

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
Text Amendments to the Reed- : Case No.
Cooke Overlay District : 12-17
 :
 :
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Monday, January 7, 2013

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 12-17
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Jerrily R. Kress
Memorial Hearing Room at 441 4th Street, N.W.,
Washington, D.C., 20001, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

MATT JESICK

The transcript constitutes the
minutes from the Public Hearing held on January
7, 2013.

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APPEARANCES:On Behalf of the First Church of
Christ:

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

6:35 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. Let me welcome everyone back from holiday festivities, however you celebrate.

Commissioners, is there anyone who would like to share anything they did special during the holidays? I'm just curious. Anybody like to share anything?

(No verbal response.)

Okay. Well, I'll share Commissioner May has now three Eagle Scouts and I was able to attend that which was very interesting. That says a lot to you and your wife. A great job.

Since nobody wanted to share anything, I'll share what I know. And I'm sure the rest of you have all done something very exciting as well as those in the audience.

COMMISSIONER MAY: I'm sure it was the highlight of your vacation, right?

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1 CHAIRMAN HOOD: Yeah. Coming to
2 the ordination. It's been a while.

3 COMMISSIONER MAY: Thank you very
4 much. I really appreciate your coming
5 especially.

6 CHAIRMAN HOOD: It's been awhile
7 since I've been to one, a long while.

8 COMMISSIONER MAY: An honor for me
9 for you to be there. Thank you.

10 CHAIRMAN HOOD: Well, I appreciate
11 being invited. I tell you I had to remember
12 what year I was Eagle Scout. But that says a
13 lot though.

14 COMMISSIONER MAY: It's written on
15 the board at the Reeves Center, right?

16 CHAIRMAN HOOD: Is that your next
17 task to get the board put back up?

18 COMMISSIONER MAY: You've been
19 talking to me about that for years. Maybe I
20 will.

21 MS. SCHELLIN: All right. I'll
22 share something.

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1 CHAIRMAN HOOD: All right.

2 MS. SCHELLIN: I wasn't invited.

3 (Laughter.)

4 CHAIRMAN HOOD: With that, let me
5 get into what we should be doing. Anyway,
6 congratulations on a serious note. I mean that.
7 Congratulations because that's no small feat
8 to have three boys in Eagle Scouts.

9 Okay. This is a public hearing of
10 the Zoning Commission of the District of
11 Columbia for Monday, January 7, 2013. My name
12 is Anthony Hood. Joining me this evening are
13 Vice Chairman Cohen and Commissioners Miller,
14 May and Turnbull.

15 We're also joined by the Office of
16 Zoning Staff Ms. Sharon Schellin. Also the
17 Office of Planning Staff Ms. Steingasser and
18 Mr. Jesick.

19 This proceeding is being recorded
20 by a court reporter and it's also webcast live.

21 Accordingly, I must ask you to refrain from
22 any disruptive noises or actions in the hearing

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1 room.

2 The subject of this evening's
3 hearing is Zoning Commission Case No. 12-17.
4 This is a request for a Holland & Knight for
5 text amendment to the Reed-Cook Overlay
6 District.

7 Notice of today's hearing was
8 published in the D.C. Register on October 19,
9 2012. And copies of that announcement are
10 available to my left on the wall near the door.

11 The hearing will be conducted in
12 accordance with provisions of 11 D.C.M.R. 30-21
13 as follows: preliminary matters; presentation
14 by Holland & Knight; report of the Office of
15 Planning; reports of other government agencies,
16 if any; report of the ANC, in this case, 1C;
17 organizations and persons in support,
18 organizations and persons in opposition.

19 The following time constraints will
20 be maintained in this hearing: Petitioners
21 which is Holland & Knight five minutes;
22 organizations, five minutes; individuals, three

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1 minutes.

2 All persons appearing before the
3 Commission are to fill out two witness cards.

4 These cards are located to my left on the table
5 near the door. Upon coming forward to speak
6 to the Commission, please give both cards to
7 the reporter sitting to my right before taking
8 a seat at the table.

9 When presenting information to the
10 Commission, please turn on and speak into the
11 microphone, first stating your name and home
12 address. When you are finished speaking,
13 please turn off your microphone so that the
14 microphone is no longer picking up sound or
15 background noise.

16 Please turn off all beepers and cell
17 phones at this time so not to disrupt these
18 proceedings.

19 At this time, the Commission will
20 consider any preliminary matters. Does the
21 staff have any preliminary matters?

22 MS. SCHELLIN: No, sir.

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1 CHAIRMAN HOOD: Okay. Let's go
2 right into it. Let's go to the presentation
3 by Holland & Knight. Mr. Glasgow, good evening.

4 MR. GLASGOW: Thank you, sir. Good
5 evening and Happy New Year, Members of the
6 Commission.

7 For the record, my name is Norman
8 M. Glasgow, Jr., Counsel for Adams Morgan Hotel
9 Owner, LLC, the Applicant for this text
10 amendment and the Applicant for prior PUD.

11 On behalf of the Applicant, we have
12 read the report of the Office of Planning. We
13 look forward to the implementation of our
14 agreement with RCNA for the adoption of this
15 text amendment which was discussed previously
16 in Zoning Commission Case No. 11-17. The text
17 amendment was discussed also by our Planning
18 expert who testified as to its consistency with
19 the comprehensive plan.

20 We are amenable to either of the
21 advertised alternatives as being adopted by the
22 Commission. Our preference is for the one that

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1 was agreed to with RCNA. That's the first
2 alternative in your text.

3 But we are ready to move forward with
4 either text amendment as advertised. And we
5 are prepared to move forward with the additional
6 language proposed by the Office of Planning in
7 their recently filed report. That's some of the
8 preamble language.

9 Also just for completeness of the
10 record, the 72 foot height as to the roof as
11 was shown in the plans that were filed by the
12 Zoning Commission and approved on November 19,
13 2012. And the Zoning regulations provide in
14 90 foot zones which is C2B with a PUD. You can
15 have a parapet up to 3 feet. And I think our
16 parapet is 2.5 feet on this project.

17 We look forward to the Commission's
18 prompt approval of this text amendment so that
19 we may move forward with the redevelopment of
20 First Church site as expeditiously as possible.

21 We thank you for this opportunity
22 to testify at this evening's hearing. And I'm

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1 available for any questions.

2 CHAIRMAN HOOD: Okay. Thank you,
3 Mr. Glasgow.

4 Any questions, Commissioners, of
5 Mr. Glasgow? Commissioner May.

6 COMMISSIONER MAY: Yes. Sorry.
7 You want to hit the height issue. You just sort
8 of ran through that and talk about the parapet.

9 MR. GLASGOW: In 90 foot height
10 districts, you measure to the -- you can have
11 three feet for a parapet. And you measure to
12 the roof at 90 feet and have three foot parapet
13 above that.

14 We're at 72 feet to the top of the
15 roof. I think it's shown in about eight or ten
16 places in the plans that were shown to the
17 Commission that the roof is at 72 feet and then
18 we have a parapet that's about 2.5 feet above
19 that.

20 COMMISSIONER MAY: Okay. So the
21 one thing about the height that I was a little
22 bit concerned about is that by specifying 72

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1 feet is it clear from the language that the 72
2 foot building height measurement, since we're
3 specifying something very specific here, that
4 that does not include any kind of rooftop
5 structures? Because normally rooftop
6 structures are not considered in height.

7 MR. GLASGOW: Correct.

8 COMMISSIONER MAY: But you're
9 comfortable that somebody is not going to look
10 at this and say, "Oh no. They're maxed out at
11 72 feet" including rooftop structures because
12 it doesn't fall into the normal categories for
13 building heights?

14 MR. GLASGOW: But I think that the
15 building height, the height of the building,
16 is 72 feet as we discussed and we have the
17 parapet. And over the 72 feet height consistent
18 with the rest of the regulations and I'm glad
19 you're bringing this up because now the record
20 will be clear for the Zoning Administrator that
21 we can have roof structure. That was approved
22 as part of the PUD and it's consistent with this

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1 text amendment.

2 COMMISSIONER MAY: Okay. But I
3 mean, are you convinced that the language the
4 way it's drafted somebody's not going to look
5 at that and somehow misinterpret the 72 foot
6 limit to include a rooftop structure?
7 Measuring height is always -- You have to look
8 at three different sections of the regs to be
9 able to understand it.

10 MR. GLASGOW: That's correct.
11 Because the building height would not exceed
12 72 feet. This does not discuss roof structure
13 one way or the other.

14 COMMISSIONER MAY: Right. Okay.
15 Just as long as you're comfortable that nobody
16 is going to make an issue of it, I'm okay with
17 it. Certainly, it's our intention or my
18 understanding that the height would be limited
19 to 72 feet for the height of the building itself
20 and that roof structures would be above that.

21 MR. GLASGOW: Right.

22 COMMISSIONER MAY: To whatever

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1 they're allowed to be or what they're approved
2 to be in the PUD which I assume is 18-6.

3 COMMISSIONER TURNBULL: I would
4 just add. I think that's a fairly common
5 interpretation when you simply see building
6 height. It's the building proper and not any
7 auxiliary structures on the roof. I would feel
8 comfortable with that. But I'm glad we
9 clarified that for the record.

10 COMMISSIONER MAY: Yes.

11 CHAIRMAN HOOD: Any other
12 questions? Okay, Vice Chair, your question.

13 VICE CHAIR COHEN: Thank you, Mr.
14 Chairman. I was just curious. I usually like
15 very concise language in a zoning order. I
16 noticed that you're a little bit more elaborate
17 on the discussion with regard to alcohol being
18 served. Can you tell me why you feel that you
19 need more words to describe that section 14 I
20 believe?

21 MR. GLASGOW: That was heavily
22 negotiated with RCNA as to where alcohol could

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1 and could not be served within the structure.
2 And that's where that language came from.

3 CHAIRMAN HOOD: Okay. Do we have
4 any other questions?

5 (No verbal response.)

6 All right. Let's go to the report
7 of the Office of Planning. Mr. Jesick.

8 MR. JESICK: Thank you, Mr.
9 Chairman and Members of the Commission.

10 The Office of Planning supports the
11 text amendment and can support either version
12 of the text, either the original as proposed
13 by the Petitioner or the edited text by OAG.
14 The details are essentially the same. Of
15 course, the Petitioner and RCNA preferred the
16 original language which includes the policy
17 background for the text.

18 As a compromise, OP would also
19 support adding a new purpose statement to the
20 Reed-Cooke Overlay which talks about
21 preservation and adaptive reuse of the church.

22 That would attempt to get at the goal of the

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1 RCNA including the policy background, just in
2 a different part of the Overlay. So we hope
3 that would address their concern.

4 But again, overall the Office of
5 Planning supports the text amendment and I would
6 be happy to take any questions.

7 CHAIRMAN HOOD: Okay. Thank you,
8 Mr. Jesick.

9 Are there any questions for the
10 Office of Planning?

11 (No verbal response.)

12 Okay. Report of other government
13 agencies. Do we have any that I may have missed?

14 (No verbal response.)

15 Okay. Do we have anyone
16 representing who is here from ANC 1C?

17 (No verbal response.)

18 Nobody is here from ANC 1C. I'll
19 eventually find. Well, we have a young lady
20 and a young gentleman here at the table. If
21 I just go down the agenda. Just keep going.
22 Okay.

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1 Organizations and persons in
2 support? We got it. Okay. Good. You can
3 introduce yourselves.

4 MS. GALLAGHER: Okay. My name is
5 Maureen Gallagher and I am the first Vice
6 President of the Reed-Cooke Neighborhood
7 Association. I live at 1656 Kalorama Road, N.W.
8 in D.C. and with me today is Billy Simpson who
9 was previously the President all through the
10 negotiations on this last year. He has now gone
11 over to the ANC. So we lost him as president,
12 but he's still a member. And he's here with
13 me tonight if you have any specific questions.

14 As far as RCNA is concerned, we of
15 course support our version that was negotiated
16 with the developer and Holland & Knight.
17 However, we will go with whatever the Commission
18 decides on any version.

19 And I think from our standpoint when
20 we looked at why we were being so specific on
21 things in here it was so that the intent was
22 always there. We like you guys. We love coming

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1 over here, but we really don't want to come back
2 much.

3 And we want to discourage any
4 developer from actually using a provision like
5 this again. And we wanted to be very specific
6 to say that we were only doing this because this
7 was the First Church of Christ Scientists
8 building.

9 I think that from our standpoint is
10 why we were so specific and why we do favor our
11 version. However, we will definitely defer to
12 either whatever you decide. And we also do
13 encourage you to take action tonight. We don't
14 see any controversy in this and we're actually
15 very happy that this is going forward.

16 Thank you.

17 CHAIRMAN HOOD: Thank you very
18 much. Do you have anything you want to add?

19 MR. SIMPSON: So I have actually
20 been elected to the ANC and for that reason I've
21 resigned my post as president of the
22 Neighborhood Association. I'm not here to

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1 speak on behalf of the ANC, but I guess it's
2 worth noting as you already know that ANC has
3 wholeheartedly supported the underlying project
4 here.

5 But, no, I think Reenie captured the
6 points very good on behalf of the Neighborhood
7 Association. I'd be happy to answer any
8 questions about the Neighborhood Association's
9 process from an historical perspective if there
10 are any.

11 CHAIRMAN HOOD: Thank you. Great.
12 Congratulations on your new endeavor in ANC.

13 Commissioners, any questions?

14 (No verbal response.)

15 Okay. I want to thank you both. We
16 appreciate you coming in and providing
17 testimony.

18 Okay. Do we have anyone else who's
19 here? Any other organizations or persons who
20 are here in support?

21 (No verbal response.)

22 Do we have any organizations or

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1 persons who are here in opposition? You can
2 come forward. Good evening, Mr. James. You
3 may begin when you're ready. I want to make
4 sure your light is lit. There we go.

5 MR. JAMES: Good evening. This is
6 my testimony as an individual My testimony's
7 matter will be very short. As a 41 year
8 homeowner in Adams Morgan, I recognize that the
9 Reed-Cooke Overlay has had a very positive
10 effect on the overall community, not just
11 limited to the Reed section. The purpose of
12 the Overlay to limit resident unfriendly uses
13 and to encourage the building of houses has
14 worked.

15 Why would the Zoning Commission risk
16 this success particularly when it has the power
17 to cause a better outcome? The Commission
18 should act to allow this project to go forward
19 only if it can comply with the existing
20 conditions of the Reed-Cooke Overlay.

21 The Overlay has been successful
22 because it has largely not been tinkered with.

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1 But allowing such a precedent setting action
2 as this text amendment would not be mere
3 tinkering. It was be a massive signal that any
4 property within the Overlay can be expanded and
5 that this Commission will be a willing partner
6 with future developers to further ravage these
7 very successful regulations.

8 The surest way to weaken a set of
9 rules is to change them for a single project.

10 The Commission needs to hear some truth on this
11 matter. Far from being a representative body
12 for the Reed-Cooke section, the RCNA executive
13 board, a tiny minority of its own neighborhood,
14 acted unilaterally with this developer to create
15 an agreement whose details are still largely
16 unknown to the average resident.

17 The most amazing fact for the
18 Commission to consider tonight though is that
19 this text amendment has had not one word of
20 public discussion at Adams Morgan. RCNA has
21 not taken it up and discussed it publicly at
22 one of their meetings.

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1 ANC 1C has never discussed it. In
2 fact, at the August 2012 at which it approved
3 its resolution ANC Chair Wilson Reynolds
4 specifically allowed no discussion on the
5 resolution.

6 And he had two MPD officers in the
7 room to ensure that his edict would be met.
8 In fact, two persons who objected to the manner
9 in which the proceedings were conducted were
10 ejected from the meeting.

11 I urge this Commission tonight to
12 take no action in this matter until ANC 1C has
13 held widely advertised meetings to let the
14 approximately 5,000 residents of the Reed-Cooke
15 section and all 16,000 plus residents of Adams
16 Morgan know what the ramifications of such a
17 text amendment would be.

18 CHAIRMAN HOOD: Thank you very
19 much. Commissioners, any questions of Mr.
20 James? Vice Chair.

21 VICE CHAIR COHEN: Thank you, Mr.
22 Chairman.

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1 Mr. James, does this Kalorama
2 neighborhood or Adams Morgan neighborhood get
3 copies of the Dupont Citizen as well as the City
4 Paper? Do you know?

5 MR. JAMES: The City Paper is
6 available and free at various locations. The
7 Dupont Current is circulated to some households,
8 you know, individual homes and it's free at
9 numerous stores, that sort of thing.

10 VICE CHAIR COHEN: Did any of these
11 newsletters or free papers cover this story to
12 your knowledge?

13 MR. JAMES: I'm sure that they did.
14 But if I might go where I think you're going,
15 that is not the body which is supposed to give
16 recommendations for the neighborhood. It's
17 supposed to represent the neighborhood totally
18 avoiding its responsibility to have a
19 discussion.

20 They had plenty of meetings, but not
21 a discussion about the text amendment. Not one
22 word. The words "text amendment" only appeared

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1 in the ANC resolution, but no discussion of that
2 resolution was allowed.

3 VICE CHAIR COHEN: All right.
4 Thank you for clarifying that.

5 CHAIRMAN HOOD: Any other
6 questions? Comments?

7 (No verbal response.)

8 Okay. I want to thank you, Mr.
9 James. We appreciate your testimony and coming
10 down.

11 MR. JAMES: Thank you.

12 CHAIRMAN HOOD: Is there anyone
13 else who would like to testify? An organization
14 or person in opposition who would like to
15 testify?

16 (No verbal response.)

17 Mr. James, can you come back out
18 here? I do have one quick question. Are you
19 aware of -- I know you know what's been
20 advertised. Are you aware of some of the other
21 advertisements of some of the other changes to
22 the advertisement as well as also including the

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1 purpose? Were you here for the Office of
2 Planning's report?

3 MR. JAMES: Today?

4 CHAIRMAN HOOD: Yes. Just now.

5 MR. JAMES: No.

6 CHAIRMAN HOOD: Have you seen it?
7 The one that I have is dated December 31st.

8 MR. JAMES: No, I don't believe I've
9 seen it.

10 CHAIRMAN HOOD: Mr. Jesick, can you
11 do me a favor? I'm going to do this so Mr. James
12 can hear this. Can you just very briefly kind
13 of like what you did repeat what you gave us
14 earlier? You don't even have to go to that
15 extent. Just repeat your report if you don't
16 mind.

17 MR. JESICK: Sure. The Office of
18 Planning supports the text amendment and can
19 support either version, either the version that
20 the Petitioner originally submitted or the
21 edited version put forward by OAG.

22 The Office of Planning also has

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1 proposed potentially adding a purpose statement
2 to the Reed-Cooke Overlay if the Commission
3 decides to use the OAG version. The reason
4 being the OAG version is a little more sparse
5 and doesn't contain the policy background that
6 the RCNA version or the Petitioner's version
7 contained.

8 Our proposed purpose statement
9 would address that. One of the purposes of the
10 Reed-Cooke Overlay would be the preservation
11 and adaptive reuse of the First Church of Christ
12 Scientist building. But, yes, we overall
13 support the text amendment.

14 CHAIRMAN HOOD: Okay.

15 MR. JAMES: I actually did read that
16 when looking through the Zoning Commission
17 website.

18 CHAIRMAN HOOD: So you knew about
19 the different versions.

20 MR. JAMES: Yes, I knew about the
21 two different versions.

22 CHAIRMAN HOOD: That's where I was

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1 going.

2 MR. JAMES: Without detracting from
3 my statement, if one of the two versions has
4 to go forward, I would prefer the OAG version
5 because it's less self-congratulatory quite
6 frankly. A regulation should be
7 straightforward, black and white.

8 The church building is not currently
9 in the Overlay. This would put it within it,
10 but there's ways that this project could go
11 forward without doing all this change or a
12 project. This is the project that's before us,
13 but before that the same developers were around
14 the neighborhood with a different idea
15 altogether. Nothing is done until it's built.

16 And they have to get financing and all the rest
17 of it.

18 I'm not sitting here thinking that
19 anything I say is going to change it. But I
20 wanted you to know that there has been no
21 discussion of this subject in our neighborhood.

22 There's been discussion around how big the

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1 building will be and the use and all that, but
2 not about what this means and what it would mean
3 to every other Reed-Cooke Overlay property.

4 If the people at Adams Morgan
5 Condominium Association says, "Hey, there's
6 money to be made and you can go 32 feet higher
7 than we're allowed to," maybe we'll think of
8 some reason why we want to do that. And will
9 you be able to say no after you've already said
10 yes?

11 CHAIRMAN HOOD: Okay. All right.

12 I think you've answered my question. And I
13 appreciate knowing which version. I know where
14 you really are, but which version you would like.

15 And that's very important to me.

16 Any other questions for Mr. James
17 while he's here?

18 (No verbal response.)

19 Okay. Again, I want to thank you
20 and thank you for coming back up. Thank you.

21 MR. JAMES: Thank you.

22 CHAIRMAN HOOD: Ms. Steingasser, it

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1 looks like you were reaching for the mike. Did
2 you want to ask something? I'm sorry. Okay.

3 Not seeing anyone else wanting to
4 testify, Commissioners, I guess the debate or
5 the issue, are we ready to debate this tonight?

6 And if we do, again the question is which
7 version do we want to deal with?

8 Commissioner Miller.

9 COMMISSIONER MILLER: Thank you,
10 Mr. Chairman. I support us moving forward this
11 evening. The text amendment is really
12 necessary to allow the proposed height, density
13 and uses on the hotel site. And it provides
14 that it can only be for that use and height as
15 proposed in the PUD and if that project preserves
16 the First Church building.

17 I would suggest just as a starting
18 point that we -- I would move approval of the
19 OAG preferred language with -- I would move
20 approval of the compromise that OP has suggested
21 which is the OAG preferred text language which
22 is in keeping with the way text amendments

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1 usually read, but as a policy statement at the
2 beginning of the Reed-Cooke Overlay purposes
3 section to say "ensure the preservation and
4 adaptive reuse of the First Church of Christ
5 Scientist building located on Lot 872 of Square
6 2560 through a planned unit development
7 process."

8 I think that compromise is a clean
9 way to go and I'm prepared to move approval of
10 that if that's appropriate at this time in the
11 Zoning Commission Case No. 12-17 text amendment
12 to Reed-Cooke Overlay.

13 VICE CHAIR COHEN: Mr. Chairman, I
14 concur with Commissioner Miller's position and
15 I would offer a second unless there is further
16 discussion on the language.

17 CHAIRMAN HOOD: Okay. Well, we
18 can do it that way. It's been moved and properly
19 seconded. Any further discussion?

20 COMMISSIONER MAY: Is there any --
21 I'm not advocating for it, but is there any
22 interest in advertising the Applicant's version

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1 and the alternative? Or are you just going
2 strictly with the OAG version with the OP
3 compromise? I don't have a strong feeling
4 either way. I'm just getting --

5 CHAIRMAN HOOD: I can't speak for
6 them. I'm comfortable with exactly where my
7 two colleagues have already proposed,
8 especially the policy for the purpose statement
9 at the beginning.

10 But I do want to comment on some of
11 the things that Mr. James said. But I want to
12 see if anybody else --

13 COMMISSIONER TURNBULL: I could go
14 along with the proposed OAG language as proposed
15 by Commissioner Miller.

16 CHAIRMAN HOOD: Is there anyone
17 else?

18 (No verbal response.)

19 Okay. So we'll just advertise it
20 as stated in Commissioner Miller's motion which
21 was seconded by the Vice Chair. Any further
22 discussion?

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1 I do want to mention though. I'm
2 looking at what Mr. James said. "I urge the
3 Commission not to take any action in this matter
4 until ANC 1C has held widely advertised meetings
5 to let the approximately 5,000 residents of the
6 Reed-Cooke section and all 16,000 plus residents
7 of Adams Morgan know what the ramifications of
8 such a text amendment would be." You know, I've
9 been doing this a long time. And be able to
10 include everyone for some reason, I think this
11 is good to try to achieve.

12 But unfortunately to get everybody
13 to even pay attention to some of this stuff is
14 not achievable. And just by the two folks who
15 testified, I believe they live in the
16 neighborhood. One person there is an ANC. And
17 I'm not taking sides.

18 I'm just saying we want to try to
19 do stuff that's achievable. I think even with
20 the Office of Planning what they're doing with
21 the ZRR I think that we do the best that we can
22 to get the word out.

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1 I know personally my colleagues and
2 I have mentioned to people, "Hey, get involved.
3 This is what's going on." That statement
4 there, if it was achievably great, it would a
5 great scenario.

6 And the other issue about tinkering
7 with overlays, I don't necessarily think this
8 Commission has in my term here is necessarily
9 tinkering with overlays. They have been
10 specific items which we had to revisit and look
11 to enhance and do the best for the interest of
12 a city.

13 I wouldn't necessarily call it
14 tinkering. This is not the first overlay we
15 have done that with or we've done something with.

16 And it probably won't be the last. But I just
17 found those statements from my standpoint and
18 my experience down here kind of far.

19 And not that I'm disagreeing with
20 Mr. James. I appreciate him coming down. But
21 that's just my opinion. I don't think we're
22 tinkering or messing with anything. I think

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1 this possibly could be a win-win for all. And
2 I think that's reflected by what the Commission
3 voted and the way we're moving. Enough said
4 on that.

5 VICE CHAIR COHEN: Yes. I just
6 want to add that I believe that Mr. James is
7 very concerned that we don't continue to make
8 exceptions to the Overlay. I think that this
9 particular language is specific to the church.

10 And I don't think that there is
11 opening up the door to anything and, of course,
12 we are responsible for assuring that we always
13 are looking at compatibility with comprehensive
14 plans and overlays.

15 So I don't think that there is a
16 conflict here. I just think he's extremely
17 concerned about the future which may or may not
18 bring forward what he's concerned with.

19 CHAIRMAN HOOD: Okay. Thank you,
20 Vice Chair. Okay. We have a motion. Any
21 other comments? We have a motion. It's been
22 moved and properly seconded. Any further

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1 discussion?

2 (No verbal response.)

3 Are you ready for questions? All
4 those in favor?

5 (Chorus of ayes.)

6 Any opposition?

7 (No verbal response.)

8 Staff, would you record the vote?

9 MS. SCHELLIN: Yes, sir. Staff
10 records the vote 5-0-0 to approve proposed
11 actions in Zoning Commission Case No. 12-27.
12 The Commission approving the OAG alternative
13 text with the policy statement suggested by OP.
14 Commissioner Miller moving. Commission Cohen
15 seconding. Commissioners Hood, May and
16 Turnbull in support.

17 CHAIRMAN HOOD: Okay, Ms. Schellin,
18 do we have anything else before us this evening?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: I want to thank
21 everyone for their participation and this
22 hearing is adjourned. Off the record.

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1 (Whereupon, at 7:05 p.m., the above
2 entitled matter was concluded.)

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