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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

REGULAR PUBLIC MEETING
1400th Meeting Session (25th of 2014)

6:48 p.m. to 9:02 p.m.
Monday, December 8, 2014

441 4th Street, N.W.
Jerrily R. Kress Memorial Hearing Room
Second Floor Hearing Room, Suite 220 South
Washington, D.C. 20001

1 Board Members:

- 2 ANTHONY HOOD, Chairperson
- 3 MARCIE COHEN, Vice-Chairperson
- 4 PETER MAY, Commissioner
- 5 ROBERT MILLER, Commissioner
- 6 MICHAEL TURNBULL, Commissioner
- 7 SHARON SCHELLIN, Secretary

8

9 Office of Planning:

- 10 JENNIFER STEINGASSER
- 11 JOEL LAWSON, OP
- 12 MAXINE BROWN-ROBERTS, OP
- 13 MEGAN RAPPOLT, OP
- 14 MALIKA ABERNATHY, OP

15

16 Also Present:

- 17 ANNA CHAMBERLIN, DDOT
- 18 RANDALL GASKINS
- 19 800 Light Street
- 20 Baltimore, Maryland 21230
- 21 410-303-7499

22

23

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P R O C E E D I N G S

CHAIRPERSON HOOD: This meeting will please come to order. Good evening, ladies and gentleman. This is the public hearing of the Zoning Commission for the District of Columbia.

My name is Anthony Hood, joined by Vice Chair Cohen, Commissioner Miller, Commissioner May, and Commissioner Turnbull. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, the Office of Attorney General Staff, Mr. Bergstein and Mr. Ritting; Office of Planning Staff, Ms. Steingasser and Mr. Lawson, Ms. Brown-Roberts, Ms. Thomas; and the District Department of Transportation Ms. Chamberlin.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony at our meetings unless the Commission requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noise or actions in the hearing room, including the display of any signs or objects.

1 Please turn off all beepers and cell
2 phones.

3 Does the staff have any preliminary
4 matters? If not, let us proceed with the agenda.

5 Do you have any preliminary matters, Ms.
6 Schellin?

7 SECRETARY SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: Okay. Do I need to
9 read this closed meeting?

10 SECRETARY SCHELLIN: Yes, sir.

11 CHAIRPERSON HOOD: Okay. In accordance
12 with 405 of the Open Meetings Act, D.C. Official
13 Code 2-575C, I move that the Zoning Commission
14 hold closed meetings on each Monday that is
15 scheduled to hold a public meeting for calendar
16 year 2015 and January 11th, 2016. The closed
17 meetings will begin at 6 p.m. and are for the
18 purpose of obtaining legal advice from our
19 counsel on all cases and to deliberate upon, but
20 not voting on the contested cases scheduled for
21 the hearing actions, proposed actions, and final
22 actions or consent, calendar considerations as
23 those cases are identified on the Commission's
24 agenda for those meetings.

25 Is there a second?

1 PARTICIPANT: Second.

2 CHAIRPERSON HOOD: Okay. It's been moved
3 and second. Will the Secretary please take a
4 roll call vote on the motion before us now that
5 has been seconded.

6 SECRETARY SCHELLIN: Yes. Chairman Hood?

7 CHAIRPERSON HOOD: Yes.

8 SECRETARY SCHELLIN: Vice Chair Cohen?

9 VICE CHAIR COHEN: Yes.

10 SECRETARY SCHELLIN: Commissioner Miller?

11 COMMISSIONER MILLER: Yes.

12 SECRETARY SCHELLIN: Commissioner May?

13 COMMISSIONER MAY: Yes.

14 SECRETARY SCHELLIN: Commissioner
15 Turnbull?

16 COMMISSIONER TURNBULL: Yes.

17 SECRETARY SCHELLIN: The vote carries.

18 CHAIRPERSON HOOD: Okay. I request that
19 the Office of Zoning provide notice of these
20 closed meetings in accordance with the Act.

21 Ms. Schellin, do we have anything else?

22 SECRETARY SCHELLIN: No, sir.

23 CHAIRPERSON HOOD: Okay. What I would
24 also like to do is we did a reflections of the
25 late Honorable Mayor for Life and today I would

1 like to, after the festivities, the funeral
2 service, the memorial service, and the lying in
3 state, I would like for us to take a moment of
4 silence in remembrance of the Mayor for Life.

5 (Moment of silence.)

6 CHAIRPERSON HOOD: Thank you. And,
7 again, I want to thank all of those who had nice
8 comments when we did that a week or so -- a
9 couple of weeks ago, a week and a half, whatever
10 it was, our last meeting -- one of our meetings.

11 Okay. Let's move right with our agenda.
12 Consent calendar items, Zoning Commission Case
13 No. 11-07C, this is American University request
14 for minor modification at Square 1601.

15 Ms. Schellin?

16 SECRETARY SCHELLIN: Yes, sir. The
17 applicant requests minor modification of the
18 underground parking garage on the east campus to
19 construct two below-grade levels rather than one
20 level and to clarify that charter buses or motor
21 coaches will not be permitted on the east campus.
22 At Exhibit 4, we have ANC3B's opposition.
23 Exhibit 6 is Spring Valley Wesley Heights Citizen
24 Association's opposition. And Exhibit 7 is OP's
25 report in support. I would ask the Commission to

1 consider action this evening.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms.
3 Schellin. Again, colleagues typically I'm
4 supposed to ask for that and Ms. Schellin will
5 give us the background of how we've gotten.
6 Typically the question is, does anyone see that
7 this needs to come off the consent calendar item?

8 I actually do. Mr. Turnbull, anyone
9 else?

10 COMMISSIONER TURNBULL: I would.

11 CHAIRPERSON HOOD: Okay. So I guess what
12 we can do colleagues is set this down for a
13 limited scope hearing. Do we need a motion? Or
14 does anybody disagree with this? All it takes is
15 one to take it off the consent calendar item.

16 So I would move that we set 11-07C
17 request for minor modification at square for a
18 limited scope hearing on the issue presented?

19 COMMISSIONER TURNBULL: Second.

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

22 COMMISSIONER MILLER: Mr. Chairman, I
23 support the motion. I just hope we can
24 expeditiously schedule that hearing giving the
25 proper notice, of course, to the ANC. But I

1 think we probably can do that.

2 CHAIRPERSON HOOD: Okay. As long as we
3 follow all of our time requirements, I'm sure we
4 can probably find some way to put that in for our
5 hearing. One of those nights we have a quick
6 night, we may be able to squeeze that in.

7 COMMISSIONER MILLER: Okay.

8 MR. BERSTEIN: Assuming that it fits
9 within all our notifications, you can reduce the
10 comment period to 30 days. I mean, the
11 publication period to 30 days, because that's all
12 the charter requires. Your rules require more,
13 but you can do --

14 CHAIRPERSON HOOD: Our rules require
15 what, 45?

16 MR. BERSTEIN: Yeah. Yes.

17 CHAIRPERSON HOOD: Because of the season,
18 let's just leave it at 45.

19 MR. BERSTEIN: Okay.

20 CHAIRPERSON HOOD: All right. What is
21 the motion -- is the motion on the table?

22 SECRETARY SCHELLIN: Yes.

23 CHAIRPERSON HOOD: Okay. Is it moved and
24 properly seconded? Any further discussion?

25 (No response.)

1 CHAIRPERSON HOOD: All those in favor,
2 aye?

3 (Chorus of aye.)

4 CHAIRPERSON HOOD: Any opposition?
5 (No response.)

6 CHAIRPERSON HOOD: Not hearing any, Ms.
7 Schellin, I want you to record the vote.

8 Staff records the vote five to zero to
9 zero to set down Zoning Commission Case No. 11-
10 07C as a contested case. Commissioner Hood
11 moving, Commissioner Turnbull seconding,
12 Commissioners May, Cohen, and Miller in support.

13 CHAIRPERSON HOOD: Okay. Next Zoning
14 Commission Case No. 05-28M, this is a request for
15 minor modification at Square 5041.

16 Ms. Schellin?

17 SECRETARY SCHELLIN: Yes, sir. The
18 applicant is requesting a minor modification to
19 the facades of the townhouses that include
20 additions to of dormer windows and gables in the
21 roofline, modification to the porch roof, and
22 modification of roof trim. Exhibit 4 is an OP
23 report in support and we ask the Commission to
24 consider action this evening.

25 CHAIRPERSON HOOD: Okay. Commissioners,

1 we have some renderings. We have what's been
2 approved and proposed. For me, I think it's a
3 big improvement. When I looked at the first
4 ones, I said, I must not have been there that
5 night. But anyway, I think this is a big
6 improvement. Let me open up any comments.

7 COMMISSIONER MILLER: Yes, Mr. Chairman,
8 I would agree with you that it's a big
9 improvement and that it is also minor.

10 CHAIRPERSON HOOD: Okay. Any other
11 comments? Would somebody like to make a motion?

12 COMMISSIONER TURNBULL: Mr. Chairman, if
13 no one has any objections, I would move that we
14 approve Zoning Case 11-07C request for minor
15 modification of the order for 20-11-2016. No,
16 I've got the wrong one.

17 Let me retract that. Since we voted
18 against the other one. I would move that we
19 approve Zoning Case No. 05-28M, report for minor
20 modification to improve PUD park side blocks B
21 and C and look for a second.

22 COMMISSIONER MILLER: Second.

23 CHAIRPERSON HOOD: It's been moved and
24 properly seconded. Any further discussion?

25 (No response.)

1 CHAIRPERSON HOOD: All those in favor?

2 (Chorus of aye.)

3 CHAIRPERSON HOOD: Any opposition?

4 (No response.)

5 CHAIRPERSON HOOD: Ms. Schellin, would
6 you record the vote?

7 SECRETARY SCHELLIN: Yes. Staff records
8 the vote five to zero to zero to approve final
9 action Zoning Commission Case No. 05-28M,
10 Commissioner Turnbull moving, Commissioner Miller
11 seconding, Commissioners Cohen, Hood and May in
12 support.

13 CHAIRPERSON HOOD: Okay. Let to right to
14 our final action. This is Zoning Commission Case
15 No. 10-06A, this is D.C. Water & Sewer Authority
16 modification, a water tower on Saint Elizabeth's
17 East Campus at parcel 234/38.

18 Ms. Schellin?

19 SECRETARY SCHELLIN: Yes, sir. For this
20 one, the applicant is requesting review and
21 approval of a modification to the design of the
22 water tower to be constructed by D.C. Water
23 pursuant to Zoning Commission Order No. 10-06.
24 The applicant still plans to build the water
25 tower approved by the Commission, however, CFA

1 and HPRB have requested some additional
2 consideration of the exterior -- have requested
3 some additional consideration of some exterior
4 changes.

5 Exhibit 5 is an ANC8C letter in support.
6 Exhibit 6 are copies of an NCPC and FAA letters
7 in support, and Exhibit 7 is an OP report in
8 support.

9 CHAIRPERSON HOOD: Okay. Commissioners,
10 you've heard the report from Ms. Schellin, that's
11 a lot of support to move forward. Any comments,
12 questions? Or I'll entertain a motion.

13 COMMISSIONER MILLER: Mr. Chairman, I
14 would move that the Zoning Commission approve
15 Zoning Commission Case No. 10-06A, modification
16 and design review of the water tower on Saint
17 Elizabeth's East Campus at parcel 234/38 and ask
18 for a second.

19 VICE CHAIR COHEN: Second.

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

22 (No response.)

23 CHAIRPERSON HOOD: All those in favor,
24 aye?

25 (Chorus of aye.)

1 CHAIRPERSON HOOD: Not hearing any
2 opposition, Ms. Schellin, would you record the
3 vote?

4 SECRETARY SCHELLIN: Yes, staff records
5 the vote five to zero to zero to approve final
6 action in Zoning Commission Case No. 10-06A.
7 Commissioner Miller moving, Commissioner Cohen
8 seconding, Commissioners Hood, May and Turnbull
9 in support.

10 CHAIRPERSON HOOD: Okay. Next, on the
11 final action Zoning Commission Case No. 14-08,
12 Portner Place, LLC -- Consolidated PUD & Related
13 Map Amendment at Square 204.

14 Ms. Schellin?

15 SECRETARY SCHELLIN: Yes, at Exhibits 40
16 through 43, we have the applicant's post-hearing
17 submissions. Exhibit 44 is an NCPC report
18 advising of no issues. They ask the Commission
19 to consider final action.

20 CHAIRPERSON HOOD: Okay. Again, we have
21 a request for final action. I think we know the
22 requests of the validness of the period of the
23 two years for the effective date of the Zoning
24 Commission's order and on and on. So anything
25 different or anything anyone would like to add on

1 this case?

2 Vice Chair Cohen?

3 VICE CHAIR COHEN: Thank you, Mr.
4 Chairman. A couple of things. I noted that on
5 page 5 of 27, which I guess is the proposed
6 zoning order, paragraph 26 talks about offering
7 temporary housing and I would just feel more
8 comfortable having it "shall offer temporary
9 housing". I think it's a stronger statement
10 instead of just "may offer". It's got to, you
11 know, say "shall" ahead of it. So I'm offering
12 that comment for the Office of Attorney General.

13 My other concern is, I just want to make
14 sure that even though there's a request for
15 waiver on the IZ for the accessories and -- I'm
16 sorry -- that there be a differentiation between
17 the type of building accessories. I just don't
18 want it to be too sparse for building for wing A.
19 So I just want to offer that as just my
20 observations.

21 And then if no one else has any comments,
22 I would move to approve Case No. 14-08.

23 CHAIRPERSON HOOD: I'll second it.

24 VICE CHAIR COHEN: Okay. I was just
25 going to go into final action Portner Place, LLC

1 -- Consolidated PUD and Related Map Amendment at
2 Square 204.

3 CHAIRPERSON HOOD: Okay. I'll second
4 that.

5 Any further discussion?

6 Commissioner Miller?

7 COMMISSIONER MILLER: I just wanted to
8 thank the applicant for proving responsive to our
9 request for the different renderings and
10 particularly for the tenant relocation plan all
11 spelled out.

12 CHAIRPERSON HOOD: Okay. Anything
13 further?

14 (No response.)

15 CHAIRPERSON HOOD: All those in favor?

16 (Chorus of aye.)

17 CHAIRPERSON HOOD: Any opposition?

18 (No response.)

19 CHAIRPERSON HOOD: Not hearing any, Ms.
20 Schellin, would you record the vote?

21 SECRETARY SCHELLIN: Yes. Staff records
22 the vote five to zero to zero to approval final
23 action in Zoning Commission Case No. 14-08.
24 Commissioner Cohen moving, Commissioner Hood
25 seconding, Commissioners May, Miller, and

1 Turnbull in support.

2 CHAIRPERSON HOOD: Okay. Next let's go to
3 Zoning Commission Commission 14-02, A&R
4 Development, et al. Barry Farm, first stage PUD
5 and related map amendment at squares 5862, 5865,
6 and 5866.

7 And I want to thank everyone for not
8 giving us a major issue about postponing this
9 case and the one behind it because of the things
10 that were going on in Ward 8 and in the city. So
11 I appreciate everyone's indulgence during that
12 time.

13 Ms. Schellin?

14 SECRETARY SCHELLIN: Yes, sir. At
15 Exhibits 102 and 104, we have the applicant's
16 post-hearing submissions. Exhibit 106 we have an
17 NCPC report advising the project is not
18 inconsistent with the comp plan for the National
19 Capital. Would ask the Commission to consider
20 final action this evening.

21 CHAIRPERSON HOOD: Okay. Commissioners,
22 we have talked about this during propose and I'll
23 just start off. I really want to thank my
24 colleagues and the Office of Attorney General for
25 coming up with addition of how the relocation and

1 the applicant for trying to nail that down. So
2 I'm sure there will be some more conversations as
3 we go into second stages and with the updates
4 that we put into this -- into this condition as
5 an action for this Commission to look at as we
6 move through this process. So I really
7 appreciate that, finding a way to make it work.
8 I think that was one of the issues I've heard
9 loud and clear. And as I've stated a thousand
10 times, one of the issues that I've dealt with in
11 another community of making sure that people are
12 able to come back to somewhere where they resided
13 for years or whatever the case may be.

14 So I think we've got within our germane
15 and from a legal standpoint we've got a fix here.
16 We've just got to make it work.

17 Let me open it up. Any discussion? Vice
18 Chair Cohen?

19 VICE CHAIR COHEN: Thank you, Mr.
20 Chairman. I just wanted to state for the record
21 that the applicant -- when they come in for their
22 second stage PUD to tighten up the affordability
23 letter -- affordability levels, the gross floor
24 area as well as the unit type. I know they're
25 not at a position in design to provide that, but,

1 of course, we expect it at the second stage PUD.

2 CHAIRPERSON HOOD: Any other comments on
3 this?

4 (No response.)

5 COMMISSIONER TURNBULL: Mr. Chair, I
6 would just echo the vice chair's comments that
7 there be sufficiently defined proffers in the
8 second stage that we can really look at. I think
9 I'm okay with going ahead, but I want to make
10 sure that we're under the standing that at least
11 this Commissioner is with the understanding that
12 we are going to see some more defined proffers as
13 we go forward that sort of reflect what we talked
14 about in the hearing.

15 CHAIRPERSON HOOD: All right. With that,
16 I'm going to move approval of -- any other
17 comments?

18 (No response.)

19 CHAIRPERSON HOOD: I move approval of
20 Zoning Commission Case No. 14-02 which is the A&R
21 Development, et al, Barry Farm, first stage PUD
22 and related map amendment at Square 5862, 5865,
23 and 5866 and ask for a second.

24 COMMISSIONER MILLER: Second.

25 CHAIRPERSON HOOD: It's been moved and

1 properly seconded, any further discussion?

2 COMMISSIONER MILLER: Yes, I just wanted
3 to concur, Mr. Chairman, with your remarks and
4 that of the Vice Chair and Commissioner Turnbull.
5 And this really is a transformational project
6 that will -- that is designed to provide
7 replacement quality housing for the current
8 residents of Barry Farm, the 344 replacement
9 units of the -- that would be heavily subsidized
10 at the 30 percent level. And what Mr. Turnbull
11 and you and others and the Vice Chair were
12 talking about was the additional 280 units which
13 would be also affordable. And that when we get
14 to the second stage, I do want to see the square
15 footage that will be at the -- at some level
16 between the 30 percent and the 80 percent.

17 So I'm ready to move forward tonight.

18 CHAIRPERSON HOOD: Okay. Any further
19 discussion?

20 (No response.)

21 CHAIRPERSON HOOD: All those in favor,
22 aye?

23 (Chorus of aye.)

24 CHAIRPERSON HOOD: Any opposition?

25 (No response.)

1 CHAIRPERSON HOOD: Ms. Schellin would you
2 record the vote?

3 SECRETARY SCHELLIN: Staff records the
4 vote five to zero to zero to approve final action
5 in Zoning Commission Case No. 14-02, Commissioner
6 Hood moving, Commissioner Miller seconding,
7 Commissioners Cohen, May, and Turnbull in
8 support.

9 CHAIRPERSON HOOD: Okay. Next we have
10 Zoning Commission Case No. 12-18. This is WBJ
11 Wheeler Road, LLC, Consolidated PUD and related
12 map amendment at square 5925.

13 Ms. Schellin?

14 SECRETARY SCHELLIN: Yes, sir. At
15 Exhibit 51 we have a letter from the applicant
16 regarding its community outreach. Exhibit 52 we
17 have ANC8E's report in opposition. And in
18 Exhibit 54 we have the applicant's response to
19 the ANC submission. Would ask the Commission to
20 consider final action this evening.

21 CHAIRPERSON HOOD: Okay. Colleagues, as
22 we know, we, I think, sent this back, maybe two
23 times, I think, to try to get some closure in the
24 gaps and some of the issues. I will tell you
25 even to this point I'm just still a little

1 disturbed about not making headway. I've been
2 doing these cases for a while and I've watched
3 how we do all over the city. And at least when
4 we come back, and I understand the arguments. I
5 understand the arguments from the African, I've
6 heard from the ANC, but sometime we made headway.
7 And, I'm still a little disturbed and I'm trying
8 to figure out which way I actually was going to
9 vote. To this point right now, still don't know
10 which way I'm going to vote because I think there
11 are some legitimate concerns. I think the ANC
12 brings up some concerns regardless of how they're
13 being discounted in the different submissions
14 that we got. But at the end of the day, the
15 folks who live over there are going to be the
16 ones who endure whatever we approve. And that's
17 my concern. And that's what I'm grappling with.
18 What I know Ward like all the other Wards, Ward 5
19 and all of them want development. But I just
20 believe that Zoning also is working with the
21 community. Let me open it up for any comments
22 and maybe some of the comments might help me with
23 how I'm going to proceed.

24 Okay. Any other comments?

25 COMMISSIONER MAY: Mr. Chairman?

1 CHAIRPERSON HOOD: Commissioner May?

2 COMMISSIONER MAY: So I'm with you. I'm
3 still quite torn about this one. I mean, this is
4 not the strongest BUD we've seen. It's, I think,
5 weak in a number of points and it kind of
6 stretches the limit in certain areas, you know,
7 in height and density and so on. And I think the
8 relief -- I think honestly the relief that's been
9 requested is not unreasonable. It's not -- it's
10 not like it's completely -- you know, it's not
11 like it's an outrageous proposal. I mean, it's
12 close to the mark, but it's not really great.

13 And we have, you know, unfortunately, on
14 the other side we have issues coming from the ANC
15 that seem to be coming relatively late and are
16 coming, you know, imprecisely. We're getting
17 criticism about things that I don't think are --
18 I don't -- I think some of the arguments are not
19 well made.

20 So it's hard to know what to do in this
21 sort of a circumstance. You know, if we had a
22 really strong project, it would be an argument to
23 support at this stage. If we had a really well
24 articulated argument by the ANC why it should not
25 be approved, then there would be reason not to

1 approve it at this stage.

2 I hate to just keep prolonging this. I
3 mean, maybe we need to make a decision just so
4 that it's decided one way or the other. But I'm
5 almost inclined to just keep -- hole this in
6 abeyance until we see some actual progress in the
7 discussions between the ANC and the applicant.
8 You know, what we've seen from the applicant in
9 terms of rebutting the ANC's arguments is, you
10 know, contains a lot of good points. So, it
11 doesn't feel like there's a really constructive
12 dialogue going on. It seems like there are just
13 -- they're talking at each other, not to each
14 other. So I share your indecision.

15 CHAIRPERSON HOOD: Okay. Anyone else?
16 Commissioner Miller?

17 COMMISSIONER MILLER: I am prepared to
18 move forward tonight. I think the applicant has
19 addressed concerns that have been raised by the
20 ANC regarding parking and loading and the roof
21 structure setback and the quality of the design
22 and has attempted to do additional community
23 outreach and has buttressed the record or
24 supplemented the record with additional community
25 support and reminded us of the previous community

1 support, notwithstanding the ANC's concerns. So
2 I think the applicant has addressed legitimate
3 concerns with the application and, you know, it's
4 85 units of affordable housing at the 60 percent
5 AMI level in an area of Washington Highlands that
6 many in the neighborhood including the businesses
7 that are right on the site support. So, I'm
8 prepared to move forward. I don't know if
9 there's a majority though that's prepared, but I
10 am.

11 CHAIRPERSON HOOD: Okay. Any other
12 comments?

13 VICE CHAIR COHEN: Yeah.

14 CHAIRPERSON HOOD: Vice Chair Cohen?

15 VICE CHAIR COHEN: Thank you, Mr.
16 Chairman. I would support Commissioner Miller's
17 response. I did think the applicant did respond
18 to some of the ANC's concerns with regard to the
19 parking and the other issues. I again think the
20 housing is needed in that neighborhood. I think
21 people who live in the neighborhood could take
22 advantage because it's within their demographics.
23 And I think this will begin to develop the number
24 of households that are needed for the type of
25 retail that the citizens of Ward 8 and this

1 neighborhood in particular have asked for. But
2 until you get more households it's sort of the
3 chicken/egg kind of thing. A lot of retailers
4 will not come in until they see more people
5 living in the neighborhood. And I think that I
6 would be willing to move forward on this project.

7 CHAIRPERSON HOOD: Okay. Mr. Turnbull?

8 COMMISSIONER TURNBULL: Thank you, Mr.
9 Chair. Well, I guess I would agree with all of
10 you in one sense that's it's been a very long and
11 convoluted process to go through this case. And
12 I guess it's trying to find consistency along all
13 of the -- everybody who has been involved in
14 this. You have the SMD and the ANC which are at
15 odds with one another which adds to confusion of
16 this which, you know, the SMD is right there.
17 He's in favor of it and he wants to go ahead.
18 She -- I mean, she. I'm sorry. And then you
19 have the ANC which is opposed and you've got this
20 bickering going back and forth.

21 I think the applicant had done a good --
22 has responded to the ANC's objections to the
23 case. And I think OP and the Department of
24 Transportation are backing the project. I think
25 the affordable housing is a good thing. I would

1 agree that's not the greatest architecture in the
2 world.

3 I mean, I would agree with Commissioner
4 May, I think we've seen some better projects, but
5 it's not the worst thing we've ever seen either.

6 So, unless there's some major objection
7 for you to, I'm pushing to have them meet again.
8 I am not sure how much further we can push back.
9 But unless you're going to ask them to do that,
10 and I'll back you on that, but if not, I would
11 move to go ahead and approve it.

12 CHAIRPERSON HOOD: Here's my issue, and
13 it's not just Ward 8. I've seen it in this city,
14 certain wards in the city that are down here all
15 the time. Their cases they may be, but our
16 particular case is a little better. And there
17 are certain wards, some people including me, in
18 1998, couldn't come down here and articulate what
19 I wanted. And I think that's what I'm weighing.
20 I watch how we make concessions for certain
21 neighborhoods, and we do the best we can. Then I
22 watch when certain neighborhoods come down here
23 how we want to say, okay, we're here, it's not
24 the best, here it is. And I'm not getting on the
25 colleagues, especially ones that go along with me

1 right now on this, but I'm making a point to
2 everyone and all of my colleagues.

3 You know, I've been here, so, you know.
4 Now, some of the folks in Ward 8 might not have
5 been out here on some of those nights, but I was
6 here, sitting here. And I watch how we make
7 concessions and how we do and how we push back
8 and how we try to work with the community. I
9 don't see the same thing going on with this
10 applicant.

11 Now, I will also say, I think it's 3.5
12 million. That might be a little excessive. That
13 might be a little too much. But that comes from
14 sometime not knowing and still trying to learn.
15 Because everybody doesn't do zoning all day, I
16 don't. I do it all night, but I don't do it all
17 day.

18 (Laughter.)

19 CHAIRPERSON HOOD: So I think, you know,
20 there's a point in time where we need to work
21 with areas depending upon how much the
22 involvement is. We have some Wards that come
23 down here, they're here every night. They are
24 even here for other projects that are not even in
25 their Ward. I see it. I didn't get the second

1 hand, I'm here, I witness it. So here's a Ward,
2 including my Ward, I deal with it in my Ward
3 also. So I don't want Ward 8 to just think I'm
4 talking about Ward 8, I'm talking about my Ward
5 also, we don't do zoning every day. We're not
6 down here for every case all over the city.
7 We're coming along, we're learning. So we need a
8 little more time.

9 But also I watch how applicants work with
10 certain neighborhoods. They work with some
11 certain neighborhoods a lot better than they work
12 with others. So my issue is, yes, Ward 8, you
13 all don't do zoning every day, and neither does
14 Ward 5. But I think we need to -- I'm going to
15 push back. If I'm pushed to vote tonight, I will
16 be voting against this project. I thank you all
17 for helping me make my mind up. But I will tell
18 you that I want to see the same consideration
19 given that I see everywhere else.

20 Now, again, so I'm not taking a side, 3.5
21 million is very excessive. Okay. But give
22 benefits, work with the community and try to
23 negotiate some of those issues because at the end
24 of the day if this Commission makes a decision,
25 we will go to other parts of the city and the

1 folks who are going to endure are the people in
2 the neighborhood. And you're right, Mr.
3 Turnbull, that does cause a problem when the SMD
4 and the ANC Commission can't work together. I
5 thought my ANC was the only one that did that.
6 But I can tell you, that causes a problem. And
7 seriously, I'm crying out for help. You all help
8 us to help you. That's where I am.

9 I don't know how you all want to proceed,
10 but I am --

11 COMMISSIONER TURNBULL: Mr. Chair, I'm
12 willing to back you on this, but I think we need
13 a clear agenda of how we're going to go ahead.
14 We need some clear direction on how we're going
15 forward.

16 CHAIRPERSON HOOD: I think the clear
17 direction, again, is the same thing. And I know
18 the applicant is probably saying, I wish that guy
19 would leave, but I will tell you that in 2018 you
20 might get your wish, but for now I'm here. So I
21 really would like to try to see -- and I would
22 ask Chairman Muhammad and others to be reasonable
23 -- to be reasonable with the applicant and make
24 it work for you all. Make it work, both the
25 applicant, the good neighbor policy and the chair

1 of the ANC and the *(30:38), you all make it work
2 for you. Okay. Make it work for you. And I'm
3 sure Mr. Bernstein is down there saying, is
4 Anthony Hood crazy? But sometimes maybe he is.

5 But that's where I am. Clear direction,
6 Mr. Turnbull? Deal with the issues that are in
7 front of you. Again, let's not be overzealous
8 and ask for too much, just try to do what you can
9 to bridge the gap. You talk about traffic, you
10 talk about what's not proposed in front of --
11 what's coming up later on in ZRR. But it is near
12 a Metro Station. I can tell you there's policies
13 and stuff out there. While this Commission has
14 not approved that yet, we might not approve that
15 yet, but that's something you need to look at.
16 You might want to be the person to jump start it.
17 Because other neighborhoods have jump started it.
18 And that again goes with what's going on. So
19 ease up a little bit, be reasonable, do a little
20 give and take, work with them. Because at the
21 end of the day, like Commission May said, it
22 might not be the best, but it's some development
23 to help start -- jump start in the area.

24 So that's kind of where I am. I don't
25 know what my colleagues want to do. I would say

1 kick it back again. And then if it comes back
2 like this again, I'm just going to move forward.

3 VICE CHAIR COHEN: I would just like to
4 state for the record, I thought that the ANC
5 single member, as well as the ANC8EE -- I thought
6 they did articulate their positions, Mr.
7 Chairman. I read them. I read them carefully.
8 And, you know, as far as the desires, we all want
9 to see, to the maximum extent feasible, I think
10 my vote is mostly to provide housing and to try
11 to achieve the number of households where then
12 you begin to see the development and better
13 retail. And I know people are -- well, in any
14 event that's where I was coming from the need for
15 housing in that neighborhood where people who
16 live there may want to move into that property or
17 their children or their -- you know, the seniors.
18 That's why I responded that way, and I think that
19 they were articulate.

20 CHAIRPERSON HOOD: Okay. Again, that's
21 why there's five of us up here, we all have
22 different views and different opinions of how we
23 would like to see things move forward.

24 Okay. And I was not defending my issue,
25 I was just saying, I respect your position. What

1 I said was my position.

2 Any other comments? Commissioner Miller?

3 COMMISSIONER MILLER: Well, clearly we
4 don't have -- the Vice Chair and I don't have the
5 votes to move this forward to final action
6 tonight, but I would note that it was listed
7 first on agenda for final action, I believe, in
8 June. It's now six months later. There have
9 been a number of efforts to try to get together
10 and there is -- there are community benefits that
11 are being provided. It isn't -- as you said, it
12 isn't the 3.5 million that the ANC originally
13 wanted, but there are community benefits that are
14 being provided.

15 And I would just note the applicants
16 November 9th -- November 12th letter that stated
17 that -- and the applicants found the project in
18 conjunction with the substantial public benefits
19 provided, it's widely supported by many of the
20 adjacent neighbors and surrounding community.
21 Applicant has received several letters of
22 support, many of which have already been filed in
23 the record, including from Councilmember Marion
24 Barry, Congress Heights Main Street Program, Ward
25 8 Workforce Development Council, and the United

1 Planning Organization. And further letters that
2 they discussed there. I just want to put that on
3 the record.

4 CHAIRPERSON HOOD: Okay. Thank you. I
5 think that was very helpful even though it helped
6 for refreshing our memory.

7 Okay. Any other comments?

8 (No response.)

9 CHAIRPERSON HOOD: So it appears that we
10 have three votes -- unless I'm mistaken -- to
11 kind of kick it back again. But I hope that the
12 community, at least the chair of the ANC and
13 others who are moving forward to try and work
14 with the community, we don't come back again like
15 that 3.5 million and whatever else. Work out the
16 issues. Try to work out some of the issues that
17 you have to try to make it a better project that
18 you all can endure.

19 Some of this may be too far down the
20 pike.

21 I do agree with the Vice Chair, but this
22 Commissioner is not one for shoving anything down
23 anybody's throat. That's why I'm trying to make
24 sure -- that's why we've done this more than
25 once. Yes, we've had it six months. Again, that

1 goes back to my initial statement. Some people
2 have been doing zoning for 30 years.

3 I tell people in Ward 5, we are about 30
4 years behind in Zoning. So six more months won't
5 hurt. So that's just where I am on that.

6 So let me go with my colleagues that
7 would seem to be kind of favoring where I was.
8 We're going to kick it back?

9 Do you all want to add something to it?

10 (No response.)

11 CHAIRPERSON HOOD: And it gives me a
12 discomfort to keep kicking it back and kicking it
13 back. That's why I'm really pressing and
14 spending the time to make sure that everyone
15 knows that we need to come together and work
16 together and go to the table, not go to this --
17 not say it's a joke or we're being hijacked or
18 anything of that nature. Go work it out and make
19 it work for your neighborhood. That's where I
20 am. If I'm begging or anything, make it work for
21 your neighborhood.

22 Okay. Anybody else have anything?

23 COMMISSIONER MAY: Mr. Chairman, I just
24 want to just go, you said that this has been sort
25 of the final opportunity to make this work for

1 the benefit of the entire neighborhood. And, you
2 know, I think the last couple times that we
3 kicked this back, all we've gotten since then is
4 clarifications of ANC's position. We haven't
5 really seen evidence of, you know, true
6 discussions or even a lot of attempts at
7 discussions. And I mean, that's really what we
8 want to see. And if what we have -- you know,
9 when this comes up next, whenever that is, the
10 only thing that we have to show for it is, you
11 know, further statements by the applicant or the
12 ANC that this is why we disagree with, you know,
13 the other party. You know, then absolutely we
14 would need to move forward. And at that point I
15 would probably be inclined to go ahead and
16 approve it.

17 But I just think that we need to give it
18 one more shot and I think that the ANC and the
19 applicant need to have a fruitful discussion.
20 And I think that there's room for that
21 discussion.

22 And I think that, you know, you brought
23 up a good point about the 3.5 million in benefits
24 package that the ANC was seeking or their agent
25 was seeking in some form. And, you know, that's

1 not going to happen. I think what needs to
2 happen is something that's a little bit more
3 modest. So I think that there's room for
4 discussion and room for agreement. And I would
5 hope that some progress could be made.

6 CHAIRPERSON HOOD: Okay. Any other
7 comments up here?

8 (No response.)

9 CHAIRPERSON HOOD: Ms. Schellin, do we
10 have any dates?

11 SECRETARY SCHELLIN: Mr. Muhammad, when
12 is your January meeting?

13 MR. MUHAMMAD: The 6th.

14 SECRETARY SCHELLIN: The 6th? So the
15 5th?

16 CHAIRPERSON HOOD: The 5th, the first
17 Monday in January.

18 SECRETARY SCHELLIN: So I think we should
19 put this on for the second meeting.

20 CHAIRPERSON HOOD: Second meeting in
21 January.

22 SECRETARY SCHELLIN: Which would be
23 January 26. So to allow them an opportunity to
24 file something in the record, if we could have
25 submissions from both the ANC and the applicant

1 by 3:00 p.m., say, January 12th, and then they
2 can each respond to each other's by 3:00 p.m.,
3 January 20th, and then we could take this up on
4 the 26th.

5 Does that work?

6 CHAIRPERSON HOOD: Does that work for
7 everybody?

8 Okay.

9 SECRETARY SCHELLIN: Okay.

10 CHAIRPERSON HOOD: And give us sound
11 bytes. It doesn't have to be a book or
12 dissertation, sound bites would be very helpful
13 to the points. Okay.

14 All right. Thank you, Commissioners.

15 Let's go to proposed action.

16 Zoning Commission Case No. 14-13, Office
17 of Planning -- Text Amendment, Penthouse Roof
18 Regulations.

19 Ms. Schellin?

20 SECRETARY SCHELLIN: Yes, sir. If the
21 Commission will recall, at the time of the
22 hearing the Commission decided to put this on for
23 this evening for discussion only. At Exhibit 40
24 we have an OP supplemental report. At Exhibits
25 26 through 39, and 41 through 54, we have

1 comments from the public. And we just leave it
2 for the Commission to hold their discussion this
3 evening.

4 CHAIRPERSON HOOD: Okay. Who would like
5 to get us started on the proposed penthouse
6 regulation? Vice Chair Cohen?

7 VICE CHAIR COHEN: Thank you, Mr.
8 Chairman. I read the letters in opposition and I
9 was actually -- have to say, I was surprised to
10 read that they didn't believe that there was
11 enough analysis of this particular modification.
12 And the reason why is that the NCPC, the Office
13 of Planning, they did an in-depth study. They
14 did modeling, anything -- everybody's had their
15 fingerprint on this, including Congress, probably
16 the president. Certainly, the Mayor and Council
17 have voiced their opinions. And I believe that
18 there has been quite a bit of vetting and that
19 the next step is, again, to discuss whether we
20 should approve or disapprove, or if we want to
21 make any other changes. But as far as not having
22 the analysis done, that just shocked me. It
23 really has been thoroughly analyzed because it
24 had to be a report to Congress. And as I said,
25 the Office of Plan and NCPC, I believe,

1 separately sent in reports.

2 So I don't know if my colleagues support
3 that, but that's the way I viewed the
4 submissions.

5 COMMISSIONER MAY: I will speak up to
6 that, because I think that while there was a lot
7 of analysis of suggested changes to that Height
8 Act, there was really very, very little
9 discussion of penthouse -- the penthouse
10 discussion itself. It was really a question -- I
11 mean, there were only a few things that were even
12 discussed and none of it was truly analyzed by
13 either NCPC or the Office of Planning. And what
14 we talked about was going from 18'6" which is
15 allowed in the current zoning regulations to
16 introducing an absolute limit of 20 feet.
17 Because previously the Height Act didn't say a
18 height limit at all.

19 The only other issues that were tried to
20 address was making sure that it would be limited
21 to a single story so that we didn't -- we weren't
22 in fact just allowing an extra floor of height.
23 And that it was really -- I mean, the idea --
24 what was discussed at NCPC, at least, was the
25 idea that this would be an avenue for creating

1 rooftop recreation space, more than anything
2 else, that was the most important thing. Not all
3 of that got through when the legislation was
4 finally passed. But that's really all it was
5 about.

6 I honestly think actually all of the
7 comments were received were on point. And that I
8 don't feel like this has been fully discussed and
9 vetted.

10 You know, the more I dig into the
11 penthouse regulations, the more uncomfortable I
12 am about what the potential outcomes might be.
13 And I do think it needs some further study. I do
14 think it needs -- I mean, you know, if all we
15 were doing was saying, yes, it's a good idea to
16 have rooftop recreation space and that's what
17 we're approving right now, I would say, sure,
18 that's -- you know, let's go for it.

19 But, you know, when you try to introduce,
20 you know, two-story penthouses of 20 feet in a
21 C2A zone, I mean, that's like giving somebody an
22 extra 1.2 FAR in a zone that's limited to 2.5.
23 That's a lot. And that's really what's, I mean,
24 potentially on the table here.

25 And I think it does need further study,

1 and it needs, frankly, further comment from the
2 ANCs. I mean, I think one of the things that
3 we've heard repeatedly, I counted, you know, nine
4 or ten of the letters that we got since the last
5 hearing where they asked -- they said, "well, why
6 are we rushing this through?" Why did you -- you
7 know, you didn't get enough input from the
8 neighborhoods. You didn't get enough input from
9 the ANCs. You know, granted, that's not a huge,
10 huge number compared to some cases that we get,
11 but compared to the rest of the volume of the
12 case, that's a lot. And I think we do need to
13 get more direct input from the ANCs before we
14 take action on this.

15 And I think there's some aspects of what
16 we were considering that, you know, we probably
17 ought to talk about further, because there are
18 some aspects of what we're considering that I'm
19 not totally comfortable with. So --

20 CHAIRPERSON HOOD: Anybody else? Let's
21 do the first round. Anybody else? Any other
22 comments?

23 Commissioner Miller?

24 COMMISSIONER MILLER: Mr. Chairman, thank
25 you. I think that there is -- I concur with the

1 Vice Chair that there has been a lot of study and
2 there has been a lot of voicing of public opinion
3 about this. And Commissioner May, at the other
4 commission that we sit on, heard hours and hours
5 and hours of testimony from citizens. Of course,
6 one of the proposals at that time was to have
7 virtually no height limitations and let it be the
8 comprehensive plan and the Zoning Commission that
9 would come up with the definitions of where that
10 would be appropriate.

11 You know, on the C2A point that you just
12 raised, I agree that that's a legitimate concern
13 and there's alternative language that's been
14 proposed by the Office of Planning that we
15 encouraged them to propose. That would extend
16 the current more restrictive language for rooftop
17 structures that are proposed for the R-1 through
18 R-4 zones to the C2A and other lower-density
19 zones.

20 So what I think would be helpful to us
21 and certainly from my own perspective is to --
22 the next time we have a discussion of this item
23 is to have -- beforehand prepared by the Office
24 of Planning maybe jointly with Office of Zoning,
25 the kind of decision matrix that you developed

1 for the ZRR. Because I thought it was very
2 helpful to lay out each of these issues.

3 Even though this is much less than a
4 1,000 page ZRR, there are a lot of nuances and
5 alternatives being proposed, and I think it would
6 just help us. It would focus our discussion on
7 each of the different issues that are involved
8 and we might be able to get to a positive
9 outcome, or, you know, at least we'll get to an
10 outcome, whether it's three to two, or four to
11 one, or five to zero. We'll get to an outcome
12 because each issue will be framed, and that's
13 what I would ask for that we -- that we -- that
14 we get to that. But there was a lot of
15 discussion about having residential use on a
16 penthouse -- I mean, office use -- the uses that
17 are permitted in the zone. There's been
18 discussion of that all along.

19 And I really think there's been a lot of
20 misinterpretation and I think some people have
21 been misled as to what is being proposed and
22 what's not being proposed. It's really 18 inches
23 is the difference, not 20 feet that they keep
24 citing in terms of what's going to be allowed on
25 the rooftop and the way the addition -- the

1 setbacks -- the additional setbacks and what's
2 required now, there will be more restrictive
3 penthouse restrictions in the R zones than there
4 are now. There are a lot more restrictive things
5 than currently exist.

6 But to have productive use of the
7 penthouse roof structures, be they residential,
8 office, other commercial, certainly the
9 residential community communal space that we all
10 want to see up there, and we struggle with it
11 under our existing regulations to permit when we
12 want to facilitate that. I think there is a lot
13 of good in this proposal that we should recognize
14 and try to focus on. So, that's where I am, Mr.
15 Chairman, generally.

16 CHAIRPERSON HOOD: Thank you.

17 Commissioner Turnbull, do you have
18 anything?

19 COMMISSIONER TURNBULL: Thank you, Mr.
20 Chair. I would agree with Commissioner Miller.
21 From the support that it's only 18 inches, the
22 height difference. But it's -- it's what's gone
23 on, overall in general on how you're interpreting
24 what you get with the 18 inches, and how you can
25 use that extra 18 inches and what you can do once

1 you've got it. And there's a lot of confusion.

2 I mean, I just looked at -- I mean, I was
3 reading today the Committee of 100. Now, I don't
4 always agree with the Committee of 100 on a lot
5 of things, but they usually put together a fairly
6 structured set up and document that you can go
7 through.

8 And I can see where they're confused,
9 either that, or they're right on. And I think
10 there are some comments in there that they've
11 brought up that you want to take another look at
12 and you really want to think about.

13 So I would agree, too, maybe we need a
14 matrix. I don't know, if we need -- I'm not
15 proposing additional hearings, but I think that
16 might be necessary. I think there's enough
17 confusion out there that people are worried and
18 they're worried about the neighborhoods, they're
19 worried about their communities, and I think we
20 will need to step back.

21 CHAIRPERSON HOOD: I think for me I would
22 align myself with a lot of what Commissioner May
23 -- and I understand the NCPC has heard a lot of
24 it. For me, I need 101. This may be something
25 that's great. I think you're right, on my

1 colleagues there's a lot of confusion, but I
2 don't know if it's been out there or not.
3 Because I can tell you -- and Ms. Schellin, I'll
4 tell you, I get a lot of comments from people and
5 I always refer them to the Office of Zoning
6 because I don't talk about cases, but when
7 somebody walked up to me and said, "Hood, what
8 are you all trying to sneak in now?" Those are
9 the -- that's the stuff I deal with day in and
10 day out, that the Zoning Commission is trying to
11 sneak something in. But people don't follow it.
12 They don't know the impacts, that 18 inches that
13 we're talking about becomes 20 feet. And it's
14 not 20 feet, it's their perception, it's the
15 information that's out there.

16 And I said this at the hearing, when I
17 look up and we're talking about doing this, you
18 know, I follow a little bit of what was going on
19 on the Hill and how they -- and what NCPC did,
20 the beginning meeting, even though I didn't get
21 it and watch it. You know, I heard the
22 discussion. But, then, again, when we had our
23 hearing, I think we had, what, ten people down
24 there? Or was it that many? And I now ANC is
25 getting ready to change. So I really don't think

1 this was vetted. I really don't think -- for
2 somebody to walk up to me and tell me, what we're
3 trying to sneak through, I don't think we're
4 trying to sneak anything through. I think once
5 all of us come up to speed, including Anthony
6 Hood, when I get the 101, I think it may be a
7 win/win. You know, it's probably going to be a
8 win/win, but we need to fine tune what the
9 interpretations are, what does this mean? It's
10 not major, I don't think. But, then again, you
11 know, we need to come up to speed on it. It may
12 have been vetted in some arenas, some arenas may
13 be more in tune to it. You may deal with it.
14 You might sit on other boards and commissions,
15 and you deal with it. But, you know, when we
16 have a hearing like this and only ten people show
17 up, that's a problem.

18 And then when they see you in the --
19 somebody's getting the misinformation out, I can
20 tell you that. We need to take a lesson from
21 people that get misinformation out and start
22 getting the right information out. Because for
23 me to have to deal with walking down the street
24 and what are you all trying to sneak through now.
25 You know, I'm out there in the community and I

1 hear that a lot. And I don't think we try to
2 sneak anything through, because at the end of the
3 day I live here also.

4 So, I don't know how we proceed. I know
5 we were planning just to have a discussion. But
6 I know and I'll just say, and Anthony Hood needs
7 a 101. I don't know who can give that to me.
8 Maybe I have to go on the Hill and get it. I
9 don't know, but we need a 101. What's proposed.
10 I know the chairman has some -- Chairman
11 Middleton has something to do with the writing of
12 this, I believe, if I followed it correctly. So,
13 maybe I can go see him and get a 101. Maybe
14 we'll get him to come give us a 101. But
15 somebody's got to help us fine tune. I know
16 Office of Planning that's really a role to help
17 us. And I think not just that we need help, but
18 I think the community needs help.

19 Because when I was told I was sneaking
20 something through, me, by myself, I can't sneak
21 anything through. So, anyway, that's all I'm
22 saying. How we proceed, Commissioner May, I'll
23 leave it up to especially two of my colleagues
24 who had a lot more working with this than I have
25 and see how we need to proceed. But I do know we

1 need to get our information and get our story out
2 to the community, what's actually, what's taking
3 place and how we're trying to proceed.

4 Commissioner May, you wanted to add
5 something?

6 COMMISSIONER MAY: Yes. First of all, I
7 want to reiterate again that with all of the
8 discussions that occurred at NCPC about height,
9 there was almost no discussion or analysis of the
10 intricacies of penthouses. They don't really
11 understand penthouses to begin with. It was not
12 really a topic of a lot of discussion. And it
13 was one, you know, the idea of allowing actual
14 habitation in penthouses was the one -- the one
15 change that everyone pretty much agreed on, that
16 this is something that could be done and it could
17 be done without substantial changes to the fabric
18 of Washington, to the look and feel of
19 Washington, and so that's why we were able to
20 garner support around that provision.

21 Now, it wasn't universal. We heard a lot
22 of testimony from individuals who thought we
23 should do nothing. We should not change anything
24 at all, and they didn't want to see that change
25 happen. But the majority of the Commission went

1 along with the idea that this is something that
2 could be done because we have penthouses anyway,
3 why not be able to make use of them.

4 And I think one of the frustrating things
5 is having, you know, large apartment buildings
6 that were built up to the Height Act heights who,
7 you know, they couldn't have a rooftop party room
8 because the Height Act wouldn't allow it. And so
9 that's an area where we thought it was an easy
10 decision to make. That one, actually, we learned
11 the other day is okay. You know, that's already
12 taken care of because the current regulations
13 say, "when not in conflict with the Height Act,
14 you can have an indoor space that's accessory to
15 outdoor recreation space and so that means even
16 if you're at Height Act height, you can have that
17 20 percent party room, as long as you have the
18 rooftop deck.

19 So I think we've already achieved
20 something, just by that change in the Height Act.

21 But, I would also say that this is not a
22 minimal increase of 18 inches. Yes, it is an
23 increase of 18 inches if you want to build a
24 mechanical penthouse that's 20 feet instead of
25 18'6". But what you can do now under these -- or

1 what we're proposing to do is having 20 feet of
2 habitable space above the current height limit
3 over which you could not have habitable space
4 before. So if you were limited to 50 feet
5 before, we're talking about adding 20 feet to
6 that, and potentially, you know, on broad
7 streets, that means going from 50 feet to 70
8 feet, and all of that being occupy able. So in
9 effect, it's an increase in the Height Act.

10 There was never an incentive in C2A to
11 build an 18'6" penthouse. The only reason you
12 would ever do it is if you happen to have a deck
13 up there and you wanted to run an elevator all
14 the way up there. But otherwise, there's no
15 incentive to build out a lot of that space. And
16 in C2A, you're not building big mechanical units
17 and things like that, you're building -- you
18 know, you're putting up condensers on the roof.
19 Well, now you can still use the condensers, and
20 you can still get -- you know and those
21 condensers can be in the setback area, you know,
22 in that one-to-one setback area and you can get
23 your two extra stories of building under what
24 we're talking about here in C2A or in some other
25 zones. I mean, this is also in effect in other

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1 zones too, because when you get beyond C2A, you
2 get away from relatively small properties to much
3 larger properties, and so there's that much more
4 FAR that's potentially available with the
5 setbacks.

6 So I mean, I think it has -- this is a
7 very substantial -- potentially a very
8 substantial change.

9 I mean, I think at this moment that we
10 should not be talking about two floors, no matter
11 what. I mean, that's one thing that I would put
12 out there right now, that we shouldn't be talking
13 about two floors even if it's not in
14 contradiction to the Height Act. I think that
15 one story of habitable space on the rooftop is
16 enough. This is not just about how we maximize
17 density or how we bump up density. It's about
18 maintaining the right kind of balance that we --
19 you know, we already have, and just, you know,
20 doing some things that enhance our zones. So I
21 honestly think that we do need to have some
22 clarification of what's proposed, some discussion
23 of alternatives, maybe it's the development of
24 the matrix, but then I think we do need to have a
25 hearing. And I do think we need to have -- you

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1 know, make sure that that ANCs are all well-
2 notified and that they understand what's being
3 proposed because I don't -- I really don't feel
4 like we've had enough discussion with the ANCs in
5 particular at this point.

6 And so, that's what I would like to see
7 moving forward. Try to get some structure of,
8 you know, of options that we have for all of
9 these decision points, and then have a hearing
10 about that.

11 CHAIRPERSON HOOD: I like that idea.
12 Thank you for proposing it. I hope everyone
13 agrees with that. But one of the things that
14 concerns me about the ANC right now is a lot of
15 new ones are going to be in January. We need to
16 give them at least 30 days to get their feet wet.
17 I don't think we need to rush this, but we do
18 need to move on it. But I want to make sure that
19 we allow the new members, first of all, to at
20 least find out, when you're doing something,
21 you've got to find out what office it is, what
22 I'm supposed to do, you know, a lot of things
23 that the new ANC commissioners are going to have
24 to come to speed on. And they're going to be
25 sworn in, I think, January the 2nd, or sometime

1 around there. I think it's the second. So we
2 want to make sure we're considerate of those that
3 are new in any time. I don't know if we're
4 trying to set time limits now, or what direction
5 we're going to go in.

6 But I do know that we need to give them
7 at least 30 days. Anything we do needs to start
8 maybe February, the mid part of February. We
9 don't need to do anything in January, start
10 sending anything to them because they have to
11 find out where the ANC office is, what they're
12 supposed to do, have their general thing with the
13 ANC office downtown, they have a number of other
14 things that they have and I think it's incumbent
15 upon us to be considerate of them, especially if
16 this is their first time being an ANC
17 commissioner. That's just my view on that.

18 Vice Chair Cohen?

19 VICE CHAIR COHEN: Mr. Chairman, it would
20 be very uncharacteristic of me not to mention one
21 of the opportunities that this presents, and that
22 is adding to the affordable housing funding
23 within the city, and especially if the council
24 would not in any way take from Peter to pay Paul,
25 but I think that that's one of the reasons why I

1 personally would embrace this modification. And
2 then I'm just confused a little bit by one versus
3 two stories. Could you elaborate a little bit?

4 COMMISSIONER MAY: Right. So the Height
5 Act allows for a single story of up to 20 feet
6 when you're at a Height Act height. But when
7 you're below the Height Act height, the Office of
8 Planning was saying that we could allow two
9 stories. So, you know, if you've got -- let's
10 just again go to C2A, there's a lot of C2A
11 properties on Pennsylvania Avenue in Southeast.
12 It's 160 feet wide. So it's clearly not in
13 violation of the Height Act. So you could -- on
14 top of that 50-foot building -- by right, build a
15 two-story penthouse on those row houses on
16 Pennsylvania Avenue Southeast.

17 And I think that that's one of the things
18 that is a proposal under consideration. We
19 haven't, you know, given direction on that, but
20 that's one of the things that was proposed by the
21 Office of Planning. And I think that that's far
22 too much of an incentive or it's too much of a
23 give away. I mean, we really -- you know, and it
24 increases -- it has impacts that we don't really
25 appreciate yet.

1 CHAIRPERSON HOOD: Okay. I see more
2 reason why we need to slow up and become familiar
3 with what's going on ourselves.

4 Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Yeah, I thank
6 you, Mr. Chair. I would agree for a hearing.
7 But I think I would still like, as we discussed
8 earlier, I think and Commissioner Miller brought
9 up that either some kind of a matrix for us to at
10 least begin looking at some of the issues. I
11 think one of the key things we're working about
12 that's come up is we're talking about the
13 intensity that could develop with these
14 penthouses on the neighborhoods and the impacts.
15 So I think some discussion on that would help us
16 to vet some of these issues that could help,
17 rather than just -- it's not just the height
18 issue, it's not just a penthouse, per se, it's
19 what comes that you are allowed to do with this.

20 And I think at the Office of Planning,
21 again, the matrix that could talk about some of
22 these issues, the potential concerns, I think we
23 need that ahead of time so that we can be ready
24 when we do have a hearing.

25 CHAIRPERSON HOOD: So, Mr. Turnbull, let

1 me ask you, are you suggesting that -- and I want
2 Mr. Bernstein to listen to this -- are you
3 suggesting that we can have a -- like at one of
4 our meetings, you know, how they give us --

5 COMMISSIONER TURNBULL: Yes.

6 CHAIRPERSON HOOD: -- a presentation?

7 COMMISSIONER TURNBULL: Absolutely.

8 CHAIRPERSON HOOD: And then we can have
9 the matrix --

10 COMMISSIONER TURNBULL: Yes.

11 CHAIRPERSON HOOD: -- and we can ask
12 questions -- not that we get into the hearing. I
13 think we can do that, right, Mr. Bernstein?

14 MR. BERSTEIN: The hearing is the
15 opportunity for the public to talk to you. And
16 the meeting is an opportunity for you to talk to
17 Office of Planning. So I think you need to
18 separate the two concepts. Do you want to have a
19 hearing first?

20 CHAIRPERSON HOOD: I want --

21 MR. BERSTEIN: Go ahead.

22 CHAIRPERSON HOOD: I want us to learn
23 what's going on first.

24 MR. BERSTEIN: Okay.

25 CHAIRPERSON HOOD: And do as

1 Commissioners Miller and Turnbull was talking
2 about. I just wanted to know the forum to do it.
3 I think like sometimes we have a special
4 presentation by the Office of Planning. And then
5 that way we can interact with them and then we
6 can come up to speed like the Vice Chair's
7 questions now to Commissioner May.

8 MR. BERSTEIN: Would this be a public
9 session?

10 CHAIRPERSON HOOD: Yeah, it will be held
11 here.

12 MR. BERSTEIN: You would just schedule a
13 special public meeting and the only purpose of
14 the special public meeting would be for the
15 Office of Planning, as I understand it, to
16 provide you with some additional written
17 framework that explains the process.

18 CHAIRPERSON HOOD: And we can ask
19 questions.

20 MR. BERSTEIN: And then you can ask
21 questions based upon what they provide you.

22 CHAIRPERSON HOOD: We could just put that
23 on a regular meeting agenda; right?

24 MR. BERSTEIN: You can.

25 CHAIRPERSON HOOD: Yeah, I think that

1 will be better.

2 Okay. I just wanted to make sure we
3 could do it.

4 SECRETARY SCHELLIN: So that's before you
5 --

6 CHAIRPERSON HOOD: I do try to follow the
7 rules sometimes.

8 SECRETARY SCHELLIN: -- before you
9 advertise the hearing, or after you advertise the
10 hearing.

11 CHAIRPERSON HOOD: We could do it --

12 SECRETARY SCHELLIN: Because I thought it
13 was --

14 (Simultaneous conversation.)

15 CHAIRPERSON HOOD: We could do it at the
16 very next -- let me just say this, if we can put
17 it on the agenda once I've talked to Ms.
18 Steingasser, I don't want to spoil their holiday
19 season, but we could do it at the very next
20 meeting or the meeting after that in February.
21 You know what I mean?

22 (Simultaneous conversation.)

23 CHAIRPERSON HOOD: I don't think we
24 necessarily need to push it in January because we
25 already -- why don't we start it at one of the

1 meetings in February. Is that doable?

2 MR. BERSTEIN: The only thing I want to -
3 - I want to make sure that you don't want a
4 presentation from the Office of Planning first.
5 Because that would, in essence, be a limited
6 hearing where the only persons who would sort of
7 quote/unquote testify would be the Office of
8 Planning and they would just testify and
9 elaborate upon what they are doing so that you
10 better understand it. And then at that point you
11 can also, of course, ask questions of them. So -
12 -

13 CHAIRPERSON HOOD: That's kind of, but I
14 didn't want to do at a hearing, I wanted to do it
15 at a meeting.

16 MR. BERSTEIN: Well, I'm trying to --
17 again, normally a meeting is where there's
18 already been in the record everything that you
19 need to learn and that you are now prepared to
20 respond to it. So, they could give you a
21 decision matrix, and as you walk through it you
22 could say, well, I still am unclear about what's
23 going on in the R1 zones in terms of the
24 different heights of penthouses. Or I am unclear
25 of how this works with an exterior wall? What do

1 we mean by an exterior wall? Things like that.

2 CHAIRPERSON HOOD: So we probably would
3 need to have a hearing first.

4 MR. BERSTEIN: If you wanted OP to
5 actually say, you know, we are -- you know, this
6 is a presentation where we're going to walk you
7 through. And I guess it would be helpful if you
8 tell OP what you want to hear in addition to what
9 they've already said to you. If you want a
10 presentation, then I think, you know, they've
11 already made a presentation at the hearing. So I
12 think you would need to give guides to OP exactly
13 what they want to do.

14 CHAIRPERSON HOOD: And that's my point,
15 Mr. Berstein. My point is, there's still some
16 confusion up here among the give of us. So the
17 five of us it's well -- let me just say, I don't
18 want to include everybody. There's some
19 confusion among me -- you know, the chairman,
20 I'll take all the hits. But there's some
21 confusion among me. So I need a 101 course. And
22 I know I'm not the only one that needs it, but I
23 need a 101 course so we can get some of -- there
24 are some parameters, from what you heard in this
25 discussion. There's some uncertainties and some

1 assuredness. We talked about whether it was 18.6
2 going to 20. If you heard that discussion you
3 could tell just the five of us up here are still
4 -- there's some outstanding issues that we have
5 to come to grips with. And, yes, I know about
6 what's in the record. I know about the hearing.
7 But we're still unclear. And I guess I wanted to
8 try to get us more clear before we have a
9 hearing, and then we get more confused than what
10 we already are now.

11 MR. BERSTEIN: If you want a 101 on the
12 present law of how roof structures work so that
13 you understand what the difference is? Or do you
14 want a 101 that starts with that and then they
15 explain how things are changing?

16 CHAIRPERSON HOOD: I guess all of that.
17 For me, all of it. Including with the matrix, I
18 think what Commissioner Miller was talking about,
19 the matrix. But I guess what I'm trying to --
20 and I'm talking loud, thinking out loud, I'm
21 trying to figure out, legally can we do that or
22 do we need to have a hearing which would confuse
23 us even more? Because the community is going to
24 come down with what they interpret. We only have
25 five. And we have a community come down, new ANC

1 commissioners and all come down and give us what
2 they interpret it and that may confuse the issue
3 and exacerbate the issue more.

4 MR. BERSTEIN: I'm talking about a
5 hearing where the only presenter -- there would
6 be another hearing for the public.

7 CHAIRPERSON HOOD: Right.

8 MR. BERSTEIN: But the first hearing
9 would be limited to the Office of Planning giving
10 you this 101 that you're talking about.

11 CHAIRPERSON HOOD: Okay. You called it a
12 hearing, I said it's a meeting. So, yeah, okay.

13 (Simultaneous conversation.)

14 CHAIRPERSON HOOD: We're saying the same
15 -- I'm trying to get to the same place.

16 MR. BERSTEIN: Right. In their words,
17 it's just puts your -- if you convened a meeting,
18 you said, and you say we're now having a public
19 meeting of the Zoning Commission and the first
20 agenda and only agenda item is this case, and now
21 we turn to the Office of Planning, to me that
22 doesn't sound like --

23 CHAIRPERSON HOOD: I got you. So let's
24 say this, let's have a hearing basically for the
25 Zoning Commission where --

1 MR. BERSTEIN: Well, it's true. I mean,
2 in other words, the only testimony would be the
3 Office of Planning at this one hearing. It
4 wouldn't be -- there would be a follow-up public
5 hearing, obviously.

6 CHAIRPERSON HOOD: Right.

7 MR. BERSTEIN: But it would be a
8 preliminary hearing to just allow the Office of
9 Planning to make the presentation you desire. If
10 it was just about the current law, or the Height
11 Act or the height, you could do it as training,
12 because that's a perfect training. You know what
13 I'm saying?

14 But, once you start going to what they're
15 proposing, then it has to be a public hearing.

16 CHAIRPERSON HOOD: Okay. So the hearing
17 -- could we be -- will we be the five to only ask
18 questions?

19 MR. BERSTEIN: Yes.

20 CHAIRPERSON HOOD: Okay. And people can
21 sit in the public and listen?

22 MR. BERSTEIN: Well, there's already been
23 the first notice. So, you're only required to
24 give notice of hearing once. But I would still
25 be conservative and do at least 30 days.

1 CHAIRPERSON HOOD: And we really need to
2 start at 30 days in February, February 1st?

3 MR. BERSTEIN: Well, I mean, you just ask
4 yourself, when do you want to have this hearing?
5 I mean, there's more than 30 days now to get you
6 to February 1st.

7 CHAIRPERSON HOOD: Right. But, again, I
8 want to give the opportunity -- because if we
9 were to do something now, the opportunity would
10 not be available to new ANC Commissioners. And
11 it's around the holiday season, so I'm trying to
12 cover all those bases.

13 MR. BERSTEIN: But the ANC would not be
14 testifying at the hearing -- at this hearing.

15 CHAIRPERSON HOOD: But they need to be
16 sworn in, they need to know what's going on, they
17 need to know they can come down or view it
18 webcast live. There are some other things,
19 logistics, I think, that needs to be worked out
20 for the sake of --

21 MR. BERSTEIN: When would you want to
22 have the hearing date so that there would be
23 enough time for the ANCs to have --

24 CHAIRPERSON HOOD: The hearing just for
25 us?

1 MR. BERSTEIN: Yes. This limited
2 hearing.

3 CHAIRPERSON HOOD: Again, as stated
4 earlier, they get sworn in January 2nd. And,
5 again, they got to find the office and I don't
6 know if we have any ANC -- I see Mr. Burke today,
7 he used to be ANC, but they've got to find the
8 office, am I right? They've got to find out what
9 days they meet. So I'm familiar with that
10 process. And I know that takes a while too. And
11 I see you shaking your head, so I guess what I'm
12 saying is it might be in the ballpark.

13 Okay. So that's kind of where -- I want
14 to give them time, especially the new ANC
15 commissioners, and I'm sure everybody didn't win.
16 So there are some new commissioners.

17 Anybody else want to add to --

18 COMMISSIONER MAY: Yeah, I'm trying to
19 get a bottom line then. Does that mean we're
20 talking about something in mid-February? Is that
21 soon enough or far enough away?

22 CHAIRPERSON HOOD: Yeah, because I wanted
23 to give them time.

24 COMMISSIONER MAY: Oh, I understand. I
25 understand. But, I mean, is mid-February or late

1 February that going to be time enough?

2 CHAIRPERSON HOOD: That would be good.

3 COMMISSIONER MAY: Okay. And then we
4 would follow -- should we go ahead and schedule
5 the public hearing, go ahead and schedule that
6 for four weeks later or something like that?

7 MR. BERSTEIN: We can certainly do that
8 in a single notice of public hearing.

9 COMMISSIONER MAY: Right. So we'll have
10 two hearings. And that way we can move quickly -
11 -

12 MR. BERSTEIN: And then be also very
13 evident to the public that it's not just OP that
14 OP will do the first hearing and then the public
15 will do the second hearing?

16 CHAIRPERSON HOOD: That's a good point.

17 MR. BERSTEIN: Okay.

18 CHAIRPERSON HOOD: Because that will get
19 -- that will get mixed up.

20 MR. BERSTEIN: All right.

21 CHAIRPERSON HOOD: Okay. Yeah. Yeah.

22 MR. BERSTEIN: The other thing I was
23 going to ask is, normally we would do a notice of
24 public hearing. We would just provide a summary,
25 then text. Well, we've already done that. So my

1 question is whether or not we would have the
2 flexibility in the second notice of public
3 hearing to refer back to the first one in terms
4 of what's here, but then provide a narrative that
5 explains perhaps in simpler terms what it is
6 that's being proposed. I don't know if that's
7 something we'd do --

8 COMMISSIONER MAY: I mean, what I would
9 like to see ultimately is that, you know, in the
10 course of the first hearing, we would be
11 reviewing this sort of matrix of decisions, or
12 however it's presented by the Office of Planning,
13 and maybe we'd be refining that a little bit.
14 But basically, that document then becomes what
15 the -- you know, that gets provided to the public
16 as well and they can, you know, use that as a
17 basis for whatever they testify to at the second
18 hearing.

19 MR. BERSTEIN: All right. So then we
20 would basically do this notice of public hearing
21 again, this is being published.

22 COMMISSIONER MAY: Yes. Right.

23 MR. BERSTEIN: And just say, this is a
24 second notice -- this is -- yeah, notice of two
25 public hearings, the first will be limited to a

1 presentation by the Office of Planning, the
2 second will be open to public based upon this as
3 has been -- there have been some revisions to it
4 or suggested revisions to the OP report.

5 COMMISSIONER MAY: Right.

6 CHAIRPERSON HOOD: We can do that in bold
7 writing, Ms. Schellin, I'm not sure how that's
8 done. It needs to be in bold and it needs to be
9 in another color font so people will pay
10 attention to it.

11 SECRETARY SCHELLIN: what part is that?

12 CHAIRPERSON HOOD: Exactly what he just
13 said. Whatever that was he just said, I think
14 that's very key. This is the first public -- but
15 you all, we can work on that. Yeah.

16 MS. STEINGASSER: Yes.

17 CHAIRPERSON HOOD: In red.

18 All right. Ms. Steingasser, we volunteer
19 you for so much work here, but let's turn it
20 over.

21 MS. STEINGASSER: That's fine. Because
22 as everyone said, this thing is knee deep in
23 nuance and we really need to find a way to
24 organize it so the Commission can understand and
25 the public can respond.

1 I guess I'm going to kind of engage Mr.
2 Bernstein here because I didn't see this as an
3 additional public hearing for OP as much as it
4 was a continuation of the Zoning Commission's
5 deliberations and that we would get them a
6 matrix, they would continue to deliberate as we
7 did with the proposed revisions to the zoning
8 regulations in October and then based on that
9 deliberation, we would then advertise for another
10 public hearing so that we would kind of narrow
11 the scope. Because to continue with the public
12 hearing notice that's been out there, that's
13 everything from status quo to two stories and 20
14 feet. So that what I understood was the
15 Commission was asking OP to help focus to give
16 them material so they could focus that second
17 public hearing.

18 MR. BERSTEIN: That was my question to
19 Mr. Hood. I heard him saying that he wanted you
20 to make a presentation to them.

21 MS. STEINGASSER: I don't think so much
22 as a presentation as much as it's give them the
23 documents with the zoning revisions, we just
24 provided the documents and they asked us
25 questions.

1 MR. BERSTEIN: And that's fine. I think
2 if this is going to be a written submission, then
3 we do it as a meeting.

4 MS. STEINGASSER: Yes.

5 CHAIRPERSON HOOD: A meeting, but we
6 still ask questions in the meeting.

7 MR. BERSTEIN: Yes. Yes. Yes, that is
8 correct. That's fine. You could do this as
9 another public --

10 CHAIRPERSON HOOD: We got there. I'm
11 good. Everybody good with that?

12 SECRETARY SCHELLIN: Yes.

13 CHAIRPERSON HOOD: How long did that take
14 us, 15 minutes?

15 SECRETARY SCHELLIN: Yes.

16 CHAIRPERSON HOOD: 20? Okay. That's
17 fine, but we got there.

18 MS. STEINGASSER: And we could get that
19 second set of deliberations to the Commission for
20 their January 12th meeting, or in February. It
21 depends on how --

22 CHAIRPERSON HOOD: Well, for us, I think
23 -- do you think January would be all right, or do
24 you want to push it?

25 COMMISSIONER MAY: No, I would --

1 CHAIRPERSON HOOD: February? I was more
2 concerned about the ANC.

3 COMMISSIONER MAY: No, I think that it
4 would be helpful for us to push -- I mean, we
5 talked originally about having that first hearing
6 with OP some time in February. And I think that
7 actually is probably pretty good because we do
8 want to have the opportunity for the ANC -- new
9 ANC members to get their bearings and to be able
10 to tune in on the webcast live, because, you
11 know, they -- I mean, I'm sure that's the first
12 thing in the training is that, you know, this is
13 -- you've got to tune in to the Zoning Commission
14 hearings; right?

15 CHAIRPERSON HOOD: Yeah, I bet you that's
16 the first thing.

17 MR. BERSTEIN: The first thing they tell
18 them, right?

19 CHAIRPERSON HOOD: Ask Gotlieb Simon,
20 we'll find out.

21 SECRETARY SCHELLIN: I just want to
22 clarify, if you're not going to have your
23 discussion until February, then you're not going
24 to have a hearing until probably April then.

25 COMMISSIONER MAY: Well, can we go ahead

1 and schedule the meeting?

2 SECRETARY SCHELLIN: We don't know what
3 to the hearing on until you have your discussion
4 because we won't know what to advertise.

5 CHAIRPERSON HOOD: Okay. That's fine.
6 How long has that been in place, the way we've
7 been doing it?

8 COMMISSIONER MAY: Well, can we go ahead
9 and reserve the date for that now based on when
10 we know the special -- the public meeting is
11 going to be?

12 SECRETARY SCHELLIN: We can schedule a
13 date.

14 COMMISSIONER MAY: Yeah. So we don't
15 want to get to that point and say, oh, no, we're
16 booked up until July.

17 SECRETARY SCHELLIN: Yeah. I mean, right
18 now I have one date left in February for
19 hearings. That's where we are right now.

20 COMMISSIONER MAY: Okay. So what date is
21 that?

22 SECRETARY SCHELLIN: February 26th. But
23 you won't make it if you're going to just have
24 your discussion in February.

25 CHAIRPERSON HOOD: Let's just keep --

1 let's push it back because there's --

2 COMMISSIONER MAY: So we'll take this up
3 at a regular meeting.

4 SECRETARY SCHELLIN: Right.

5 COMMISSIONER MAY: And it will be the
6 second meeting in February?

7 SECRETARY SCHELLIN: There's -- in
8 February we have --

9 CHAIRPERSON HOOD: I think you only have
10 one meeting.

11 SECRETARY SCHELLIN: I think we only have
12 one meeting because of the holiday. Yes, the
13 23rd.

14 CHAIRPERSON HOOD: That's fine.

15 It's only been 104 years, I mean. Thank
16 you, Commissioner Miller. So we can wait a
17 couple more months.

18 SECRETARY SCHELLIN: But I'll talk with
19 Jennifer and we'll schedule -- we'll set aside a
20 date in April. Because they have to have time to
21 prepare the notice.

22 CHAIRPERSON HOOD: And by then the
23 outreach will have been done to the ANC. They
24 will have come up to speed. They will know what
25 we're talking about, and I'm sure the community

1 will -- they will have their meetings or however
2 they're going to proceed with it. That will give
3 them an opportunity. So we can't get dinged for
4 that one.

5 Okay. Anything else?

6 Commissioner Miller?

7 COMMISSIONER MILLER: Now that we've
8 gotten that procedure ironed out, which is good,
9 I also wanted to concur with the Vice Chair that
10 the proposal that the Office of Planning made in
11 terms of linking affordable housing to whether
12 it's residential space up there or office space,
13 it's very important, at least to me. And I think
14 that's a very valuable part of this proposal.

15 CHAIRPERSON HOOD: Okay. Anything else?
16 Any other comments? Ms. Schellin, Ms.
17 Steingasser, and Mr. Bernstein, do you all have
18 it?

19 MR. BERNSTEIN: Yes, sir.

20 CHAIRPERSON HOOD: You got it? Okay.
21 Good. All right. I'm glad you all said you did,
22 because I wouldn't have been able to recap any of
23 it.

24 Okay. Let's go to -- first, let me
25 welcome Ms. Malika -- is it Malika?

1 MS. ABERNATHY: Malika.

2 CHAIRPERSON HOOD: Malika Abernathy from
3 Ward 4 neighborhood planner. I want to welcome
4 you to the Zoning Commission. I'm not sure which
5 case you're here for, but typically we treat you
6 good the first time.

7 (Laughter.)

8 CHAIRPERSON HOOD: The second time you --
9 no, I'm just playing. We want to welcome you.

10 Okay. Let's go to hearing action, Zoning
11 Commission Case No. 14-22, this is the Office of
12 Planning Text and Map Amendments to create a new
13 Walter Reed WR Zone District.

14 Ms. Abernathy? Ms. Steingasser?

15 MS. STEINGASSER: Well, I'm just going to
16 introduce Ms. Abernathy. She's going to give a
17 quick presentation on the plan, the small area
18 plan, and then Mr. Lawson will talk quickly about
19 that zoning that implements that plan that's
20 before you this evening.

21 MS. ABERNATHY: Hello. Again, my name is
22 Malika Abernathy. I'm the Ward 4 planner with
23 D.C. Office of Planning, as well as the project
24 manager that led the smaller A planning process
25 for the development of -- for the development of

1 the smaller A planning process for the Walter
2 Reed site.

3 I just wanted to provide a general
4 overview of the planning process that was
5 conducted in order to acquire a portion of the
6 site, 66 and a half acres of the site for the
7 District's use. And just give you a context of
8 that planning process.

9 So in 2005 the Base Realignment and
10 Closure Act identified 66 and half acres to close
11 Walter Reed. The local redevelopment authority
12 was then formed and at that time it was necessary
13 to meet federal requirements as well as local
14 requirements in order to acquire the site. And
15 so the District then identified a coordinated
16 planning process. That coordinated planning
17 process, we always said was one planning process
18 that included two end products, the base freeze
19 plan as well as a smaller area plan.

20 The base freeze plan met the federal
21 requirements as well as the application to apply
22 for the homeless assistance plan, as well as to
23 meet the federal requirements and the small area
24 plan met the local requirements in order to zone
25 the site.

1 Council has approved both of these plans.
2 Council approved the base freeze plan in July --
3 on July 10th, 2012 and the smaller area plan
4 subsequently thereafter in April 30th of 2013.

5 Another portion of the federal
6 requirement required that the reuse plan also be
7 submitted to and approved by HUD. And that
8 occurred in January of 2014.

9 We had quite an extensive planning
10 process that occurred from 2010 to 2012 in which
11 we had approximately 11 workshops that were held
12 for both that reuse plan as well as the smaller
13 area plan. We had upwards of 100 people attend
14 all of these meetings as well as our office did
15 its due diligence to go out to ANCs and community
16 -- other community groups to really incite
17 comment on how this site should be developed over
18 time. And that's what this slide shows. We can
19 go to the next slide.

20 This next slide basically shows the end
21 product of this coordinated planning process
22 where we essentially established four goals. The
23 first to integrate the site within the community.
24 We all know that the Walter Reed site originally,
25 for over 100 years has been fenced off. And this

1 was a great opportunity to reintegrated the site
2 back into the community.

3 The second was to provide a mix of uses,
4 to create a plan that really accommodates a
5 variety of uses, particularly in this portion of
6 Ward 4 where there's a significant demand and
7 desire from local residents to have retail,
8 diversity of housing options and cultural uses.

9 The third goal is to create new jobs and
10 revenue for the District of Columbia to mitigate
11 the potential impact of lost jobs and revenues
12 from the vacated site on the adjacent commercial
13 corridor by creating new employment opportunities
14 for D.C. residents and increase revenue and
15 property and sales taxes for the district so that
16 we can in turn help support neighborhood
17 services.

18 And the fourth is to essentially activate
19 the site. So develop a realistic implementation
20 and phasing strategy that addresses a variety of
21 issues, maximizes market viability, minimizes
22 site vacancy and completely -- competitively
23 attracts qualified and, you know, interest in the
24 site which we know it has -- it has since done
25 so.

1 These guidelines and recommendations also
2 at the bottom just pretty much show a general
3 overview of what the smaller area plan focused on
4 as it relates to urban design guidance. So,
5 maintaining the existing site character was
6 extremely important. Retaining building one as
7 the core, the site's historic legacy as a center
8 of innovation and excellence, really insuring
9 that existing open space on the site was enhanced
10 and preserved, as well as the historic elements.
11 Fifteen buildings are eligible for the national
12 register for historic places including the great
13 lawn. And have been approved by HPB.

14 We also wanted to extend the street
15 network to reintegrate it back into, you know,
16 the adjacent neighborhoods as well as really
17 identify specific land use designations which
18 we'll talk about more clearly later on in the
19 site. Later on in the presentation so that the
20 smaller area plan can identify land use
21 designations that comply with the base use plan
22 overall development program.

23 This is a map of the existing site. The
24 portion that's highlighted as transfer to D.C. is
25 what the Army has identified as surplus property.

1 Just to orient you to the site, Georgia Avenue is
2 to the east, 16th Street is to the west, as well
3 as Rock Creek Church Park and surrounded by the
4 neighborhoods of Takoma Park -- Takoma -- excuse
5 me, D.C., Shepherd Park, as well as Brightwood.
6 And there is approximately 4.1 million square
7 feet of existing development.

8 This is the major recommendation of the
9 smaller area plan which identifies targeted land
10 use designations for the site per the base reuse
11 plans recommendations of 3.1 million square feet
12 of development. In order to accommodate the
13 reuse plans proposed development program, the SAP
14 recommends a range of land use designations that
15 this slide shows. The lowest being that of
16 moderate density residential which is just along
17 Fern Street to the north. As well as a range of
18 other intensities including medium density mixed
19 use designations which are really centered
20 internally to the site and shown in red and
21 orange.

22 We also identified designations for the
23 key corners of the site, including moderate
24 density residential and really tried to focus on
25 how we can preserve and enhance some of the

1 site's green and open space by including a land
2 use designation that also supports that.

3 We can go to the next slide.

4 MR. LAWSON: Thanks, Malika. So the
5 planning that Malika's team did led directly to
6 the zoning initiative that's before you now. So
7 to implement the objectives and the parameters of
8 the small area plan OP is proposing a new zone
9 category, WR, which of course stands for Walter
10 Reed. And then there within that new category
11 there would be eight individual zones.

12 This process is comparable to recent
13 Zoning Commission actions to establish zoning in
14 other large sites like this in the District such
15 as Hill East and probably the most closed example
16 would be Saint Elizabeth's which you approved a
17 little while ago. And this is, of course, where
18 the communities had weighed in on a detailed
19 small area plan that was then approved by council
20 and then OP created zoning to implement the
21 details of the plan and that's what is before you
22 now.

23 In the current zoning, this new WR zone
24 is, as we've drafted it, would be a new Chapter
25 35. If the Zoning Commission moves forward with

1 the OP proposed new code for about 2ZRR, we would
2 propose that this be placed within the new
3 subtitle K which is where all of the special
4 purpose zones go. And it would go along with
5 Saint Elizabeth's and Southeast Federal Center,
6 and Capital Gateway. And then the WR would stand
7 as a new standalone chapter within that subtitle.
8 But for now, since we're proposing this into the
9 current zone, as I said, it would be a new
10 Chapter 35.

11 The land used and character of each zone,
12 just very quickly, can be summarized as follows,
13 and, again, the zone lines, if you kind of flip
14 back and forth between the comprehensive plan
15 land use map and the zoning, you will see that
16 the two are quite closely aligned and that was
17 obviously intentional.

18 The first one is W1, that's a moderate
19 density row house and flat zone, mainly along
20 Fern Street. The height would be three to four
21 stories or four to five stories under the
22 alternate proposal. W2 which is directly to the
23 south of that and is kind of the interior of the
24 site, that's where some of the higher density
25 zones would be. That is designated for more of a

1 medium density development. So we proposed
2 zoning accordingly. Medium density, mixed-use
3 zone with a more urban feel, a height of seven
4 stories. And an FAR of 2.5 to 3.75 for
5 individual development sites within that zone.
6 The development sites are sometimes called land
7 bays and we refer to that in our OP report within
8 the zone.

9 And W3 kind of runs along Georgia Avenue.
10 It proposes moderate to medium density, mixed use
11 zones with a height of five to six stories and an
12 FAR of 1.75 to 3.5 for individual land bays.
13 This zone also provides for significant open
14 spaces along Georgia Avenue, principally the town
15 plaza within the -- which would be located
16 directly off Georgia Avenue, kind of at the north
17 end of the W3 zone.

18 WR4 which is located also kind of
19 interior to the site, is a moderate density mixed
20 use zone within a campus setting. It has a
21 height -- a maximum height of three to four
22 stories and an FAR of 0.9 to 2.0 for individual
23 land bays.

24 WR5 is a moderate density, mixed use zone
25 for portions of the site along Georgia Avenue and

1 Aspen Street on the south end of the site and it
2 would have a height of two to four stories and an
3 FAR of 0.4 to 1.0.

4 WR6 is basically an open space zone
5 preserving the great lawn and other open spaces
6 mainly in the interior of the site. Only very
7 limited new development would be permitted within
8 the WR6 zone.

9 WR7 is a residential and institutional
10 zone which would include a school along Aspen
11 Street. That would permit a height of two to
12 five stories for different land bays and an FAR
13 of 0.75 to 1.25.

14 And finally WR8, which is a residential
15 zone with open space at the corner of 16th Street
16 and Aspen Street, have a height of five stories
17 maximum, and an FAR of 3.25.

18 The proposed bulk parameters are intended
19 to achieve the density and building types
20 outlined in the small area plan for each part of
21 the site while reflecting the recommended overall
22 area set for the small area plan which is
23 approximately 3.1 million square feet in total.
24 So somewhat less than the square footage that's
25 on the site right now.

1 The eight WR zones follow the land use
2 designations boundaries in the future land use
3 map as we noted earlier. None of the zones would
4 permit a height or density exceeding what was
5 anticipated in the small area plan or by the comp
6 plan land use designations.

7 Having said that, the Deputy Mayor of
8 Planning and Economic Development is continuing
9 to provide more detailed surveys of the site, is
10 continuing to work on those surveys. It is
11 possible that there may be very minor adjustments
12 to some of the land bays. In other words, some
13 of the development parcels since FAR *(1:31:14)
14 ratio is based on land area OP may be very
15 slightly adjusting some of those FAR permissions
16 to make sure that the overall density cap of 3.1
17 million square feet of development is maintained
18 if some of those parcel sizes change slightly.

19 Some zones also have specific setbacks to
20 maintain specific landscape features including
21 mature trees and the overall open-space feel of
22 the site. The zoning also includes specific
23 provisions related to parking. This includes the
24 3,400 parking space cap which is established in
25 the small area plan. But we are proposing, kind

1 of similar to the way that we did with Saint
2 Elizabeth zoning that there be considerable
3 flexibility for when and where that parking is
4 provided.

5 Bike parking standards are also proposed.
6 These are consistent with what's being proposed
7 in ZRR and not in conflict with the small area
8 plan.

9 And finally OP has proposed regulations
10 regarding loading, however, we're continuing to
11 work with DDOT on this issue. And once again,
12 there may be some minor adjustments to the
13 loading provisions prior to a public hearing.

14 The zoning provides that inclusionary
15 zoning would apply on this site. Although the
16 normal increases in density associated with ZRR
17 would not be available on Walter Reed.

18 In terms of uses --

19 VICE CHAIR COHEN: Say again?

20 MR. LAWSON: Pardon me?

21 VICE CHAIR COHEN: Can you say that
22 again?

23 MR. LAWSON: Sure. IZ would apply, but
24 normally throughout the District there's a bonus
25 that you're given to meet IZ. In this case that

1 bonus density is not provided on Walter Reed.

2 In terms of uses, the zoning also
3 reflects the use mix established for individual
4 sites within the small area plan. Again, like
5 Saint Elizabeth's OP has utilized the use
6 categories of ZRR to establish what uses would be
7 permitted throughout the site on individual
8 parcels.

9 It's the goal of the zoning to allow
10 matter of right development on this site,
11 although it was noted in the small area plan, a
12 planned unit development on specified portions of
13 the site with very limited increases in density
14 or height would be possible. Again, that's what
15 was anticipated in the small area plan, so we
16 reflected that in the zoning. And that would be
17 in return for significant community benefit.
18 However, we're really not anticipating a PUD on
19 this site. We are anticipating by right
20 development.

21 And, finally, most of the site would be
22 subject to historic preservation board review and
23 our report includes a map which shows -- you
24 know, Malika referred to it -- which shows the
25 locations of the historic sites, buildings, and

1 open space.

2 So, in summary, we feel that the proposed
3 zoning is not inconsistent with the future land
4 use map, the generalized policy map or the text
5 of the comprehensive plan and directly translates
6 and furthers the goals and the objectives of the
7 small area plan that was approved by council
8 after literally years of discussion with the
9 community. So with that, we'll be available for
10 any questions you may have. But we do recommend
11 that this be set down for a public hearing.

12 Thank you.

13 CHAIRPERSON HOOD: Okay. I want to thank
14 both Mr. Lawson and Ms. Abernathy.

15 Commissioners, any questions of either
16 one?

17 Vice Chair Cohen?

18 VICE CHAIR COHEN: Ms. Abernathy, I'm
19 very interested in how HUD approved this plan.
20 Did you indicate that there was going to be
21 housing for the homeless at all?

22 MS. ABERNATHY: So the deputy mayor's
23 office for Planning and Economic Development led
24 the base street planning process which included -
25 - which basically met the requirements for the

1 federal submission to HUD. And so, yes, they did
2 go through a whole process called the Notice of
3 Interest Process which identified specific notice
4 of interest users, public benefit conveyance
5 users, homeless assistance providers that could
6 be relocated to the site.

7 VICE CHAIR COHEN: Providers, what about
8 housing?

9 MS. ABERNATHY: There is a portion of the
10 site from an NOI standard that is identified as -
11 - I think it's almost 100 -- 100 housing units
12 that are identified in the notice of interest
13 users as notice of interest users that are going
14 to be adaptively reusing some of the site's
15 existing buildings.

16 VICE CHAIR COHEN: And I guess this would
17 be for Mr. Lawson, the WR7 you talk about
18 institutional and residential, to me that sounds
19 almost like a college campus or am I --

20 MR. LAWSON: No, not necessarily a
21 college campus, although there would be a variety
22 of uses which would be permitted in this zone
23 including some of the uses that Malika was just
24 referring to, the NOI users would be within this
25 area. So it's just intended to acknowledge, I

1 guess, that flexibility that's being achieved
2 through the small area plan.

3 VICE CHAIR COHEN: I'm going to ask this
4 question, although it's probably a more
5 appropriate one in the public hearing with DMPED.
6 I understand that affordability will be 18
7 percent of the total units. Yet, the city is
8 getting this land for free and the city recently
9 passed a law that requires that they use land to
10 subsidize affordable housing or write the cost of
11 it. And I was wondering where 18 percent came
12 from when many cities throughout the country use
13 one-third, one-third, one-third a one-third very
14 low income, one-third moderate income, one-third
15 market. Can you shed any light on that?

16 MR. LAWSON: I think it probably is more
17 appropriate if the Commission is okay with this,
18 for this to be addressed more directly by DMPED.
19 What was in the RFP, what was proffered by the
20 applicant in their response to that RFP and how
21 that relates to the recent council action, we'd
22 be happy to provide that. But I think it's
23 probably true that the DMPED representative would
24 be able to provide a more detailed and
25 comprehensive response to that at the hearing.

1 VICE CHAIR COHEN: Since there's been a
2 lot of turnover at DMPED, you may want to give
3 them a hint of my concerns.

4 MR. LAWSON: We've already noted that we
5 expect that affordable housing will be an issue
6 and will be part of the public hearing. So I
7 think they're already aware of that. Thanks.

8 VICE CHAIR COHEN: So you've made me very
9 happy that my message is coming through or that
10 the Zoning Commission's message is coming
11 through.

12 CHAIRPERSON HOOD: Commissioner May?

13 COMMISSIONER MAY: Yes. So I have just a
14 few quick questions. One is the actual distance
15 to existing Metro, I mean, I saw it on a map
16 here, but I didn't see the scale. So how far is
17 it from Metro?

18 MS. ABERNATHY: Yeah, it's approximately
19 ten minutes. A ten-minute walk.

20 COMMISSIONER MAY: A ten-minute walk --

21 MS. ABERNATHY: To the Takoma --

22 COMMISSIONER MAY: -- to Georgia Avenue,
23 to that threshold; right?

24 MS. ABERNATHY: To the Takoma Metro
25 station, yes, from Georgia Avenue.

1 COMMISSIONER MAY: From Georgia Ave.

2 MS. ABERNATHY: Yes.

3 COMMISSIONER MAY: So if you're further
4 in the site, it could be a bit longer. And I saw
5 a diagram showing a streetcar running up Georgia;
6 is that right?

7 MS. ABERNATHY: At the time of the
8 planning process we anticipated that there could
9 possibly be a streetcar alignment.

10 COMMISSIONER MAY: Okay.

11 MS. ABERNATHY: And DDOT who is
12 represented here by Anna Chamberlin can expound
13 upon -- a little bit more on the process for
14 street car --

15 COMMISSIONER MAY: So, I mean, is that
16 something that we can expect? Ms. Chamberlin,
17 maybe you just want to go ahead and answer.

18 MS. CHAMBERLIN: Expected in?

19 COMMISSIONER MAY: I don't know.

20 MS. CHAMBERLIN: Well, as you know, we're
21 beginning -- we had just begun the planning
22 process for the Georgia Avenue, the north/south
23 alignment and we're actually expecting to have
24 our final report this spring, in the next coming
25 months. But the funds to move forward past the

1 planning phase have been removed, so right now
2 we're on a wait and see. So --

3 COMMISSIONER MAY: Okay. Just knowing
4 where it stands in the whole mix is helpful.

5 Can anybody talk to the proximity to
6 neighborhood recreation centers and playing
7 fields and things like that?

8 MS. ABERNATHY: Sure. They're just --
9 well, across the street is Rock Creek -- Rock
10 Creek Park which has a number of --

11 COMMISSIONER MAY: I'm familiar with Rock
12 Creek Park. I'm more concerned about District
13 facilities.

14 MS. ABERNATHY: And just to the south is
15 Fort Stevens recreational center right off of Van
16 Buren which is probably about, you know, half a
17 mile south of the site. Shepherd Park Library is
18 just to the north of the site on Georgia Avenue.
19 And there have been ongoing discussions about
20 possibly, you know, relocating another -- you
21 know, library to the site as well.

22 COMMISSIONER MAY: I'm less concerned
23 about library, I'm more concerned specifically
24 about playing fields because of the dearth of
25 playing fields in certain parts of the city. And

1 I guess what I would like to hear at the hearing
2 is how this -- how this development meshes with
3 the needs that were identified in DPR's master
4 plan process that they just completed. And it
5 may be that there isn't really a problem in this
6 are, but I'd just like to, you know, be able to
7 explore that a little bit. Because this is a
8 large area to be developed and if there's a need
9 for playing fields in this area, it would be a
10 shame not to have that kind of opportunity in a
11 development this large.

12 MS. ABERNATHY: Actually, the Deputy
13 Mayor's Office for Planning and Economic
14 Development, they are in ongoing conversations
15 with DPR as it relates to identifying community
16 pool facilities on the site.

17 COMMISSIONER MAY: Right.

18 MS. ABERNATHY: There is a significant
19 need in this portion of Ward 4 to provide that
20 option. And they are in current conversations
21 with the developer as well as the citizen
22 advisory committee which is an appointed body
23 that the mayor has appointed to have -- to
24 further these discussions during the
25 implementation process.

1 COMMISSIONER MAY: Okay. So we can --
2 we'll have that discussion in greater detail at
3 the hearing?

4 MS. ABERNATHY: Yes.

5 COMMISSIONER MAY: Again, at this moment,
6 I'm more interested in playing fields than I am
7 in other facilities like swimming pools.
8 Although I know there is a need for a swimming
9 pool in that area or at least an outdoor swimming
10 pool, because the neighbors have approached us
11 about providing -- us, the Park Service, about
12 providing land for that which is a very difficult
13 thing for us to do in that area especially.

14 So the last thing I would say is that the
15 -- I see only a small section of the development
16 is slated to be something townhouse like; is that
17 right? Is it just the northern part?

18 MR. LAWSON: That's correct.

19 COMMISSIONER MAY: Okay. So the one
20 thing I would beg is that we -- you know, that it
21 be zoned in such a manner to encourage actual
22 townhouses instead of, you know, faux townhouse,
23 those things that don't have back yards and, you
24 know, you just drive in, in the alley, and you
25 know what I'm talking about?

1 MR. LAWSON: I do. The zoning does limit
2 the use to a row house format of buildings.

3 COMMISSIONER MAY: Right.

4 MR. LAWSON: So multi-family would be
5 permitted.

6 COMMISSIONER MAY: Right.

7 MR. LAWSON: And you'll probably see that
8 we've noted some alternatives for the provisions
9 of rear yard. We thought that might address some
10 of your issues about whether or not there should
11 be rear --

12 COMMISSIONER MAY: I mean, I guess, you
13 know, I've come to accept the idea that some of
14 these quote, "townhouses" have to be built
15 because there's demand for them. But I think
16 that there's -- you know, when you have the
17 opportunity to provide a true townhouse with a
18 rear yard, you know, that's always a good thing.
19 Thanks.

20 CHAIRPERSON HOOD: Okay. Any other
21 questions? Mr. Turnbull?

22 COMMISSIONER TURNBULL: Thank you, Mr.
23 Chair. What are we looking at for AMI for the
24 IZ, what --

25 MR. LAWSON: It would be consistent with

1 the IZ requirements which would be, you know,
2 depending on the construction type and all that
3 kind of stuff, it would be 50 or 80 percent.

4 COMMISSIONER TURNBULL: Because 80
5 percent doesn't really help people in the city
6 much. I mean, it's -- I'm just concerned that
7 we're looking at a high end that a lot of people
8 can't afford in the city. So I'm just throwing
9 that out there that it's -- you know, we're
10 struggling with this as we go forward. So, 80
11 percent is a very -- I'm not say it's a well-
12 healed individual, but it's not -- it doesn't
13 help the people who -- the residents who are
14 really at 50 percent.

15 MR. LAWSON: Yeah, it's understood
16 certainly that it doesn't address deep,
17 affordable requirements. It really is more of a
18 four-course --

19 COMMISSIONER TURNBULL: And it's a
20 significant development.

21 (Simultaneous conversation.)

22 COMMISSIONER TURNBULL: It's a
23 significant development.

24 MR. LAWSON: Yes.

25 COMMISSIONER TURNBULL: I guess the other

1 question that I have is that once again we're
2 using the terms moderate density and medium
3 density, and we seem to struggle as to what that
4 will include and what it can include, how high
5 you can go. I guess I would like to be prepared
6 for a seat for the hearing, the neighborhood
7 around it, I mean, we had a very contentious set
8 of hearings with McMillan and a lot of
9 neighborhood residents complaining that they
10 weren't involved. And we're looking at here a
11 matter of rights. So the citizens are going to
12 be very upset when things start getting built
13 that they haven't had a lot of input in, they
14 can't talk about it. So I think we really need
15 to know, you know, what the neighborhood is
16 around there, what it looks like and community
17 input as far as the size of housing across the
18 street from where they're going to live. So I
19 would just like to see -- excuse me -- some
20 information on how this fits in, in the context
21 of the existing neighborhood.

22 I'm just worried that -- I'm not saying
23 that we're going to overbuild, I am not saying
24 that we're not. But I just want to make sure
25 that we have the right fit and that we don't have

1 a lot of people screaming at some of the
2 illustrations that come out and show seven-foot -
3 - or seven-story buildings across from two-story
4 structures across the street, or in the immediate
5 neighborhood. So I'm just a little bit concerned
6 about where we're going on it.

7 MR. LAWSON: I totally understand that.
8 That was certainly a real focus of the -- in the
9 extensive small area plan of our processes that
10 Malika talked about, the context was very much a
11 part of that and that's why the small area plan
12 itself establishes height limits through a number
13 of stories. For each one of these development
14 parcels, the zoning reflects what was agreed to
15 through the small area plan process.

16 MS. ABERNATHY: Additionally, as part of
17 the discussion during the planning process, we
18 establish urban design guidelines to further
19 establish, you know, whether at the character of
20 each of these development areas in the site would
21 be. For the most part, you know, the site is
22 surrounded by low density residential
23 neighborhoods. Georgia Avenue obviously --
24 there's a great opportunity there for targeting,
25 you know, commercial uses and the mix of uses.

1 And so that's also highlighted in the small area
2 plan as far as how to develop.

3 COMMISSIONER TURNBULL: Will this be
4 developed under separate developments? Or are we
5 looking at one developer or --

6 MS. ABERNATHY: Yeah, the District has
7 already awarded Heinz Development.

8 COMMISSIONER TURNBULL: Heinz?

9 MS. ABERNATHY: Heinz Atlantic Trident
10 Group -- Development Group to be on board with
11 development of the site.

12 COMMISSIONER TURNBULL: How many phases
13 have we -- have they talked about phasing or --

14 MS. ABERNATHY: Yeah, they've generally
15 talked about approximately five -- five phases of
16 development over a 20-year period of time.

17 COMMISSIONER TURNBULL: Okay. Thank you.

18 CHAIRPERSON HOOD: Commission Miller?

19 COMMISSIONER MILLER: Yes, thank you, Mr.
20 Chairman.

21 Commissioner Turnbull, I think it's a
22 legitimate concern you raised about the community
23 but as Ms. Abernathy noted in her presentation,
24 and just for your own information, I can share
25 with you that there was an incredible amount of

1 community engagement not only during the small
2 area planning process, but the whole -- I guess
3 it was called the LRA Advisory Committee, the
4 Local Redevelopment Authority Advisory Committee
5 that was hundreds of -- that developed the reuse
6 plan in conjunction with the community and
7 dozens, and dozens, and dozens of community
8 meetings and public hearings. I attended many of
9 them when I worked for the Council Chairman.

10 I also want to echo what Commission
11 Turnbull and Vice Chair alluded to about the --
12 or talked about regarding the affordable housing.
13 I think the zoning requirements need to be much
14 more closely aligned with the new law that was
15 just enacted by the council and supported by the
16 mayor which has for public dispositions --
17 dispositions of public land has a much higher
18 threshold than in terms of a set aside, and lower
19 -- and lower affordability levels. So I think
20 the inclusionary zoning set aside amount of a
21 minimum of 10 percent is not sufficient, and it's
22 not the reality of what the selected developer,
23 in this case even has set forth in their
24 application of the 18 percent which the OP report
25 alludes to.

1 So I just think it needs to be at a much
2 higher level than the 10 percent in terms of the
3 amount, and a much lower affordability level that
4 is more consistent with what is actually being
5 proposed on the site.

6 On the parking, so there's a parking
7 maximum and you said that's how the Zoning
8 Commission established the parking requirements
9 for Saint Elizabeth's and Hill East. There were
10 no parking minimums, there was just a parking
11 maximum.

12 MR. LAWSON: I don't believe that's the
13 case for Hill East. But for Saint Elizabeth's it
14 is the same and that there was a cap established
15 through the planning process which the zoning
16 then reflected. Like Saint Elizabeth's the
17 zoning that we proposed would establish that cap
18 on an area-wide basis to allow the developer some
19 flexibility. As we saw with Saint Elizabeth's,
20 there was some concern that they may need to
21 frontload, in essence, some of the parking or
22 they may need to place some of the parking where
23 it's logistically most possible to put it, and so
24 the zoning would allow that kind of flexibility,
25 it's -- which is what we allowed with Saint

1 Elizabeth's as well. To exceed that cap they
2 would have to provide the analysis they have to
3 go through a discretionary approval process and
4 they'd have to provide the analysis that the
5 street patterns could accept that extra traffic,
6 but I know DDOT was very concerned about parking
7 numbers on this site and the ability of some of
8 the surrounding streets to accommodate parking in
9 excess of what was studied and anticipated
10 through the smaller area plan.

11 COMMISSIONER MILLER: So DDOT supports
12 the maximum that's set forth in this particular
13 zoning proposal?

14 MS. CHAMBERLIN: Yes, we do. It was
15 established through a transportation impact study
16 that was done during the small area plan and that
17 was the maximum.

18 COMMISSIONER MILLER: Right. And
19 speaking of the small area plan, again, I think
20 there's a recommendation in there about the
21 streetcar where it might -- where there might be
22 a turnaround or a maintenance facility. Can you
23 remind me where in terms of the different
24 proposed zone where that would fit into the
25 zoning or where the location is generally in

1 relation to the different zones that are being
2 proposed?

3 MS. CHAMBERLIN: Well, during the small
4 area plan, there was some thought about providing
5 a turnaround, I guess it would be in between the
6 WR2 and WR3, that location was meant to be the
7 higher commercial density. So there was some
8 thought that the streetcar could go penetrate the
9 site and turnaround, or provide some maintenance.
10 But as of right now in the current plans there
11 aren't any actual plans to have the streetcar go
12 into the site.

13 COMMISSIONER MILLER: But then back to
14 the Office of Planning the zoning would --
15 proposed zoning the uses would accommodate that
16 type of use?

17 MR. LAWSON: Yeah, as a public facility
18 like that it would be permitted as is the case
19 with other zoning in the District. So it would
20 be accommodated if that's deemed to be
21 advantageous.

22 COMMISSIONER MILLER: Well, I just would
23 conclude that this is very -- another
24 transformational project in the District and
25 another momentous occasion where we're moving

1 forward towards implementation of plans that the
2 community wants to see here. And so I think
3 it's, in general, very exciting.

4 CHAIRPERSON HOOD: I'm going to ask this
5 just like this. Is there any opposition to this
6 proposed zoning map amendment?

7 MR. LAWSON: I would say, not yet, but I
8 think you should expect some concerns to be
9 raised. And the reason I'm saying that is that
10 we know that even though the small area plan went
11 through, an enormous amount of public input you
12 can't always satisfy everybody on every aspect.
13 So we would expect that there will be some people
14 who will be concerned about aspects of the
15 zoning, and some of those concerns will relate
16 back to what council had approved in the small
17 area plan because some people did not agree with
18 the small area plan.

19 CHAIRPERSON HOOD: Okay. And I asked it
20 just like that because I just was curious.
21 Because I know as Commission Miller said, this
22 has been in the news. It's been going on for a
23 long time. I figure as long as it's been going
24 on and the conversations that's been had over the
25 years, I was hoping that the gap would have been

1 closed long before it got there and hit us. I'm
2 just trying to see what kind of nights we're
3 going to have.

4 Anyway --

5 MR. LAWSON: I will say I think that
6 Malika and the team did a really great job of
7 trying to address as many of the concerns as
8 possible. So, I think through that planning
9 process they certainly did minimize the number of
10 concerns that will be coming to you. I'm just
11 saying, with any big site like this --

12 CHAIRPERSON HOOD: Right.

13 MR. LAWSON: -- it's large, it's
14 complicated, there are a lot of people who live
15 in proximity to this, there are going to be some
16 people who will have some concerns.

17 CHAIRPERSON HOOD: I'll tell you this,
18 Mr. Lawson, when I looked at this chart on page
19 6, it reminded me of -- even though I know it's
20 not form base zoning, or form base code zoning
21 that we talked about some years back. I'm just
22 curious, like where is the recommendation of
23 height in the WR1 zone or are we going with
24 what's already in the moderate density for
25 housing and and flats? I'm just trying to

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1 understand where we're going.

2 MR. LAWSON: The WR1 was kind of
3 particularly interesting in some respects because
4 there's a lot of slope on the property in
5 general. There is a lot of green changes on this
6 property including a lot of green changes on the
7 W1 zone. So typically in a row house or a flat
8 zone we would see a height of somewhere around 40
9 feet and three stories. The small area plan
10 called for three to four stories. The drawings
11 in the small area plan actually show between four
12 and five stories. And that's because of the
13 slope in this portion where portions of a ground
14 or a bottom floor might be exposed and therefore
15 might be called a story. So you'll see in the
16 text we've actually proposed some alternatives
17 that we would like to have the Zoning Commission
18 discuss and get feedback from the community on
19 what's appropriate on this site. It is a little
20 bit more than you might normally see, as I said,
21 on a row house zone, but that's to reflect some
22 of the changes in slope that we see in the W1
23 zone. It is intended to be a row house
24 character.

25 CHAIRPERSON HOOD: Okay. All right.

1 Well, I will be looking forward to the hearing.
2 I'm pretty sure we'll -- at least it's going to
3 have my support of setting this down. And,
4 again, see what happens. Because I know there's
5 been a lot of work going on with this and
6 hopefully a lot of it has been mitigated before
7 it gets here. That's what I'm hoping.

8 Okay. Let's open it up. Any other
9 questions?

10 (No response.)

11 CHAIRPERSON HOOD: I would move that we
12 set down Zoning Commission Case No. 14-22, the
13 Office of Planning, Text and Map amendments to
14 create a new zone Walter Reed, WR Zone District,
15 and ask for a second.

16 COMMISSIONER MILLER: Second.

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

19 (No response.)

20 CHAIRPERSON HOOD: All those in favor?

21 (Chorus of aye.)

22 CHAIRPERSON HOOD: Any opposition?

23 (No response.)

24 CHAIRPERSON HOOD: Not hearing any, Ms.
25 Schellin, would you record the vote?

1 SECRETARY SCHELLIN: Yes, staff records
2 the vote five to zero to zero to set down Zoning
3 Commission Case No. 14-22 as a rulemaking case.
4 Commissioner Hood moving, Commissioner Miller
5 seconding, Commissioners Cohen, May, and Turnbull
6 in support.

7 CHAIRPERSON HOOD: Okay. Next is Zoning
8 Commission Case No. 14-20, ANC 6A, Map Amendment
9 in Square 1070.

10 Is there somebody new?

11 MR. LAWSON: Almost. Megan Rappolt has
12 been in front of the BZ many times, has been in
13 front of the Zoning Commission once. She will be
14 presenting the OP report on this one.

15 CHAIRPERSON HOOD: Okay. I think you
16 have, Ms. Rappolt, so you may go ahead and begin.
17 Again, we welcome you back.

18 MR. RAPPOLT: Thank you.

19 CHAIRPERSON HOOD: But it's not going to
20 be easy this time. This is your second time.

21 MR. RAPPOLT: Okay. I'm ready.

22 Thank you, Joel. Good evening, Chairman
23 Hood and members of the Commission. That
24 applicant on this case, ANC6A requests a zoning
25 map amendment for 14 lots within square 1070.

1 The 14 lots are currently zoned to the C2A
2 District and the applicant seeks to rezone them
3 to R4 District.

4 Generally the lots are located in the
5 northwest quadrant of Square 1070 at the
6 intersection of 15th Street, Northeast and A
7 Street, Northeast in the Capitol Hill area.

8 The eastern half of square 1070 is zoned
9 to the R4 District, and the western half to the
10 C2A District.

11 The property is generally surrounded by
12 row dwellings to the north and east, and there
13 are condominiums within the historic *(11:41)
14 car barn structure to the west across 15th Street,
15 Northeast.

16 The lots on the southern end of square
17 1070 along East Capitol Street include low-scale
18 commercial uses, and an office building and a
19 small apartment building. The encumbrance of
20 planned future land use map indicates the
21 property is appropriate for moderate density,
22 residential uses, which is consistent with the R4
23 zoning. The applicable comprehensive plan
24 policies directly call for rezoning of the 15th
25 Street commercial district in this area to

1 residential uses as the commercial presence in
2 the square has dwindled over time.

3 The existing C2A zoning designation on
4 the subject lots allow for low-scale commercial
5 uses or a mix of uses on the property which is
6 inconsistent with the conference of plan and
7 future land use map and the conference of plan
8 policies detailed in OP's report.

9 As I understand it, the ANC has
10 repeatedly attempted to make contact with all
11 affected lot owners. However, have not been able
12 to reach a few.

13 Additionally a developer is currently in
14 the building permit process to develop a multi-
15 unit building under the C2A regulations on lot
16 94, which is one of the affected lots.

17 The Office of Planning recommends the map
18 amendment request be set down for a public
19 hearing and I would be happy to take any
20 questions.

21 CHAIRPERSON HOOD: Okay. Thank you very
22 much. Let's see if we have any questions.

23 Mr. Turnbull?

24 COMMISSIONER TURNBULL: Thank you, Mr.
25 Chair. While you partially answered my first

1 question that I'm assuming the ANC is speaking
2 for the property owners? But since you say they
3 haven't been able to --

4 MR. RAPPOLT: I think they've attempted
5 to make contact with all 14. I think one of the
6 properties is in foreclosure and then they
7 haven't been able to reach two others. And I
8 know they have had communication with owners of -
9 - and the developers of lot 94 too.

10 COMMISSIONER TURNBULL: Okay. Well, I
11 see you're also citing on page -- you've made a
12 lot of different citations on page -- I think
13 it's 7 and 8 regarding policies and what it's
14 related to. So I appreciate that. I guess at
15 the hearing are we going to have an issue with
16 the property owner that's got a development going
17 on?

18 I mean, I take it the ANC has -- the
19 person who is trying to build a condominium is
20 going to be a little bit upset coming here.

21 MR. RAPPOLT: I would expect that.

22 COMMISSIONER TURNBULL: Yeah.

23 MS. STEINGASSER: The property that's
24 under conception has been in for permit since
25 June of 2013.

1 COMMISSIONER TURNBULL: Oh, really?

2 MS. STEINGASSER: So they've been in
3 review for quite some time and they area aware of
4 this application. We felt it was important to
5 draw your attention to it --

6 COMMISSIONER TURNBULL: Right.

7 MS. STEINGASSER: -- since we just went
8 through a very similar situation in another case.

9 COMMISSIONER TURNBULL: Yeah.

10 MS. STEINGASSER: So we did want to make
11 sure everybody was aware of the timing and we did
12 work with the Office of Attorney General to make
13 sure we understood the various stages of that
14 review.

15 COMMISSIONER TURNBULL: Right. Of where
16 we are. Well, no, and I appreciate that. And I
17 think it sort of reminds me of what you proposed
18 several years on Georgia Avenue with some of the
19 residential areas and the commercial on Georgia
20 and trying to preserve those neighborhoods as
21 residential. So, I'm -- I have no issue with
22 setting it down. So, thank you.

23 CHAIRPERSON HOOD: Any other comments?

24 Commissioner May. Then we go to Vice
25 Chair Cohen.

1 COMMISSIONER MAY: I just have one quick
2 question. Are any of the existing properties
3 that front on 15th Street used for commercial
4 purposes right now?

5 MR. RAPPOLT: I think lot 43, which is
6 right on the corner of 15th and East Capitol, I
7 believe there's a store on the bottom of that,
8 that actually just fronts East Capitol. But
9 because --

10 COMMISSIONER MAY: Fifteenth and East
11 Capitol. But none of these -- I mean, that's not
12 what's being proposed for being rezoned?

13 MR. RAPPOLT: Oh, sorry, yeah, correct.
14 That's not -- that's not within the map of the
15 area.

16 (Simultaneous conversation.)

17 COMMISSIONER MAY: Yeah, got it.

18 MR. RAPPOLT: Sorry.

19 COMMISSIONER MAY: All right. Thanks.

20 CHAIRPERSON HOOD: Vice Chair Cohen?

21 VICE CHAIR COHEN: Yeah, I may have
22 misunderstood what I read, but I thought that
23 that project that is under construction is
24 grandfathered.

25 MS. STEINGASSER: It depends on which

1 case is completed first. If their permit is
2 issued -- so they filed their building permit in
3 June of 2013. So they are vested for permit
4 review under the C2A. If this case closes before
5 the permit is issued, the R4 would be the
6 overriding zone.

7 So it depends on when the application was
8 filed, and when the application is issued. If
9 the permit is issued before or after this case is
10 completed.

11 VICE CHAIR COHEN: Since 2013, that's an
12 awfully long time to be waiting for your permit.
13 And it seems changing the rules in midstream is
14 not terribly fair.

15 MS. STEINGASSER: To be fair, I don't
16 want to say that they've been waiting for the for
17 their permit, there's been many amendments
18 required of the permit to the process that's been
19 sent back and forth. And we'll find out more.

20 VICE CHAIR COHEN: Please do.

21 CHAIRPERSON HOOD: Are there any other
22 questions?

23 Commissioner Miller?

24 COMMISSIONER MILLER: Thank you, Mr.

25 Chairman. Yeah, following just -- following up

1 on that. Well, so the application that's pending
2 under C2A zoning is for a matter of multi-unit
3 building of 18 units as I understand it?

4 MR. RAPPOLT: I believe that's correct.

5 COMMISSIONER MILLER: And under R4
6 zoning, what's the maximum that would be
7 permitted on that particular lot?

8 MR. LAWSON: Under R4, any new
9 construction would be limited to two units.

10 COMMISSIONER MILLER: And did you -- was
11 there any consideration just thinking of the
12 outcome of that other case that we went through a
13 long process on and tried to get to an outcome
14 that worked for everybody that maybe doesn't work
15 for anybody *(17:50). But what we ended up
16 doing, as I recall, kind of a split zoning. Did
17 you all -- was there any consideration given
18 allowing an R5A, or R5B for that particular lot?
19 I think there is R5B across 15th Street, I guess,
20 in that northern portion of the next square over.
21 What would -- was there any consideration given
22 to that, and would we have the option of
23 considering that at the hearing if we advertise
24 it at R4?

25 MR. LAWSON: I think and Ms. Steingasser

1 may have better answer than me, but I think that
2 you may have to include that in your
3 notification. You have to remember that we're
4 not the applicant here. So the ANC submitted the
5 application and that was for rezoning of the
6 entire site to R4. So it kind of wasn't up to us
7 to be amending the application for the ANC.
8 Then, again, I would think that if the Zoning
9 Commission wished to consider an alternative zone
10 for that one property, that would require some
11 action on the Zoning Commission to make sure that
12 was a clear area in the public hearing notice.

13 COMMISSIONER MILLER: Ms. Steingasser?

14 MS. STEINGASSER: We'll have to confirm
15 with the Office of Attorney General because we've
16 run into this before when it's not our
17 application to amend. But it may be that the
18 Commission could advertise that one square in the
19 alternative as R5A or R5B.

20 COMMISSIONER MILLER: Yeah, I'm not
21 necessarily advocating it. I was trying to get
22 it out there given that what we had to do in that
23 other case and go back and readvertise at least
24 once, maybe twice. What would R5A and R5B allow
25 on that site, potential number of units?

1 MS. STEINGASSER: R5A would have no
2 minimum number of units. So it would -- it's a
3 zone that has by special exception a review. So
4 we've done that before where we've set a case
5 down in the R5A and then the Commission has heard
6 the special exception simultaneously.

7 R5B would also have no limit on the
8 number of units. It would introduce an FAR of
9 1.8 as a matter of right. And I'm not sure what
10 the lot size is, so I don't know what that would
11 --

12 MR. LAWSON: Yeah, it would be 1.8 or 2.2
13 with inclusionary zoning added on. Unlike the
14 current zoning of C2A which is 2.5, or 3.0 with
15 IZ.

16 COMMISSIONER MILLER: Well, I can see --
17 I can see that it's definitely the merit of
18 getting rid of the commercial zoning designation
19 on everything in that square. But I was just
20 wondering if we should be considering advertising
21 in the alternative given the proposal that's out
22 there which this proposal -- this may be designed
23 to stop or -- and to have more consistency in the
24 -- you know, inconsistency in the historic
25 consistency of row houses in the area. I

1 understand that, but I just don't know whether we
2 should be thinking about advertising in the
3 alternative.

4 MR. LAWSON: We understand your point for
5 sure. Just you understand, we did not discuss
6 that option with the applicant which is the ANC.
7 So I'm not sure what their position would be on
8 that alternative zoning.

9 COMMISSIONER MILLER: Thank you, Mr.
10 Chair.

11 CHAIRPERSON HOOD: Ms. Steingasser, you
12 just recited some scenarios about what the
13 developer whose proposal on this site and what
14 they were proposing, does he know specifically
15 exactly how this action is going to move? Have
16 you all explained it, just like you just
17 explained to us?

18 MS. STEINGASSER: We have not had direct
19 contact with the applicant. Our understanding is
20 that at the ANC has, the building permit
21 applicant.

22 CHAIRPERSON HOOD: Okay. Because this as
23 already been stated, this reminds me so much of a
24 case -- actually that case I did not initially
25 participate on, and had not planned to. But I

1 think I was out and I needed to participate. So
2 this is bringing back some rather strange
3 memories. So I'm hoping we don't go down the
4 same track. But I guess I'm interested in moving
5 forward, but I'm just concerned about as the Vice
6 Chair mentioned, predictability. And that's what
7 I believe this city should be about, being
8 predictable. But, also, I think there's some
9 merit to what's being proposed to us. But,
10 again, I'm not going to jinx us. Let's just see
11 what happens, hopefully it does not end up like
12 the other case did.

13 Okay. Which I think may work. It may
14 not work, I'm not sure.

15 COMMISSIONER TURNBULL: Yeah, Mr. Chair,
16 I guess I would say, let's set it down for what
17 has been asked for and then we'll deal with the
18 issues as they come up in the hearing. And if we
19 have to propose the alternative and go through
20 that, we can do it at that time then.

21 COMMISSIONER MAY: I would agree with
22 that. I mean, I think it's kind of hard to do
23 it because we don't really understand much about
24 that other development or whether it would, you
25 know, I mean, R5A or B may not do anything for

1 them. So it's hard to know that. I'm otherwise
2 prepared to just set this down.

3 CHAIRPERSON HOOD: Okay. Somebody want
4 to make a motion?

5 COMMISSIONER MAY: I would move that we
6 set down Zoning Commission Case No. 14-20 ANC 6A
7 Map Amendment at square 1070.

8 VICE CHAIR COHEN: Second.

9 CHAIRPERSON HOOD: Okay. It's been moved
10 and properly seconded. Further discussion?

11 (No response.)

12 CHAIRPERSON HOOD: All those in favor?

13 (Chorus of aye.)

14 CHAIRPERSON HOOD: Any opposition?

15 (No response.)

16 CHAIRPERSON HOOD: Not hearing, Ms.
17 Schellin, would you record the vote?

18 SECRETARY SCHELLIN: Yes, staff records
19 the vote five to zero to zero, set down Zoning
20 Commission Case No. 14-20 as a rulemaking case.
21 Commissioner May moving, Commission Cohen
22 seconding, Commissioners Hood, Miller and
23 Turnbull in support.

24 CHAIRPERSON HOOD: Okay. I think the
25 last thing on our agenda for this evening is

1 correspondence, Zoning Commission Case No. 11-08,
2 Palazzo, LLC, letter from Zoning Administrator
3 pursuant to 2409.8.

4 Again, Ms. Schellin?

5 SECRETARY SCHELLIN: Yes, this is a
6 letter from the Zoning Administrator advising of
7 his granting an increase of 1.9 percent in the
8 FAR for the project. We'd ask the Commission to
9 consider this letter.

10 CHAIRPERSON HOOD: Okay. Commissioners,
11 the Administrator has -- the Zoning Administrator
12 has used his flexibility to grant the additional
13 under Section 2409.6A has stated -- of zoning
14 regulations, he has the authority to confirm such
15 an increase in the FAR *(24:56) PD. I found the
16 increase in FAR as modest and is consistent with
17 the PD approved and is supported by the HPO, thus
18 I'm confirming the increase in this project's FAR
19 via my authority under Section 2409.6A. And he
20 is giving us notification and I guess we want to
21 see if this is okay with what he has deemed to be
22 within his jurisdiction.

23 Any issues? Any concerns?

24 (No response.)

25 CHAIRPERSON HOOD: So by general

1 consensus can we just ask Ms. Schellin to say --
2 let him know that the Zoning Commission concurs
3 this time? You don't have to put "this time" in
4 there, but --

5 (Laughter.)

6 VICE CHAIR COHEN: I don't have any
7 objection.

8 CHAIRPERSON HOOD: Okay. No objections.
9 Okay. Great.

10 Okay. Do we have anything else, Ms.
11 Schellin?

12 SECRETARY SCHELLIN: No.

13 CHAIRPERSON HOOD: Okay. I want to thank
14 everyone for their participation. Office of
15 Planning, Office of Attorney General, as well as
16 the Office of Zoning. And this hearing is
17 adjourned. Oh, and DDOT. And this hearing is
18 adjourned.

19 (Whereupon, at 9:02 p.m., the meeting was
20 adjourned.)

21

22

23

24

25