

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY  
MARCH 31, 2014

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
MARCIE COHEN, Vice Chair  
PETER G. MAY, Commissioner (NPS)  
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEPHEN MORDFIN  
MAXINE BROWN-ROBERTS  
BRANDICE ELLIOTT  
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALLISON MYERS, ESQ.  
JACOB RITTING, ESQ.

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

2 6:37 p.m.

3 CHAIRMAN HOOD: Okay. We're going  
4 to go ahead and get started. This meeting will  
5 please come to order.

6 Good evening, ladies and gentlemen.  
7 This is the Zoning Commission's meeting for  
8 Monday, March 31st, 2014. This is our 1,381st  
9 meeting session. Sixth of 2014.

10 We're located in the Jerrily R.  
11 Kress Memorial Hearing Room.

12 My name is Anthony Hood. Joining  
13 me this evening are Vice Chair Cohen and  
14 Commissioner Miller and Commissioner May.

15 We're also joined by the Office of  
16 Zoning Staff Ms. Sharon Schellin, Office of  
17 Attorney General Staff Mr. Bergstein. I'm  
18 sorry. Mr. Jacob Ritting and I forgot the  
19 young lady's name just that quick. Ms. Myers  
20 and again, we want to welcome Ms. Myers if we  
21 haven't already done it from the Office of  
22 Attorney General. Office of Planning Staff

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1 Mr. Lawson, Ms. Brown-Roberts and Mr. Mordfin  
2 and Ms. Elliott.

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

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

9 Please be advised that this  
10 proceeding is being recorded by a court  
11 reporter and it's also webcast live.  
12 Accordingly, we must ask that you refrain from  
13 any disruptive noises or actions in the hearing  
14 room including a display of any signs or  
15 objects. Please turn off all beepers and cell  
16 phones.

17 Does the staff have any preliminary  
18 matters?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay. If not, let  
21 us proceed with the agenda.

22 Okay. Commissioners, first, we

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1 have a consent calendar item. First, would  
2 anyone like to see this item Zoning Commission  
3 Case Number 07-18E (Jemal's Up Against the Wall  
4 - Request for Minor Modification to a PUD @  
5 Square 347) come off the consent calendar item?

6 No seeing any objections, Ms.  
7 Schellin.

8 MS. SCHELLIN: Yes, sir, this is a  
9 request from the Applicant for a minor  
10 modification to extend the time period by which  
11 to fulfill condition number 4 of the order which  
12 requires the Applicant to relocate the waffle  
13 shop building to a new location by May 16th,  
14 2014.

15 At Exhibit 4, we have an OP report  
16 that supports this request and in the  
17 alternative, they would support set down, but  
18 since you guys are okay with it staying on the  
19 consent calendar, then they do support this as  
20 a minor mod.

21 CHAIRMAN HOOD: Okay.  
22 Commissioners, any comments? If not, I will be

1 open to a motion if there are no comments.  
2 Someone like to make a motion?

3 COMMISSIONER MILLER: Mr.  
4 Chairman, I would move approval of the consent  
5 calendar. Is that sufficient? Do I need to  
6 say Zoning Commission Case Number 07-18E  
7 (Jemal's Up Against the Wall - Request for Minor  
8 Modification to PUD @ Square 347) and ask for  
9 a second?

10 VICE CHAIR COHEN: Second.

11 CHAIRMAN HOOD: Great. It's been  
12 moved and second twice. So, we can figure out  
13 who -- the tie goes to the -- okay. Anyway, the  
14 Vice Chair will second it. So, maybe she won't  
15 second anything else. So, we'll get her to  
16 second this.

17 So, it's been moved and properly  
18 second. Any further discussion?

19 All those in favor?

20 (Ayes.)

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

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1 record -- do we have a proxy?

2 MS. SCHELLIN: Not on this.

3 CHAIRMAN HOOD: Okay. Ms.  
4 Schellin, would you record the vote?

5 MS. SCHELLIN: Staff would record  
6 the vote 4-0-1 to approve final action of Zoning  
7 Commission Case Number 07-18-E. Commissioner  
8 Miller moving. Commissioner Cohen seconding.  
9 Commissioners Hood and May in support.  
10 Commissioner Turnbull not present, not voting.

11 COMMISSIONER MAY: Mr. Chairman.

12 CHAIRMAN HOOD: Yes.

13 COMMISSIONER MAY: So, since I  
14 noticed that the Applicant is in the audience  
15 and we had some questions about when this  
16 project was actually going to break ground and  
17 maybe some other question for the Applicant,  
18 maybe they would want to stop by and speak to  
19 Ms. Schellin before they leave so we can get  
20 those updates. We don't need them on the  
21 record. Just for our information later.

22 CHAIRMAN HOOD: Okay. That's a

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1 good idea and since we're taking care of some  
2 housekeeping, the Vice Chair and I was  
3 wondering if we can get this light fixed.  
4 We're getting a little older and we --

5 MS. SCHELLIN: I had it fixed and it  
6 went out very quickly.

7 CHAIRMAN HOOD: Okay. All right.  
8 Well, thank you.

9 MS. SCHELLIN: So, we'll request it  
10 again.

11 CHAIRMAN HOOD: Okay. Thank you.  
12 Okay. And if the Applicant on the consent  
13 calendar can stop by and see. Okay. And see  
14 Ms. --

15 COMMISSIONER MAY: Yes, I think he  
16 can just walk up there right now and just tell  
17 her what we need.

18 CHAIRMAN HOOD: You want that  
19 information now?

20 COMMISSIONER MAY: No, I mean they  
21 can tell her now so that they don't have to come  
22 back or anything.

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1 CHAIRMAN HOOD: Okay. Which means  
2 we'll wait until she gets the information.

3 Do we need a report?

4 COMMISSIONER MAY: I'm happy to  
5 wait and get it off line. We don't need to --

6 CHAIRMAN HOOD: Okay. All right.  
7 Let's move on. Under final action, Zoning  
8 Commission Case Number 13-06. This is the  
9 Office of Planning - Text Amendment re:  
10 Retaining Walls. Ms. Schellin.

11 MS. SCHELLIN: Yes, sir, I do have  
12 an absentee ballot on this case if the  
13 Commission moves forward.

14 Exhibit 30, we have a submission  
15 from the Neighbors United Trust. I just would  
16 note that this did come in prior to the proposed  
17 rulemaking actually being published. So, I  
18 think it doesn't necessarily address the  
19 proposed rulemaking, but it is in the record if  
20 the Commission wants to address it.

21 CHAIRMAN HOOD: Okay. Let's open  
22 it up. Any comments or questions?

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1 COMMISSIONER MAY: Mr. Chairman.

2 CHAIRMAN HOOD: Commissioner May.

3 COMMISSIONER MAY: Yes, I just  
4 wanted to clarify one aspect of the text in this  
5 matter which is the reference to a slope, an  
6 overall slope of 2 to 1 horizontal to vertical  
7 and I mean this is in part due to the comments  
8 that we received from the Neighbors United  
9 Trust, but I just wanted to be -- I'm just a  
10 little confused.

11 This is 413.8. Retaining walls may  
12 be tiered or terraced provided that the slope  
13 does not exceed a 2 to 1 horizontal to vertical  
14 ratio and the area between the wall shall be  
15 pervious and not paved and otherwise covered  
16 with impervious materials.

17 It's that first sentence that is the  
18 question. Does this mean that inclusive of the  
19 retaining walls the overall resulting slope  
20 would be 2 to 1 or does it mean that between  
21 different retaining walls you could actually  
22 slope the ground 2 to 1?

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1 I hope it's the former not the  
2 latter, but, you know, I'm trying to understand  
3 your suggestion.

4 MS. ELLIOTT: Thank you,  
5 Commissioner May.

6 Our thought was that it would be  
7 sort of a -- it would be each wall measured  
8 separate. Not the overall slope would be 2 to  
9 1, but each wall would be, you know, a separate  
10 slope. If that helps. So --

11 COMMISSIONER MAY: So, between one  
12 wall of the terrace and the next, is there a  
13 limitation on the slope of that ground?  
14 Because there's going to be some slope to it.  
15 Otherwise, it's not going to shed water and it's  
16 going to undermine the retaining wall. Right?  
17 So, it's going to be sloped up and you're saying  
18 that that ground would be limited to 2 to 1 or  
19 what?

20 MS. ELLIOTT: It was intended to  
21 address the entire slope of the wall. Is that  
22 --

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1 COMMISSIONER MAY: The overall  
2 slope.

3 MS. ELLIOTT: Correct.

4 COMMISSIONER MAY: Right. But, I  
5 mean is the general notion that for every 1 foot  
6 of height you'd have 2 feet of horizontal more  
7 or less?

8 MS. ELLIOTT: Correct.

9 COMMISSIONER MAY: Got it.

10 MS. ELLIOTT: That's exactly what  
11 was intended.

12 COMMISSIONER MAY: All right.  
13 Good. Well, and I think that's the correct  
14 intent, but I think that there needs to be a  
15 little bit of tweaking of the language so that  
16 that's perfectly clear.

17 MS. ELLIOTT: Okay.

18 COMMISSIONER MAY: And I'm not sure  
19 how to do it, but I assume that that's something  
20 that OAG can work on with the Office of Planning  
21 to finalize -- I mean I know we're at the stage  
22 of final approval, but can we still have a

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1 little bit of tweaking of the language before  
2 it actually gets finished?

3 MS. SCHELLIN: We can work with OP  
4 on the language.

5 COMMISSIONER MAY: Yes. Does that  
6 make sense? Does the rest of the Commission  
7 agree with my slight confusion?

8 COMMISSIONER MILLER: Yes.

9 VICE CHAIR COHEN: Yes.

10 COMMISSIONER MAY: I appreciate  
11 your joint confusion and desire for  
12 clarification.

13 CHAIRMAN HOOD: Okay. Vice Chair,  
14 did you have something you wanted to add?

15 VICE CHAIR COHEN: Yes, I just  
16 again in reading the Neighbors United Trust  
17 proposals, I think that the natural grade seems  
18 clearer to me and I just would like OP to discuss  
19 why they're still going with the ground at the  
20 base of the wall.

21 COMMISSIONER MILLER: And I would  
22 agree with that.

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1                   CHAIRMAN HOOD: Let me say this. I  
2 would also agree. I'm glad that you took that  
3 one because that was one of my issues. I think  
4 we stay natural. I think Ms. Gates makes a  
5 great point. When you start dealing with  
6 measuring from berms and then, you know, she's  
7 right. We could be very creative. I've seen  
8 a lot of creativity.

9                   I think we can hear from OP, but I  
10 think it's up to us whether we do the natural  
11 grade or we do the -- what was it? The other  
12 recommendation.

13                   Anyway, let's go to OP.

14                   VICE CHAIR COHEN: Yes, I ask OP  
15 only because I wanted to know if there was any  
16 need to make that distinction as they proposed  
17 it.

18                   CHAIRMAN HOOD: Somebody from OP.  
19 Ms. Elliott.

20                   MS. ELLIOTT: I believe in earlier  
21 versions of the text, we had actually proposed  
22 the use of the term natural grade, but then

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1 there was a need to clarify that as we moved on.  
2 So, that's how we've ended up with where we're  
3 at.

4 Ms. Gates actually recommends  
5 adding a definition that has been proposed in  
6 the ZRR. A definition obviously is under  
7 review. Hasn't been adopted. So, it just --  
8 that would be I suppose part of your decision  
9 in moving forward with that.

10 COMMISSIONER MAY: Is that a  
11 definition of the word natural grade? Because  
12 I thought that was already defined in the  
13 existing regs.

14 MS. ELLIOTT: I don't believe  
15 natural grade is currently defined in the  
16 regulations.

17 COMMISSIONER MAY: Okay. So, we  
18 did address the issue of natural grade years ago  
19 when we were redefining how or clarifying how  
20 height should be measured. Right?

21 Because I'm sure the Chairman would  
22 remember the case having to do with the viaduct,

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1 measuring from a viaduct. That issue and so,  
2 we wrestled with natural grade and there are  
3 some complications with going with natural  
4 grade.

5 I'm very happy to go to natural  
6 grade because I think it is more limiting and  
7 that was the intention of clarifying retaining  
8 walls. Is to not so easily allow these -- you  
9 know, the excessive manipulation of grade in  
10 order to create large, flat lawns and things  
11 like that on steeply sloped properties. I mean  
12 this is what really prompted this in the first  
13 place. So, I'm very glad to go to natural  
14 grade.

15 I do think it is a bit complicated  
16 for the folks who have to interpret this and  
17 because it does become a bit of a question.  
18 There's always going to be some grading around  
19 a property, a house when you're making -- you  
20 know, when you're building a house and building  
21 lawns and things like that and it sometimes can  
22 be difficult to determine exactly what the

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1 natural grade is.

2 So, it's not without complication  
3 for those people who have to interpret it.

4 I wonder if the Office of Planning  
5 has actually -- in the earlier versions of this,  
6 did you wrestle with that at all with the Zoning  
7 Administrator and have a sense that they'd be  
8 comfortable with simply defining it as natural  
9 grade?

10 MS. ELLIOTT: Well, I believe that  
11 we used the term because it is used throughout  
12 the regulations. Whether or not it's  
13 consistently applied, you know, and easier for  
14 everyone to understand may be a different  
15 issue, but it is a term that is used throughout  
16 the regulation.

17 COMMISSIONER MAY: Okay. All  
18 right. Well, I'm perfectly comfortable with  
19 going in that direction if that's the consensus  
20 view of the Commission.

21 CHAIRMAN HOOD: Okay. I believe  
22 that is the consensus. Okay. Maybe it's the

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1 consensus.

2 The other thing -- I'm sorry. Vice  
3 Chair, was that --

4 VICE CHAIR COHEN: Go on.

5 CHAIRMAN HOOD: Okay. The other  
6 thing that we have to wrestle with was also in  
7 Ms. Gates' letter she talked about the lot  
8 occupancy or the types of retaining walls  
9 should be included. Anyone feel strongly on  
10 that argument? And it's on page 3 of her --

11 COMMISSIONER MAY: Well, you know,  
12 I think that issue is reduced substantially by  
13 sticking with the natural grade issue.  
14 Because if we have to go to natural grade, that  
15 really is going to limit any kind of terracing  
16 that would lead to the situation she was  
17 concerned about where you have a -- you know,  
18 essentially a wedding cake structure that leads  
19 to a much higher grade on a property.

20 I think that that -- essentially  
21 what we're saying by going by natural grade is  
22 that you're not going to be able to do terracing

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1 any more than -- the terracing is essentially  
2 going to have to parallel the natural grade and  
3 so, you're not ever going to have a structure  
4 more than 4 feet.

5 CHAIRMAN HOOD: Okay.

6 COMMISSIONER MAY: And so, why  
7 would it need to be counted against lot  
8 occupancy?

9 CHAIRMAN HOOD: Yes, I actually was  
10 just bringing that up. If you think natural  
11 grade takes care of it, I'm not sure if it does,  
12 but I would agree because I wasn't with her on  
13 this one. But, if natural grade takes care of  
14 it, I'm fine with it.

15 I know she mentioned a wedding cake  
16 and I'm trying to think of what commissioner  
17 that was some years ago who talked about the  
18 wedding cake issue. Was that Commissioner  
19 Greg Jeffers? Was that him? Remember the  
20 wedding cake. The famous wedding cake that we  
21 had that retaining wall. Okay. Anyway. I  
22 thought you --

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1 COMMISSIONER MAY: I remember a  
2 more recent wedding cake that we dealt with.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: It comes up from  
5 time to time.

6 CHAIRMAN HOOD: Well, the wedding  
7 cake that I'm talking about is -- well, I'm not  
8 going to say where it is, but that's a whole  
9 other issue. Okay.

10 Any other comments?

11 So, we're going to go with natural  
12 grade and I'm going to go with Commissioner May  
13 as far as taking care of the lot occupancy issue  
14 because the natural grade he says will take care  
15 of that. As long as -- I wasn't there anyway,  
16 but I just wanted to make sure.

17 Anything else, Commissioners?  
18 Somebody like to make a motion?

19 I would move that we approve Case  
20 13-06 with the clarifications and the changes  
21 discussed on the dais today and ask for a  
22 second.

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1 VICE CHAIR COHEN: Second.

2 CHAIRMAN HOOD: It's been moved and  
3 properly second. Any further discussions?

4 All those in favor?

5 (Ayes.)

6 CHAIRMAN HOOD: Not hearing any  
7 opposition, Ms. Schellin, do we have a proxy?

8 MS. SCHELLIN: Yes, sir. Staff  
9 would record the vote 5-0-0 to approve final  
10 action in Zoning Commission -- I'm sorry. Yes,  
11 final action Zoning Commission Case Number  
12 13-06. Commissioner Hood moving.  
13 Commissioner Cohen seconding. Commissioners  
14 May and Miller in support. Commissioner  
15 Turnbull in support by absentee ballot.

16 CHAIRMAN HOOD: Okay. Next B.  
17 Zoning Commission Case 12-21. This is the  
18 Covenant Baptist United Church - Consolidated  
19 PUD & Related Map Amendment @ Square 6129. Ms.  
20 Schellin.

21 MS. SCHELLIN: Yes, sir, on this  
22 case also, I have an absentee ballot if the

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1 Commission moves forward.

2 At Exhibits 51, 53 and 54, we have  
3 submissions from the Applicant per Section  
4 2403. At Exhibit 52, we have a report from the  
5 NCPC which states they have no issues with this  
6 case.

7 CHAIRMAN HOOD: Okay. Let's open  
8 it up. Any questions or comments? I know  
9 we've read a lot about Covenant Baptist doing  
10 proposed.

11 Any additional comments?  
12 Questions? Somebody like to make a motion?

13 COMMISSIONER MILLER: Mr.  
14 Chairman, I'm pleased as I think we mentioned  
15 last time with the mitigation measures that are  
16 incorporated within the draft order on the  
17 parking management and so, I'm comfortable with  
18 moving forward to final action.

19 I would move the Zoning Commission  
20 approval of final action on Zoning Commission  
21 Case Number 12-21 (Covenant Baptist United  
22 Church - Consolidated PUD & Related Map

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1 Amendment at @ Square 6129).

2 CHAIRMAN HOOD: I'll second it.  
3 It's been moved. You can second it. I was  
4 just joking. I was just joking. You can  
5 second it.

6 VICE CHAIR COHEN: No, that's --

7 CHAIRMAN HOOD: But, I'll second  
8 this one. It's been moved and properly second.  
9 Any further discussion? All those in favor?

10 (Ayes.)

11 CHAIRMAN HOOD: Any opposition?  
12 Not hearing any, Ms. Schellin, would you record  
13 the vote with the absentee?

14 MS. SCHELLIN: Yes, staff records  
15 the vote 5-0-0 to approve final action on Zoning  
16 Commission Case Number 12-21. Commissioner  
17 Miller moving. Commissioner Hood seconding.  
18 Commissioners May and Cohen in support.  
19 Commissioner Turnbull in support by absentee  
20 ballot.

21 CHAIRMAN HOOD: Okay. Thank you,  
22 Ms. Schellin.

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1                   Let's go right into it.    Zoning  
2                   Commission Case 13-15 (FC 1212, LLC & FC QALICB,  
3                   LLC - Text Amendment to 1803.16).    Ms.  
4                   Schellin.

5                   MS. SCHELLIN:        Again, if the  
6                   Commission decides to move forward, I do have  
7                   an absentee ballot on this case, too.

8                   At Exhibit 24, we have an NCPC  
9                   report.    Again, no issues with this case.

10                  At Exhibit 25, I do have a comment  
11                  from the D.C. Veterinary Medical Association.  
12                  This comment was received in the record on March  
13                  18th which was after the 30-day comment period  
14                  and I just wanted to advise the Commission if  
15                  they decide to allow that to stay in the record  
16                  or not.

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

19                  Commissioners, as stated, we did  
20                  receive a letter which is in support from the  
21                  District of Columbia Veterinary Medical  
22                  Association and the question is do we want to

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1 allow this in the record or do we want to send  
2 this back? Commissioner Miller.

3 COMMISSIONER MILLER: Mr.  
4 Chairman, I have no problem with accepting it  
5 into the record. I think it's useful to have  
6 and I don't think it does any prejudice or harm  
7 to any other person.

8 VICE CHAIR COHEN: Mr. Chairman, I  
9 would concur with Commissioner --

10 CHAIRMAN HOOD: Okay. Okay. Not  
11 hearing any objections, I would also agree.  
12 So, we will just by consensus allow this in the  
13 record.

14 Okay. Let's open it up. Any  
15 comments? Questions?

16 While my comments are not  
17 necessarily germane to this particular text  
18 amendment, my comments are germane to something  
19 that the Commission has done in the past and it  
20 goes with animal boarding.

21 I would like for us -- BZA case.  
22 Apparently all of us have had some issues and

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1 what I would like to do is for the Zoning  
2 Commission to look at what the Zoning  
3 Commission meant when we wrote those  
4 regulations. I was here. That's only been  
5 probably maybe 300 cases prior to today. But,  
6 I'd like for us to revisit that because there's  
7 a distinct issue when it comes in front of the  
8 BZA about districts and zones and whatever else  
9 we can do to help clarify that as we deal with  
10 animal boarding.

11 I would like for us, Commissioners,  
12 on our own motions not germane to this case, but  
13 on our own motion to petition the Office of  
14 Planning to do a report and work with the Office  
15 of the Attorney General as well as the staff and  
16 present that to us as soon as possible. But,  
17 I guess that's -- I'm not sure if that's all  
18 legal jargon, but I just -- we just need to get  
19 -- we need to get that back in front of us.

20 In the late '90s, what we did we  
21 looked at the transcript and we discussed it and  
22 we came up with clarifying language. We need

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1 to do that sooner than later. So, I'm hoping  
2 everybody's on board.

3 Mr. Ritting, I see you're getting  
4 ready to knock your mike over.

5 MR. RITTING: Sorry. I'm just  
6 very enthusiastic about zoning and --

7 CHAIRMAN HOOD: Oh, good.

8 MR. RITTING: -- can't contain me  
9 sometimes.

10 I just wanted to ask you a question  
11 and maybe perhaps this is a better question for  
12 the Office of Planning, but usually when  
13 there's issues with zoning text such as this and  
14 it sounds like you're considering amendments to  
15 the text, that they can be initiated by the  
16 Zoning Commission on its own motion.

17 But, more often, the Office of  
18 Planning submits a report that serves as a  
19 petition and I was wondering if perhaps you  
20 might want to ask the Office of Planning if they  
21 would be willing to do that in this case because  
22 it certainly is much more efficient and it's the

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1 normal course for initiating these types of  
2 cases. So, I just wanted to make that  
3 suggestion.

4 CHAIRMAN HOOD: Let me ask the  
5 Office of Planning. Would you all be willing  
6 to do that sooner than later? I know we got the  
7 ZRR, but this is something we need to deal with.

8 MR. LAWSON: Good evening. Joel  
9 Lawson with the Office of Planning.

10 Since we're also enthusiastic about  
11 zoning, we'd be happy to take our direction from  
12 the Chair. If you would like us to bring  
13 forward the text amendment, we would be happy  
14 to do so.

15 CHAIRMAN HOOD: Okay. And  
16 basically, what we're trying to do is clarify  
17 what we did when we did the animal boarding.  
18 So, in that way, that's good, Mr. Lawson. I  
19 appreciate it. So, the next time I go in front  
20 of the City Council, I can tell them just how  
21 accommodating you all are again. I don't have  
22 to change my story. Okay. Thank you.

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1 All right. Let's get back.  
2 Forgive us for digressing a little bit. Let's  
3 get back to Zoning Commission Case Number  
4 13-15. Any other comments, Commissioners?

5 Somebody like to make a motion.

6 VICE CHAIR COHEN: Mr. Chairman, I  
7 move to approve the text amendment to 1803.16  
8 for Zoning Case 13-15 (FC 1212, LLC & FC QALICB,  
9 LLC).

10 CHAIRMAN HOOD: Okay. It's been  
11 moved. Can I get a second?

12 COMMISSIONER MILLER: Second.

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

15 All those in favor?

16 (Ayes.)

17 CHAIRMAN HOOD: Not hearing any  
18 opposition, Ms. Schellin, would you record the  
19 vote with the proxy?

20 MS. SCHELLIN: Yes, sir, staff  
21 records the vote 5-0-0 to approve final action  
22 on Zoning Commission Case Number 13-15.

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1 Commissioner Cohen moving. Commissioner  
2 Miller seconding. Commissioners Hood and May  
3 in support. Commission Turnbull in support by  
4 absentee ballot.

5 CHAIRMAN HOOD: Commissioners, if  
6 you don't mind, if we could just do the  
7 correspondence item first and then we'll go to  
8 the hearing action. Okay.

9 Ms. Schellin, we're going to go to  
10 the correspondence first.

11 MS. SCHELLIN: Sure.

12 CHAIRMAN HOOD: I'm sorry.  
13 Memorandum from the Office of Planning re:  
14 potential rezoning of 9th, N.E. between Jackson  
15 & Monroe Streets. Ms. Schellin.

16 MS. SCHELLIN: Yes, sir, at the  
17 time the Commission sat down Zoning Commission  
18 Case Number 13-13, the Commission asked the  
19 Office of Planning to examine bringing forward  
20 a map amendment for the remaining properties on  
21 the west side of 9th Street south of Monroe  
22 Street.

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1                   Before you this evening, you have a  
2 memorandum from the Office of Planning and we  
3 just ask the Commission to decide what they want  
4 to do if anything.

5                   CHAIRMAN           HOOD:           Okay.  
6 Commissioner May, did you want to add something  
7 or say something?

8                   COMMISSIONER   MAY:           Yes, I  
9 appreciate the research that the Office of  
10 Planning has done on this.

11                   I am still very concerned because it  
12 looks like what's going to happen here in this  
13 neighborhood is this -- you know, we have a row  
14 of some rowhouses and then we have a stretch of  
15 essentially undeveloped property that's  
16 bordering the rail line and it's going to wind  
17 up being, you know, developed kind of piecemeal  
18 with CM-1 and, you know, right across the street  
19 from, what is it, R-2 or something like that.  
20 So, I mean it's really unfortunate that we  
21 didn't get ahead of this and get it zoned to R-4  
22 well before anybody's plans were made.

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1           I mean if we were only dealing with  
2 WMATA, I would be less concerned about it.  
3 It's -- you know, because WMATA is a fellow  
4 Government agency and ought to be attuned to  
5 broader planning issues rather than just the  
6 motivation of making the most out of the  
7 property that they own.

8           But, you know, for these other small  
9 property owners, I mean I'm really curious  
10 about what we're going to wind up with here  
11 under the CM-1 zoning that remains and I mean  
12 that doesn't necessarily mean that we should be  
13 going ahead and effectively downzoning the  
14 property, but boy it's not -- you know, it's not  
15 looking good and I mean I'm just concerned about  
16 it.

17           So, maybe the other Commissioners  
18 are not concerned, but I'm interested in  
19 hearing what you have to say.

20           CHAIRMAN HOOD: I'm actually --  
21 when I read this, I actually read this two or  
22 three times and I was trying to figure out what

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1 was going on here and I may share your concern,  
2 but I do want somebody to help bring me back up  
3 to speed on exactly why we even -- why this is  
4 even in front of us like this.

5 Because I think we do cause some  
6 problems when we start zoning with CM-1. I  
7 think it was R-4. We do cause problems when we  
8 start doing that. At least the way I see it and  
9 maybe it's something I'm missing. I'll be  
10 honest. I've read this three times and I still  
11 don't understand. I don't even remember us  
12 asking for anything, but anyway, I'm looking  
13 for clarification myself.

14 COMMISSIONER MILLER: Office of  
15 Planning can probably state this better than I,  
16 but I think I may have been one of the  
17 Commissioners who did raise the issue of the  
18 adjacent properties which are mapped exactly  
19 the same way on the Comprehensive Map Future  
20 Land-Use Map as these properties. I'm just  
21 wondering why we weren't proceeding with  
22 re-zoning those as well to be not inconsistent

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1 with the Comprehensive Plan.

2 But, I think that the research that  
3 the Office of Planning has done which talked  
4 about the imminent and existing commercial uses  
5 for some of those smaller properties and as well  
6 as the language that's in the Brookland Small  
7 Area Plan and maybe it's in the Comprehensive  
8 Plan as well about other uses being buffering  
9 -- having buffering uses between, you know,  
10 residential and the industrial-type uses which  
11 these commercial office uses would provide that  
12 kind of buffer to the large CM-1.

13 I'm not as concerned as I was -- I  
14 understand why we're proceeding separately.  
15 Let's put it that way. Why we're waiting until  
16 -- why we wouldn't include it at this point.

17 I don't know if that provides  
18 clarification. Maybe OP can state better  
19 their reasons for not suggesting rezoning the  
20 larger area that's mapped the same way on the  
21 Comp Plan.

22 CHAIRMAN HOOD: I notice we're

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1 saying a lot, but let's get our comments and  
2 then you can respond on all that laundry list.  
3 I hope you're taking good notes.

4 Vice Chair Cohen.

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

7 I concur with Commissioner Miller's  
8 analysis. When people own property and they go  
9 in front of, you know, a regulatory board and  
10 want to pursue let's say a building permit,  
11 they're basing their efforts on the current  
12 zoning and if they're gone down the road  
13 believing that they have one zone that permits  
14 them to develop and then we're going to move  
15 ahead and change it, I just don't think that  
16 that's appropriate nor fair.

17 I think that this is the type of  
18 analysis that needs to be done continuously  
19 before people start planning what they want to  
20 do with the land that they own so that there is  
21 some kind of consistency.

22 But, as Commissioner Miller stated,

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1       there is opportunity to create buffers between  
2       uses and they have to be careful to consider  
3       that.

4               So, I think that I would concur with  
5       the Office of Planning's proposed memorandum to  
6       not move ahead and make changes to this area.

7               CHAIRMAN HOOD:   Okay.   Before we  
8       go there, I agree with you.   We have some other  
9       issues that are in front of this Board that's  
10      similar to that.   I agree with that concept,  
11      but I just want to make sure when we talk about  
12      those necessary buffers, we need to make sure  
13      we have the right necessary buffers.   That's  
14      been the problem.   We just say a buffer and then  
15      what we wind up creating is a problem.

16              Anyway,   Office   of   Planning.  
17      Unless somebody else has something.   Let's  
18      hear what you have to say.   I know we have about  
19      300 different questions or things we'd comment  
20      on.

21              Mr. Jesick.

22              MR. JESICK:   Thank you.   Thank

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1 you, Mr. Chairman and Members of the  
2 Commission.

3 Yes, I think the Commission Members  
4 summed up our thoughts pretty succinctly.

5 You know, a first glance at the  
6 Comprehensive Plan Future Land-Use Map, it does  
7 call for low-density residential in this little  
8 strip, but, you know, when you dig deeper and  
9 you see there are these existing commercial  
10 uses, I think over time there have been more  
11 commercial uses actually in that little stick  
12 of rowhouses.

13 Then you have the imminent issuance  
14 of a building permit for a small office building  
15 there in that same area and then also, you know,  
16 WMATA voicing their objections. They're the  
17 largest land owner in the subject site.

18 On balance, we thought that it would  
19 be inappropriate to move forward with an R-4 map  
20 amendment at this time.

21 COMMISSIONER MAY: Can I ask some  
22 follow-up questions? I mean what do you

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1        imagine is going to happen in the -- I mean how  
2        big is that small office building and is that  
3        what we can expect under CM-1?

4                    MR. JESICK:    I've seen the plans  
5        for the OZ building.    I don't know the square  
6        footage.    It's I'd say pretty modest.    I  
7        believe it's three stories tall with the first  
8        floor being actually mostly parking.

9                    So, you know, as to what we could  
10       expect to see, I can't say for sure.    You know,  
11       it is less than two blocks to the Metro.    So,  
12       it's not a bad place for development to occur.

13                   The        Brookland        plan        also  
14       acknowledges that, you know, you are going to  
15       have some of these uses side by side and, you  
16       know, some extra daytime users in the  
17       neighborhood wouldn't necessarily be a bad  
18       thing either, you know.

19                   COMMISSIONER MAY:    And I'm not  
20       suggesting that R-4 is the only appropriate  
21       zone there, but, you know, CM-1 allows some uses  
22       that may be objectionable across the street

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1 from R-2. Maybe there is another zone that's  
2 appropriate there that we should be thinking  
3 about.

4 I mean I guess what -- I certainly  
5 want to make sure we respect the rights of the  
6 property owners that are there and have  
7 intentions for their property. But, I also  
8 think we need to understand what could wind up  
9 there and if we're thinking about one portion  
10 of that property, should we be thinking about  
11 more of that to make sure that the use is  
12 appropriate.

13 I mean maybe it's as simple as  
14 making it, you know, C-1 instead of CM-1 so that  
15 some of the uses are not allowed. I don't know.

16 I mean, you know, in terms of the  
17 bulk of it, CM-1 and C-1 are actually fairly  
18 close. I don't know. I mean --

19 MR. JESICK: Well, I guess it's  
20 unfortunate that the Brookland plan maybe  
21 didn't go into more detail in looking at these  
22 properties. I think certainly during the next

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1 round of Comp Plan revisions, we could take a  
2 closer look at it and --

3 COMMISSIONER MAY: So, there isn't  
4 really Comp Plan guidance that sort of opens the  
5 door for changing it to C-1? There's only Comp  
6 Plan guidance that would allow you to go to  
7 low-density residential.

8 MR. JESICK: I'm sorry. Could you  
9 repeat that please?

10 COMMISSIONER MAY: Is there Comp  
11 Plan guidance that would allow you to consider  
12 another commercial zone? Probably not.

13 MR. JESICK: The future Land-Use  
14 Map does say low-density residential this time.  
15 So, I think commercial zone would kind of be a  
16 stretch.

17 COMMISSIONER MAY: Right. But,  
18 you already have a commercial zone. So.

19 I understand the point, but with  
20 guidance that the Comp Plan provides. Anyway,  
21 it's a dilemma.

22 CHAIRMAN HOOD: Okay. So, I guess

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1 are we are in agreeance with Office of  
2 Planning's -- agreeance to agreeance with some  
3 reservations.

4 COMMISSIONER MAY: You know, I mean  
5 I think it's unfortunate. We could wind up  
6 with some things that are undesirable to the  
7 residents who live there and are going to be  
8 across from this and that's my only concern.

9 But, maybe we won't. Maybe  
10 everything will be developed with small office  
11 buildings that are good buffers.

12 COMMISSIONER MILLER: And I think  
13 what OP was saying was that in this next Comp  
14 Plan amendment cycle which I think is upon us  
15 I agree that they should look at this and see  
16 if a mapping that would create a mixed-use zone  
17 C-2-A or C-1 or whatever a Comp Plan mapping  
18 that would be -- that would allow for what's  
19 there without allowing for the objectionable  
20 uses that are in an industrial zone. That  
21 would be a useful exercise. So.

22 CHAIRMAN HOOD: Okay. I'm going

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1 to follow the Comp Plan experts comments.  
2 Commissioner May, are you fine with that?

3 COMMISSIONER MAY: That's fine.

4 CHAIRMAN HOOD: Okay. So, what  
5 we'll do is -- I think we have a general  
6 consensus that we will accept the Office of  
7 Planning's proposal.

8 Ms. Schellin, I don't think we need  
9 to vote on this.

10 MS. SCHELLIN: No.

11 CHAIRMAN HOOD: Okay. All right.  
12 Thank you, all. Thank you, Commissioner  
13 Miller.

14 All right. Anything else on this?  
15 Okay.

16 Let's move to the next case which is  
17 hearing action.

18 Zoning Commission Case Number  
19 14-02. This is A&R Development Corporation &  
20 DCHA Preservation of Affordable Housing,  
21 Incorporated - 1st-Stage. Again, this is a  
22 1st-Stage PUD & Related Map Amendment @ Squares

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1 5862, 5865 & 5866.

2 Ms. Brown-Roberts.

3 MS. BROWN-ROBERTS: Thank you, Mr.  
4 Chairman and Members of the Commission.

5 The Office of Planning is pleased  
6 and dare to say excited about the proposal for  
7 the redevelopment of Barry Farm.

8 The District of Columbia Housing  
9 Authority, A&R Development Corporation and  
10 Preservation for Affordable Housing, Inc.  
11 submitted for your review a plan for the  
12 redevelopment of the existing Barry Farm and  
13 Wade Road Apartments.

14 Barry Farm is one of the communities  
15 in the District's new communities initiative to  
16 revitalize areas of solely public housing and  
17 replaced them with mixed-income and mixed-use  
18 communities.

19 As you're aware, there have been  
20 prior developments in the proximity of Barry  
21 Farm such as Matthews Memorial and Sheridan  
22 Station in which it was stated that they would

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1 be taking residents from Barry Farm as part of  
2 the relocation process in order to redevelop  
3 Barry Farm. These residents would have the  
4 option to return to the redeveloped Barry Farm.

5 The Applicant at this time is only  
6 requesting a 1st-Stage PUD which authorized the  
7 permittees of the development and the related  
8 map amendment to rezone the property from the  
9 R-5-A District to the R-5-B and C-2-A  
10 Districts. This would allow the property to be  
11 developed with a mixed-use development with  
12 varying residential unit types, sizes and  
13 incomes, support retail and service uses, have  
14 a community park and open space.

15 The Applicant has submitted this  
16 application as a 1st-Stage PUD and so many of  
17 the details would be provided at a later stage.  
18 Additionally, the Applicant has requested that  
19 the 1st-Stage PUD be valid for a period of five  
20 years instead of the required one year to allow  
21 the Applicant to secure the Hope VI funding for  
22 which they're making a submission in the near

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1 future.

2           However, OP recommends that part of  
3 the hearing of the 1st-Stage application and as  
4 part of the 2nd-Stage submission, the Applicant  
5 should provide additional information on  
6 phasing which should include the approximate  
7 scheduling and development priorities.

8           The apartments and condominiums  
9 would be in four to five-story buildings while  
10 the other buildings would have heights of two  
11 to four stories.

12           To complement the residents, an  
13 approximately one-acre multi-use park would  
14 allow for passive and active recreational use.

15           Street improvements would include  
16 the introduction of more streets along with  
17 improved pedestrian and bicycle access.

18           The site is currently zoned R-5-A  
19 and the Applicant is requesting a PUD Related  
20 Map Amendment to the R-5-B and C-2-A zones.  
21 The C-2-A zone would allow for the inclusion of  
22 retail and service uses in the development.

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1 The Comprehensive Plan Future Land-Use Map  
2 designates the site for moderate density  
3 residential while the generalized policy map  
4 designates the areas of neighborhood  
5 enhancement area.

6 However, the Barry Farm Park  
7 Chester Wade Road Redevelopment Plan approved  
8 in 2006 did additional studies based on the  
9 Comprehensive Plan and policy recommendations  
10 that redevelopment of the site should include  
11 commercial uses to serve the residents of the  
12 community on the western and northwestern  
13 portion of the site.

14 The Applicant has requested  
15 flexibility from the parking, loading and yard  
16 requirements. At the same time, amenities and  
17 benefits would include affordable housing  
18 including units for families with up to 30  
19 percent of AMI and would significantly exceed  
20 the IZ requirements.

21 Others include retail and service  
22 uses. The first was a green element such as

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1 meeting the LEED-ND standards and other  
2 building rating programs such as any of the  
3 STAR.

4 The proposed development also meets  
5 or furthers many of the policies of the  
6 Comprehensive Plan and in particular, the far  
7 southeast and southwest area elements which  
8 specifically calls for the redevelopment of the  
9 Barry Farm with a mix of unit types, income,  
10 family sizes and improved access and more open  
11 space.

12 Mr. Chairman, the revitalization of  
13 Anacostia is under way and the redevelopment of  
14 Barry Farm will contribute significantly to  
15 this revitalization.

16 OP, therefore, recommends that the  
17 Zoning Commission set down the proposal for a  
18 public hearing.

19 We also recommend that the  
20 Applicant provide, prior to the public hearing,  
21 details of a phasing plan, details regarding  
22 proposed green building initiative, landscape

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1 plan, plans showing how and where the yard  
2 requirements for each building are met and the  
3 extent of the requested deviations, the TDM  
4 measured specifics.

5 In addition, it's 2nd-Stage  
6 application should address site and building  
7 design details and specifics regarding  
8 transportation, environmental and affordable  
9 units plan.

10 Thank you and I'm available for  
11 questions.

12 CHAIRMAN HOOD: Okay. Thank you,  
13 Ms. Brown-Roberts.

14 Mr. Ritting, do we need to deal with  
15 the waiver request first or should we deal with  
16 that after we have our discussion?

17 MR. RITTING: I don't think it  
18 matters one way or the other so long as you deal  
19 with both of them tonight.

20 CHAIRMAN HOOD: Let's deal with it  
21 after we have deliberations or discussions with  
22 Office of Planning.

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1                   Okay. Vice Chair.

2                   VICE CHAIR COHEN: Thank you, Mr.  
3 Chairman.

4                   First of all, I would like to make  
5 a disclosure just so that it's on the record.  
6 That when Barry Farm was first contemplated to  
7 be redeveloped, I sat on the Housing Authority  
8 Commission, but the commissioners never acted  
9 on the proposed redevelopment plan that was  
10 submitted as draft November 2006.

11                  CHAIRMAN HOOD: Does anyone have  
12 any objections? Does anyone have any  
13 objections to the Vice Chair participating?  
14 Okay. Not hearing any.

15                  VICE CHAIR COHEN: Okay.

16                  CHAIRMAN HOOD: Let me just ask  
17 this. Do I need to ask that again if she does  
18 that disclosure -- if it's set down and we have  
19 a hearing, Mr. Ritting, do I need to ask that  
20 question then or that was just appropriate for  
21 this time? If you don't --

22                  MR. RITTING: The purpose was for

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1 Ms. Cohen to make a disclosure. I think that  
2 she's made now and that's adequate.  
3 Certainly, if she wanted to disclosed it again  
4 at the hearing, she could do so.

5 CHAIRMAN HOOD: Okay.  
6 Commissioners, let me just do this now. Any  
7 objections? Okay. All right. Vice Chair.

8 VICE CHAIR COHEN: Thank you. I  
9 just to mention one minor thing with regard to  
10 their is no Hope VI grants any more. They  
11 haven't been around since Fiscal Year '11. So,  
12 my presumption when reading this proposal was  
13 that the Applicant or DCHA is going in for  
14 Choice Neighborhood Funding.

15 Barry Farm has outlived its useful  
16 life and it's really been in a state of total  
17 disrepair for many years. So, it's really  
18 important to move forward.

19 It doesn't mean that it's going to  
20 be an easy process and one of the questions that  
21 I would like answered is the submission of the  
22 draft November 2006 report by Torty Gallis and

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1 then another plan by a different master planner  
2 has been submitted. So, don't know what I'm  
3 dealing with as far as which is the most  
4 current.

5 Why even was the 2006 plan submitted  
6 since it was never accepted by Housing  
7 Authority Commissioners?

8 Which brings me to another point.  
9 Is that although the City Council approved this  
10 plan November 2006, it never went through the  
11 formality of approval of the Commissioners at  
12 least that I'm aware of. So, I don't know the  
13 status of what we're dealing with and who has  
14 the authority to move this forward.

15 Adrienne Toddman, the Executive  
16 Director, presumably has the authority, but  
17 there's no indication.

18 So, it's very confusing and maybe  
19 it's because I know too much.

20 I'm also concerned about the  
21 phasing as you had brought up in your review,  
22 the OP review and I think that's why they're

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1 asking for a longer period of time before they  
2 submit their -- phase 2 is they have to relocate  
3 a significant number of people and although  
4 there is an indication that there is a start up  
5 of this relocation, it takes a very long time  
6 in light of the fact that the resources that are  
7 made available are very minimal in this  
8 Administration. Meaning the Federal  
9 Administration. Congress has not seen fit to  
10 think housing as an important goal for moving  
11 any kind of budget to speak of. In fact, these  
12 are getting worse in the housing arena and not  
13 better.

14 So, I guess what I would like to do  
15 is have more, you know, compelling argument  
16 that the five year is even practical for this  
17 project.

18 There's some inconsistencies on the  
19 project description that was submitted with  
20 regard to traffic. In one way, it says that  
21 they're not close to major traffic -- I mean the  
22 Metro and in another place, it says they are

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1 close to the Metro. So, you know, again, using  
2 my own knowledge of this area, I think it is  
3 close to a Metro.

4 But, there was some inconsistencies  
5 and unfortunately, I didn't write down the page  
6 numbers although I probably could find it.  
7 Yes, it's under Project Description Part 3A.

8 My other concern is on the site  
9 planning. The multifamily seemed to be pods  
10 and I don't understand how those pods will  
11 encourage transparency and sustainability and  
12 safety. Because there are all these inner  
13 courtyards that again were the way prior public  
14 housing developments were built and they proved  
15 to be not terribly safe and so, maybe I want just  
16 a little more elaboration on the site planning  
17 of the multifamily.

18 And then, of course, on page 14 and  
19 I'm not sure it's the OP review that I was  
20 referring to, but talking about various  
21 sustainable practices and again, I think you  
22 hit on this. That we need more information on

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1 the sustainable practices that they are  
2 proposing. It's very unclear to me what they  
3 are.

4 And one concern that I definitely  
5 have and I think this is probably more of a stage  
6 2, but we're finding that again homeownership  
7 at very low incomes, say 30 percent of a median  
8 income which touches upon the population that  
9 DCHA is actively trying to house, condo fees  
10 make it very hard for people to live in a  
11 condominium unless there is a plan that when  
12 those fees increase, and this is true of  
13 property taxes for homeownership, how are the  
14 residents going to meet those increases in a  
15 sustainable way?

16 So, those are my concerns. I have  
17 no objection to setting this down, but I think  
18 that we do need quite a bit more information  
19 before the public hearing.

20 CHAIRMAN HOOD: Thank you. Any  
21 other comments? Commissioner Miller.

22 COMMISSIONER MILLER: Thank you,

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1 Mr. Chairman.

2 I strongly support setting down  
3 this case for public hearing. This really has  
4 been in the works for some time and it will be  
5 a transformational project for this  
6 neighborhood and for the city.

7 It's proposing, you know, 1300 to  
8 1900 residential units, mixed-income units  
9 including one-to-one replacement of all of the  
10 public housing units that are there, but also  
11 other affordable levels of housing as well as  
12 market-rate housing. And the retail amenities  
13 that will serve all those residents there are  
14 important and the open space and street grid  
15 connections that are part of this over one acre  
16 of a centrally located park. All of that's  
17 very exciting.

18 But, I would concur with the Vice  
19 Chair and the Office of Planning that all of the  
20 information that Office of Planning asked for  
21 in its report that needs to be provided prior  
22 to the public hearing on the 1st-Stage. Be

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1 provided to the Commission prior to that  
2 hearing.

3 On page 1 and 2 -- on top of page 2  
4 lists six items. Details of the phasing plan  
5 including scheduling and development  
6 priorities, all environmental green building  
7 initiatives proposed, details regarding  
8 proposed green building initiatives, detailed  
9 landscape plans, plans showing where and how  
10 the yard requirements for each building are met  
11 and the extent of the requested deviations and  
12 transportation demand management measure  
13 specifics.

14 And then Office of Planning in the  
15 body of the report, they didn't summarize it  
16 here, but on page 7, they asked for certain  
17 clarifications and details regarding the  
18 parking and loading scheme proposals and they  
19 also on page 11 of the report asked for more  
20 details on the number and duration of  
21 affordable housing units that will be provided.

22 So, with all that information being

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1 provided, I would support that we set this down  
2 for a public hearing.

3 CHAIRMAN HOOD: Okay. Thank you.  
4 Commissioner May.

5 COMMISSIONER MAY: Yes, I'm also  
6 very excited to see this project come forward.  
7 I know it's been many, many years in the making.

8 And I share many of concerns that  
9 have been voiced previously. The information  
10 that OP has requested plus the concerns about  
11 affordability and having the right mix and  
12 scheme here.

13 I have some concerns about the  
14 overall plan. I mean I think it's fine as a  
15 diagram of how things will be.

16 I think my biggest concern is that  
17 it's very hard to tell from the information  
18 that's been submitted exactly what much of the  
19 single-family homes are going to look like  
20 because we do as -- we have a whole bunch of  
21 different representative images and I know that  
22 they're trying to communicate certain ideas

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1 about the open space for the, you know, void as  
2 opposed to the solid. The homes instead of the  
3 -- or the courtyards as opposed to the  
4 particular architecture of the homes.

5 But, there are some -- I think some  
6 representative images in here that are -- some  
7 of them are good and some of them are not so good  
8 honestly. And I would just want to encourage  
9 that this be very thoughtfully considered even  
10 at the stage 1 phase so that we have some  
11 understanding of what the neighborhood will  
12 actually look like and not just, you know, how  
13 the diagram's laid out.

14 You know, I'm not a big fan of  
15 townhouses backed up to 30-foot alleys that are  
16 basically just drive aisles to access garages  
17 and I've made that very clear in comments on  
18 past projects and in my conversations with the  
19 Office of Planning.

20 That's not to say that I would  
21 oppose this project in its entirety because of  
22 the extent to which such a strategy is used to

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1 lay out the buildings. But, you know, it just  
2 has to be done very carefully and you have to  
3 be looking carefully at the site overall and the  
4 slope and take advantage of the slope and don't  
5 be limited to just, you know, what's the  
6 cheapest way to bang up a bunch of townhouses  
7 because frankly a lot of what I see here is just  
8 banged up, you know. I mean townhouses that  
9 are thrown up to be cheap and easy to build and  
10 I hope that we can aspire to something more than  
11 that.

12 There are some really nice  
13 compelling images. I mean the courtyard  
14 that's shown in the lower image on page 28 I  
15 think is a really good -- that's a compelling  
16 image and it speaks of community and doing  
17 something that's a little bit different from we  
18 normally see in these kinds of rowhouse  
19 developments.

20 You know, on page 27, what we see for  
21 the courtyard developments there I mean that's  
22 sort of typical of the kinds of developments

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1 that we see around Washington and I understand  
2 that they sell well and all that sort of stuff,  
3 but frankly, I mean they're -- I don't believe  
4 that they are --well, I believe that we can do  
5 better in the design of this project than  
6 something like that.

7 The merits of the images on page 29  
8 is that we're seeing -- there's not an attempt  
9 to falsely create the impression of having  
10 multiple different buildings that were built at  
11 different times. I mean it acknowledges the  
12 fact that all of this is being built at one time  
13 and celebrates that with a consistent design.

14 Consistency is okay. Consistency  
15 is bad when you have bad design and  
16 unfortunately, that has happened in a lot of  
17 circumstances. But, you know, there is an  
18 attempt to do something that I think is  
19 consistent in look and yet compelling.

20 I think the lower image on page 30  
21 is similarly compelling in that regard. It's  
22 got a lot more character to it than some of the

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1 -- than the images on page 29, but yet, it is  
2 a somewhat repetitive model and I think that  
3 that's perfectly fine.

4 The images on page 31 are not very  
5 good images of what the streets and alleys  
6 should look like. First of all, when a  
7 building turns a corner, it should face what  
8 it's -- you know, it should recognize the fact  
9 that it's turning the corner and not just be,  
10 you know, cutoff like, what was that, PlayDoh.  
11 You know, you had a little machine that you sort  
12 of push out the townhouse form and then you  
13 slice it off at the end. That's not what you  
14 want it to look like and that's what I see in  
15 the upper image on 31.

16 Similarly, the alley in the lower  
17 image on 31 is exactly what we want to avoid  
18 which is just that 30-foot-wide thing with a big  
19 garage door and then the second floor porch off  
20 of it. I don't find it very -- a very good alley  
21 space and I think that the image just opposite  
22 that on page 32 or even -- actually, both the

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1 images on page 32 where there's some variation  
2 of facades and some variation on how the decks  
3 are done and there are actually some trees in  
4 that space and little tiny driveways, I think  
5 it makes it look a lot, a lot better.

6 So, those are just some thoughts on  
7 how you try to develop it. I don't know how far  
8 we'll get in phase 1, stage 1 when we start to  
9 review it. But, I'm hoping for a really  
10 smashing design in the end.

11 Thank you.

12 CHAIRMAN HOOD: We must be getting  
13 close to the end because I actually really agree  
14 for the first time wholeheartedly with  
15 Commissioner May. I really did and I agree.

16 This look as you mentioned,  
17 Commissioner May, I don't know if I can  
18 articulate it like you did, but 31, I know  
19 that's kind of the same scheme they're using by  
20 some of the Metros out on Morgan Boulevard in  
21 Largo. I see that same scheme. But, I don't  
22 see that cut like you said on the bottom of 31.

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1 I'm not going to try to add to what  
2 you're said. Because when I look at the top of  
3 page 30, I mean, you know, and I know this is  
4 the 1st-Stage. So, I wasn't going to say  
5 anything, but I was very well compelled and  
6 moved by Commissioner May's comments and  
7 normally, I'll be frankly honest, that doesn't  
8 happen.

9 So, I mean I'm not going to add  
10 anything to it. I would hope that you would  
11 take the comments of all my colleagues, but I  
12 also recognize that this is a 1st-Stage PUD.  
13 So, I'm not going to make any comments. Okay.  
14 Other than what I said.

15 Anything else?

16 All right. Would somebody -- I  
17 think this is right for setting down. I don't  
18 have a problem with setting it down with the  
19 comments especially since it's 1st-Stage.

20 Somebody like -- I'm sorry.

21 Oh, and the way -- oh, whoever makes  
22 the motion, can we also agree? We have a letter

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1 from Director Kelly of the Housing Authority.  
2 What is it? Housing -- DHCD. My letter's  
3 actually in the back.

4 But, we do have a letter from him  
5 that was given to us asking for a partial waiver  
6 of the fees and can we do that all in the motion?  
7 The set down and the partial waiver.

8 Commissioner Miller.

9 COMMISSIONER MILLER: Mr.  
10 Chairman, I would move that we approve the  
11 partial waiver of the filing fees since this is  
12 an affordable housing development and it meets  
13 the criteria for such waiver and also,  
14 simultaneously move that we set down Zoning  
15 Commission Case Number 14-02 (A&R Development  
16 Corporation & D.C. Housing Authority 1st-Stage  
17 PUD & Related Map Amendment @ Squares 5862, 5865  
18 and 5866) and ask for a second.

19 VICE CHAIR COHEN: Second.

20 CHAIRMAN HOOD: Okay. It's been  
21 moved and properly second.

22 MR. RITTING: Just a

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1 clarification. Does that motion include the  
2 requested information and materials that OP  
3 requested in its report?

4 COMMISSIONER MILLER: Yes, and all  
5 the additional information that the  
6 Commissioners requested as well.

7 CHAIRMAN HOOD: Okay. Thank you.  
8 It's been moved and properly second. Any  
9 further discussion? All those in favor?

10 (Ayes.)

11 CHAIRMAN HOOD: Not hearing any  
12 opposition. Do we have a proxy on that, too?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay.

15 MS. SCHELLIN: Staff records the  
16 vote 4-0-1 to set down Zoning Commission Case  
17 Number 14-02 as a contested case and a waiver  
18 of the \$13,000 of the hearing fee.  
19 Commissioner Miller moving. Commissioner  
20 Cohen seconding. Commissioners Hood and May  
21 in support of set down. Commissioner Turnbull  
22 not present, not voting.

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1                   CHAIRMAN HOOD:   Okay.  Thank you.  
2   Ms. Schellin, do we have anything else?

3                   MS. SCHELLIN:     No,  sir.     Not  
4   unless OP has anything.

5                   CHAIRMAN   HOOD:       Office   of  
6   Planning, do you have anything else?

7                   MR. LAWSON:    No,  sir.

8                   CHAIRMAN HOOD:   Okay.  I want to  
9   thank everyone for your participation in this  
10   meeting tonight and this meeting is adjourned.

11                   (Whereupon,  at  7:36  p.m.,  the  
12   meeting was adjourned.)

13

14

15

16