I don't want to limit us to having the
5 ability to be able to ask what we need for
6 that specific Stage 2 case.

7 COMMISSIONER MAY: That's true.

8 CHAIRMAN HOOD: Okay. Vice
9 Chairman, do you want to add something?

10 VICE CHAIRMAN SCHLATER: If I
11 could. I reviewed the -- I often go past the
12 meat of the order and go right to the decision
13 which is probably a bad habit but I had a few
14 comments on that section of the draft order
15 and I just wanted to relay them.

16 No. 4 talks about the affordable
17 housing commitment. I think it's important
18 that OP, OAG, and the applicant work together
19 to figure out how to identify how much
20 affordable housing can be provided in each
21 phase.

22 I think it could be a little more

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1 specific. I'll give you that general
2 guidance. We could use a little but more
3 information about how the affordable housing
4 program is going to be implemented.

5 No. 10, the wording is interesting
6 and I don't understand it so I don't know what
7 it means. "The applicant shall provide for
8 the continuing presence within the PUD of the
9 Capital Yacht Club." I just don't know what
10 that means. It's vague. I want to know are
11 they constructing a new Yacht Club?

12 COMMISSIONER TURNBULL: Or it may
13 mean that during construction they are
14 providing for a presence.

15 VICE CHAIRMAN SCHLATER: I'm
16 completely at a loss to understand. It's too
17 vague.

18 Likewise on No. 11, "The applicant
19 will coordinate with the District to update
20 the Municipal Fish Market." I don't -- I
21 think we're asking for more of a commitment
22 than coordination. We're asking what are they

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1 going to be doing for the Fish Market. You
2 know, how many funds -- are they constructing
3 the improvements? How much money are they
4 putting towards that?

5 Likewise, No. 12, "The applicant
6 shall in coordination with Park Service seek
7 approvals to construct pedestrian
8 connections." I think we're looking for
9 something more than the seeking of approvals
10 for the pedestrian connections.

11 Likewise, No. 13, "The applicant
12 shall provide for below-grade accessory
13 parking for the benefits of uses such as the
14 Fish Market." We want specific parking. I
15 mean, if it's going to be put in the order, I
16 would like to see a number associated with
17 that.

18 This is a very important one in
19 terms of the commitment to maintain public
20 elements of the PUD. Are they committing to
21 maintain the public elements of the PUD or are
22 they committing to create a bid which falls

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1 short of a commitment to maintain the public
2 elements of the PUD?

3 MS. SCHELLIN: Which one?

4 VICE CHAIRMAN SCHLATER: That's
5 No. 15. I think in 16 my inclination is not
6 to grant the flexibility with the design of
7 the PUD to increase lot occupancy on Parcel 11
8 to 73 percent.

9 I think that should be considered
10 at the second-stage submission because it's
11 very hard to determine whether or not that
12 relief should be granted in the abstract.
13 Then 17 I've already given you my comments on
14 the timing. Those are my general comments on
15 the order.

16 CHAIRMAN HOOD: Any other
17 comments? I have a note here. We really need
18 -- I'm not sure have we decided on when we're
19 going to get the phasing? At some point in
20 time we can fine tune that phasing because I
21 believe that at the hearing the applicant did
22 away with the 18-month approval process.

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1 I think it was down to a year so
2 we really need to get that fine -- some places
3 I see 18 months and some places I see a year.

4 Then I see where the applicant withdrew that
5 so we need to get that whole scope in place at
6 some point. I'm being

7 MR. RITTING: I'm being prompted
8 to respond. I was anticipating that you would
9 issue the order that I drafted for you that
10 sets out a process for the applicant and the
11 Office of Zoning and the Office of Planning to
12 sort of hash out these issues in a structured
13 manner.

14 It's included with your meeting
15 package tonight. I understand that the
16 secretary has some copies that she will
17 distribute if you decide to issue it this
18 evening. I think that I could address all of
19 those issues that Mr. Schlater and the rest of
20 the Commissioners mentioned just now through
21 that process.

22 CHAIRMAN HOOD: So some of what

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1 we'll be raising will be dealing with the BUFO
2 or whatever we call it, BAFO, BUFO, BAFO. I
3 do have that in front of me. I thought that
4 was one of the last things. We better take
5 care of some of our questions and issues and
6 then we will --

7 MR. RITTING: I should add it's
8 unusual for us to have such a detailed and
9 complete draft order at the proposed action
10 stage. It's actually a credit to the
11 applicants that they provided it to us and
12 allows us to hash out these issues now and get
13 them completely squared away by the time you
14 take final action.

15 CHAIRMAN HOOD: Okay. Great. The
16 other thing is we do need to kind of point to
17 what the concerns are still over at the ANC.
18 I think we got that.

19 Anything else, Commissioners?

20 COMMISSIONER MAY: Mr. Chairman.

21 CHAIRMAN HOOD: Commissioner May.

22 COMMISSIONER MAY: I just have a

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1 handful of more general comments. Since I
2 didn't get a chance to be here for the hearing
3 and ask a lot of questions, I'm going to cover
4 a broad range of things and make a handful of
5 comments, generally positive.

6 I think this project overall
7 demonstrates a level of care in the design and
8 in working things out with the Office of
9 Planning, the Deputy Mayor's Office, and the
10 community, and the major neighbors I think was
11 really exemplary.

12 The design is also similarly
13 thoughtful and well considered, particularly
14 since this is just Phase 1 and we're looking
15 at a fair amount of stuff that has been
16 thought through almost to a Stage 2 level of
17 thinking.

18 I also especially appreciate the
19 ANC's diligence through the whole process. I
20 know it was a bit hard to follow but the 19-
21 page reworking of their resolution and with
22 the sort of running changes to how it

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1 developed I thought was also exceptional work
2 and I thought the ANC has really contributed a
3 great deal to the whole process.

4 I think that the amenities package
5 and the benefits that go with this project
6 overall are exceptional and, again, very well
7 detailed. It's very well detailed kind of all
8 over the place.

9 I think that there are still
10 aspects of the project that are something of a
11 concern but I'm hoping that at Stage 2 those
12 things can be resolved. Obviously the overall
13 density and the height it's a tradeoff. We
14 could insist on something that was a little
15 bit -- that appeared a little bit less dense
16 but would, I think, diminish the experience
17 closer to the ground.

18 I think the overall design
19 strategy of having a taller building and
20 having them step back and so on I think is a
21 very good strategy. It does have specific
22 impacts on federal interest. I was pleased to

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1 see that the applicant has been working
2 closely with NCPC and my colleagues at the
3 Park Service to try to resolve that and
4 improve things.

5 I think personally the results are
6 improved over what we had before in terms of
7 the views from Banneker Overlook in
8 particular. I would venture that I would like
9 to see them improve more.

10 I know that I'm not necessarily
11 going to get that in Stage 1 but we'll see how
12 things develop when we review the more
13 detailed development of those buildings but it
14 has come a good distance and I appreciate the
15 applicant's work in that regard.

16 I also am cognizant of the fact
17 that I'm not particularly sympathetic to other
18 neighbors whose views are impacted by the
19 development so I'm not going to be a complete
20 hypocrite about this and say our views are
21 that much more important.

22 We are trying to speak for a

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1 broader contingency. It's not like the Park
2 Service owns a small piece of this and it's
3 going to have detrimental impact on a very
4 small number of people.

5 We expect that in the future
6 Banneker Overlook is going to be a major
7 feature of the neighborhood and we would like
8 to preserve the best things about that spot
9 for future generations. We'll see how that
10 develops in Stage 2.

11 The transportation concerns and
12 parking and so on, I think there's a
13 fundamental change that is happening
14 throughout the city on a certain level in
15 terms of how we get around and the greater
16 emphasis on bicycles and pedestrians and
17 making good connections and approving the
18 experience of the street itself.

19 When I think about the fact that
20 this is not right on top of a Metro spot but
21 is within 10 minutes walking distance. Ten
22 minutes can be a really long distance when

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1 you're walking across sort of waste lands or
2 parking lots or plighted areas.

3 Not that this is a plighted area
4 but I think there is a lot of room to improve
5 the walking experience. I think once this
6 development is done, it may be a 10-minute
7 walk to the Waterfront Metro or to L'Enfant
8 Plaza but I think it's going to be a much more
9 pleasant 10-minute walk and people won't
10 really notice it.

11 I think, frankly -- I'm hoping
12 what's going to happen when you walk there
13 from L'Enfant and you get to the spot at
14 Banneker Overlook, you're going to feel like
15 you're there already. The fact that you have
16 to go down the stairs to get there isn't going
17 to be as significant.

18 I think that I'm not too concerned
19 about how people are going to get there. I
20 think people are going to get there and people
21 are going to be drawn there. In the future
22 it's going to be an exciting and vibrant place

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1 but we have a lot more work to do before we
2 get to the point where we know exactly what
3 it's going to be like but I think we'll get
4 there.

5 CHAIRMAN HOOD: Okay. I would
6 also agree with Commissioner May to a point.
7 I don't know about the bicycles. We all
8 advocate for what we do. I don't necessarily
9 ride a bicycle. I'm more in line with the
10 letter we got from Commander Kamperin where it
11 said he was concerned about the impact of
12 traffic along M Street.

13 It appears that Water Street will
14 be removed taking a lot of traffic off of M
15 Street for those going to the Waterfront
16 businesses. I think we talk about that.

17 I would also agree with some of
18 the testimony. I've been looking back over my
19 notes. One person testified and said this
20 project is a little fluid. I think it is.
21 It's still got some moving parts to it but,
22 again, this is the first stage.

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1 We do have another bite at the
2 apple, to take the words from Mr. Turnbull,
3 that we can kind of take some of that
4 fluidness out of what's all involved here.
5 It's still a moving part.

6 I think from my standpoint, and I
7 don't want to belabor it now at this point, to
8 just -- I want to be voting in favor of this
9 first stage. I can just tell you that I'm
10 going to be voting in favor to move forward.

11 Specifically when the other phases
12 come down and the other stages, if I'm still
13 here, I will be really scrutinized in a lot of
14 it because one thing about this Commission we
15 don't have any problems in holding up
16 anything.

17 Again, a lot of it is all over but
18 this is a major undertaking. It's been talked
19 about for years. I think I said this at the
20 hearing, I'm glad to see now that this city is
21 moving forward. This has been talked about
22 for some time.

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1 Anyway, any other questions or
2 comments?

3 COMMISSIONER TURNBULL: Mr. Chair,
4 I just want to echo your thoughts. I think
5 this applicant from the beginning at setdown
6 has really come forward and questions that
7 we've had, extra drawings that we've wanted,
8 they've come forward.

9 I think both the sketches that we
10 got showing proposal and matter of right are
11 excellent. I think going forward we'll see
12 the same type of quality drawings. If we
13 don't like them, I'm sure we'll get the
14 responses back. I encouraged by the
15 applicant's great love of this area and
16 working and wants to make this succeed.

17 We see him on magazines so I'm
18 sure he wants to stay there and he's smiling.

19 I'm encouraged by the Phase 1 development and
20 I look forward to getting into Phase 2 --
21 Stage 2.

22 CHAIRMAN HOOD: Thank you, Mr.

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1 Turnbull.

2 Anything else?

3 Mr. May.

4 COMMISSIONER MAY: Yeah, I just
5 want to add one other point. This is really
6 addressed directly to the applicant which is
7 that, you know, I was reminded in reviewing
8 the most recent submission that there is a
9 connection point for a water taxi that docks
10 at East Potomac Park where there is not
11 currently a dock.

12 I understand an application may
13 have already gone to the Corp of Engineers
14 about that. If it hasn't already started, in
15 reaction to that there needs to be significant
16 coordination with the Park Service on that
17 because that's not something easily
18 undertaken.

19 It's a complicated process. I
20 think the Park Service and the managers of
21 that unit of the park are willing to go down
22 that road but you need to be talking to us,

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1 preferably before you file applications but
2 it's still a long process so I'm sure we can
3 work together. Thanks.

4 CHAIRMAN HOOD: I think we've
5 sporadically talked about a number of issues
6 and I'm ready to move forward unless we have
7 anymore comments.

8 I would move that we approve the
9 first stage PUD on the proposed action for
10 Zoning Commission Case No. 11-03, First Stage
11 PUD and Related Map Amendment at Squares
12 noted. We also ask the secretary to issue the
13 order. I would ask for a second.

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: It's been moved
16 and properly seconded. Any further
17 discussion? All those in favor aye.

18 ALL: Aye.

19 CHAIRMAN HOOD: Any opposition?

20 Ms. Schellin, would you please
21 record the vote.

22 MS. SCHELLIN: The staff records

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1 the vote 4-0-1 to approve proposed action in
2 Zoning Commission Case No. 11-30.
3 Commissioner Hood moving, Commissioner
4 Schlater Seconding, Commissioners May and
5 Turnbull in support. Commissioner Selfridge
6 not voting having not participated.

7 CHAIRMAN HOOD: I want to
8 apologize for the round-about way we may have
9 discussed this. For the time that this is
10 being worked on over the years, I think for
11 that 20, 30 minutes that we talked about it
12 tonight, I think trying to take our time and
13 do it correctly.

14 Okay. Ms. Schellin, do we have
15 anything else?

16 MS. SCHELLIN: Yes, we do.

17 CHAIRMAN HOOD: Yes, we do. Let's
18 go to the SRR Guidance updated from the Office
19 of Planning. Ms. Steingasser.

20 MS. STEINGASSER: Yes, Chairman
21 Hood. I just wanted to give the Commission a
22 quick update on where we are on the ZRR. As

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1 you know, at one point we had five staff
2 dedicated permanently and full time to this
3 project. We are now down to one.

4 We have as a result had to
5 redistribute the work throughout the existing
6 staff. Because 80 percent of the original
7 staff is no longer with us, when we have a
8 question we have to pretty much go back to
9 square one to research to figure out where it
10 came from.

11 We are running a little but behind
12 where we had hoped to be. We expect to have
13 the draft in a public presentation format.
14 Probably within three to four weeks we should
15 be done. We've been dedicating about five to
16 six hours every day for the last four weeks.

17 Yeah, it's amazing. As they say,
18 we haven't gotten to each other's throats yet.

19 We hope to have that draft done. We are
20 codifying, organizing it, putting it in one
21 language. We hope to have that. As we have
22 made a commitment it will go to the task force

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1 first. We hope to get it to them before
2 October.

3 It will then come to the Zoning
4 Commission for consideration of setdown
5 whether you choose to set it down in pieces or
6 in total. Then we plan to take that and go to
7 a public education this winter to the
8 communities. We expect to do eight meetings,
9 one in every ward, to go over the major
10 changes.

11 We are also trying to highlight
12 those as we work through them so that we can
13 focus on where those changes are for the
14 Commission, make it a lot easier so people
15 don't have to go back and dig those out. We
16 are trying to identify where the major policy
17 changes were, the small tweaks. It's been a
18 very educational process for us.

19 As we put the pieces together we
20 begin to see the redundancy in some zones,
21 where some zones only differ by their purpose
22 statements but their development standards are

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1 uses are identical so is that purpose
2 statement still worthy of creating its own
3 zone or some other way to deal.

4 We're trying to highlight that,
5 streamline it and get it to you. I just
6 wanted to give you a quick update.

7 CHAIRMAN HOOD: Okay. Any
8 questions for Ms. Steingasser?

9 Mr. Turnbull.

10 COMMISSIONER TURNBULL: As Mr.
11 Parker been responsive to any of your calls?

12 MS. STEINGASSER: Yes. Both Mr.
13 Parker and Mr. Guillioni in Canada. A little
14 bit more expensive to call to Michael but,
15 yes, very, very responsive.

16 COMMISSIONER TURNBULL: Okay.

17 CHAIRMAN HOOD: Anything else? Do
18 we need to do anything?

19 MS. SCHELLIN: One other item
20 under Other Business.

21 CHAIRMAN HOOD: Oh, we have one
22 other item.

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1 MS. SCHELLIN: Yes. As the
2 Commission knows, whenever we have a consent
3 calendar item, a request for minor
4 modification, the Office of Zoning always does
5 a consent calendar memo, or the director does.

6 We would ask that the Commission
7 would allow us to forego doing that at least
8 for a year, although you could do it for two
9 years. Basically what we are trying to do is
10 to not do it in light of the fact that we have
11 recently created some new forms in the office.

12 We now have a form for minor
13 modifications along with some other new forms
14 but that is one of them. We are trying to --
15 with the ZRR it will take care of that issue.

16 But, of course, the regs require us to do
17 that. We would just ask the Commission to
18 consider this.

19 CHAIRMAN HOOD: Thank you. That
20 is very appropriate.

21 Commissioners, again, if you
22 remember, some years back we didn't get it and

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1 then we made it so we got it. We were able to
2 operate without it. In light of what Ms.
3 Schellin has already mentioned, we now have
4 new forms that are coming out that are being
5 utilized and we see the need of this going
6 away.

7 With that, unless there is any
8 discussion, I will make a motion that we waive
9 the rules of Section 3030 that require the
10 director to provide written recommendation to
11 the Commission basically with our consent
12 calendar items until October 1, 2012. Can I
13 get a second?

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: Maybe we want to
16 say until indefinitely.

17 MS. SCHELLIN: We actually spoke
18 to OAG and we need a date. You could do it
19 until 2013 but we need a specific date.

20 CHAIRMAN HOOD: Let's just do it
21 until October 1, 2013.

22 MS. SCHELLIN: Okay.

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1 CHAIRMAN HOOD: 14. I'll be gone
2 by then. October 1, 2014, and ask for a
3 second.

4 COMMISSIONER TURNBULL: Second.

5 CHAIRMAN HOOD: It's been moved
6 and properly seconded. Who's going to
7 remember that?

8 MS. SCHELLIN: We'll remember it.
9 Trust me. The regs will hopefully be done by
10 then.

11 CHAIRMAN HOOD: Any further
12 discussion? All those in favor, aye.

13 ALL: Aye.

14 CHAIRMAN HOOD: Not hearing any
15 opposition. Ms. Schellin.

16 MS. SCHELLIN: Yes. Staff will
17 record the vote 4-0-1 to approve the waiver of
18 Section 3030 that requires the Director to
19 provide written recommendations to the
20 Commission. Commissioner Hood moving,
21 Commissioner Turnbull seconded, Commissioner
22 Schlater and May in support. Commissioner

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1 Selfridge not present and not voting.

2 CHAIRMAN HOOD: Okay. Thank you.

3 Ms. Steingasser, I want to thank
4 you for that report. We're not going to push
5 the pedal to the metal because I'm sure the
6 citizens and we, too, want you all to take
7 your time and do what you have to do to make
8 sure we get it right so thank you.

9 Okay. Anything else, Ms.
10 Schellin?

11 MS. SCHELLIN: No. We're done.

12 CHAIRMAN HOOD: Okay. With that,
13 this meeting is adjourned. Thank you.

14 (Whereupon, at 8:20 p.m. the
15 hearing was adjourned.)

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