

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING  
1170TH MEETING SESSION (14TH OF 2004)

+ + + + +

MONDAY

OCTOBER 25, 2004

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The Regular Meeting of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner
JOHN G. PARSONS	Commissioner

ZONING COMMISSION STAFF PRESENT:

ALBERTO P. BASTIDA,	Secretary
SHARON SCHELLIN,	Office of Zoning

OFFICE OF PLANNING STAFF PRESENT:

ELLEN McCARTHY,	Deputy Director
JENNIFER STEINGASSER,	Office of Planning
KARINA RICKS,	Office of Planning
DAVID McGETTIGAN,	Office of Planning
STEPHEN MOORE,	Office of Planning

This transcript constitutes the minutes from the meeting held on October 25, 2004

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D.C. ATTORNEY GENERAL'S OFFICE STAFF PRESENT:

ALAN BERGSTEIN, ESQ.  
JACOB RITTING, ESQ.

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

6:36 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is the October 25th, 2004, public meeting of the Zoning Commission of the District of Columbia. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Kevin Hildebrand, John Parsons, and Greg Jeffries.

Copies of today's meeting agenda are available to you in the wall bin near the door if you would like to pick one up. I just want to remind folks that we don't take any public testimony at our meetings unless the Commission specifically request someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and is also being webcast live. I would ask that you refrain from making any disruptive noises or actions in the hearing room during the meeting so as not to interfere with any of that. I would also ask that you turn off any beepers or cell phones that you might have with you for the same reason.

Mr. Bastida, do we have any preliminary matters before we proceed?

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MR. BASTIDA: The staff has no preliminary matters, Madam Chair.

3

4

CHAIRPERSON MITTEN: Thank you, Mr. Bastida.

5

6

I guess the first thing that we have then is the monthly status report from the Office of Planning.

7

8

MS. McCARTHY: Sorry, Madam Chair.

9

CHAIRPERSON MITTEN: Did I go too fast?

10

11

MS. McCARTHY: We've grown used to doing it at the end of the meeting. We're just changing it up to keep it lively.

12

13

CHAIRPERSON MITTEN: So make it lively.

14

MS. McCARTHY: Just trying to be strategic in our liveliness.

15

16

MS. STEINGASSER: Many of the things you will be seeing in moments on set down on many of the texts and a new overlay for H Street. The Rhode Island site has been filed and we'll be bringing that back to you in November for set down. You can see the cases that have been filed. There's not much new. I guess I would be happy to answer any questions that the Commission may have about it.

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CHAIRPERSON MITTEN: For Catholic

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1 University it says, "Set down report on the proposed  
2 further processing..." Oh, I'm sorry. I didn't read  
3 it closely enough. We did the campus plan already.  
4 This is just a further processing.

5 MS. STEINGASSER: This is for property  
6 that they had since purchased and is not zoned.

7 CHAIRPERSON MITTEN: I see. Okay. Anyone  
8 have any specific questions for the Office of  
9 Planning? Okay. Thank you. Then we'll --

10 MR. PARSONS: Actually, I did. Nothing is  
11 worse than newspaper accounts but I sense from a  
12 newspaper account that Florida Rock may be rethinking  
13 their project in the context of the decision on the  
14 stadium. Is that anything you've heard?

15 MS. McCARTHY: We've spoken to Florida  
16 Rock and at this point in time they just said they  
17 were happy to hear that the stadium was -- the  
18 decision was made to put it there and they are just  
19 waiting to get more details to see how it will affect  
20 them but I don't believe they have come up with any  
21 new concepts or anything definitive.

22 MR. PARSONS: Restaurants on the roof to  
23 look into center field?

24 MS. McCARTHY: Well, there was that kayak  
25 basin that they were going to put in to catch the fly

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1 balls.

2 MR. PARSONS: Are you familiar enough with  
3 the stadium to know whether it stops at P Street?

4 MS. McCARTHY: It stops at -- yes. It  
5 goes from N to Potomac or P? I think it goes from N  
6 to Potomac.

7 MR. PARSONS: Oh, if it goes to Potomac,  
8 then it would affect the PUD amenity in the Florida  
9 Rock.

10 MS. McCARTHY: It looks -- depending on  
11 which direction the stadium faces and whether it's  
12 possible that could be positioned as a plaza amenity  
13 and, therefore, could still be Florida Rock's amenity  
14 or it could be part of the planning. At this point in  
15 time, the site is chosen but there isn't a design that  
16 has been chosen or any an architect that has been  
17 chosen for the site design.

18 MR. PARSONS: Okay. Thank you. So  
19 nothing then should affect our proceeding with Florida  
20 Rock?

21 MS. McCARTHY: We know of nothing that  
22 would affect that at this point in time.

23 CHAIRPERSON MITTEN: Thank you. Anyone  
24 else? All right. I'll turn the meeting over to Vice  
25 Chairman Hood now to handle the first case on the

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1 consent calendar which is a matter from which I am  
2 recused.

3 VICE CHAIR HOOD: We have one on the  
4 consent calendar, Zoning Commission Case No. 02-24A,  
5 minor modification, 1601 K. Street, N.W. Mr. Bastida.

6 MR. BASTIDA: The applicant has requested  
7 a minor modification regarding planters on the 9th  
8 floor. We have provided you with the -- the Office of  
9 Zoning has provided you with the necessary documents.  
10 We would recommend and have provided you with an  
11 Office of Zoning recommendation that we believe it is  
12 a minor modification. It's up to the Commission to  
13 decide if they believe it is a minor modification and  
14 make a decision in that matter. We are requesting  
15 that you make a decision one way or the other. Thank  
16 you.

17 VICE CHAIR HOOD: Thank you, Mr. Bastida.  
18 I'm hoping we can move forward and maybe hopefully  
19 making one motion if it's suitable to whatever the  
20 Commission decides. Any comments? I guess the first  
21 -- well, let's do it like this. The first issue is do  
22 we think this is a minor modification. I sure think  
23 it is.

24 MR. HILDEBRAND: I concur.

25 VICE CHAIR HOOD: Okay. Fine. That went

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1 quicker than I thought.

2 MR. PARSONS: I agree.

3 VICE CHAIR HOOD: I don't think we need to  
4 take a vote, I don't believe. I'm sure Mr. Bergstein  
5 will let me know if I do.

6 The next thing is they are asking to  
7 introduce the rooftop landscaping, I believe, on the  
8 8th floor along the 16th Street side which the formal  
9 plan is. They are also asking for five trees. We  
10 have determined that this is suitable for minor  
11 modification. Any comments on approving that as is?

12 MR. HILDEBRAND: The only thing I notice  
13 in looking back at the Exhibit 8 of the elevation or  
14 perspective of the building, my concern is from this  
15 particular view on K Street the asymmetrical placement  
16 of the trees is going to have an impact on the  
17 elevation of the building. I'm afraid that it almost  
18 brings in a more residential feel to the building  
19 where residential use doesn't exist.

20 While I don't object to the planters with  
21 hedges which can be treated as an architectural  
22 element if they are kept and maintained at a certain  
23 dimension, I think the trees will have a tendency to  
24 alter the elevation. I feel pretty strongly that I'm  
25 against them as they are planned.

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1 MR. PARSONS: So it's not the two  
2 perspectives, Exhibit F and G, that's concerning you.  
3 G shows a 10-foot high school that would not impact  
4 the view.

5 MR. HILDEBRAND: Right.

6 MR. PARSONS: It's the other view. It's  
7 the view from the opposite corner rather than this --

8 MR. HILDEBRAND: Right. The two exhibits  
9 that are part of the application are taken from a more  
10 oblique angle in the intersection so you see less of  
11 the 16th Street facade and you are more focused on the  
12 K Street facade. As you go further down K Street to  
13 the east and you begin to see more of the 16th Street  
14 facade as is shown in this Exhibit H, I think the  
15 trees then do take on a presence on the face of the  
16 building.

17 VICE CHAIR HOOD: Mr. Hildebrand, would  
18 you be inclined to maybe -- I'm not sure how trees are  
19 purchased but, for example, if it was a six-foot tree  
20 would that make any difference to you?

21 MR. HILDEBRAND: I guess my feeling is  
22 that I think it's a changing perspective and in some  
23 areas even a 10-foot tree will not be visible at all.  
24 But in this particular view it does become an element  
25 of the facade and I think its asymmetrical placement

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1 in relationship to what's going on in the facade  
2 brings it into question as to what its purpose is.

3 VICE CHAIR HOOD: Okay. Does anybody else  
4 have any comments?

5 MR. PARSONS: I agree. The funny part  
6 about it is I'm sure they are trying to orient to  
7 what's going on inside but it's not a symmetrical  
8 display of trees. It's a strange balance in that they  
9 have a larger planter there and maybe they could find  
10 a shrub of some kind that got to five feet high. That  
11 would seem to be more in keeping with our concerns.

12 VICE CHAIR HOOD: Okay. I would -- Mr.  
13 Jeffries.

14 MR. JEFFRIES: So let me make sure I'm  
15 clear. The trees would be directly on top of what  
16 looks like a bay on that facade along 16th Street?

17 MR. HILDEBRAND: Well, actually, they  
18 don't straddle the bay in any uniform way. It looks  
19 as though -- in my looking at their placement trying  
20 to juxtapose the plan to the perspective, it looks as  
21 though they extend two window bays further towards K  
22 Street than the actual projecting element on the  
23 facade.

24 MR. JEFFRIES: You know, it just seems to  
25 me to be a very minor modification in terms of the

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1 trees here. I understand, Commissioner Hildebrand,  
2 your concern, particularly if there could be some  
3 uniformity about the trees that would make it appear  
4 as if is in line with just sort of an office building  
5 and not looking rather informal. At this point I'm  
6 sort of willing to move along with perhaps keeping the  
7 planters in place and revisiting these trees.

8 VICE CHAIR HOOD: You say revisiting the  
9 trees. What --

10 MR. JEFFRIES: Either a shorter tree or  
11 not having trees at all.

12 VICE CHAIR HOOD: Okay. Well, this one  
13 I'm not going to fight on. I will entertain a motion.  
14 Mr. Bastida, I want to thank you for cutting my mike  
15 off. I know you probably don't want to hear what I  
16 have to say but when you hit the button you cut all  
17 our mikes off.

18 MR. BASTIDA: Sorry.

19 VICE CHAIR HOOD: That's all right. I  
20 know you don't want to hear what we have to say. I  
21 will entertain a motion if somebody wants to make one.  
22 It sounds as though the planters are fine and the  
23 small shrubs. The issue is the trees.

24 MR. PARSONS: Well, I would move that we  
25 approve this request for a minor modification but

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1 limit the trees to five-foot in height. I would be  
2 glad to give them a few species but I think that is  
3 beyond our jurisdiction to dictate that.

4 VICE CHAIR HOOD: Okay.

5 VICE CHAIR HOOD: We have a motion to  
6 limit the trees. The only change, I believe, would be  
7 to limit the trees to five feet. Am I correct?

8 MR. PARSONS: Instead of the proposed 15.

9 VICE CHAIR HOOD: Instead of the proposed  
10 15. I can go with that. Do I hear a second?

11 MR. HILDEBRAND: I will compromise and  
12 second that.

13 VICE CHAIR HOOD: Okay. Good. We're  
14 compromising. We should be out of here pretty early  
15 tonight. All in favor by using the sign of voting.

16 ALL: Aye.

17 VICE CHAIR HOOD: Any opposition? So  
18 ordered. Staff will record the vote.

19 MS. SCHELLIN: Staff would record the vote  
20 four to zero to one to approve Case No. 02-24A as  
21 modified to limit the tree height to five feet.  
22 Commissioner Parsons moving, Commissioner Hildebrand  
23 seconding, Commissioners Jeffries and Hood in favor,  
24 and Commissioner Mitten not voting having recused  
25 herself.

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1 VICE CHAIR HOOD: Now we'll turn it back  
2 over to Chairperson Mitten.

3 CHAIRPERSON MITTEN: Thank you, Mr. Hood.  
4 The second case on the consent calendar -- proposed to  
5 be on the consent calendar is Case No. 01-13A which is  
6 a minor modification to the International Monetary  
7 Fund PUD.

8 I think there are a number of issues that  
9 are raised in the request here, I guess not the least  
10 is a concern that's been raised by some folks  
11 regarding the value of the amenity based on the fact  
12 that in the order in one of the Finding of Facts it  
13 was indicated that the value of the bench amenity was  
14 \$132,000 and now this amenity over all seems to be  
15 valued at \$250,000.

16 I think that calls into question whether  
17 the balance between the amenities and benefits and PUD  
18 will be upset in some way and that's a matter that I  
19 don't think is appropriately on the consent calendar  
20 but I would ask if there are other views.

21 MR. PARSONS: I would agree. I think we  
22 ought to have a hearing on this and be very  
23 restrictive. We're not going to reopen whether this  
24 building is a good idea. I don't know as we should  
25 have -- well, do we have to talk about the other

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1 amenities and how they have been implemented and get  
2 into all that? We're supposed to work with the ANC.  
3 I mean, we don't need a lot of testimony about whether  
4 that's occurring or not. Right?

5 CHAIRPERSON MITTEN: That's an enforcement  
6 issue actually. If there are things that are supposed  
7 to be done as part of the order, those are enforcement  
8 issues. This is a proposal to amend the order so we  
9 would focus just on the amendment as you are  
10 suggesting.

11 VICE CHAIR HOOD: I would agree, Madam  
12 Chair. In looking at the order again, there is a  
13 grammatical -- not a grammatical but there's an error  
14 that we need to take care of. I'm not sure of the  
15 appropriate time to straighten that out. I did vote  
16 against it and it's not actually reflected. It's  
17 reflected in the count but it's not reflected where  
18 the names are. It may be small but 10 years from now  
19 when they look back.

20 CHAIRPERSON MITTEN: You want it noted.

21 VICE CHAIR HOOD: I want it noted.

22 CHAIRPERSON MITTEN: Anyone else? All  
23 right. As most folks know, all it takes is the  
24 request of one commissioner to have an item removed  
25 from the consent calendar and I think we have the

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1 support that this is appropriately -- that there be a  
2 narrow hearing on the matter and it will specifically  
3 be on the proposed change to condition No. 8A. What  
4 will need to be addressed is whether the balance of  
5 amenities and benefits is being altered by the  
6 proposed change.

7 MR. BERGSTEIN: I suggest to clarify --  
8 I'm sorry, Madam Chair, but you are voting to consider  
9 it non-minor and you're also voting to set it down for  
10 hearing which would mean that you are also waiving the  
11 otherwise requirements that relate to processing of  
12 applications including an OP set down report. I just  
13 want to clarify that.

14 CHAIRPERSON MITTEN: Thank you for the  
15 clarification. Just on that point, do we need to take  
16 a formal vote in as much as all it takes is one  
17 commissioner to remove an item from the consent  
18 calendar or do we need to have a set down vote?

19 MR. BERGSTEIN: The removing of it from  
20 the consent calendar doesn't act to set it down for a  
21 hearing. If the rules say that once it's removed from  
22 the set calendar, the otherwise applicable rules  
23 follow so you would have to treat it as a regular  
24 application.

25 Moreover, it would be referred to the

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1 Office of Planning for report so if you wanted to  
2 expedite matters and simply set it down for a hearing  
3 today, you would waive that requirement and then vote  
4 to set it down separately.

5 CHAIRPERSON MITTEN: Okay. Thank you.  
6 Mr. Bastida, what did you have for me?

7 MR. BASTIDA: I was just going to state  
8 what Alan said. That's all. Thank you.

9 CHAIRPERSON MITTEN: Okay. Mr. Parsons,  
10 did you have something?

11 MR. PARSONS: I wanted to say that this  
12 particular amenity is not being handled by my office.  
13 It's another office in the Park Service but I think it  
14 would be helpful if they participated in this hearing  
15 so the applicant doesn't have to characterize what  
16 this is about.

17 CHAIRPERSON MITTEN: Well, then the  
18 applicant will have to invite them.

19 MR. PARSONS: Rather than the Commission.

20 CHAIRPERSON MITTEN: Well, it's for them  
21 to convince us.

22 MR. PARSONS: All right. Yes. Okay.

23 CHAIRPERSON MITTEN: Not to --

24 MR. PARSONS: It's all right.

25 CHAIRPERSON MITTEN: Okay. Thanks. Then

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1 I would move that in addition to removing this item  
2 from the consent calendar that we set it down and  
3 waive our normal referral to the Office of Planning in  
4 order to expedite the process and set down the  
5 proposed amendment for public hearing.

6 MR. HILDEBRAND: I second.

7 CHAIRPERSON MITTEN: Thank you. Any  
8 further discussion? All those in favor, please say  
9 aye.

10 ALL: Aye.

11 CHAIRPERSON MITTEN: I believe we have  
12 unanimous vote.

13 MS. SCHELLIN: Yes. Staff would record  
14 the vote five to zero to zero with regard to Case No.  
15 01-13A to remove this from the consent calendar, to  
16 waive the requirement of referral to the Office of  
17 Planning in order to expedite this matter, and to set  
18 it down for a hearing. Commissioner Mitten moving,  
19 Commissioner Hildebrand seconding, Commissioners Hood,  
20 Jeffries, and Parsons in favor.

21 CHAIRPERSON MITTEN: I would just urge  
22 that the hearing notice be very clear on the very  
23 narrow nature of the hearing. Thank you.

24 Okay. The first item under Hearing Action  
25 then is Case No. 04-27 which is the proposed new

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1 commercial overlay district for H Street, N.E. I'll  
2 turn it over to Ms. McCarthy first.

3 MS. MCCARTHY: Well, no, Madam Chair. I  
4 was just going to indicate that with us this evening  
5 are Karina Ricks who was the neighborhood planner in  
6 charge of preparing the H Street plan along with  
7 Derrick Woody who was with our staff and is now over  
8 at the Deputy Mayor's office, Planning and Economic  
9 Development, and David McGettigan who is part of that  
10 team and worked on the zoning recommendations.

11 The plan was supported and passed  
12 unanimously by the city council and so it's now before  
13 the Zoning Commission. We are proposing some new  
14 zoning changes that will help implement the  
15 recommendations of the plant.

16 CHAIRPERSON MITTEN: Thank you. Take it  
17 away.

18 MR. McGETTIGAN: Thank you, Madam Chair.  
19 My name is David McGettigan from the Office of  
20 Planning. With me is Karina Ricks who is now our  
21 neighborhood development coordinator. She is going to  
22 go over the H Street, N.E. strategic development plan  
23 that was approved by counsel just briefly to give you  
24 an overview of it. Then I will discuss the zoning  
25 elements that we are proposing to help implement this

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1 plan.

2 CHAIRPERSON MITTEN: Okay. I know I said  
3 this to you privately earlier but just for the benefit  
4 of the folks in the audience, this is the nonhearing  
5 version. This is the abbreviated version. Thank you.

6 MR. RICKS: Thank you. Which means we'll  
7 go fast. H Street is less than a mile from the U.S.  
8 Capitol Building in the northeast quadrant of the  
9 city. It's about a mile and a half long. The  
10 corridor extends from North Capitol Street to the  
11 Hechinger Mall at Benning Road.

12 Some of the challenges that we had to face  
13 were enhancing growth and taking advantage of H  
14 Street's location redeveloping vacant lands and  
15 buildings, attracting and maintaining retail uses  
16 preferred by the community, establishing quality  
17 cultural facilities and joint parking, and creating  
18 urban development and design guidelines that do not  
19 prohibit reinvestment but still help to define the  
20 character of the corridor.

21 The primary themes with the neighborhood  
22 and the ANCs we worked on were enhancing neighborhood  
23 retail, generating new and rehab mixed use housing  
24 opportunities, particularly for affordable housing,  
25 building on cultural assets, improving transit

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1 connectivity and pedestrian character, and creating a  
2 dynamic destination along the corridor.

3 H Street plan includes five hermetic  
4 areas:

5 The hub around the backside of Union  
6 Station which is really a vibrant transportation  
7 center.

8 The urban living district extending from  
9 roughly 2nd Street to 7th Street, N.E. where there are  
10 some sizable vacant parcels and opportunities for  
11 redevelopment.

12 The shops focused around the intersection  
13 of 8th and H Streets which is the traditional cross-  
14 roads of the neighborhood and important transfer  
15 center and already has a number of strong and thriving  
16 retail opportunities there.

17 The arts and entertainment district which  
18 is centered around the Atlas Theater and the new H  
19 Street Playhouse to performing venues that we hope to  
20 use to leverage additional arts and entertainment uses  
21 in the neighborhood.

22 And what we're calling Arboretum Place  
23 which are some sizable development parcels around the  
24 Hechinger Mall and the old Sears site along the  
25 alignment of Maryland Avenue which extends from the

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1 U.S. Capitol Building up to the National Arboretum.  
2 There, again, is an opportunity for some larger  
3 infield development.

4 Just section by section, the hub is  
5 characterized by larger infield opportunities on the  
6 Air Rights above the Union Station, rail yards. There  
7 we see a small extension of the downtown permitting  
8 some larger office uses, hotel if that is the nature  
9 of it, additional parking, and multi-modal  
10 opportunities.

11 The urban living section begins at Second  
12 Street and is really the opportunity to capture and  
13 restate the neighborhood character of the corridor to  
14 build back the lost residential density of the  
15 neighborhood to take advantage of the infield  
16 opportunities that exist and possibly to create new  
17 retail opportunities on the site of some of the larger  
18 parcels where we may have a larger grocery store or  
19 some other shared parking facilities in that area.

20 The shops are really focused on retaining  
21 the historic character of the neighborhood. I should  
22 say it's not an historic district but it does have  
23 some great historic resources and great character.  
24 It's important to us and to the neighborhood to retain  
25 that traditional Washington fabric, while at the same

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1 time permitting, allowing, and encouraging infield  
2 development and adaptive reuse of those buildings.  
3 The shops really focuses on building back the retail  
4 base and bringing additional commercial development to  
5 the corridor.

6 Arts and entertainment district, again,  
7 focuses on arts related uses, restaurants, galleries,  
8 art oriented retail, and residential, again either  
9 artist generally to support the corridor. Then,  
10 finally, Arboretum Place which has been dealt with  
11 separately.

12 MR. McGETTIGAN: Thank you, Karina. The  
13 main zoning strategy for implementing the plan then  
14 became concentrating on the three sections in the  
15 center where the traditional shopping corridor is.  
16 The hub is -- the main development opportunities there  
17 are the Air Rights which would probably be developed  
18 with the PUD. And Arboretum Place has a distinct  
19 character from the corridor that we're treating  
20 separately.

21 The appropriate zoning opportunity here  
22 was to create another neighborhood commercial overlay  
23 district in Chapter 13 under those basic provisions  
24 and use them to help implement some of the goals of  
25 the plan to take this almost mile and a half of

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1 commercial zoning and put it into three distinct  
2 categories and make it, therefore, more viable.

3 There was just too much commercial zoning  
4 there and more than the market can support. Part of  
5 the plan found that concentrating the retail in the  
6 shops district is going to help the corridor survive.

7 The retail needs the synergy. The shops  
8 district needs to be a walkable pedestrian viable  
9 place and people aren't going to be able to walk a  
10 mile and a half to visit all the retail that's here.  
11 That's part of some of the things that are driving  
12 this.

13 There's going to be an overlay mapped over  
14 all three sections from Second Street to 15th Street  
15 on the commercial properties fronting the corridor.  
16 The overlay will provide design guidelines for the  
17 whole corridor. Then the corridor is subdivided into  
18 three distinct subdistricts which coincide with the  
19 urban living, the shops, and the arts and  
20 entertainment district.

21 The first one, the housing subdistrict,  
22 will help encourage housing opportunities in this  
23 section where additional residents can take advantage  
24 of the proximity to transit and also help support the  
25 retail. It's going to require some map amendments

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1 from C-2A to C-2B to increase the housing density that  
2 can be attained on some of the larger vacant sites and  
3 allow a little more height so we can get some more  
4 residents in there.

5 The retail subdistrict is going to provide  
6 an incentive to provide more retail and have  
7 designated uses to encourage retail in that section.  
8 Similarly, the arts and entertainment will encourage  
9 arts related uses. Use preferences and incentives  
10 along with some preservation of the character and the  
11 design guidelines will help revitalize this quarter.  
12 We recommend that you set down the text for public  
13 hearing and the map amendments for public hearing and  
14 we can answer any questions you might have.

15 CHAIRPERSON MITTEN: Thank you. I think  
16 we are going to have a few questions. I know I will.  
17 Who would like to go first? Okay. Then I will. Can  
18 you just talk to us a little bit about how you see  
19 folks using this corridor and where you see them  
20 coming from?

21 I understand the idea of concentrating the  
22 retail uses and the shops area but isn't there going  
23 to be a significant amount of pedestrian traffic  
24 coming from the west? We are really focusing our  
25 efforts to encourage the shopping in the shops area.

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1 But what about the urban living area and having sort  
2 of a continuity of uses and can we support all of  
3 that?

4 MR. RICKS: Yeah, they will come from  
5 Union Station we hope. Right now it's a very  
6 difficult connection out the back of Union Station to  
7 get down to H Street. One of the things that we would  
8 like to see as part of that Air Rights development is  
9 some additional retail associated with the Air Rights  
10 development so that Union Station and the shops there  
11 can continue to be relevant. It is an important  
12 anchor on the corridor so we would like to see, in  
13 fact, even additional retail there to make that a  
14 strong anchor.

15 The retail on H Street is of a different  
16 character and it really is neighborhood serving for  
17 the adjacent neighborhoods. We do anticipate people  
18 will come down from Union Station. We anticipate that  
19 they will access the corridor along 8th Street which  
20 is the intersection of 8th and H Street is among the  
21 top five transfer points in the city for transit so  
22 that's an important point as well and why some of the  
23 retail has really been able to survive there better  
24 than in other points along the corridor to date.

25 Also this corridor is a priority for

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1 transit expansion plus rapid transit or light rail  
2 transit as part of the DDOT and WMATA plans. We have  
3 planed the corridor and designed it with the intention  
4 of creating transit nodes along the corridor to make  
5 it easy for people to get swiftly from Union Station  
6 to the heart of the shops district where it can serve  
7 more than just sort of the downtown clientele but  
8 really can be at the center of the neighborhoods 360  
9 degrees around it.

10 That's part of the reason why the shops  
11 really has risen as a place to try and direct retail.  
12 We do think that there will be retail trickling and  
13 continuing along the corridor but the real bulk of it,  
14 the vibrant heart of the retail should be in the shops  
15 district.

16 CHAIRPERSON MITTEN: Okay. You make some  
17 specific proposals for map amendments but there was  
18 one that the ANC had suggested. I'm curious as to  
19 your position about the proposal to rezone the parking  
20 lot behind Murray's from R-4 to C-2-B and whether or  
21 not we should at least advertise that in the  
22 alternative so we can discuss it in the hearing.

23 MR. McGETTIGAN: Yes. We could advertise  
24 that in the alternative. We just felt that it  
25 wouldn't fit into the fabric and we wanted to look at

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1 it some more to make sure it would. Also, the plan  
2 didn't call for that to be heavily developed but  
3 certainly we could advertise that in the alternative  
4 to discuss it more.

5 CHAIRPERSON MITTEN: Okay. I'm not  
6 finding it specifically in the text but in your report  
7 there's a discussion about limiting the certain ground  
8 floor uses, banks, loan offices, financial  
9 institutions, travel agencies, and so on. And then  
10 also having restrictions on restaurants and so forth.  
11 Is that going to carry over the neighborhood  
12 commercial overlay in general?

13 MR. McGETTIGAN: Yeah, all of that will  
14 carry over except the restaurants. We were  
15 specifically going to exclude that provision from the  
16 arts and entertainment where we actually want  
17 restaurants in that section.

18 CHAIRPERSON MITTEN: Have we figured out  
19 any -- so these are going to be restrictions on the  
20 ground level of any particular building? We've been  
21 struggling with this in other neighborhood commercial  
22 zones about how to define frontages and all of that  
23 stuff. Have we come any further on that?N

24 MR. McGETTIGAN: No, we haven't but we  
25 could certainly look at that as part of our hearing

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1 report.

2 CHAIRPERSON MITTEN: In fact, I just have  
3 to have a little aside here. What ever happened to  
4 that?

5 MR. BERGSTEIN: That's me.

6 CHAIRPERSON MITTEN: Okay.

7 MR. BERGSTEIN: I owe you a draft big time  
8 on that.

9 CHAIRPERSON MITTEN: Okay.

10 MR. BERGSTEIN: But, if you remember, what  
11 we were going to do was to fire into whether or not  
12 there was any validity to continuing to try to do a  
13 measurement that would throw uses into special  
14 exception and instead go through each of the overlays  
15 and determine whether or not they should be matter-of-  
16 right or special exception without going through a  
17 basis of some sort of continuing examination of  
18 percentage of street frontage. I will get it to you  
19 very quickly now.

20 CHAIRPERSON MITTEN: No, I wasn't meaning  
21 to call you out on that.

22 MS. MCCARTHY: Also, Madam Chair, we  
23 recently met with representatives from the Cleveland  
24 Park Community Association and they indicated they  
25 have some revised language that they ran by us that

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1 they wanted to submit for consideration as an  
2 alternative for the neighborhood overlay language as  
3 it is now. Something else Mr. Bergstein can take a  
4 look at.

5 CHAIRPERSON MITTEN: Okay. I guess all I  
6 would want to say is I don't want to impose these  
7 kinds of restrictions in additional places if we still  
8 haven't sorted out what is the most appropriate way to  
9 articulate the restriction.

10 There's the proposal for giving special  
11 consideration to lots that are 10,000 square feet or  
12 more. The ANCs had suggested 6,000 and you all are  
13 suggesting 10,000. I'm just wondering about whether  
14 or not we should have the more restrictive number in  
15 the advertisement and then we could hear proposals  
16 that would let that be more liberal.

17 MR. McGETTIGAN: Yes, that's a good idea.

18 CHAIRPERSON MITTEN: There's also, I  
19 think, Ms. Ricks and her introduction and in the  
20 specific proposal from the ANCs there's a discussion  
21 about finding ways to enhance affordable housing, not  
22 just housing opportunities. I didn't see anything  
23 specifically in the text that would target affordable  
24 housing in any way. Did I miss it?

25 MR. McGETTIGAN: Well, there's two things.

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1 One, there's going to be greater, hopefully,  
2 encouragement to do a PUD and especially in some of  
3 the urban living areas which will help contribute to  
4 affordable housing. We are working on a city-wide  
5 effort looking at inclusionary zoning so we thought  
6 that we didn't want to interfere with that process and  
7 introduce it here as well.

8 CHAIRPERSON MITTEN: Just on that point  
9 about PUDs, I don't know what size blocks of land we  
10 have that we're talking about but one thing that we  
11 might want to -- I haven't given this any thought  
12 other than the last 60 seconds about changing the  
13 minimum area requirements in this overlay for PUDs  
14 because then we can get people in and they won't have  
15 the same threshold to meet but I don't have something  
16 specific to say about that.

17 MR. McGETTIGAN: We were actually thinking  
18 about that and discussing it earlier.

19 CHAIRPERSON MITTEN: If you have something  
20 specific you want to put out there because we are  
21 going to be voting on what will be advertised if we  
22 set this down. That would be good to have.

23 MR. McGETTIGAN: I would like to suggest  
24 that we advertise 10,000 square feet as the minimum.

25 CHAIRPERSON MITTEN: Within the overlay?

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1 MR. McGETTIGAN: Yeah.

2 CHAIRPERSON MITTEN: Okay. That's a  
3 proposal that we can talk about when we deliberate.  
4 Okay. Glad you thought about it. There didn't seem  
5 to be any specific consideration given to residential  
6 recreation space requirements. You know in other  
7 places we're getting a whole lot of requests for  
8 variances from that.

9 I'm just wondering if we could think about  
10 a mechanism that would -- we've talked about this  
11 before about whether a buy-out strategy is better than  
12 having all these variances come in. What are your  
13 thoughts on that? I can tell you have thought about  
14 that, too.

15 MR. McGETTIGAN: I'll let Ellen handle  
16 that one.

17 MR. RICKS: We did just convene a task  
18 group on Thursday? Friday of developers, architects  
19 to look at the issue of recreation space and  
20 representatives from our department of Parks and  
21 Recreation to look at a whole variety of what kinds of  
22 relief are necessary, not just recreation space but  
23 roof structures and other things that tend to impede  
24 the usefulness of rooftop space so we do anticipate  
25 coming back to the Commission with a text amendment to

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1 loosen some of the restrictions with regard to  
2 recreation space in commercial areas.

3 CHAIRPERSON MITTEN: So that would be  
4 across the board and not just --

5 MR. RICKS: That would be across the  
6 board.

7 CHAIRPERSON MITTEN: Okay. I guess this  
8 might be a little bit more nit picky but under 1324.13  
9 it says, "For new construction those portions of  
10 buildings with a minimum clear floor to ceiling height  
11 of 14 feet on the ground floor level should be  
12 permitted an additional five feet of building height  
13 over that permitted in the underlying zone." Not that  
14 I read it out loud it sounds fine. Okay. Never mind.  
15 Never mind. Okay. Anyone else? Mr. Parsons.

16 MR. PARSONS: I want to congratulate you.  
17 Good report. It's good that we're getting out ahead  
18 of development that's soon to occur. I wanted to talk  
19 about historic preservation because a major portion of  
20 the report has historic preservation notions about it.

21 Although it is not an historic district,  
22 as you pointed out, you show the many benefits to an  
23 historic district so I'm wondering during this process  
24 you've been engaged in is there a growing sense of  
25 enthusiasm for the historic district or in the

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1 community or amongst the developers per chance to seek  
2 historic preservation protection for the resources  
3 that they own?

4 MR. RICKS: Unfortunately, no. There's  
5 growing dread, I guess, I would say among the  
6 neighborhood. We have gone through a very educative  
7 process with the neighborhood about historic  
8 preservation, what it may do, both the ups and the  
9 downs of what it may do.

10 There's still a lot of skepticism in the  
11 neighborhood and we've resolved to go through as we  
12 have with this overlay to preserve what's good without  
13 really creating, we hope, any kind of economic  
14 hardship in preserving that without extending it at  
15 all into the residential fabric which the community  
16 really should dialogue about quite a bit more in this  
17 neighborhood.

18 MR. PARSONS: What is the maximum height  
19 of the existing buildings on the street?

20 MR. RICKS: They vary from three to -- I'm  
21 sorry, from one to four stories probably.

22 MR. PARSONS: So there currently are no  
23 65-foot high buildings on the street?

24 MR. RICKS: There is one office building  
25 on the corridor that probably approaches --

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1 MR. PARSONS: DOES?

2 MR. RICKS: Yeah, the DOES building and  
3 across the street the old Ourisman building.

4 MR. PARSONS: The DOES building really  
5 makes you proud, doesn't it? You're predicting  
6 demolition of that beauty, aren't you?

7 CHAIRPERSON MITTEN: That's a rental I  
8 just want you to know. That's a rental.

9 MR. PARSONS: We better stay away from  
10 that. I'm very concerned about C-2-B as a potential  
11 candidate here and then a restriction down to 10,000  
12 for PUDs because you're asking for 90-foot high  
13 buildings and I just wondered if what you felt about  
14 in the context of the historic fabric on the street,  
15 what are we really going to end up with here if we  
16 push these to C-2-B? Are we going to end up with a  
17 lot of small PUDs that want 90-foot heights?

18 MR. RICKS: We're only proposing C-2-B in  
19 the two areas that we're talking about rezoning. Both  
20 of those areas there is precedent for larger  
21 buildings. As we said, the DOES building which is  
22 across the street. There's a senior building on the  
23 800/900 block behind the H Street connection.

24 There is a little bit of variety in the  
25 roof line of the neighborhood. We have actually heard

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1 quite a bit of support from the neighborhood for  
2 relieving the pressure on the historic buildings by  
3 allowing the density demands to be met in places where  
4 the historic fabric no longer remains really.

5 MR. PARSONS: Should we be considering a  
6 transfer of development rights then to do this? It  
7 just seems to me if we're going to end up with 90-foot  
8 buildings, which I'm not sure I like, 65 seems plenty  
9 to me but if we are going to allow some of the owners  
10 to go to 90 feet here, maybe they should be buying off  
11 the development rights from others.

12 MR. McGETTIGAN: There was an effort,  
13 though, not to make the overlay too complicated. We  
14 started reducing development rates. Hopefully the  
15 zoning can handle this by looking at the PUD amenities  
16 and weighing them. There's certainly a lot of public  
17 benefits and needs on the corridor. We have a major  
18 plan to renovate the street scape along there.

19 That may need some funding. There's need  
20 for parks, transit. There's lot of needs in the area  
21 that a PUD could help with. Also a six-story building  
22 is not always as feasible as the higher buildings  
23 because they have to put in an elevator for only two  
24 more stories and sometimes you need that extra height  
25 to make a project work.

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1 MR. PARSONS: Is there anyway you could do  
2 some kind of axial simulations. I don't mean fly over  
3 but something to show, okay, here's the context of the  
4 community here. Here is residential behind on either  
5 side. Here's what 70 foot would look like. Here's  
6 what 90 -- don't forget the penthouse -- would look  
7 like. Give us a feel for what kind of balance we are  
8 going to end up with here. Thank you.

9 MR. McGETTIGAN: Yes. I can do that.

10 MR. HILDEBRAND: I would just like to  
11 second that view as well. I think it would be nice if  
12 you could have a diagram of the volumes of the  
13 existing structure on the street as it stands today,  
14 what it's sort of maximum build-out today would be and  
15 then what you're proposing as the maximum potential  
16 build-out with your concepts of PUDs and maximum  
17 heights.

18 I think looking at the balance of those  
19 three we'll be able to see what are we really  
20 proposing here. I, too, am very concerned about the  
21 potential of the 90-foot high building with an 18-foot  
22 penthouse which brings you up to 108 feet and what is  
23 really a two and three-story townhouse community as  
24 soon as you get a half a block off H Street.

25 I think your concept of building up

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1 towards Union Station and taking advantage of that  
2 more urban end is commendable. I think if you're  
3 going to do it, that's where you want to do it. I  
4 think you do need to just get a good volumetric feel  
5 for a broader spectrum of the area than just the  
6 street itself.

7 MR. McGETTIGAN: I'd just say we had  
8 similar concerns and actually generated a 3-D model in  
9 the GIS for this. We can certainly present that to  
10 the Commission with various height options that you  
11 can consider.

12 CHAIRPERSON MITTEN: I still do have an  
13 issue with 1324.13. I'm not going to read it aloud  
14 again but I think what it's saying is that for those  
15 portions of the building that have the 14-foot high,  
16 they get the extra five feet at the top. But then you  
17 are sort of not keeping in mind the fact that there's  
18 a uniform second floor, third floor and all of that.  
19 It doesn't just bump up. Am I reading that correctly?

20 MR. McGETTIGAN: We could just strike  
21 portions and just say "those buildings."

22 CHAIRPERSON MITTEN: I guess then we want  
23 to -- I think there has to be some kind of -- let's  
24 see. Let's go back to point 12. I'm just wondering  
25 what we can add there to clarify that it's not just

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1 like a little section that is at 14 feet but that it's  
2 a uniform height or something like that.

3 Do you know what I'm saying? Maybe for  
4 now we'll just say, "Shall have a uniform minimum  
5 clear floor to ceiling," and then we can worry about  
6 the implications of that when someone testifies that's  
7 bad at the hearing if it is, in fact, bad. Then for  
8 new construction we'll take out those portions in  
9 point 13 so buildings with a minimum clear floor to  
10 ceiling height of 14 feet on the ground floor. Maybe  
11 we'll just say for clarity consistent with the prior  
12 section. Okay. Thanks. Mr. Jeffries?

13 MR. JEFFRIES: Well, I just wanted to  
14 comment that if you are going to look at density along  
15 this corridor that the western gateway being right  
16 adjacent to the hub is the place to do it so I'm  
17 comfortable with that. As relates to C-2-B and PUD,  
18 I mean, we get an opportunity to sort of look at the  
19 height of something that's coming in at 90 feet. We  
20 get the opportunity to review it then.

21 I would like to see some level of  
22 flexibility given to those who are looking to do  
23 developments along H Street corridor. Again, as I've  
24 stated before, I'm a strong proponent of economic  
25 development drivers. In those instances I can get

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1 comfortable with density so I'm hoping that when you  
2 come back and when we have the hearing that there is  
3 a lot of focus on the whole notion of economic  
4 development and what density does to sort of assist  
5 with moving this plan forward.

6 MR. McGETTIGAN: We also as part of the  
7 plan there was a market analysis done for the corridor  
8 so we can present that and how it's driving the need  
9 for more residential especially in the urban living  
10 area.

11 MR. JEFFRIES: And also a focus on, I  
12 think someone mentioned, affordable housing, looking  
13 at a lot more density for some of these potential 90-  
14 footers. We don't know that. We'll see them when  
15 they come along. We might want to really look and  
16 drill down on some notion of affordability and other  
17 amenities to the community so just make certain that  
18 is really part and parcel of what you're putting  
19 forward.

20 VICE CHAIR HOOD: Madam Chair, I just have  
21 one quick question. I notice that those who live in  
22 the area were really participating in the process.  
23 What about the business owners? Were they right there  
24 at the table, too, at the same time?

25 MR. RICKS: Yeah, we really did have, I

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1 think, unprecedented community and business and  
2 property owner involvement in this plan. We had over  
3 250 different individuals participate in developing  
4 the plan over the nine months that it took us to  
5 develop it.

6 The H Street Merchants Association and the  
7 H Street Main Street were two of our strongest  
8 proponents and closest partners in developing this.  
9 We did hold special meetings to make sure because they  
10 are mostly small and independent businesses along the  
11 corridor.

12 We did have special meetings at times in  
13 locations when those merchants could participate that  
14 wouldn't conflict with their business hours and we  
15 were able to get obviously not as broad of  
16 participation as we would always like but really a  
17 good diverse participation so they were involved.

18 VICE CHAIR HOOD: I'm going to ask you  
19 just about one business person, BP Amoco. Were they  
20 involved in the discussions?

21 MR. RICKS: BP Amoco was notified and did  
22 participate in several meetings. They were part of  
23 the distribution list for all meetings and for all  
24 materials and summaries that came out of it. They  
25 were well briefed on the process as it evolved.

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1                   VICE CHAIR HOOD: Okay. Thank you, Madam  
2 Chair.

3                   MR. HILDEBRAND: Could you talk a little  
4 bit more about the long-term parking needs that this  
5 development will generate and how you are addressing  
6 them in your plan? I know that this particular urban  
7 center has been under utilized for a long period of  
8 time and there's been probably a lack of demand on  
9 parking in the associated neighborhoods because of  
10 that. As this becomes a hub in the Capitol Hill area  
11 how are you going to generate adequate parking  
12 facility to ensure that doesn't become a dominating  
13 negative effect on the surrounding community?

14                  MR. RICKS: Yes, parking is a persistent  
15 challenge as it is everywhere in the city. We do with  
16 the community very much see this as a neighborhood  
17 serving business district where the bulk of the  
18 support will come from the surrounding communities.  
19 It is focused on giving priority to transit and  
20 transit access and that is something that we have  
21 heard strong support for from the community.

22                  It is adaptive reuse in most cases along  
23 the corridor so they are lots that are, if not fully  
24 lot occupied, very nearly lot occupied. If we do want  
25 to support reuse of the corridor, it will be very

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1 difficult for many of those businesses and buildings  
2 to supply parking on site. We have proposed three  
3 locations along the corridor where shared parking  
4 could be accommodated.

5 One of them is the Murray site which is  
6 the site of where we are proposing some of the  
7 upzoning to help permit to be possible but shared  
8 parking will be something that we will need to look at  
9 on this corridor to help meet the parking need,  
10 transport from Union Station where there are over  
11 3,000 parking spaces and making that connection to  
12 utilize the existing parking resources.

13 Then also I have another point that I  
14 forget. Oh, and the light rail that's coming along on  
15 the corridor to help move people that way. The  
16 District Department of Transportation has also been a  
17 very, very close and great partner.

18 In this plan one thing they are taking  
19 steps toward in the very short term is to restore 24-  
20 hour on-street parking onto the corridor to remove the  
21 rush-hour parking restrictions and to make sure that  
22 we are making efficient use of the on-street resources  
23 through metering and enforcement and striping and  
24 other efforts so that we can provide more parking  
25 resources in the public domain as well.

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1 MR. HILDEBRAND: Are you finding that the  
2 light rail concept is moving forward with the same  
3 level of energy as the H Street revitalization project  
4 is?

5 MR. RICKS: There is significant support  
6 in the community and WMATA has given significant  
7 support to interim improvements along the busline to  
8 help facilitate bus usage and bus service. This is  
9 one of the priority corridors for them to improve  
10 service. The light rail, I think, is moving as  
11 aggressively as it can.

12 The street scape plan that DDOT has  
13 completed factors in the light rail coming but that  
14 will all depend on financing and a number of other  
15 factors before we'll know how quickly light rail will  
16 come. In the interim we are using the resources  
17 available to us to improve that transit service.

18 MR. HILDEBRAND: Are you also looking at  
19 expanding the existing parking available at Union  
20 Station as part of the Air Rights development concept?

21 MR. RICKS: We are not but the Union  
22 Station Redevelopment Corporation recently has come  
23 forward I think before this body to get approval for  
24 their garage expansion. Anyway, okay. They are  
25 expanding from about 1,500 spaces now to 3,000 so they

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1 are more than doubling the space that they have  
2 available. The Air Rights development is still a work  
3 in progress and evolving but that will undoubtedly  
4 include parking as well.

5 CHAIRPERSON MITTEN: Mr. Jeffries.

6 MR. JEFFRIES: I'm just curious about one  
7 thing. How much of the H Street plan is driven by  
8 developer interest? I mean, has there been a sizable  
9 amount of interest that really drove some of the  
10 decisions about urban living to shops, arts, and  
11 entertainment district beyond just neighborhood wish  
12 lists or other planning policy issues?

13 MR. RICKS: I would like to say that the  
14 plan drove the developer interest rather than the  
15 developer interest driving the plan. I think the plan  
16 really did, as Mr. Parsons pointed out, come before a  
17 lot of development pressure came and so what we're  
18 hearing now are development interests that really do  
19 directly respond to the plan.

20 MR. PARSONS: Is the former Sears site  
21 included in your proposed plan or is that just going  
22 to stand as C-3-A?

23 MR. McGETTIGAN: That's not in our  
24 proposal.

25 MR. PARSONS: Ms. Ricks, I've got to ask

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1 you, you've got these three alternatives in here. The  
2 most appealing course is A which is a big box retail.  
3 What kind of response did you get to these three  
4 alternatives from the participants?

5 MR. RICKS: We actually didn't get too  
6 much of a response at all as far as the Arboretum  
7 Place development. The community nearly universally  
8 was really focused on the corridor itself. They just  
9 wanted to make sure whatever happened on the old Sears  
10 site wouldn't compete with or weaken the corridor.  
11 Whatever it did should help to contribute to it. They  
12 felt that any of the alternatives were fine as long as  
13 they had a relationship back to the corridor.

14 MR. PARSONS: Okay. Now I wanted to get  
15 back to Mr. McGettigan's 10,000 square-foot figure.  
16 That concerns me a little bit. I think it's too  
17 small. Obviously you gave it some thought, or the  
18 team gave it some thought. I'm reminded C-4 is 15,000  
19 square feet so why do you come down to 10,000 square  
20 feet?

21 MR. McGETTIGAN: I think all of the C's  
22 can go 15,000 and then the Commission can grant 50  
23 percent if it's 80 percent housing outside the central  
24 employment area so that gets you down to 7,500. If a  
25 housing project came in at 7,500 that's within the

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1 existing regulations now as long as it had 80 percent  
2 housing and was an excellent design.

3 MR. PARSONS: Why wouldn't you keep it at  
4 15 which is common to the other seasonals as opposed  
5 to 10? And then we could waive it if a good  
6 residential project came in as you just pointed out.

7 MR. McGETTIGAN: Only to encourage the use  
8 of PUD as a mechanism because we want affordable  
9 housing and design control review. Some of the sites  
10 even when you are able to aggregate them they still  
11 are going to be rather small because the depth of the  
12 commercial zoning on the corridor is not that deep.

13 MR. PARSONS: So if you were to apply the  
14 formula starting at 10, then we could reduce it down,  
15 we would be down to 5,000 square feet. Wouldn't we?

16 MR. McGETTIGAN: That's correct.

17 MR. PARSONS: That seems pretty small to  
18 me. If we are going to just advertise 10, that means  
19 we can't change it to 15 so I would rather have a  
20 spread here to think about it.

21 CHAIRPERSON MITTEN: Well, I think if we  
22 advertise 10, then after the hearing we can go with  
23 anything above 10.

24 MR. BERGSTEIN: Yes.

25 CHAIRPERSON MITTEN: And the chorus is

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1 saying yes, I'm correct. Hurrah, hurrah. So we're  
2 advertising something --

3 MR. PARSONS: You think we can go above  
4 10?

5 CHAIRPERSON MITTEN: Yes, we can go  
6 anything between 10,000 and 15,000 if we decide to  
7 change it.

8 MR. BERGSTEIN: Because the current law is  
9 15 so you would simply be rejecting the suggestion to  
10 make it 10.

11 MR. PARSONS: Okay. So we don't have to  
12 remind people that it could be 15.

13 MR. HILDEBRAND: If you set it at 10, can  
14 you set it at 10 with the restriction that PUDs of a  
15 smaller scale won't be considered with the 50 percent  
16 reduction rule so that, in effect, you're saying that  
17 10,000 square feet is the minimum PUD you can do?

18 CHAIRPERSON MITTEN: Well, then you would  
19 actually be -- if the objective is to make the  
20 mechanism available to more people, then you've  
21 actually made it -- perhaps. It depends. You've cut  
22 out a certain segment that formally would have been  
23 eligible.

24 MR. JEFFRIES: All right. Let's move on.  
25 I feel very strongly that we need to make certain that

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1 this plan remains as fluid and flexible as possible  
2 and allows the developers to come in and we take a  
3 look at each application case by case and allow for  
4 the fluidity of this process to continue. I would  
5 like to see less restrictions.

6 MR. PARSONS: This could be a lively  
7 debate.

8 MR. JEFFRIES: Good.

9 CHAIRPERSON MITTEN: Okay. Anyone else  
10 have questions or comments? All right. Then I would  
11 move that we set down for public hearing the map  
12 amendment that would map the H Street commercial  
13 overlay district that would rezone the blocks proposed  
14 by the Office of Planning as well as lot 860 in Square  
15 858 from C-4 -- R-4 to C-2-B as an alternative and  
16 that the overlay itself be modified -- the language of  
17 the overlay itself be modified to include the  
18 potential for lower minimum lot size for PUDs in the  
19 overlay to 10,000 square feet.

20 That the Section 1320.8, which establishes  
21 in the Attachment 2 to the OP report that 10,000  
22 square foot minimum that would be subject to the BZA  
23 approval would be 6,000 square feet. Section 1324.3  
24 just needs the -- there's some language missing at the  
25 end of the sentence so it should say at the end, "In

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1 the underlying zone district for residential uses."  
2 That 1324.12 should say midway, "Shall have a uniform  
3 minimum clear floor to ceiling height of 14 feet."

4 That 1324.13 will read, "For new  
5 construction buildings with the minimum clear floor to  
6 ceiling height of 14 feet on the ground floor level  
7 consistent with Section 1324.12." And then the  
8 balance of that would remain the same. With those  
9 changes to the overlay language the proposed mapping  
10 I would move the set down.

11 MR. JEFFRIES: I second.

12 CHAIRPERSON MITTEN: Any further  
13 discussion? All those in favor, please say aye.

14 ALL: Aye.

15 CHAIRPERSON MITTEN: Mrs. Schellin, it's  
16 unanimous.

17 MS. SCHELLIN: The staff would record the  
18 vote five to zero to zero to approve for set down Case  
19 No. 04-27 as modified. Commissioner Mitten moving,  
20 Commissioner Jeffries seconding, Commissioners  
21 Hildebrand, Hood, and Parsons in favor. This will be  
22 a rulemaking case.

23 CHAIRPERSON MITTEN: Yes. Thank you. I'm  
24 now going to turn the meeting back over to Mr. Hood  
25 who will take care of the rest of the hearing actions

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1 as well as the proposed action for St. Elizabeth's  
2 Hospital.

3 VICE CHAIR HOOD: Next on the agenda we  
4 have Zoning Commission Case No. 04-28 (Department of  
5 Motor Vehicles Road Test Facilities on the SP, CR, C-2  
6 thru C-4, C-M & W-1). Office of Planning.

7 MS. THOMAS: Good evening, Mr. Chair,  
8 members of the Commission. I'm Karen Thomas with the  
9 Office of Planning. OP is submitting a request on  
10 behalf of DMV to permit the establishment of their  
11 driver's road test facilities throughout the city.

12 The road test facilities provide road  
13 tests or other tests of driving ability to applicants  
14 for driver's licenses or endorsements. Like other  
15 Government uses prior to 1990, these uses were not  
16 subject to zoning. DMV requested to expand their  
17 services in the city and must now comply with current  
18 zoning requirements. Otherwise, they are currently a  
19 nonconforming use which would require establishment  
20 through a use variance.

21 OP believes that these uses should be  
22 included in the zoning regs as a matter-of-right in  
23 certain zone districts. Currently there are two  
24 driver road test facilities located at 1205 Brentwood  
25 Road, zone C-M-1, and one on South Capital Street

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1 which is currently unzoned which existed before 1990.

2 With the assistance of the Office of the  
3 Attorney General and DMV OP proposes a text amendment  
4 to Section 199 to include a definition of a driver's  
5 road test facility as written in our report. In  
6 addition, based on the purposes of the zone districts  
7 as outlined in the zone regulations, we proposed to  
8 include this use as matter-of-right uses in the SP,  
9 mixed use C-2 up to C-5, the industrial, and the W-1  
10 through W-3, waterfront zone districts.

11 These facilities were excluded from the  
12 residential zone districts because at times the  
13 centers may include driver's tests on commercial  
14 vehicles on neighborhood streets which would not be  
15 compatible within a residential neighborhood. The  
16 facilities are not intended to serve only the  
17 immediate neighborhood but would attract residents  
18 District wide which would have a negative impact on  
19 residential neighborhoods due to increased traffic and  
20 noise.

21 For similar reasons they should not be  
22 permitted in the C-1 district since the C-1 zone is  
23 primarily designed to provide convenient retail for  
24 the day-to-day needs of a small area with minimum  
25 impact on surrounding residential development.

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1 Further, the majority of the road tests,  
2 according to D.C. regulations, must be conducted on  
3 congested public streets. The testing centers are  
4 also not being recommended within the waterfront W0  
5 zone district as this use is not consistent with the  
6 primarily open space, recreational use envisioned  
7 along the city's waterfront areas.

8 We believe that the recommended districts  
9 include a broad range of permitted uses among which  
10 the road testing facilities would be compatible.  
11 Parking would also be required for customers and  
12 employees. Based on information provided by DMV and  
13 outlined in our report, a relationship was -- number  
14 of customers served. It was calculated that four  
15 spaces per employee provided a minimum standard to  
16 satisfy parking needs.

17 This new parking standard would be applied  
18 only to new locations to mitigate adverse impacts to  
19 neighborhoods proposed for new facilities and, because  
20 the opportunity would exist through design to provide  
21 sufficient parking at a new location. Therefore,  
22 section 2101 would be amended to reflect this parking  
23 requirement in all the recommended zones under the  
24 institutional category as suggested by the Office of  
25 the Attorney General.

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1                   The proposed text amendments are  
2 consistent with the goals of the public facilities  
3 element of the comprehensive plan as well as the  
4 public facility goal in support of the improvement of  
5 municipal services. We believe that the ability of  
6 the service to locate in various zones would enhance  
7 deliverability of the District's neighborhoods. It  
8 would improve the service capacity of the District in  
9 relation to other metro area jurisdictions and enhance  
10 its attractiveness to current and future residents.

11                   Based on these consistencies, the Office  
12 of Planning recommends that the proposed amendments to  
13 the zoning regulations as outlined in our report be  
14 set down and advertised for hearing. This concludes  
15 my report. Thank you.

16                   VICE CHAIR HOOD: Thank you, Ms. Thomas.  
17 I just want to ask you one quick question about 1205  
18 Brentwood Road. It's actually on page 2 of your  
19 report. Is that the site where the Home Depo and the  
20 Giant is or is it the site across the street which is  
21 located in the C-1 zone? I believe it's C-1. I'm  
22 hoping that's not C-M-1. It's possible it may be but  
23 if that's C-M-1, we have some -- the Zoning Commission  
24 has some problems. Anyway, 1205 Brentwood Road, is  
25 that --

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1 MS. THOMAS: I can verify that but this  
2 was given to me from the property management -- I'm  
3 sorry, the DMV. I got this address from them. When  
4 I checked on our GIS it came up as that. I could  
5 verify.

6 VICE CHAIR HOOD: Right, because it moved  
7 and I know that was C-M-1 at one time where it was  
8 previously for the Home Depo and then they relocated  
9 and have a lot of shops and stuff where they are  
10 located now so I'm hoping that's not zoned C-M-1.

11 MS. THOMAS: Well, probably we have old  
12 information and I could check with the Office of  
13 Zoning.

14 VICE CHAIR HOOD: All right. Thank you,  
15 Ms. Thomas.

16 Colleagues, any other questions? We have  
17 a request --

18 MR. HILDEBRAND: I have a question.

19 VICE CHAIR HOOD: Sure.

20 MR. HILDEBRAND: Is there a large demand  
21 for this type of facility through the city? I mean,  
22 are you envisioning that multiple facilities like this  
23 will spring up across the city, smaller scale driver  
24 test areas that are more diversified through  
25 Washington? What's driving the demand?

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1 MS. THOMAS: What is driving this request  
2 is the question? DMV is -- we are basing this on  
3 DMV's request to expand their services based on a done  
4 initiative that they are undergoing, a program where  
5 they are upgrading all their services to like a one-  
6 stop shop sort of situation. Once you enter the DMV  
7 system you could access and get any service provided.  
8 The driver's test facilities are also part of that as  
9 well.

10 MS. McCARTHY: We should add that the DMV  
11 currently has a several-month backup for on-road  
12 testing so they are very conscious of the need to  
13 expand their road testing facilities.

14 MR. HILDEBRAND: Thank you. I appreciate  
15 it. That's what I was trying to get at, what the  
16 demand was.

17 VICE CHAIR HOOD: Any other questions? If  
18 not, I would move that we set down the proposed text  
19 amendment to provide for driver's license road test  
20 facilities within zoning regulations be set down for  
21 public hearing. That's Zoning Commission Case 04-28.  
22 I ask for a second.

23 MR. HILDEBRAND: Second.

24 VICE CHAIR HOOD: It's been moved and a  
25 proper second. All those in favor?

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1 ALL: Aye.

2 VICE CHAIR HOOD: Any opposition? So  
3 ordered. Staff, would you record the vote.

4 MS. SCHELLIN: Yes. Staff will record the  
5 vote four to zero to one to approve for set down Case  
6 No. 04-28, Commissioner Hood moving, Commissioner  
7 Hildebrand seconding, Commissioners Jeffries and  
8 Parsons in favor, and Commissioner Mitten not voting  
9 having recused herself. Just to confirm, this will  
10 also be a rulemaking?

11 VICE CHAIR HOOD: Yes. Thank you, Ms.  
12 Schellin.

13 Next on the agenda we have Zoning  
14 Commission Case No. 04-29 (Department of Fire and  
15 Emergency Medical Services to Permit Certain Uses as  
16 a Matter-of-Right. Office of Planning, Mr. Moore.

17 MR. MOORE: Good evening Mr. Chair and  
18 members of the Commission. I'm Stephen Moore with the  
19 Office of Planning. This application is to permit the  
20 Fire and Emergency Medical Services facilities within  
21 the zoning regs. The Fire and Medical Emergencies  
22 Department operates four different types of facilities  
23 there, fire station, fire department training  
24 facility, fire department administrative facility, and  
25 fire department support facility.

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1 Definitions for each of these types of  
2 facilities are proposed based on how each facility  
3 operates as provided by the Department of Fire and  
4 Emergency Medical Services. A definition for fire  
5 departments is also provided to indicate that the use  
6 of that term refers to this department. Fire stations  
7 are proposed to be permitted within all zone districts  
8 to ensure that the greatest amount of protection and  
9 service possible is provided.

10 This is because all zone districts are in  
11 need of fire protection no matter what the use. Fire  
12 department training facilities are proposed within  
13 industrial districts only consistent with the existing  
14 C-M-1 location of the training facility. This type of  
15 facility includes live fire training acceptable for  
16 industrial districts.

17 However, this use is not appropriate for  
18 commercial residential zone districts due to the  
19 greater amount of human activity that occurs in those  
20 districts and the adverse impact that such training  
21 could have on those districts. Fire department  
22 administrative facilities are proposed within  
23 commercial special purpose mixed use and waterfront  
24 districts only.

25 This use is similar to office use and is,

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1 therefore, appropriate within those zone district.  
2 However, the headquarters is located within the R-4  
3 zone district, a district does not permit office use  
4 either as a matter-of-right or special exception.

5 The Office of Planning did request  
6 additional information regarding the specifics of this  
7 use in order to better ascertain its impact on the R-4  
8 district. The fire department has informed the Office  
9 of Planning that their intention is to move the  
10 headquarters out of that zone. It is not to maintain  
11 it in the R-4 district over the long term.

12 Alternatively, if the Commission adopts a  
13 proposed text amendment to permit Government agencies  
14 to locate within former schools within an historic  
15 districts, then this headquarters could be permitted  
16 within the R-4 district by special exception. This  
17 headquarters is located within the former Grimke  
18 Public School and within the greater U Street historic  
19 district.

20 Fire department support facilities are  
21 proposed to be permitted within the R-5 special  
22 purpose, commercial, industrial, and W1, 2, and 3 zone  
23 district. The property warehouse is located within  
24 industrial district and fleet maintenance is located  
25 within a commercial district consistent with those

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1 districts.

2           However, the communication facility is  
3 located within the R-5-B zone district which is used  
4 for dispatching 911 calls. As a residence district  
5 the Office of Planning recommended that only this  
6 communication facility be permitted within the R-5-B.  
7 This is a necessary part of the day-to-day operations  
8 of the fire department.

9           However, the fire department has now also  
10 informed the Office of Planning that they no longer  
11 have control over this facility that has been shifted  
12 to another department. The fire department did  
13 request that the stay in the text amendment should  
14 they again receive control over this tower.

15           It's recommended to be in there as a  
16 matter of right which will be different from a  
17 commercial antenna which will be permitted by special  
18 exception so, therefore, this would only permit for  
19 public safety uses and if commercial antenna uses were  
20 proposed for it, then it would fall under the R-5-B  
21 district regulations making it into a special  
22 exception.

23           Parking proposed for the fire department  
24 is the same as that which was approved for the police  
25 department. Existing and expanding facilities are not

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1 required to provide parking because of the difficulty  
2 in providing parking at existing sites and because the  
3 importance of providing the facility outweighs the  
4 need for parking. Therefore, parking will only be  
5 required for new locations where there will be the  
6 opportunity to provide parking and to reduce the  
7 impact of any new facilities in existing  
8 neighborhoods.

9 The proposed text amendments are  
10 consistent with the provisions of the comprehensive  
11 plan in that they will enable to fire department to  
12 provide optimum service, maintain and upgrade existing  
13 facilities, and increase the public sense of safety.  
14 Therefore, the Office of Planning recommends that the  
15 text amendment for the Department of Fire and  
16 Emergency Medical Service be set down for public  
17 hearing.

18 VICE CHAIR HOOD: Thank you, Mr. Moore.  
19 Colleagues, any questions? Any questions? If not,  
20 I'll entertain a motion to set down. Anybody else  
21 want to --

22 MR. JEFFRIES: Second.

23 VICE CHAIR HOOD: Anybody want to make a  
24 motion? I got a second. Now I just need a motion.

25 MR. PARSONS: I move that we set this

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1 matter down for public hearing.

2 VICE CHAIR HOOD: Thank you. I'll second  
3 it. All in favor by using the sign of voting.

4 ALL: Aye.

5 VICE CHAIR HOOD: Any opposition? So  
6 ordered. Staff, would you record the vote?

7 MS. SCHELLIN: Yes. Staff would record  
8 the vote four to zero to one to set down Case No. 04-  
9 29, Commissioner Parsons moving, Commissioner Hood  
10 seconding, Commissioners Hildebrand and Jeffries in  
11 favor, and Commissioner Mitten not voting having  
12 recused herself. Again, just to confirm, this will be  
13 a rulemaking case?

14 VICE CHAIR HOOD: Yes. Let me just ask,  
15 and hopefully my colleagues and OP and everybody will  
16 concur, and I'm sure they have already thought of  
17 this, but I was wondering if we could do both of these  
18 hearings the same night.

19 MR. BASTIDA: The Office of Zoning will  
20 look into it and would try to comply with your wishes,  
21 Mr. Vice Chairman.

22 VICE CHAIR HOOD: Okay. Thank you. We'll  
23 leave that up to the judgement of the staff to see how  
24 many people sign up and what not. Thank you.

25 Next moving right along with the agenda,

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1 as the Chair stated earlier, Capitol Gateway has been  
2 taken away off the agenda. Next we're moving to  
3 Zoning Commission Case No. 04-08/02-45 (St. Elizabeth  
4 Hospital, Second Stage.

5 Mr. Bastida.

6 MR. BASTIDA: Mr. Chairman, the staff has  
7 provided you with the new documents that we're filing  
8 and asking the Commission to make a decision on this  
9 matter. Thank you.

10 VICE CHAIR HOOD: Thank you. Colleagues,  
11 as you will see in our submittals -- post submittals  
12 that we received there are some plans, the elevations  
13 and sections of the proposed guard booth, color  
14 photographs, details of the metal exterior fence,  
15 photographs of models and illustrative plan.

16 One of the things that I remember hearing  
17 loud and clear was the agreement between the community  
18 which is the ANC and the applicant. I think Ms.  
19 Knisley, at least the time I heard her testify, has  
20 been very congenial and willing to work with the  
21 surrounding neighborhood. As we see in this  
22 agreement, she has done so.

23 The only thing that they've asked, and I'm  
24 sure that Mr. Bergstein could help with this, is that  
25 be incorporated into the final order. I'm not sure

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1 how that works.

2 MR. BERGSTEIN: Generally speaking that's  
3 not something that the Commission does. The only  
4 conditions that should be in the order are those  
5 conditions that you think are relevant to the  
6 application. You need to examine the MOU and decide  
7 which of the specific conditions are really necessary  
8 to mitigate any adverse consequences of the agreement.

9 Once you put it in the order, it falls  
10 upon the Zoning Administrator to enforce all those  
11 conditions. Generally speaking the Zoning  
12 Administrator prefers to enforce only those conditions  
13 which are germane to zoning issues. You need to  
14 consider whether or not the conditions that have been  
15 proposed are actually conditions that are germane to  
16 any adverse impacts that might result from the  
17 proposed plat.

18 VICE CHAIR HOOD: Okay. Let me just ask  
19 is there some kind of way we can point to this or do  
20 we need to specifically go through here and see which  
21 ones should be incorporated in the final orders? Some  
22 of them are actually, I believe, not in our  
23 jurisdiction but some of them may already be there  
24 like the 35 percent district LSDBEs. I think that's  
25 already covered.

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1 I just need some guidance on that. The  
2 first source, I think that's already covered. For  
3 example, they are saying, "Service and advocate to  
4 help students understand the importance of maintaining  
5 a high standard of responsibility." I don't think  
6 that's -- I just have a good feeling I think they will  
7 adhere to that between the two who signed for that,  
8 the ANC and Mrs. Knisley. Any comments, colleagues?  
9 Anybody disagree with what I'm saying or want to add  
10 something?

11 MR. HILDEBRAND: The one thing I noticed  
12 in reading through the MOU that I was surprised by was  
13 the lack of any commitment between the two parties on  
14 access to the more public facilities in the hospital  
15 itself. I know there was talk about shared use of the  
16 gymnasium or potential community use of the gymnasium  
17 and auditorium. I didn't see anything like that in  
18 the MOU. I was a little surprised by that.

19 VICE CHAIR HOOD: Yes, that may be in the  
20 findings. Mr. Bergstein, my question to you is there  
21 any kind of way in the Finding of Facts and Conclusion  
22 of Law can we point to this or do we have to be  
23 specific?

24 MR. BERGSTEIN: You can say that one of  
25 the conditions is to comply with each and every one of

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1 these conditions but my advice in these circumstances  
2 is to, first of all, make sure that the applicant by  
3 merely signing this, it's one thing to sign it. It's  
4 another thing for the applicant to say they agree to  
5 these being in the order. I don't know if the  
6 applicant has, in fact, consented to this.

7 Normally these types of agreements are  
8 reached and the they are privately enforced. They are  
9 not necessarily incorporated within the orders because  
10 then you end up getting attempts to use the zoning  
11 enforcement schemes because there are fines for  
12 violating Zoning Commission PUD orders.

13 The failure to do any one of these things,  
14 if you put them in the order, becomes a potential  
15 enforcement action that the community who signed this  
16 would be requesting a Zoning Administrator to do. The  
17 first thing I would suggest is between now and final  
18 action ask the applicant whether or not they consent  
19 to the complete incorporation of all these conditions  
20 in the order.

21 If they do, then the Commission can  
22 certainly do that. If they do not do that, then the  
23 Commission, I think, would have to determine which of  
24 these it would be appropriate to actually include  
25 within the Zoning Commission order.

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1 I would be pleased to advise you about  
2 that once I note the applicant's position and I have  
3 a chance to understand whether or not it would be  
4 appropriate for you to incorporate those conditions.  
5 But you can certainly ultimately if you decide to do  
6 it to simply incorporate all the conditions as a  
7 condition of the order.

8 VICE CHAIR HOOD: Okay.

9 MR. BERGSTEIN: I hope that's clear.

10 VICE CHAIR HOOD: That's pretty clear for  
11 me. Thank you, Mr. Bergstein.

12 MR. JEFFRIES: Well, being the newest  
13 commissioner, I'm just a little concerned about  
14 including all the conditions in this MOU. I mean, if  
15 we could perhaps cherry pick and just look at the ones  
16 that seem to be clearly tied to our jurisdiction, I  
17 mean, I'm fine with that but ideal, yes. I mean,  
18 unless I hear something different but I just think it  
19 seems to be a bit of an overreach.

20 VICE CHAIR HOOD: I was inclined to just  
21 go ahead and let this order stand on its own and we  
22 deal with how our final order when we deal with final  
23 action. But I think Mr. Bergstein brings up a good  
24 solution. A resolution to the issue is for us to  
25 check with the applicant and see to what point, to

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1 what extent, and then maybe we will be better advised  
2 on what should be in here and what shouldn't.

3 For example, I said some things I believe  
4 from looking at this should not be in our order and  
5 some things are probably in our order to begin with so  
6 I think we will be better advised at final action to  
7 hash through this very quickly and that way we will  
8 know everybody is coming from. I have the uttermost  
9 confidence in Ms. Knisley.

10 She has been down here in front of this  
11 Commission and I'm not advocating for her or speaking  
12 for her but she has testified very congenially and it  
13 looks like she has made an effort to make sure that  
14 she works for the neighborhood. I would be inclined  
15 to just go ahead and move forward and vote and not  
16 even worry about including the MOU but I think as a  
17 precautionary measure we should see to what extent we  
18 could include this.

19 MS. SCHELLIN: Can we get a submittal date  
20 that you would like the applicant to respond by?

21 VICE CHAIR HOOD: You tell me. Tomorrow?

22 MR. BASTIDA: Mr. Chairman, this will not  
23 be for final action at least until the December  
24 meeting so we can get basically all the November  
25 meeting to the month of November so we can say that

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1 the applicant needs to submit these by Tuesday,  
2 November 23 by 3:00.

3 VICE CHAIR HOOD: Okay. Sounds good. Is  
4 everybody on board with that?

5 MR. PARSONS: Yes. I think what we've  
6 done in the past is recognize something like this in  
7 Finding of Facts. I mean, it may just reduce it down  
8 to that. The Commission is aware of a memorandum of  
9 understanding that exist and not start to condition  
10 certain elements of it.

11 MR. JEFFRIES: If that's what you've done,  
12 I would prefer that because this seems to be --

13 VICE CHAIR HOOD: Okay. With that, I  
14 would move approval of proposed actions on Zoning  
15 Commission Case No. 04-08/02-45, St. Elizabeth's  
16 Hospital Second Stage with the amendments discussed.  
17 Can I get a second?

18 MR. JEFFRIES: Second.

19 VICE CHAIR HOOD: It's been moved and  
20 properly seconded. All those in favor?

21 ALL: Aye.

22 VICE CHAIR HOOD: Any opposition? So  
23 ordered. Staff -- Ms. Schellin, would you record the  
24 vote?

25 MS. SCHELLIN: Yes, staff would record the

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1 vote four to zero to one to approve proposed action in  
2 Case No. 04-08, Commissioner Hood moving, Commissioner  
3 Jeffries seconding, and Commissioners Hildebrand and  
4 Parsons in favor, Commissioner Mitten not voting  
5 having not participated. Could we just get those  
6 dates repeated again?

7 MR. BASTIDA: Yes. The applicant is to  
8 file Finding of Facts and Conclusion of Law by  
9 Tuesday, November 23, 3:00 in the afternoon. Thank  
10 you.

11 VICE CHAIR HOOD: Okay. Thank you, staff.  
12 We will now turn it back over to our chairperson,  
13 Chair Mitten.

14 CHAIRPERSON MITTEN: Thank you, Mr. Hood.  
15 I'll just take note of the fact that we have the case  
16 from, I guess, the appeal of our order on the American  
17 University Campus Plan and we have a remand order and  
18 we will be issuing, I guess, a response to that in due  
19 course.

20 Then I would also acknowledge the piece of  
21 correspondence that we got withdrawing the Riverside  
22 case which is Case No. 04-15. And a slew of new cases  
23 filed.

24 Mr. Bastida, is there anything else?

25 MR. BASTIDA: No, Madam Chairman. The

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1 staff has no other matters. Thank you.

2 CHAIRPERSON MITTEN: Thank you, Mr.  
3 Bastida. This meeting is adjourned.

4 (Whereupon, at 8:07 p.m. the meeting was  
5 adjourned.)

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