

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

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MONDAY
JANUARY 27, 2020

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

- BRANDICE ELLIOT
- STEPHEN MORDFIN
- TRAVIS PARKER
- ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.
PAUL GOLDSTEIN, ESQ
JACOB RITTING, ESQ.
DANIEL BASSETT, ESQ.

The transcript constitutes the minutes from the
Regular Meeting held on January 27, 2020.

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

6:33 P.M.

1
2
3 CHAIRMAN HOOD: Good evening. My name is Anthony
4 Hood. This is our regular Zoning Commission meeting for
5 Monday, January 27th, 2020. Time now is 6:30.

6 Joining me are Vice Chair Miller, Commissioner
7 Shapiro, Commissioner May, and Commissioner Turnbull.
8 Officers of Zoning I have Ms. Hanousek. I would ask OAG
9 then to introduce themselves at this time.

10 MS. CAIN: Alexandra Cain, Office of the Attorney
11 General.

12 MR. GOLDSTEIN: Paul Goldstein, Office of the
13 Attorney General.

14 MR. RITTING: Good evening, everybody; Jacob
15 Ritting.

16 MR. BASSETT: Daniel Bassett, Office of the
17 Attorney General.

18 CHAIRMAN HOOD: Next I would ask Office of
19 Planning to introduce themselves.

20 MR. LAWSON: Good evening; Joel Lawson with the
21 Office of Planning.

22 MR. ELLIOTT: Brandice Elliott with the Office of
23 Planning.

24 MS. VITALE: Elisa Vitale with the Office of
25 Planning.

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1 MR. MORDFIN: Stephen Mordfin with the Office of
2 Planning.

3 CHAIRMAN HOOD: Okay, and we also have Paul, who's
4 with the Office of Zoning in the back, doing all of our
5 streaming. Also we have Ms. Hanousek from the Office of
6 Zoning.

7 We do not take any public testimony at our
8 meetings unless we ask someone to come forward. So with
9 that, I think everything's in order. The rest of the opening
10 statement I'll incorporate into the record. Ms. Hanousek,
11 could you please call the first case? Do we have any
12 preliminary matters first?

13 MS. HANOUSEK: No preliminary matters, sir.

14 CHAIRMAN HOOD: Okay. Could you call the first
15 case?

16 MS. HANOUSEK: Yes. This is a consent calendar
17 case, Case 16-13F, JS Congress Holdings, LLC, PUD
18 Modification of Consequence at Square 748. At its January
19 13th meeting, the Commission determined this case to be a
20 modification of consequence and set a schedule for responses
21 from the parties.

22 The Applicant advised staff that the ANC, and
23 that's ANC 6C, would not be submitting a report in this case.
24 There is an OP report in support at Exhibit 5. Staff asks
25 the Commission to consider this case for final action.

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1 CHAIRMAN HOOD: Okay, thank you, Ms. Hanousek.
2 Okay. We have a request on the first case No. 16-13F. We
3 have a request of the extension of the dates, and I think all
4 that's been noted. We put this off for the ANC report, and
5 Ms. Hanousek has teed it up to the point that we know that
6 we will not be receiving any comments at this time; they did
7 not submit anything. Anything else on this case? Any issues
8 or concerns with the date proposed?

9 All right. So with that I am going to entertain
10 a motion if somebody would like to make a motion on this.

11 VICE CHAIR MILLER: Ms. Chairman, I would move
12 that the Zoning Commission approve Zoning Commission Case 16-
13 13F, JS Congress Holdings, LLC, Modification of Consequence
14 at Square 748 and ask for a second.

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: Okay. It's been moved and
17 prompted second. Any further discussion? All in favor, aye.

18 (Chorus of aye.)

19 CHAIRMAN HOOD: Any opposition? Not hearing any,
20 Ms. Hanousek, will you please record the vote?

21 MS. HANOUSEK: Yes. Upon the motion of Vice Chair
22 Miller and as seconded by Commissioner Turnbull, the
23 Commission took final action to approve Case 16-13F by a vote
24 of five to zero-zero, with Commissioners Hood, Miller,
25 Shapiro, May, and Turnbull to approve.

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1 CHAIRMAN HOOD: Okay. Our next case is final
2 actions on the Commission's Case No. 19-23, Wells REIT II
3 80 M Street, S.E., Design Review at Square 699; Ms. Hanousek?

4 MS. HANOUSEK: This case was heard on January 9th.
5 The Commission asked the Applicant to meet with Velocity, and
6 the record was left open for submissions from three Velocity
7 residents regarding that meeting. Those subjects are at
8 Exhibit 22, 23, and 24.

9 The Commission also asked the Applicant to address
10 solar panels and to provide an estimate on the housing trust
11 fund contribution, and that submission is at Exhibit 21.
12 Staff asks Commission to consider this case for final action.

13 CHAIRMAN HOOD: Okay, thank you, Ms. Hanousek.
14 Commissioners, I want to start off with this case, especially
15 since, in the submissions back in the first item that was
16 done was meeting with Velocity, which is what I requested.
17 I read the three submissions from the residents and then also
18 read the Applicant's. I don't know if they were in two
19 different meetings or what, but I'm -- I just think a little
20 more can be done, at least the conversation piece.

21 I understand there are also impacts -- I know we
22 can't necessarily deal with the view, because I know the
23 Supreme Court has already ruled on it some years ago, but I
24 think there can be some mitigation methods in place.

25 I will tell you; I do like the design. This is

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1 a design review case. Personally, I like the design, and I
2 know that nobody buys a view; I understood all that. But I
3 was concerned about the conversation that was had. I came
4 here tonight prepared to vote against this case, but I think
5 it hopefully -- I want to hear from others. I will tell you
6 right now, I was prepared to vote against it. I think I'm
7 going to reconsider. I have an ask, but I want to hear from
8 others first. Mr. May?

9 COMMISSIONER MAY: Mr. Chairman, I think much of
10 the concerns of the neighbors are not things that are really
11 in our purview or something that we can decide that we can
12 agree with. Certainly view protection is not something that
13 we've ever been able to consider or side with the neighbors
14 whose views are going to be impacted. That just doesn't work
15 for reasons you just stated.

16 And the construction impacts are dealt with in
17 another way, right? That's more of a building code and
18 construction, DCRA's enforcement abilities in those areas.

19 I think the one thing that was new to me that came
20 out of the submissions that we got was the concern of the
21 Velocity neighbors having to do with the lighting within this
22 addition and whether that was going to wind up having an
23 impact on their apartments across the way. It's not clear
24 to me that that has even been considered.

25 What we got from the neighbors was an indication

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1 that they asked about it in the presentation that,
2 thankfully, was held; but the neighbors seemed to think that,
3 or they represent to us that the Applicant never took into
4 consideration what impacts the lighting within that addition
5 would have on the immediate neighbors.

6 I can appreciate that as a concern; I think that
7 I would like to hear from the Applicant on that to either
8 explain how the concern is not well-founded; that in fact,
9 there won't be an impact. There may be lights on, but it's
10 not going to have an impact across the street. Maybe that's
11 the case.

12 Alternatively, if they find that there actually
13 is a reason to be concerned about what the lighting level is
14 that's coming from across the street, that we understand a
15 little bit more about what they might do to mitigate those
16 impacts, through lighting controls or window treatments or
17 what have you, because I think that is something that we
18 should be concerned about. So I think something more from
19 the Applicant would be helpful.

20 CHAIRMAN HOOD: Okay. Let me just piggyback on
21 Commissioner May's comments. I think the lighting issue, if
22 we get more back maybe that will address my concern, because
23 it seems like the peekaboo -- what I call a peekaboo in
24 looking into the windows is really a concern; that was just
25 blown off, from what I'm getting from the residents of

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1 Velocity.

2 So if we get something back on that, that may give
3 some resolve to my concern. If not, I know that,
4 Commissioner May, I'm not sure where you are with this, but
5 I know you mentioned at the hearing about different
6 treatments of windows and maybe to give less impact of being
7 able to do what I call a peekaboo effect of looking info
8 folks' privacy.

9 So I think, to me, that's a major concern. That's
10 where I'm hung up because it looks like that was just blown
11 off. All right. So I don't know what I was -- Mr. Shapiro.

12 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
13 hear you about the visibility; that people are effected. I
14 mean, I would be curious to see how the Applicant might
15 respond to that. I think that's a harder one to get at.

16 I would like to hear something about the lighting
17 impact and to hear specifically if it's not or a limited or
18 no impact, there isn't any, or if there is, how it might be
19 mitigated. So I would agree with Commissioner May on that.
20 That's all I have, Mr. Chair.

21 CHAIRMAN HOOD: All right. Anybody else? Vice
22 Chair?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman.
24 First, I want to thank the Applicant for providing the
25 estimate on the housing production trust fund contribution.

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1 I was pleased to see that it's over a million dollars, which
2 is substantial.

3 I would agree with my colleagues that most of the
4 impacts that were complained about, whether or not in our
5 jurisdiction, the lighting didn't really seem like a big
6 impact. I guess it's a current impact from the current
7 tenants of that building, and I think I saw somewhere that
8 there was a commitment to try to get that resolved.
9 Apparently, it wasn't, and it just seems like such an easy
10 ask that the lights in the office building be dimmed or
11 turned off at night when there aren't people occupying; when
12 there aren't office users in those office buildings so that
13 the residents 100 feet away don't see this shiny object all
14 night. It just seemed like an easy ask that could be
15 fulfilled. So I would agree; if we can maybe get more of a
16 commitment that would -- that seemed to be the biggest thing
17 that they complained about that we can maybe do something
18 about; maybe get the Applicant to do something about
19 currently and for the new building as well.

20 CHAIRMAN HOOD: Any other comments? Mr. Turnbull?

21 COMMISSIONER TURNBULL: Yes, thank you, Mr. Chair.
22 I would agree with your comments on the lighting. I think
23 I've raised that any number of times on a penthouse, about
24 low-level lighting and no up-lighting and -- especially if
25 you're looking for a lead requirement, it should be

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1 substantially low lighting up there.

2 I don't know to what degree it would help, but
3 maybe some type of rendering at night, showing the
4 perspective drawing of what it could look like? I know it
5 can be subjective, a rendering like that, but I think it
6 would at least give the people in opposition some idea of
7 what they may or may not be going to get in the future.

8 But I think you're right; I would like to see the
9 Applicant take another look at that and come up with some
10 measures to at least show us how they are going to control
11 the lighting from this space on top of the building.

12 COMMISSIONER MAY: If I can, first of all, it's
13 not just about the amenities, basically; it's the whole
14 addition since it's going to be a glass addition.

15 COMMISSIONER TURNBULL: Yes, you're right.

16 COMMISSIONER MAY: But I think it's possible for
17 the Applicant to demonstrate that there really isn't an
18 effect if the lights are on. But I think they have to do
19 that more scientifically than doing a rendering which you can
20 fiddle with all sorts of ways.

21 COMMISSIONER TURNBULL: Yes, you're right.

22 COMMISSIONER MAY: It can tend to be overlit in
23 the renderings than they actually are. But I think that you
24 can do measurements about how much light is happening inside
25 the building; how much is going to be transmitted through the

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1 glass; how much is going to reach the building across the
2 way. If it's not a significant level of foot-candles, it may
3 not be a concern. I think they can demonstrate it that way
4 as well. I mean, I would certainly be happy to see
5 renderings; I always want to see renderings, but I'm more
6 interested in the --

7 COMMISSIONER TURNBULL: -- the calcs. We need to
8 see the calcs on it.

9 COMMISSIONER MAY: Yes.

10 CHAIRMAN HOOD: Mr. Shapiro?

11 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
12 just have one more comment from the Applicant related to
13 solar panels. The Applicant's response was that,
14 essentially, it wasn't cost effective. I would be curious
15 to know whether they had -- I'd like to see some evidence of
16 a conversation that they might have had with DOE around that,
17 and if -- because it sounds like they're not working with all
18 the information around how that program works in D.C.

19 So we can ask now, or it may not be appropriate
20 to ask now. But I would like to see something in writing
21 that says that that conversation occurred and that there's
22 data around that. First of all, it's not just around whether
23 or not it's cost effective, because there are other issues
24 related to it. But also, that just hasn't been our
25 experience.

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1 CHAIRMAN HOOD: So if you want to hear something
2 -- if not, I would probably think it would be advised to the
3 Applicant to submit everything and have a well-thought-out
4 response to your response.

5 COMMISSIONER SHAPIRO: Yes, that reflects some
6 kind of conversation with DOE.

7 CHAIRMAN HOOD: Okay, yes. All right. Anything
8 else on this? So I guess we'll put this off. We'll kick
9 this down the road to our next -- do we have a --

10 MS. HANOUSEK: We have February 10th and February
11 24th.

12 CHAIRMAN HOOD: I think the 10th should work.
13 Okay, the 10th should work. February 10th; we'll put this
14 on the agenda for February 10th. Anything else on this?

15 VICE CHAIR MILLER: Are you requesting additional
16 information from the Applicant and other persons? If so,
17 what are the deadlines for those responses?

18 CHAIRMAN HOOD: Okay. Mr. Ritting? You've been
19 paying attention. Good man. Ms. Hanousek, do we have some
20 dates?

21 MS. HANOUSEK: Yes. We would need the submissions
22 by three o'clock on Monday, February 3rd, and then if you
23 want to have responses from anyone or, I guess, at least from
24 the ANC, they could be by the 10th at three o'clock.

25 CHAIRMAN HOOD: So let me try and remember.

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1 COMMISSIONER MAY: I mean, at this point I don't
2 know that we necessarily need the back and forth with the
3 opponents. I mean, obviously, the ANC has a right to
4 respond, but if the Applicant can get their information in
5 by the 3rd, then --

6 MS. HANOUSEK: Okay. And then just response from
7 the ANC.

8 COMMISSIONER MAY: That would be my inclination.

9 CHAIRMAN HOOD: I think the ANC was all right.
10 They just wanted us -- and I think we've done the due
11 diligence on what the ANC had asked us to do with Velocity,
12 so I don't think we need to go back down that road with the
13 ANC. I think they've already made their position, and we
14 are, I think, doing our due diligence to --

15 COMMISSIONER MAY: However, they're a party, and
16 your rules require parties to have a --

17 CHAIRMAN HOOD: So what I'm saying is, they can
18 go out and -- we can send it today to the ANC. I mean, we
19 have to do that. Like Mr. Ritting said, I understand that.
20 But I mean, I'm not really looking for anything back from the
21 ANC. I don't want to put the burden on the ANC to have to
22 continue to have another meeting and then come back and
23 address something they've already addressed.

24 If they want to respond -- let's send it to them
25 like we normally do. If they want to respond, that's fine.

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1 If not, we won't hold up our February 10th hearing waiting
2 on it. Okay? Because I think we already have what their
3 direction is to this Commission. All right?

4 MS. HANOUSEK: Yes, sir.

5 CHAIRMAN HOOD: All right. Mr. Ritting, do we
6 have everything covered?

7 MR. RITTING: Sounds good to me.

8 CHAIRMAN HOOD: Okay. All right. Anybody else?
9 All right, thank you all. Ms. Hanousek, let's go to the next
10 case. I'm going to call it. I want to call it. You just --
11 yes, I'm going to call this. Okay. Zoning Case No. 15-27E,
12 350 Morse CPK Owner, LLC Second Stage PUD, at Square 3587.
13 Ms. Elliott?

14 MS. ELLIOTT: Thank you and good evening, Mr.
15 Chairman and members of the Commission. OP recommends that
16 the application for a Stage II PUD for building D be setdown
17 for public hearing. Building D would be located on the west
18 side of Florida Avenue Market at 350 Morse Street, N.E. The
19 development would consist of 13-story, 130-feet-high mixed-
20 use building with ground floor retail and 12 stories of
21 residential having 159 dwelling units.

22 The development would devote approximately 16,000
23 square feet to IZ units, evenly divided between 80 percent
24 and 50 percent MFI, which is consistent with a Stage I PUD
25 approval. In addition, 1,125 square feet of maker's space

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1 would be provided on the ground floor, which is also
2 consistent with the Stage I PUD approval. Other benefits
3 would include improved public space and landscaping;
4 reconnecting the street grid, and constructing the building
5 to LEED Gold, including solar panels on the roof.

6 The Applicant has proposed to modify the first-
7 stage PUD by including habitable space on the penthouse,
8 increasing the unit count from 115 to 159 units, and
9 decreasing the number of parking spaces from 83 to zero
10 spaces.

11 OP has requested additional information from the
12 Applicant, which is noted at the beginning of our report,
13 including any necessary revisions to the conditions relevant
14 to Building D. The proposal continues to meet the
15 requirements of the C3C PUD zone and is not inconsistent with
16 the future land use map, the generalized policy map, and
17 small areas plans and studies as demonstrated at the first-
18 stage PUD and in OP's report.

19 OP will continue to work with the Applicant to
20 address issues identified in the report and, of course,
21 either noted by the Zoning Commission prior to the public
22 hearing. I'm happy to take any questions.

23 CHAIRMAN HOOD: Thank you, Ms. Elliott.
24 Commissioners, any questions? Vice Chair Miller?

25 VICE CHAIR MILLER: Thank you, Mr. Chairman. I

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1 support setting this down for a hearing. I just had one
2 question. You noted, I think, and the Applicant is
3 increasing the density of this particular building from, I
4 guess -- the originally approved density of 10.9 FAR to a
5 higher FAR of 12.72, but that the overall FAR of the PUD site
6 is still at or below the 7.1 FAR approved in the first-stage
7 PUD.

8 So I was just wondering, how was that
9 accomplished? Did they reduce FAR elsewhere on the overall
10 site, or it just -- I just wanted to understand a little bit
11 more the calculations; how they were able to increase
12 substantially so much the density on one side without
13 affecting the overall calculation. I'm obviously missing
14 something.

15 MS. ELLIOTT: I think that the density of some of
16 the buildings may have been decreased a little bit, modified
17 with some of the Stage II PUDs. The Applicant did provide
18 a table in their submission showing how that density has been
19 allocated, so they are showing that it is at 7.09 right now
20 with everything that's been proposed and approved and is
21 going through the process.

22 VICE CHAIR MILLER: Okay; thank you.

23 CHAIRMAN HOOD: Any other questions?

24 COMMISSIONER TURNBULL: Mr. Chair?

25 CHAIRMAN HOOD: Mr. Turnbull.

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1 COMMISSIONER TURNBULL: I just had the one
2 question. In the approved Stage I they had 83 spaces for
3 parking; now there's zero. What's the -- how are they
4 handling parking?

5 MS. ELLIOTT: So one of the issues that we've had
6 with Florida Avenue Market in general is that there is an
7 abundance of parking in the overall development, not just
8 this PUD, but other PUDs that have been approved. So we can
9 work with the Applicant to provide a more detailed analysis
10 --

11 COMMISSIONER TURNBULL: Yes, I was wondering if
12 the residents are being allowed to park in another part of
13 the building. Are they getting a voucher, or is parking
14 included, or it's bundled from it. How are they going to
15 work that? I guess those are the questions. If you could
16 follow up with them on that --

17 MS. ELLIOTT: Sure; I'd be happy to do that.

18 CHAIRMAN HOOD: Did you say there is or isn't?
19 I couldn't hear what you said about the abundance of parking.
20 There is an abundance or isn't an abundance?

21 MS. ELLIOTT: Florida Avenue Market provides
22 significantly more parking than is required by the zoning
23 regulations, overall. So it's not just this PUD; it's the
24 cumulative impact of all the PUDs; there's more parking than
25 required.

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1 CHAIRMAN HOOD: Okay. I don't just want to
2 pinpoint this PUD, but I'll bring that up at the hearing,
3 because I don't believe that. Well, I noted -- we may need
4 to re-look at what we're doing if that's the case, honestly.
5 Maybe we need to re-look at it because I go down there a lot,
6 and I actually just could walk from home, because I can never
7 find any place to park. So anyway. Nothing against you, Ms.
8 Elliott. I just wanted to put that out there. If this
9 commission is going in that direction, we might need to
10 rethink that. But anyway, I don't want to punish this case.
11 Did you want to add --

12 MS. ELLIOTT: I can maybe clarify.

13 CHAIRMAN HOOD: Okay.

14 MS. ELLIOTT: The parking that has been approved
15 so far with the PUDs is in excess of what's required by the
16 regulations. It all hasn't necessarily been constructed yet.

17 CHAIRMAN HOOD: Oh, okay. Okay. That might help.
18 Maybe that's where the parking spaces are. Okay. Anyway,
19 I'll deal with some of that at the hearing. Okay, anything
20 else? Mr. May?

21 COMMISSIONER MAY: I just want to say, I have
22 never had a problem parking at Union Market, never. Now,
23 maybe I just don't go at the most popular times, and I do
24 actually go in my car as opposed to my bicycle.

25 COMMISSIONER SHAPIRO: I was going to say, you're

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1 on a bicycle.

2 COMMISSIONER MAY: No, no.

3 CHAIRMAN HOOD: So what time do you go? I go on
4 Saturday mornings, about 10 o'clock.

5 COMMISSIONER MAY: Mostly I go up there for like
6 dinner and movies and stuff.

7 CHAIRMAN HOOD: Okay. Maybe I'll start going at
8 night, then.

9 COMMISSIONER MAY: Well, anyway, now that we know
10 where they are --

11 (Simultaneous speaking.)

12 CHAIRMAN HOOD: But either way, though, that's
13 just like the case. Everybody goes to the same meetings and
14 come out with different outcomes. All right. Mr. May?

15 COMMISSIONER MAY: So I have some concerns about
16 the design of the building, particularly -- I mean, the
17 fenestration is just really odd, and I think it needs a fair
18 amount of massaging.

19 Maybe there's some design concept that I'm not
20 getting that lends itself to having these yellow vertical
21 bands that disbursed with dividing panels between some of the
22 other windows. Then you've got the grey wrap that has no
23 thickness to it whatsoever; it's just a different skin. I
24 mean, it's not -- it does not come together as an overall
25 really great composition.

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1 I will say the thing that really caught my eye as
2 troubling is the top level. When you look at it, it looks
3 like it's maybe a half story. But that's really not a story
4 at all; it's just the -- I guess it may be the -- it's
5 partially parapet and partially the top section of wall at
6 the highest level below the penthouse.

7 But it's treated as if it's another level, as
8 opposed to being something a little different because it's
9 trying to express the top of the building. And having the
10 yellow vertical elements extend into it makes it even more
11 bizarre. I just think the thing need work, and I would hope
12 the Office of Planning could work with the Applicant to try
13 to improve that, to make it a better composition.

14 Certainly the ingredients are there. I don't have
15 great heartburn about it, but I really think it could be
16 significantly improved, particularly the top level. So I
17 think that's it for me.

18 CHAIRMAN HOOD: Okay. Any other questions?

19 COMMISSIONER TURNBULL: I just had one thing. Ms.
20 Elliott, I wonder if you could have them put dimensions on
21 their signage program?

22 CHAIRMAN HOOD: All right; anything else? All
23 right. Since I'm not hearing anything else, I think this is
24 ready. I would vote that we set this down, Zoning Commission
25 Case No. 15-27E, 350 Morse CPK Owner, LLC; Second Stage PUD

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1 at Square 3587, and note the comments that have been noted
2 and ask for second.

3 VICE CHAIR MILLER: Second.

4 CHAIRMAN HOOD: It's been moved and promptly
5 seconded. Any further discussion? All in favor?

6 (Chorus of aye.)

7 CHAIRMAN HOOD: Any opposition? Not hearing any,
8 Ms. Hanousek, please record the vote.

9 MS. HANOUSEK: Yes. Upon the motion of Chairman
10 Hood as seconded by Vice Chair Miller, the Commission
11 approved Case 15-27E for setdown as a contested case by a
12 vote of five-zero-zero, with Commissioners Hood, Miller,
13 Shapiro, May, and Turnbull to approve.

14 CHAIRMAN HOOD: Next we will go to Zoning
15 Commission Case No. 20-01, Office of Planning Text Amendment
16 to Subtitle C, Chapter 11, General Waterfront Regulations.
17 Ms. Vitale?

18 MS. VITALE: Good evening, Mr. Chair and members
19 of the Commission; Elisa Vitale with the Office of Planning.
20 The Office of Planning is recommending setdown of a text
21 amendment to modify the Waterfront Regulations which are
22 found in Chapter 11 of Subtitle C.

23 In the 2016 update to the regulations, certain use
24 prohibitions were introduced for properties in the 100-year
25 flood plain. While the intent of the regulations, which was

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1 to protect vulnerable populations in flood-prone areas
2 remains valid, the use variance standard has presented a
3 challenge.

4 OP has worked closely with OAG and DOEE to draft
5 a special exception provision in lieu of the variance relief
6 for these uses. The special exception as drafted includes
7 unique review criteria, as well as a referral to DOEE.

8 You can find the new language in the supplemental
9 OP report that was filed on Friday. Actually, I believe it
10 was filed Thursday afternoon.

11 OP is requesting that the Commission set down this
12 text amendment for a public hearing and allow OP the
13 flexibility to work with OAG to refine the language for the
14 public hearing notice. OP would also request immediate
15 publication of the public hearing notice as well as a 30-day
16 notice period. This concludes my report, and I'm happy to
17 answer any questions. Thank you.

18 CHAIRMAN HOOD: Okay. Thank you, Ms. Vitale.
19 Commissioners, any questions or comments? Commissioner
20 Shapiro?

21 COMMISSIONER SHAPIRO: Sure, just a timing issue.
22 If we were to -- if we encouraged OAG and OP to work together
23 on the final text for the notice of proposed rule-making, and
24 we were looking at immediate publication of the notice of
25 proposed rule-making, how is that going to work in terms of

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1 timing, if we move forward on this?

2 CHAIRMAN HOOD: Okay. Who would like to answer
3 that question, besides me?

4 MS. VITALE: I think that was just if there were
5 any final tweaks or refinements that needed to be made;
6 certainly OAG can weigh in.

7 MS. CAIN: We actually have several preliminary
8 drafts ready to go, so I think it would just be a matter of,
9 we're doing that with OP, then we can get this out pretty
10 quickly.

11 COMMISSIONER SHAPIRO: Okay, thank you, Mr. Chair.
12 That answers my question.

13 CHAIRMAN HOOD: So we will again continue to
14 encourage OAG and OP to work together so we can get this
15 moved forward. Any other questions or comments?

16 Okay. So there was an ask, I believe, for
17 immediate advertisement. So if whoever makes the motion can
18 include all that in the ask. If there are no other
19 questions, somebody make a motion to set this one down.

20 COMMISSIONER SHAPIRO: Mr. Chair, I move that we
21 setdown Zoning Commission Case No. 20-01, Office of Planning
22 Text Amendment Subtitle C, Chapter 11, General Waterfront
23 Regulations and look for a second.

24 COMMISSIONER TURNBULL: Second.

25 CHAIRMAN HOOD: The second, does that include

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1 immediate notification as --

2 COMMISSIONER TURNBULL: That includes the
3 immediate notification -- the immediate notice of proposed
4 rulemaking.

5 CHAIRMAN HOOD: And the --

6 COMMISSIONER TURNBULL: -- with the 30-day notice
7 period.

8 COMMISSIONER SHAPIRO: I agree.

9 CHAIRMAN HOOD: Okay. So it's agreed by the
10 seconder. Any further discussion? All in favor, aye.

11 (Chorus of aye.)

12 CHAIRMAN HOOD: Any opposition? Hearing none, Ms.
13 Hanousek, could you please record the vote?

14 MS. HANOUSEK: Yes. Upon the motion of
15 Commissioner Shapiro, as seconded by Commissioner Turnbull,
16 the Commission approved Case 20-01 for setdown as a
17 rulemaking case and authorizes immediate publication of a
18 notice of proposed rulemaking with a 30-day notice period by
19 a vote of five-zero-zero, with Commissioners Hood, Miller,
20 Shapiro, May, and Turnbull to approve.

21 CHAIRMAN HOOD: Okay. Thank you. Let's move on
22 to Zoning Commission Case No. 20-03, Office of Planning Text
23 Amendment for Required Ground Floor Uses in Self-Service
24 Storage Establishments. Mr. Mordfin?

25 MR. MORDFIN: Good evening, Chair, members of the

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1 Commission. This proposed text amendment would specifically
2 define the use self-service storage establishment, and then
3 consistently use that term throughout the zoning regulations.

4 Also, it would establish our requirement that a
5 portion of the ground floor of a self-service storage
6 establishment be dedicated to other uses such as arts,
7 design, creation uses or animal-related uses, in an attempt
8 to activate the streets and encourage neighborhoods serving
9 retail generally similar to some of the neighborhood mixed-
10 use zones and avoid blank walls that face the streets.

11 The proposed text amendment will be consistent
12 with the land use, economic development, and arts and
13 cultural elements of the comprehensive plan, and also Ward
14 5 works, the District of Columbia Ward 5 industrial and land
15 transformation study.

16 Therefore, OP recommends the Commission set the
17 application down and requests flexibility to continue to work
18 with OAG on the wording. Thank you, and I'm available for
19 questions.

20 CHAIRMAN HOOD: Okay, thank you. Mr. Mordfin, let
21 me just ask, does the Ward 5 Works Study, does that get
22 updated periodically? Because it's been a while, I believe.

23 MR. MORDFIN: I would have to check to see when --
24 I don't know when that's supposed to be updated.

25 CHAIRMAN HOOD: So we're still using the one that

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1 was done previously. So if you could find that out for the
2 meeting?

3 MR. MORDFIN: Yes.

4 CHAIRMAN HOOD: I mean, if it's setdown for a
5 hearing, I'd like to know that.

6 MR. MORDFIN: Yes.

7 CHAIRMAN HOOD: Talk a little bit about it. The
8 other thing I would encourage Office of Planning and OAG to
9 continue to do is to continue to work together, collaborate
10 as we go forward, if we set this down. I notice Counsel has
11 given us a number of concerns that need to be worked on, and
12 hopefully OAG and OP will satisfy some of those requirements
13 as they move forward for our proposed hearing, if we get to
14 that point.

15 All right. Any other questions or comments? Let
16 me go to Commissioner Shapiro first, then I'll come to you.

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
18 a question for OP around the issue of parking. I can't
19 remember the exact wording, but it said that none of the
20 ground floor could be devoted to vehicle parking. Is that
21 the right language?

22 MR. MORDFIN: Yes, that's correct. The idea with
23 that was, we want to activate the ground floor since
24 sometimes what happens in these buildings, aside from their
25 entrance into offices and stuff, they would use the ground

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1 floor also for parking, and then there would be no space left
2 for anything else.

3 Understandably, the loading would go in there, and
4 we would want that inside the building. So that was the
5 idea, to --

6 COMMISSIONER SHAPIRO: But that was part of my
7 concern, that excludes loading. But also to say that it's
8 not devoted to vehicle parking, does that mean there would
9 be no allowance at all for vehicle parking ever? I'm not
10 quite sure what the term devoted means in this context.

11 MR. MORDFIN: Oh, what it means by devoted to
12 parking? You could put parking -- we can work on that if you
13 --

14 COMMISSIONER SHAPIRO: I don't think you'd want
15 to preclude parking; I think you would want to limit parking.

16 MR. MORDFIN: Yes, okay. We can do that.

17 MR. LAWSON: We agree, and that's why we
18 structured this to apply the kind of more activated use
19 requirement to be just the portion that's street facing. I
20 mean, you'll have a portion of the ground floor available for
21 other uses, and that could actually include the loading for
22 sure. It could also include the limited parking that a self-
23 storage facility usually provides.

24 COMMISSIONER SHAPIRO: Thank you. The other
25 question I had is that the specific reference to an apartment

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1 unit for the use of a caretaker, watchman, or janitor
2 employed on the premises.

3 MR. MORDFIN: Yes. That's --

4 COMMISSIONER SHAPIRO: It feels like something
5 straight out of a movie from the 1940s.

6 MR. MORDFIN: Yes, that is -- I mean, for the last
7 20 years they probably haven't done it. It's something that
8 used to be common. Twenty-five years ago when I used to work
9 on these things, it was common for them to do that. I
10 haven't seen one in almost 20 years. I think that's probably
11 something that is outdated at this point, that they don't
12 have somebody living on the premises at all times. I think
13 we can strike that from the --

14 COMMISSIONER SHAPIRO: Well, either strike it, or
15 it begs the question, are you interested in allowing -- or
16 are you recommending allowing a certain amount of
17 residential?

18 MR. MORDFIN: Well, not residential. Usually
19 these things --

20 COMMISSIONER SHAPIRO: But what about if you
21 allowed live/work space for artists? I'm just throwing it
22 out there, right? There are lots of ways that residential --

23 MR. MORDFIN: Oh, okay. I was thinking in terms
24 of, these uses used to have somebody living on the premises,
25 watching storage use. And I think probably should be removed

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1 from this --

2 COMMISSIONER SHAPIRO: Yes, that feels -- that's
3 what we --

4 MR. MORDFIN: -- because I think at this point
5 nobody does that anymore. I haven't seen one in many years.

6 COMMISSIONER SHAPIRO: So are you or are you not
7 recommending residential?

8 MR. LAWSON: We are not. At this point that would
9 be a much bigger discussion, a much broader discussion that
10 lots of people have called for, and we think is probably a
11 good idea to have, to look at where allowing some forms of
12 residential in our industrial zones would make sense; where
13 it would not make sense. But that's pretty much beyond the
14 scope of what we're doing.

15 COMMISSIONER SHAPIRO: And I wouldn't want
16 something like -- this is an excellent idea, and I wouldn't
17 want anything to get in the way of moving this forward. But
18 I am curious about that conversation as well. Thank you, Mr.
19 Chair.

20 CHAIRMAN HOOD: Okay. Commissioner May?

21 COMMISSIONER MAY: Yes, so I'm having a little
22 trouble connecting all the dots here. How much of a problem
23 is it now that we have self-storage buildings with no street-
24 facing interests kind of having a damaging effect on the
25 surrounding PDR neighborhood?

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1 MR. MORDFIN: Most of them have some kind of front
2 that fronts. You see the office, and then sometimes they
3 have a little retail store in there where they sell boxes and
4 other things that you need to pack up your stuff.

5 We do have a few that have just a blank wall that
6 faces the street. I think one's on West Virginia Ave or
7 Bladensburg Road; I forget which -- where it's just a cinder
8 block wall at the ground floor. That's what we're trying to
9 make sure doesn't happen again.

10 You know, having the office for this facing the
11 front is something -- the majority of people would go in and
12 out of that. If we had something else also, just to preclude
13 a row of parking like we have on 8th Street N.E., 8th and
14 Franklin; there's on there, there's just a row of -- it's a
15 parking garage on the first level, just to make it more
16 interesting.

17 COMMISSIONER MAY: Right. So I'm familiar with
18 some of them; the one on Bladensburg; there's one on
19 Kenilworth. And what I sort of question about this is, are
20 we inadvertently -- are we going to wind up encouraging
21 basically vacant space, because I don't know what the demand
22 is for putting any kind of retail use into those spaces.

23 I mean, they're not spaces where there's likely
24 much foot traffic. If we're trying to create destinations --
25 I understand the intent, and I think it's admirable, but I

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1 really do think that we want to think carefully about what
2 use we would want to encourage.

3 Do we really want to encourage having medical care
4 there? I totally get doing makers space kind of things
5 there. I think that's a really great concept, and live/work
6 units, I think, are a good idea because maybe it's a way to
7 get spaces like that at a more affordable rate.

8 So I don't know. It's just a question for me.
9 Again, I'm not opposed to it, but I think we have to be very
10 careful about what we encourage. It may be that we want to
11 be very limited in what we encourage so that we actually get
12 that. I don't know. That's it for me.

13 CHAIRMAN HOOD: All right. Any other questions,
14 comments? Vice Chairman?

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
16 I would associate myself with Commissioners Shapiro and May's
17 comments. Yes, I wouldn't have any problem with live/work
18 being advertised, even though I know that's a larger
19 discussion about the allowed PDR. But that's been a real
20 problem in terms of finding the right places for that, that
21 are affordable.

22 Anyway, my question is about the relief from any
23 of the design or preferred-use standards. I thought somebody
24 was saying they couldn't do it; would they have to get a use
25 or area variance? Is that really the type of relief we want

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1 to require in this type of case, if they can't meet the --
2 well, is that the kind of relief we want to require from not
3 meeting the standards?

4 MR. MORDFIN: We can look through this for the
5 ANC. Maybe it should be a special exception if --

6 VICE CHAIR MILLER: Yes, particularly since it's
7 at the point that Commissioner May meant about the vacant --
8 we don't want to have vacant space there. So if they think
9 they can get it there, that's great. It should be more
10 activated and not dead-looking to the street frontage. So
11 if you could look at that between now and the hearing. Thank
12 you.

13 CHAIRMAN HOOD: Okay. Anything else on this?

14 COMMISSIONER TURNBULL: Mr. Chair, I guess my only
15 comment would be -- I think Commissioner May touched on it,
16 just what uses you would actually use. I think it can vary,
17 depending on where it is. PDR zone, depending on what's
18 nearby. A restaurant may not always fit in certain areas.

19 So I think that's the only thing; maybe look at
20 the different PDR zones and have a better feeling as to what
21 uses might be acceptable or may or may not work.

22 MR. LAWSON: I'm sorry. I would just point out
23 that, of course, all of these uses are permitted now in PDR
24 zones. It's not that we're introducing uses that aren't
25 otherwise permitted. So I really guess this is a question

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1 of how we regulate those uses on the ground floor of this
2 particular use. So we're happy to take another look at that
3 prior to the public hearing, and we can get back to you on
4 that.

5 COMMISSIONER TURNBULL: Okay.

6 CHAIRMAN HOOD: Okay. I was getting ready to
7 propose some things. I think Mr. Lawson answered my
8 questions, so I don't think we need to see this again before
9 it's advertised, unless others feel another way. Again,
10 we'll continue to work. We want to be able to give that
11 flexibility to be able to work with OAG as we move forward
12 and get ready to advertise.

13 So unless I hear anything else, I would move that
14 we set down Zoning Commission Case No. 20-03 Office of
15 Planning Text Amendment to Require Ground Floor Uses and
16 Self-Service Storage Establishment with the comments noted
17 in the discussion and ask for a second.

18 COMMISSIONER SHAPIRO: Second.

19 CHAIRMAN HOOD: It's been moved and promptly
20 seconded. Any further discussion? All in favor, aye.

21 (Chorus of aye.)

22 CHAIRMAN HOOD: Any opposition? Not hearing any,
23 Ms. Hanousek, would you record the vote?

24 MS. HANOUSEK: Upon the motion of Chairman Hood,
25 as seconded by Commissioner Shapiro, the Commission approved

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1 Case 20-03 for setdown as a rulemaking case by a vote of
2 five-zero-zero with Commissioners Hood, Miller, Shapiro, May,
3 and Turnbull to approve.

4 CHAIRMAN HOOD: Okay. Next let's go to Zoning
5 Commission Case No. 14-13E, Office of Planning Text
6 Amendment to Penthouse Regulations. Mr. Lawson?

7 MR. LAWSON: Thank you, Mr. Chair. I'm happy to
8 be bringing forward finally a series of amendments to the
9 penthouse regulations for the District.

10 As I'm sure many of you remember because most of
11 you were around at the time, the current regulations were
12 approved back in 2015, and those were approved in response
13 to the federal approval amendments to the Height Act which
14 allowed flexibility for the use of the penthouse space.

15 We needed to amend the zoning regulations to make
16 those changes to the federal act effective, because in most
17 cases, zoning is more restrictive than the Height Act.

18 The main change at the time, obviously, was the
19 permission to have habitable space within the penthouse. But
20 at the time that we went through this change back in 2015,
21 we also updated and clarified the regulations pretty
22 considerably at the same time, and the Commission added an
23 affordable housing linkage requirement, which we have seen
24 many times in many applications.

25 At the time, we advised the Zoning Commission that

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1 we would continue to monitor these regulations, and when it
2 was appropriate to do so we would be coming back with
3 modifications to make them better than they were. In fact,
4 since adoption there have already been four amendments to the
5 regulations. Most of them were pretty minor and, of course,
6 the regulations have, since 2015, been translated into ZR-16.

7 So now we've had a chance to work with the
8 regulations quite a bit, and as we told the Commission, we're
9 bringing forward some modifications to address their
10 effectiveness and their ease of use in administration.

11 So I think it's outlined in our report that our
12 monitoring of the cases, in addition to having lots of
13 discussions with architects and homeowners and such, and
14 hearing back from BZA members and Zoning Commission members
15 on specific cases, we also took a fairly careful look at the
16 BZA cases. That included penthouse relief as well as Zoning
17 Commission cases, especially ones that had some form of
18 relief.

19 Concurrently, DHCD has been monitoring the
20 effectiveness of the Housing Linkage Program, particularly
21 the amount of contributions and commitments that have been
22 made to the Housing Production Trust Fund.

23 So that's all detailed in our report; I'm not
24 going to go into that in any detail. I'd be happy to answer
25 questions when the time comes. I'd also like to note that,

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1 obviously, a critical part of this review has been regular
2 and ongoing consultation with the Zoning Administrator and
3 his staff, as well as a review by DHCD staff and staff from
4 OAG. We've been meeting on a fairly regular basis over the
5 last couple of years, actually, so as I said, it's good to
6 be bringing this forward.

7 I'd also like to take this chance to say how much
8 I appreciate the input and advice from BZA members and Zoning
9 Commission members as part of regular cases, as well as from
10 my own staff in development review. They've provided all
11 kinds of valuable input and feedback.

12 That's okay. It's all in the report. So the next
13 slide was actually talking about some of the main issues that
14 were identified as part of that review. The main ones were
15 the need to re-organize and simplify the regulations
16 themselves. Currently, the regulations aren't in any
17 particular order in places, and in some places they're a bit
18 duplicative, and in many places they're a little bit hard to
19 understand and to administer.

20 CHAIRMAN HOOD: Mr. Lawson, did you want to change
21 the slide? Are you having problems --

22 MR. LAWSON: Sorry; I've been trying it --

23 CHAIRMAN HOOD: Okay. Can you ask Mr. Young to
24 come out and help him? Just hold on one minute. I know you
25 put a lot of work into this, so we want to make sure we see

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1 your slides. I'd like to see the slides. It will only take
2 a minute. You don't mind a minute? Oh, okay. Well, keep
3 talking. We'll get somebody. All right.

4 MR. LAWSON: Oh, I just figured it out. I'm
5 sorry, Paul; I just got it. I was hitting the wrong button.
6 Sorry about that.

7 So as I said, No. 1 was the need to re-organize
8 and simplify the regulations. The Zoning Administrator noted
9 especially that there was a need for additional definitions
10 in the regulations, which we proposed. We've also proposed
11 clarifications to some of the other regulations. Those are
12 in Subtitle B.

13 We also noted a need to clarify how the height of
14 a penthouse or roof structure is measured. Right now the
15 regulations didn't provide a lot of advice on that, and so
16 we had some fairly explicit language now in Subtitle B,
17 including how you measure height on a sloping roof, which was
18 causing some administrative issues.

19 A third issue that's been addressed, mostly by
20 some of the residents in the District, is the limitation on
21 an enclosed rooftop access to the roof for low-density
22 residential buildings. Currently the regulations do not
23 allow that by right. It's allowed by special exception if
24 the stairwell and the accompanying storage area is very
25 small.

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1 OP is proposing that that now be allowed by right,
2 subject to the same limitations that the special exception
3 cases are currently subjected to.

4 The setbacks have been problematic to administer
5 and to understand, and that tends to be especially from the
6 sidewall of the building below. You'll see from the report
7 that a majority, actually, of the cases, at least in some of
8 the zones that involve penthouse relief included relief from
9 side setback.

10 So we're proposing more than changing the
11 regulations; we're definitely proposing to clarify the
12 regulations, and that would be in section 1504 of the new
13 regulations

14 So that would be essentially to stipulate when a
15 setback is required from each of the building walls; front,
16 back, side, and from an open court, but then also stipulating
17 which rooftop elements do not need to provide a specific form
18 of setback. As I said, I'd be happy to go over this in more
19 detail if the Commission wishes me to.

20 The next issue that came up was simplifying the
21 special exception criteria. Right now some of the criteria
22 are duplicative, and it just needed to be clarified a little
23 bit.

24 Last but certainly not least, the Affordable
25 Housing Linkage Requirement; OP is not proposing any

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1 significant changes to that requirement. We are proposing
2 some significant clarification of the requirement.

3 Right now, residential habitable penthouse space
4 other than amenity space on the rooftop is generally required
5 to conform to IZ, except with the units onsite, except that
6 the units have to be provided at a rate of 50 percent MFI
7 instead of what IZ would otherwise require.

8 For non-residential habitable penthouse, the
9 contribution to the Housing Production Trust Fund consistent
10 with that currently required for a street closing or a
11 non-residential PUD is required.

12 The language that we adopted into the regulations
13 in 2015 was essentially copied into the penthouse regs,
14 consistent with those other provisions. We found that that
15 language, for the purposes of penthouse, wasn't really clear
16 enough, thus causing some confusion. It was also open to
17 interpretation, and the Zoning Administrator definitely
18 wanted us to provide that clarification and have a bunch of
19 this codified right into the regulations. So that's what we
20 did.

21 We've also proposed to tighten this provision up
22 a bit to ensure equity in the provision and to ensure that
23 an appropriate contribution consistent with the Zoning
24 Commission intent is provided in more cases.

25 Something we didn't really think about at the time

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1 was the provision of non-residential penthouse space such as
2 a rooftop restaurant on an otherwise largely residential
3 building. We've actually seen some examples of that now, and
4 it's caused some confusion about which set of provisions you
5 require that they adhere to.

6 So do we count that space as residential space or
7 non-residential space? We're actually proposing that any
8 rooftop space on a residential building count as residential
9 space so that rooftop restaurant would require the provision
10 of affordable units within the building.

11 And that's consistent with what we think the
12 provision was, which was to encourage the provision of
13 affordable housing within the building on the site, and so
14 far, it's done some good of a job with that.

15 Of course, there's lots of other proposed
16 modifications and amendments. Those are detailed in our
17 report, and I do have more detail on other slides here if you
18 wish me to go through those in more detail.

19 But I should also note that, of course, there are
20 many aspects of the regulations that are not proposing to be
21 changed; things like the permitted height, the permitted
22 number of stories, the FAR exemption amount, the exemptions
23 from the Housing Linkage requirement such as for residential
24 amenity space. None of those are being proposed to be
25 changed as part of what OP's brought forward right now.

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1 So as I said, I'd be happy to run through all of
2 the changes in much more detail the Commission would want,
3 although I'm also happy just to kind of take questions at
4 this point and provide clarification where you want at your
5 request.

6 CHAIRMAN HOOD: So let me ask; when we have the
7 hearing, is this going to be the presentation here? Is this
8 the same? Are you going to do kind of the same thing?

9 MR. LAWSON: It could be something similar to
10 this, although prior to the public hearing we are
11 anticipating that we would have more visual diagrams and a
12 little bit more kind of fine-tuned presentation. For the
13 setdown I needed to kind of cover everything to make sure the
14 Commission was aware of the very broad range.

15 I suspect some of what we're proposing is not
16 particularly contentious, and other things may be -- you may
17 have more questions about.

18 CHAIRMAN HOOD: Okay. All right, let me hear from
19 others. What would you all like to do, and if you have any
20 questions. Commissioner May?

21 COMMISSIONER MAY: Yes, so I personally would have
22 liked to have seen diagrams at this stage when it comes to
23 things like the setback provisions, because that was not very
24 clear to me.

25 Some of the things are concerning: the ideas about

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1 -- I get clarifying -- it was pretty confusing before when
2 we had to deal with setback provisions, and I think what I
3 read in the report was pretty consistent with the intention
4 early on.

5 But I'm a little concerned about the notion that
6 certain structures on the roof might get a pass if they're
7 on the back of the side of the building because then I'd want
8 to know, well, what do you define as the back of the side of
9 the building? For me it's all about visibility of the
10 building, and I'm not sure how that plays into it.

11 I admit I did not follow it all in reading the
12 changes to the regulations. So having diagrams would really
13 help me on that. I don't suppose you have that in subsequent
14 slides.

15 MR. LAWSON: We have not prepared those yet.

16 COMMISSIONER MAY: Okay. All right. I mean,
17 understanding that the intention is mostly about
18 clarification and trying to eliminate some of the
19 circumstances where it's really unnecessary for us to be so
20 restrictive on the parts of the building where it's truly not
21 visible, I don't have a problem. It's where the side of the
22 building is actually a public face or visible from a public
23 way, I think that's a bigger problem.

24 I am not in favor of doing anything on rooftop
25 access or low-density residential buildings for a few

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1 reasons. I mean, I have sat on a few of those cases, and I
2 think the fact that there was actually a high success rate
3 for those applicants is in many ways a testament that we're
4 doing the right thing, not that we're doing the wrong thing.

5 There are a lot of applicants that don't even
6 bother, right? They go ahead and do the hatch, and it's not
7 a problem. I don't suppose that's something that we can get
8 statistics on in addition to what you can produce here.

9 MR. LAWSON: Probably not. We don't track, and
10 I don't think DCRA tracks by-right proposals.

11 COMMISSIONER MAY: Right.

12 MR. LAWSON: We can certainly take a more
13 fine-grained look at some of the BZA cases to see which ones
14 may have resulted in a shift from one type of rooftop access
15 to another, but that would be the limit.

16 COMMISSIONER MAY: Right, and I'm certainly
17 interested in that; that was one of my questions is how often
18 did the actual proposal change? In some cases I know that
19 the relief was related to the fact that for some reason, DCRA
20 was interpreting the height of the hatch when it is open as
21 being -- making it contrary to the regulations, which didn't
22 make any sense to me at all because it's only open part of
23 the time. So certainly that's something that would have to
24 be clarified.

25 MR. LAWSON: I'm sorry; we've actually proposed

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1 that clarification; that's in there.

2 COMMISSIONER MAY: Yes. What I really do not want
3 to see is the prospect that we would make a seven- or
4 eight-foot tall penthouse, 30 square feet plus a stairway,
5 or 30 square feet including the stairway, a matter of right
6 in all circumstances, because the places where these things
7 are so egregious are when somebody's already doing a popup,
8 and they're going up from 22 feet to 35 feet. Then they want
9 to add rooftop access on top of that because they're taking
10 a row house and they're making it into two condos.

11 There are a whole bunch of those that I drive by
12 all the time, and I see all the time, and they look terrible.
13 There was at least one case that came before me at BZA, and
14 I voted against it. I was the only one who voted against it.
15 But it was bad, and I don't want to open the door for that
16 kind of stuff.

17 So I'm not inclined to do anything at all with
18 this myself, at least not without having much greater
19 reassurance that we're not going to just open the spigot and
20 let all these crummy little penthouses pop up.

21 MR. LAWSON: We're happy to look at that further.
22 Of course, it's the Commission's decision as to which aspects
23 of what we're bringing forward is set down and what not to
24 set down.

25 We have proposed to allow, as I said, allow that

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1 limited penthouse on the lower-density residential parts of
2 development. We have proposed that a setback be required
3 when it does face a street or other public way or a public
4 park, which is not dissimilar to some of the regulations we
5 have now in the regulations, but we're happy to take
6 direction from the Commission on this.

7 COMMISSIONER MAY: Well, I think certainly it's
8 good when it's not -- you know, it's on the side of the
9 building that's visible from a public way and so on. But I
10 think it's a matter of how the height of that penthouse is,
11 not just compared to the roof of the building that it's on,
12 but the building that it's next to because then when you're
13 going 10 feet above your neighbor's house, and then you have
14 to go another 10 feet above that, it's very visible from
15 across the street and down the street and so on.

16 So maybe there's a way to fine-tune the
17 regulations so that we can address that sort of a
18 circumstance.

19 MR. LAWSON: Sure, we'd be happy to look at that.
20 We are also proposing -- this is one of the kind of small
21 changes, but could have a big impact, depending on the way
22 the Commission goes -- that a stairwell not be required to
23 be a box; that the stairwell enclosure, when one is
24 permitted, would be allowed to follow the slope of the stairs
25 below. That was actually a request that came from the

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1 Historic Preservation Office to help to minimize any
2 potential visual impact of the stairwell.

3 COMMISSIONER MAY: Yes. I have mixed feelings
4 about that. There are many circumstances where that makes
5 a whole lot of sense, particularly when the stairway is
6 sloping up and away from the front of the house, but again,
7 it isn't going to do any good if it's on top of a third-story
8 addition.

9 Well, I don't know. I'm interested to hear what
10 the rest of the Commission has to say. I guess I could see
11 moving forward if we have a little bit more analysis of this,
12 and if we try to fine-tune what the conditions might be under
13 which a matter-of-right roof access could be provided,
14 because I don't think we just want to swing the doors wide
15 open for that.

16 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Yes,
18 I hear the concerns of Commissioner May, and I think some
19 kind of -- I mean, I'd like to see this opened up, but I also
20 appreciate your point that when you put this on top of a
21 popup, then you get a lot of height.

22 So if there is some way to refine that, if you
23 have a proposal then I think it would be helpful to hear.

24 I also agreed with the point around -- well,
25 looking at -- I really like the data that you brought to this

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1 related to the current BZA cases; it's very, very helpful.
2 And in addition to the graphic representations of the
3 setbacks and other things like that, just some way, some kind
4 of matrix that shows these cases and not just the
5 percentages. I think that's what would help too, is the
6 actual number of cases.

7 I don't want this to be perceived as a BZA
8 workforce reduction act, but there is something to say around
9 how many of these cases come before the BZA and the impact
10 of that on the residents and staff and everything like that
11 for cases that essentially get approved. So I'd like to see
12 percentages as well as numbers for the data that you've put
13 together in your rationale and analysis.

14 MR. LAWSON: Sure. That would be relatively easy,
15 I think, for us to provide. Obviously, we have that.
16 Obviously, this is in response to some of the language,
17 particularly in the comprehensive plan, to ease some of the
18 regulations where it's appropriate to do so, and to make the
19 regulations easier for the public to understand and to remove
20 duplicative regulations.

21 That was certainly part of our thought process
22 behind where we were at here. It wasn't necessarily to
23 increase or decrease the BZA's workload, but it potentially
24 could have that result.

25 COMMISSIONER SHAPIRO: It would, but I think your

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1 primary point, which is every BZA case is a resident, and the
2 community and the ANC and, yes, it does make sense. I think
3 this is the right intent and, again, the rationale analysis
4 is helpful. More detail around that will help as well. Yes,
5 that's all I have for now, Mr. Chair.

6 COMMISSIONER MAY: Can I interrupt? Can you also
7 provide information on how many of the cases that were
8 reviewed by the BZA were for rooftop stairways on top of
9 third-floor additions, popups, whatever you want to call
10 them?

11 MR. LAWSON: I could try. To be honest, I
12 probably could find that by going through each of the cases
13 in a little bit more detail, and I should be able to provide
14 that.

15 COMMISSIONER MAY: Yes, I appreciate that.

16 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

17 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
18 think some drawings, some little sketches to go along with
19 some of these sort of diagrams might help. I agree with my
20 other commissioners.

21 I too have sat on a lot of BZA cases where you've
22 had neighbors opposing; same thing with our popup or
23 adjacency to another. The RF zones are more problematic; the
24 RA zones may be a little bit easier to deal with at times.
25 But there are issues with the -- it depends upon where it is.

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1 I mean, I voted in favor of a stairway going up,
2 but it was placed in the middle of the building, and it was
3 workable. It didn't look -- it was fine. But you them where
4 they're at the edge; it's case-specific. I guess I'm a
5 little bit reluctant to go totally matter-of-right, but I'm
6 willing to hear some argument for it.

7 I guess I like the special exception which, as
8 Commissioner May has pointed out, hasn't always -- he's been
9 outvoted to be able to do it too. So maybe a little more
10 thought, I would appreciate on that. That would be good that
11 I'd like to hear.

12 The other thing is, there's language in this which
13 I guess is part of our current language. I'll just give you
14 an example: 306.7: Roof membranes and green roofs may be
15 erected to a greater height than any height limit prescribed
16 by these regulations or the Height Act. Can we really say
17 the Height Act? Can we really tell people to go beyond --
18 we don't have that purview, do we?

19 MR. LAWSON: That's intended to be more clarifying
20 language so that people understand that that's not
21 inconsistent with the Height Act, at least the Zoning
22 Administrator's interpretation of the Height Act.

23 I continue to work with OAG, if they feel that
24 it's not necessary to have that in the --

25 COMMISSIONER TURNBULL: Yes. I'm just saying it

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1 sounds a little bit problematic for me right now. Maybe
2 there's a nuance to it that I don't get. When I first saw
3 that I was like, we can't tell people to go beyond the Height
4 Act.

5 MR. LAWSON: No, you're absolutely right,
6 Commissioner Turnbull, that the zoning regulations cannot
7 override the Height Act. The zoning regulations can't allow
8 something that the Height Act does not permit.

9 So like I said, it was intended to be more of a
10 statement that this is something that is permitted under the
11 Height Act, but it may be that it's just simply not necessary
12 in the regulations.

13 COMMISSIONER TURNBULL: Okay, all right. Thank
14 you.

15 CHAIRMAN HOOD: Vice Chairman?

16 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
17 I would associate myself with most of the comments of my
18 colleagues, and I appreciate all the analysis that you and
19 the Office of Planning have done about the penthouse
20 regulations and the clarity that you're trying to bring to
21 it. I look forward to the additional analysis and
22 fine-tuning and sketches or renderings, diagrams, that we've
23 talked about here.

24 And I think the whole discussion of the rooftop
25 stairwell access on the low-density areas, I personally think

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1 it's a topic that you said you were going to look at and see
2 if you could fine-tune it, and are limited in not making just
3 matter-of-right but to maybe come up with an alternative
4 proposal, as you, in your dialogue, have had with other
5 commissioners.

6 But I think it's a topic worth have a discussion
7 as part of the public hearing, and we can have the public's
8 view on the whole thing. You did provide a lot of data, but
9 maybe we can get it more fine-tuned date as to how many of
10 these have been approved and how many cases have gone before
11 the BZA and taking up a lot of time, as Commissioner Shapiro
12 and others have pointed out. So anyway, I support setting
13 this down for public hearing.

14 I had a question about the formula -- I think I
15 support all of the affordable housing clarifications and
16 changes.

17 On the calculation of the formula to calculate the
18 Housing Production Trust Fund contribution, the formula that
19 you're coming up with, does it come out to -- have you run
20 the numbers to see if it comes out to less or more? Is it
21 just that you just didn't know what the number was supposed
22 to be, because it doesn't work with penthouse space.

23 MR. LAWSON: The intent is the number will be
24 exactly the same; not more, not less. But the additional
25 clarification for how you get there, how you do that

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1 calculation; right now a lot of it is done through
2 interpretation of the regulations; as you know, kind of
3 working out how that rather convoluted wording is intended
4 to actually be put into practice. So our intent is to put
5 that wording right into the regulations themselves so that
6 it's clear.

7 So in terms of the methodology, it shouldn't
8 result in any more or less of a contribution. We are
9 proposing some minor tweaks, particularly at the end of that
10 section, which will address some of the, as we put in our
11 report, some of the inequity --

12 VICE CHAIR MILLER: Capturing the value of an
13 increased density.

14 MR. LAWSON: Exactly. Yes. So that would be the
15 only place where there would be a change of some
16 significance, and that's very purposeful.

17 VICE CHAIR MILLER: Well that all makes a lot of
18 sense, and I think I share responsibility for the convoluted
19 language that I helped draft, God knows, in the 1980s, I
20 think.

21 MR. LAWSON: I'm going to kind of let you off the
22 hook. The language has been there a long time, but it was
23 helpful, and I remember going through that process as well
24 as kind of sitting down and trying to figure out how we
25 should apply this.

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1 VICE CHAIR MILLER: Does it make sense to change
2 the formula for the other cases, the street and alley closing
3 and the commercial PUD density increases?

4 MR. LAWSON: We'll probably look to that at some
5 point. That's not in the zoning regulations, so it's a
6 separate issue from what you're doing. It will be
7 interesting to get feedback, I think, from housing advocates
8 and the development community on this. It's possible that
9 things will come up that will require some tweaking. So once
10 we go through this process, we can look and see whether it
11 makes sense to kind of apply the language a bit more broadly.

12 VICE CHAIR MILLER: Okay. Thank you very much.

13 CHAIRMAN HOOD: Okay. Anything else? Only thing
14 I would add, as we're probably going to set this down, has
15 already been mentioned. I want to make sure that I
16 understand exactly what we're doing, so the diagrams and the
17 pictures and all that will work just fine for me, and I'm
18 sure others as well. So we want to take our time and go
19 through this and try to make sure we're making the right
20 decision. So I appreciate all the work that's been put into
21 this.

22 All right. Anything else?

23 MR. GOLDSTEIN: Mr. Chairman, sorry to interrupt
24 you. Paul Goldstein with the Office of the Attorney General.
25 We've heard some good preliminary discussion about penthouses

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1 on low-density residential development.

2 Just to make sure that OAG fully understands what
3 you'd like for the public hearing notice, it is your intent
4 that you advertise the language as proposed for the public
5 hearing notice, but in the lead-up to the hearing you've
6 asked for a number of sort of additional study analyses or
7 clarification. I just would like to confirm what the
8 Commission would prefer.

9 CHAIRMAN HOOD: So let me go to Commissioner May.
10 I think you talked about the low-density areas.

11 COMMISSIONER MAY: I mean, I'm glad you brought
12 that up. I would actually like to see that language before
13 it gets advertised. It's been a long time coming, and I
14 don't know if there is a rush to any of this stuff, but if
15 we could actually see that at the next hearing, I'd be more
16 comfortable approving or setting down language that's a bit
17 more refined, if that can be done. Maybe it's something in
18 the alternative; I don't know.

19 CHAIRMAN HOOD: So we can just do it at the next
20 meeting.

21 COMMISSIONER MAY: Is that feasible, Mr. Lawson?

22 MR. LAWSON: I think so. I guess I'm not entirely
23 clear what you anticipate that language being. I think part
24 of the process that we're going through now is to try to kind
25 of simplify and clarify the regulations. This sounds like

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1 the reverse of that and getting much more kind of --

2 COMMISSIONER MAY: Right.

3 MR. LAWSON: -- having regulations on a
4 case-by-case basis. I did think that this would be the issue
5 that would cause the most discussion in front of the
6 Commission. It certainly caused the most discussion at a
7 staff level.

8 There's been a lot of discussion about this. I'm
9 happy to take a look and see if there's some additional
10 clarifying language. I'm not sure that it's appropriate to
11 have different regulations on a three-story building as
12 opposed to a two-story building. I can look at that, but I
13 think that would raise its own kind of administrative issues.

14 COMMISSIONER MAY: Well, we do something like that
15 now with other penthouse regulations, understanding what the
16 building is that's next door.

17 MR. LAWSON: And some of that would be retained
18 because we are proposing that in some cases what's next door
19 would impact your ability to do a penthouse.

20 But having said that, I'm happy to take a look;
21 I'm happy to work with OAG, come back to your next meeting.
22 If we can come up with some refined language, we will. If
23 we're finding it problematic, we can have that discussion at
24 the next meeting, whatever you prefer.

25 COMMISSIONER MAY: I mean, I would be more

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1 comfortable doing that, and I think that -- I also think it
2 would be okay for us to set down language at that time along
3 the lines of what you proposed to us today, and then have in
4 the alternative another, more refined language to address
5 some of the concerns that I had.

6 I don't mind doing it that way right now. If you
7 manage to hit upon exactly the right thing, and we all agree
8 on it, maybe that's the only thing we set down. I don't
9 know.

10 CHAIRMAN HOOD: Mr. Shapiro?

11 COMMISSIONER SHAPIRO: I mean, I don't have the
12 same heartburn about this issue as you do. On the other
13 hand, I wonder if there's some value -- just throwing this
14 out there -- to your point before, we could set everything
15 else down but this, if this is going to be the most
16 controversial thing, and there's more work that needs to be
17 done around it, I don't think that's the end of the world.

18 But I don't know where the rest of us are and
19 whether we think it's just good enough. Commissioner May,
20 I don't think you're the only one who has the issues, and I
21 appreciate your voicing it. We probably all have a piece of
22 it. It's just, I'm not quite sure where to go with this.

23 CHAIRMAN HOOD: So here's where I am. I don't
24 want to confuse anything, and I heard Mr. Lawson say that
25 we're doing the exact reverse. I don't want to do that;

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1 that's the last thing I want to do. So if what Mr. Goldstein
2 just mentioned does that, I would like to strike Mr.
3 Goldstein's comments at this point from the record; not from
4 the record, but from our discussion. We can deal with that
5 as we move forward.

6 But if it doesn't do that, then I think it's worth
7 us taking a few weeks and let you work with OAG, which you're
8 going to do anyway, to fine-tune it.

9 I had another ask; if that's the way we're going
10 to proceed, my other ask is, give us one example of the
11 drawings so we can say that we're going in the right
12 direction. I mean if we're going to go that way. But let
13 me hear from others. Commissioner Turnbull?

14 COMMISSIONER TURNBULL: No, I think one of the
15 things the public is also going to appreciate is some kind
16 diagrams that would make people understand better as to what
17 some of the things that are going to be in favor of or not
18 in favor of. So I think some of that I think would help.

19 MR. LAWSON: I very much agree. I'm not -- I have
20 to be really honest. I'd have to check with our graphics
21 people in our office to see if they have the bandwidth to get
22 some drawings together for the next meeting.

23 Definitely the intent is that we would have those
24 drawings ready, and we can actually upload those as early as
25 possible, rather than waiting for just right before the

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1 public hearing.

2 I just don't know if I can guarantee that we can
3 have drawings ready for --

4 CHAIRMAN HOOD: So, Mr. Lawson, what I was saying
5 is, if we were going in the direction with Mr. Goldstein
6 opined on some of the issues that we were talking about
7 moving that way with low density, what I was saying was, just
8 give us one example, not the whole gamut.

9 Just give us one like we did in another case. I
10 can't think of what it was, but we did something like that
11 in another case to see if that was the way we wanted to go.
12 I want to make sure for me, that the drawing is
13 understandable. All I'm asking for is one. Take one issue,
14 one drawing, if we're going in this direction.

15 MR. LAWSON: Are you talking about for the rooftop
16 access?

17 CHAIRMAN HOOD: Whichever; I'm not picking one.
18 I'm just saying --

19 MR. LAWSON: Well, I mean, that's the one that
20 gives me the greatest heartburn. The other diagrams having
21 to do with setbacks and things like that, I can wait on those
22 and see what it shows.

23 CHAIRMAN HOOD: I appreciate that.

24 MR. LAWSON: It would be great to have that in the
25 record.

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1 CHAIRMAN HOOD: I was speaking for Anthony Hood.

2 MR. LAWSON: I mean, I do think that it's
3 important for us to send the right message I what we set down
4 about what we're thinking about when it comes to the rooftop
5 access. The next meeting it could be the second meeting in
6 February from my perspective, because again, this has been
7 in the works for a very long time, and if it takes another
8 month to get to the point where we're all comfortable setting
9 it down, that's fine by me.

10 I am also quite comfortable with taking this off
11 the table at this moment, knowing that it could be addressed
12 at some point later on with a smaller text amendment as Mr.
13 Shapiro had suggested, that we might just take it off the
14 table.

15 CHAIRMAN HOOD: So for me, and I don't know where
16 the others are. I would like to have a whole discussion
17 that's presented. But if I was going to take it off the
18 table, you know, that's just where I am.

19 But before we do that, Mr. Goldstein opined and
20 mentioned something that caused this -- I'm not saying this
21 in a negative way, but it caused this discussion, which I
22 thank and I appreciate him doing that.

23 So I think we're talking about Office of Planning
24 and OAG working together on that low-residential issue, and
25 then also coming back to us in 30 days, as Commissioner May

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1 just mentioned, or whenever.

2 And then when they come back, I'm going to ask
3 them to give us a diagram. Now, that's one phase of it. If
4 not, Commissioner Shapiro said to take it off the table and
5 just set down the rest. I actually would like to know from
6 staff, is that more burdensome, or is that -- I'm looking at
7 OP -- well, not our staff, but Office of Planning and OAG --
8 is that more staff work or -- I'm just trying to figure out,
9 what's the best way to present that to us, for those who are
10 going to be making the presentation and doing the work? Let
11 me go to Mr. Lawson first.

12 MR. LAWSON: Chair, I think first of all to
13 clarify; I don't think Mr. Goldstein was saying that we were
14 going to propose something that was more complicated. I
15 think I was saying that we would want to make sure that if
16 we look at this issue, we would want to make sure that it's
17 not resulting in a greater complication, I think.

18 I think Mr. Goldstein was just -- I should let him
19 speak for himself, but I think he was just asking for some
20 clarification from the Zoning Commission of what you wanted
21 to set down at this point.

22 So I'll probably let him opine on that more, but
23 I think the options right now are to set down what was
24 proposed; to set down what was proposed minus that one
25 provision related to the penthouse on the low-density

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1 residential, or to wait for the 30 days. We'll come back
2 with whatever we can come up with, and I'll try to get our
3 design people to kind of drop what they're doing and work on
4 at least one drawing for this and come back to you for your
5 next meeting.

6 CHAIRMAN HOOD: And that's only if we do 30 days,
7 Mr. Goldstein. Let me go back to you. I just don't want to
8 go to the direction where we're making things more
9 complicated.

10 MR. GOLDSTEIN: Thank you, Chairman Hood. I think
11 my intent was more just to understand if the Commission
12 wanted the provision for the penthouse on rooftop to be set
13 down as currently written or if I was hearing a fair amount
14 of discussion about it, whether you preferred something else.
15 Certainly it's not my intention to create more complications,
16 but merely to just kind of carry out the preference of the
17 Commission for that.

18 I think Mr. Lawson has laid out some good options,
19 any of which could work. It's really up to the Commission
20 about if they want the discussion as written. If you want
21 that discussion to go out there in the public hearing notice
22 or if you want to defer or not have it at this point.

23 CHAIRMAN HOOD: So let me throw this out there,
24 Commissioners, and I don't know about Commissioner Shapiro,
25 but for me, I would like to discuss it. So even if I take

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1 it off the table at the end of discussion at the hearing, I
2 would like to at least present it, and then we can work from
3 there. But let me hear from those who I haven't heard from
4 first; Vice Chair Miller and Commissioner Turnbull?

5 VICE CHAIR MILLER: Yes, I'm inclined to have it
6 in there so it's a discussion item going forward and we can
7 take it off later if that's what you just said.

8 CHAIRMAN HOOD: Yes.

9 VICE CHAIR MILLER: Yes, I'm in support of that.

10 CHAIRMAN HOOD: Mr. Turnbull, we all agree. So
11 are we going to do the 30 days or you want to set everything
12 down as it is now? Okay. So I've got one side that says no,
13 so what are we going to do?

14 COMMISSIONER TURNBULL: Whatever you want, Mr.
15 Chair.

16 COMMISSIONER MAY: I would be much more
17 comfortable if we just take it up on the 24th, and then we
18 can have a little bit more of the diagrams, a little bit more
19 refinement --

20 CHAIRMAN HOOD: But leave it all in?

21 COMMISSIONER MAY: We'll leave it all in.

22 CHAIRMAN HOOD: Okay, so let's do that. On the
23 24th of February; Mr. Goldstein, does that work?

24 MR. GOLDSTEIN: That will work fine. We're happy
25 to work with Office of Planning in preparation for that date

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1 and see if we can give you something else that may work, or
2 some alternatives.

3 CHAIRMAN HOOD: Okay. So any other questions or
4 comments? I think we all assisted on that, so what I would
5 do with the discussion that we just had, I would move that
6 we set down the Zoning Commission Case No. -- we're not
7 setting it down. We're not setting it down until the 24th.
8 Okay. All right.

9 All right, so we will delay this, and we'll have
10 further work, and we will deal this in on the 24th of
11 February. Anything else?

12 VICE CHAIR MILLER: Not to prolong it, but do you
13 want to set down everything but that issue on the 24th so we
14 don't have to have this whole slide presentation that you
15 just went through all at the same time?

16 CHAIRMAN HOOD: Well, they're not going to give
17 us a whole --

18 COMMISSIONER MAY: I don't think we have to
19 discuss anything more than this.

20 VICE CHAIR MILLER: Okay. All right. And the
21 diagram example that you have.

22 COMMISSIONER MAY: Yes, the Chairman wanted the
23 diagram. I was less concerned about the diagram than I was
24 about the words, but I think there are lots of other diagrams
25 that demonstrate other setback requirements that are going

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1 to be critical for the public's understanding. Hopefully
2 that will be available as soon as possible.

3 MR. LAWSON: I agree, and what we can try to do
4 is maybe get some somewhat simpler diagrams for the meeting
5 on the 24th. I can network with our design division staff
6 to prepare some more refined drawings to be available well
7 in advance of the hearing.

8 CHAIRMAN HOOD: Okay. I don't know. I was trying
9 to move it forward because it seemed like the more we talked,
10 the more we get confused. So I was trying to go ahead and
11 dispel it. But I think we're at a good point now.

12 All right. Are we all in agreement? Everybody's
13 fine? All right. Do we have anything else, Ms. Hanousek?

14 MS. HANOUSEK: No, sir.

15 CHAIRMAN HOOD: I was going to -- I meant to do
16 this today. I was going to thank everybody for all the work.
17 I was going to thank everybody, but I'll save that until we
18 have an audience. So I will do that at the beginning;
19 hopefully somebody can help me remember. Okay, so with that,
20 does the Office of Planning have anything else?

21 MR. LAWSON: No, sir.

22 CHAIRMAN HOOD: Okay. Ms. Hanousek, nothing?
23 Okay. So with that, this meeting is adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 7:59 p.m.)

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In the matter of: Meeting

Before: DC ZC

Date: 01-27-20

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