

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

MONDAY

MAY 13, 2013

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

MARCIE COHEN, Vice Chair

MICHAEL G. TURNBULL, FAIA, Commissioner  
(OAC)

PETER G. MAY, Commissioner (NPS)

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic  
Preservation

STEVEN COCHRAN

JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the  
minutes from the Regular Meeting held on May  
13, 2013.

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

6:39 p.m.

CHAIRMAN HOOD: This meeting will please come to order. Good evening ladies and gentlemen. This is the May 13th, 2013, Public Meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me is Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull. We are also joined by the Office of Zoning staff Ms. Sharon Schellin, Office of the Attorney General Mr. Ritting, Office of Planning Ms. Steingasser and Mr. Lawson.

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

Please be advised that this proceeding is being recorded by a Court

1 Reporter. It is also webcast live.  
2 Accordingly, we must ask you to refrain from  
3 any disruptive noise or actions in the hearing  
4 room. Please turn off all beepers and cell  
5 phones.

6 Does the staff have any  
7 preliminary matters?

8 SECRETARY SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. If not, let  
10 us proceed in the order of the agenda.

11 Okay. Let's go first with Consent  
12 Calendar item Zoning Commission Case Number  
13 07-26C. This is the O Street Roadside, LLC,  
14 Request for Minor Modifications to PUD at  
15 Square 398.

16 Ms. Schellin.

17 SECRETARY SCHELLIN: Yes, sir.  
18 This case was on the Commission's April 29th  
19 meeting and it was deferred to tonight's  
20 meeting to allow the Applicant an opportunity  
21 to modify or to clarify their modification and  
22 they have done so at Exhibit 5 and so we'd ask

1 the Commission to consider action this  
2 evening.

3 MS. HOFFMAN: Okay. Colleagues,  
4 we did as Ms. Schellin mentioned delay this so  
5 we can understand what was going on with the  
6 ECC, which is the East Center Civil  
7 Association. Let me open it up for any  
8 comments. Okay.

9 The only this that I really had a  
10 problems with, had some pause with is that I  
11 didn't hear anything or at least I didn't see  
12 anything from the East Central Civil  
13 Association but I believe that there will not  
14 be a misrepresentation. So, I would feel  
15 comfortable, especially since we have it on  
16 the record to move forward.

17 Any other discussion? Not hearing  
18 anybody else, I would move that we approve  
19 Zoning Commission Case 07-26E, Request for  
20 Minor Modification to PUD at Square 398 with  
21 the language provided to us in the exhibit  
22 presented tonight and ask for a second,

1 Exhibit 5.

2 VICE CHAIR COHEN: I'll second  
3 that.

4 CHAIRMAN HOOD: Okay. It's been  
5 moved and properly seconded. Any further  
6 discussion?

7 All those in favor, aye.

8 (AYES)

9 CHAIRMAN HOOD: Not hearing any  
10 opposition, Ms. Schellin, would you please  
11 record the vote.

12 SECRETARY SCHELLIN: Yes. Staff  
13 would record the vote five to zero to zero to  
14 approve final action on Zoning Commission Case  
15 Number 07-26E. Commissioner Hood moving,  
16 Commissioner Cohen seconding, Commissioners  
17 May, Miller and Turnbull in support.

18 CHAIRMAN HOOD: Okay. Next Zoning  
19 Commission Case Number 05-30C, Karajoel, LLC,  
20 PUD Modification at Square 17-3719. I must be  
21 trying and I don't really like hockey. Did I  
22 miss one? Oh, you know what. I'm already in

1 Final Action, I'm sorry.

2 Final Action, Zoning Commission  
3 Case Number 08-34B, Center Place Holding, LLC,  
4 18-month PUD Time Extension at Square 564, 566  
5 and 568.

6 Ms. Schellin.

7 SECRETARY SCHELLIN: Yes, sir, as  
8 you stated, it is a request for an 18-month  
9 time extension to the PUD. At Exhibit 6 we  
10 have an OP Report that cites no objection.  
11 Exhibit 5 is the Report from ANC-2C in  
12 support.

13 CHAIRMAN HOOD: Okay.  
14 Commissioners, we've heard the whole  
15 submission. I'd like to open up a discussion  
16 or a motion.

17 Commissioner May.

18 COMMISSIONER MAY: Yes, I don't  
19 object to this in principle, I mean, I can  
20 understand how a project that's complicated  
21 would take longer. There are some holes in it  
22 from my perspective. Maybe other

1 commissioners are more comfortable about it  
2 and can feel more comfortable about it.

3 One of the reasons cited for the  
4 delay is the fact that an environmental  
5 assessment took a lot longer than expected and  
6 it took 14 months. Having had experience in  
7 a lot of environmental assessments, 14 months  
8 is pretty darn fast for an environmental  
9 assessment. So, I don't know who was telling  
10 them it would be less, but that was not very  
11 good planning.

12 But the idea that you would need  
13 18 months extension when you've had a process  
14 that in its entirety, that you were planning  
15 for but planning less time for and it took 14  
16 months that would prompt a need for an 18-  
17 month delay. I mean, it doesn't quite make  
18 sense to me.

19 The other aspect of this is that  
20 the ANC did vote to approve it but they voted  
21 to approve an extension of 18 months to file  
22 for permits for the platform and

1 infrastructure and they're seeking a second  
2 modification of this where they're actually  
3 asking for 18 more months just to start  
4 utility relocations. Again, I think this  
5 project is tremendously complex and I can  
6 understand why it would take longer but, you  
7 know, point A is not connecting to point B.  
8 The threads are sort of discontinuous here.  
9 So, I'm wondering is anybody else has a better  
10 understanding of this. Maybe I just missed  
11 something.

12 CHAIRMAN HOOD: Anybody like to  
13 comment?

14 Vice Chair.

15 VICE CHAIR COHEN: Well, again, my  
16 colleague has a great deal of experience so I  
17 was actually smiling because I was confused as  
18 well as to why it needed the utility -- you  
19 know, is it concurrent? Is it, you know,  
20 sequential? I was a little confused about  
21 that.

22 CHAIRMAN HOOD: Let me ask this

1 and then I'll hear from other colleagues.

2 Do we feel like we have enough  
3 information to move forward or would we like  
4 to -- well, I'm not going to say simplify it.  
5 For me it may be simplified. I see it's  
6 complex and even when I first started reading  
7 it April 8th, 35 and 13, so I mean, well,  
8 that's a typo but anyway. I think that that  
9 even more complicates it. Not the typo but  
10 just the request and I'm looking at when it  
11 was asked for. How much additional time was  
12 asked for and how many times we've taken it  
13 up.

14 But, Vice Chair, did you mention  
15 about the moving of the utilities. I thought  
16 maybe, okay, not having a whole lot of  
17 experience on that, I thought that might have  
18 been part of the miscalculation in time. And  
19 there's some other things that they mention in  
20 their submission that might have been a  
21 miscalculation in their assessment of how long  
22 it would take to get this moving.

1 I open it up to any other  
2 discussions.

3 Mr. Turnbull.

4 COMMISSIONER TURNBULL: Yes, thank  
5 you, Mr. Chair.

6 I'm looking at the Applicant's  
7 Exhibit Number 1 on page 5. I mean, they're  
8 asking for 18 months to finalize design and  
9 engineering drawings and submit for approval  
10 to DDOT and the Department of Consumer and  
11 Regulatory Affairs. Utility relocation  
12 construction would then start within nine  
13 months of issuance of the public space permit  
14 for the utility relocation. So, I'm saying  
15 only 18 months here. I mean, are we reading  
16 in more to this? I mean, by the ANCs? I  
17 mean, the Applicant is asking for 18 months.

18 CHAIRMAN HOOD: Okay. And looking  
19 at the ANC letter. Looking at the complexity  
20 of the project, the commission felt it was in  
21 order to grant an 18-month extension to submit  
22 a permit for application for the construction

1 of a platform and based on construction  
2 December 31st, 2015.

3 So, I guess is that saying the  
4 same thing?

5 COMMISSIONER MAY: No, I think the  
6 information about the DDOT permitting process  
7 is a bit extraneous. This is why I just find  
8 it kind of confusing.

9 The extra 18 months allows them  
10 time to file everything that they need to be  
11 able to do the utility relocation. Yes. I  
12 guess what I'm most curious about is what's  
13 enough time for them to submit their permit  
14 for the actual platform? I mean, how much  
15 time is that going to take? That's the kind  
16 of thing that I'm most interested in.

17 CHAIRMAN HOOD: Okay.

18 Commissioner Miller.

19 COMMISSIONER MILLER: I don't have  
20 any answer to Mr. May's question, but I'm  
21 comfortable with moving forward with the  
22 extension. This is a very complex project.

1 Mr. May does have much more familiarity with  
2 EAs and EISs than I do, but if this were an EA  
3 and not an EIS. EAs from my own experience I  
4 thought were less than a year. EISs are up to  
5 18 months, but this is a very massive, unique  
6 -- well, I guess it's not so unique with the  
7 air rights over Union Station's tracks as  
8 well, but somewhat unique project that  
9 involves, I don't know how many over a million  
10 square feet of development. Then part of the  
11 EA process resulted in a change to where the  
12 ramps were going -- in negotiations with  
13 Federal highway, where the ramps are going to  
14 come and go and so I think the Massachusetts  
15 Avenue utility relocation happened partly  
16 because of those negotiations and in that  
17 process. So, I think that this is a realistic  
18 time frame to get these massive utilities on  
19 Mass Avenue relocated so that the deck design  
20 can begin, then I think we should grant that.  
21 That's just where I'm coming from.

22 Thank you, Mr. Chair.

1                   CHAIRMAN HOOD:   Okay.   Thank you.

2                   And I know the EA often dictates  
3 what goes on the EIS.   We've been through that  
4 a thousand times.

5                   I'm just curious, colleagues, for  
6 a level of understanding, unless we're just  
7 fine with the date set before us.   Do we want  
8 to ask for clarification or would we like to--  
9 you know, I don't always like to vote with a  
10 lot of pause.   I've heard a lot of pause up  
11 here.

12                  COMMISSIONER MAY:   I have a huge  
13 amount of pause.   I definitely understand the  
14 need for extending the project.   I think we  
15 just want to be careful about exactly how we  
16 do it.   And I'm not really keen on the idea  
17 that we would extend it and change what the  
18 finish line is essentially for that extension.  
19 So, I mean, I would be more comfortable if  
20 they were asking for, you know, 24 months or  
21 30 months or something like that to be able to  
22 file for the platform permit.   I would be more

1 comfortable doing that because that's more  
2 like what we normally do.

3 But that having been said, I don't  
4 have great anxiety about this. If the  
5 majority of the Commission is comfortable  
6 making this modification and kind of changing  
7 what triggers, you know, what completes the  
8 requirement, I'm not going to fuss much. I  
9 mean, I understand how complicated this is and  
10 I don't want to be an obstacle or delay things  
11 unnecessarily.

12 VICE CHAIR COHEN: Yes, I actually  
13 don't have a problem giving an extension. I  
14 just want to make sure that the extension is  
15 appropriate and there was some confusion about  
16 the 18-months. Was there a need for  
17 additional time for the public space permit  
18 for the utility? That was where I was, you  
19 know, confused and I don't want to see this  
20 project back again asking for another  
21 extension if it's at all possible,  
22 understanding how complicated it is. But I

1 just want to make sure 18 months is the  
2 appropriate amount.

3 COMMISSIONER TURNBULL: So, I  
4 think I don't have any angst with this with  
5 granting the 18 months, but as I read this,  
6 it's going to take 18 months to do the  
7 drawings. Then they're going to submit them  
8 to DDOT. Within nine months after getting  
9 approval from DDOT, that's when the  
10 infrastructure -- so, it's 27 months before  
11 you're actually going to see any construction,  
12 as long as we understand that. I mean, 18  
13 months is the drawings. I mean, if I'm  
14 reading this, it will require 18 months for  
15 the Applicant to finalize the design and  
16 engineering drawings and submit for approval  
17 to DDOT. Within nine months of issuance of  
18 the public space permit for the utility  
19 construction is when they're going to start  
20 construction. As long as we understand that.

21 COMMISSIONER MAY: And the  
22 construction they would be starting is just

1 the utility relocation.

2 COMMISSIONER TURNBULL: That's  
3 correct.

4 COMMISSIONER MAY: It's not even  
5 the platform.

6 COMMISSIONER TURNBULL: Right.

7 CHAIRMAN HOOD: Again, for me it's  
8 too much uncertainty for me. I would  
9 recommend that we ask for clarification.

10 COMMISSIONER TURNBULL: Do you  
11 want a better schedule or --

12 CHAIRMAN HOOD: Whatever to  
13 simplify it because if I was in the audience  
14 or in the city listening to the Commission  
15 right now and we vote on it, I would say that  
16 they just vote on anything uncertain. I mean,  
17 it's just the way we're having this discussion  
18 including I know what I think I read. I guess  
19 that's why there's five of us. But we need to  
20 have clarification. While I know nobody has  
21 any angst, I'd just like for us to move  
22 forward and know what we're voting on as

1       opposed to voting in the blind.

2                   COMMISSIONER TURNBULL: I would  
3 agree. If you want to have a more clearer  
4 schedule or overall schedule for how the  
5 project is going to be developed, I think  
6 that's fine. Right now I still say I really  
7 don't have any problems with it, but it would  
8 be good to see something clearer that would  
9 carry this all the way through.

10                   CHAIRMAN HOOD: Let me ask this  
11 not to be long because I don't think this is  
12 a major sticking point. When is our next  
13 hearing? Do we have seven days? We could do  
14 a Special Public Meeting on 6/20 or 6/15.  
15 Let's do 6/15 unless you all have any major  
16 concern, heartburn.

17                   SECRETARY SCHELLIN: Monday.

18                   CHAIRMAN HOOD: Monday?

19                   SECRETARY SCHELLIN: Yes, the  
20 20th.

21                   CHAIRMAN HOOD: Is that enough  
22 time?

1 SECRETARY SCHELLIN: Yes.

2 CHAIRMAN HOOD: Does the Applicant  
3 have enough time. Is the Applicant here?

4 SECRETARY SCHELLIN: You need more  
5 -- how much time do you guys need to review  
6 it. If you get it that evening is that going  
7 to give you enough time?

8 CHAIRMAN HOOD: Can we get here at  
9 6:00 and review it? We can review whatever  
10 they give us and we can do it that night.

11 SECRETARY SCHELLIN: How quickly  
12 can you -- you'll get it to me on Friday by  
13 email? Okay. I'll email it to you Friday.

14 CHAIRMAN HOOD: Okay. And plus we  
15 need it for the record, I believe.

16 SECRETARY SCHELLIN: I'll get it  
17 by email and email you.

18 CHAIRMAN HOOD: And we have a  
19 hearing Monday. Okay. That's enough time, I  
20 believe. Okay. I don't think that's going to  
21 take us --

22 SECRETARY SCHELLIN: 6:15.

1                   CHAIRMAN HOOD: It won't take us  
2 as long as it took us tonight. But I want to  
3 make sure we're doing stuff and we're all  
4 clear.

5                   SECRETARY SCHELLIN: So, that's a  
6 Special Public Meeting at 6:15 on May 20th.

7                   CHAIRMAN HOOD: Okay. 6:15.  
8 Again, I'm sorry for any inconvenience. Okay.

9                   Are we all okay on that one? We  
10 all agree? Okay. Thank you all.

11                   Okay. I think I'm at B, Zoning  
12 Commission Case Number 05-30C, Karajoel, LLC,  
13 PUD Modification at Square 3719.

14                   Ms. Schellin.

15                   SECRETARY SCHELLIN: Yes, sir.  
16 Staff has nothing further to add for this  
17 case.

18                   We just ask the Commission to  
19 consider Final Action this evening.

20                   CHAIRMAN HOOD: Okay. Colleagues,  
21 what I'm noticed. We didn't get an NCPC  
22 Report or did we already get it? Okay.

1 I don't know if there is anything  
2 outstanding we may have been asking for. We  
3 have a final order in front of us. Let me  
4 open it up for any discussion.

5 I think the necessary corrections  
6 have been made. I noticed there were a few  
7 issues that we grappled with about charter  
8 schools and what not. I think we dealt with  
9 a lot of that at the hearing which some of  
10 things that were asked for especially with the  
11 charter schools is not something we cannot  
12 actually bound any commission by. If they  
13 want to make any changes, they would have to  
14 go come back for a modification. I think that  
15 was the major sticking point.

16 Anything else, colleagues? Okay.

17 Someone like to have a motion?

18 COMMISSIONER TURNBULL: Mr. Chair,  
19 I would move that we approve Zoning Case  
20 Number 05-30C, Karajoel, LLC, PUD modification  
21 at Square 3719 and look for a second.

22 VICE CHAIR COHEN: I will second

1 that.

2 CHAIRMAN HOOD: Okay. It has been  
3 moved and properly seconded. Any further  
4 discussion?

5 All those in favor?

6 (AYES)

7 CHAIRMAN HOOD: Not hearing any  
8 opposition, Ms. Schellin, would you record the  
9 vote.

10 SECRETARY SCHELLIN: Yes. Staff  
11 records the vote five to zero to zero to  
12 approve final action on Zoning Commission Case  
13 Number 05-30C. Commissioner Turnbull moving,  
14 Commissioner Cohen seconding, Commissioners  
15 Hood, May and Miller in support.

16 CHAIRMAN HOOD: Next, Zoning  
17 Commission Case Number 11-03B, Hoffman-  
18 Streuver Waterfront, LLC, second stage PUD at  
19 Square 473 at Parcel 5.

20 Ms. Schellin.

21 SECRETARY SCHELLIN: Yes, sir. At  
22 Exhibits 38 and 40 through 42 we have the

1 Applicant's submissions regarding its proposed  
2 proffers and conditions. Exhibit 43 is ANC-  
3 6D's submission regarding the Bus Management  
4 Plan meeting which the Commission asked the  
5 ANC and the Applicant to meet and provide an  
6 update before Final Action. And then at  
7 Exhibit 44 the Applicant provided it's Bus  
8 Management Plan.

9 CHAIRMAN HOOD: Okay. Thank you,  
10 Ms. Schellin.

11 Again, colleagues, I think the Bus  
12 Management plan was one of the major sticking  
13 items. I will commend Chairman Litsky and  
14 also the Applicant for coming back with a  
15 plan.

16 It looks like it's favorable at  
17 least the way I read it. ANC-6D appreciates  
18 being given the time to work out the details  
19 and that's exactly what this Commission  
20 allowed.

21 Let me open it up for any other  
22 comments.

1 Commissioner Miller.

2 COMMISSIONER MILLER: Thank you,  
3 Mr. Chairman.

4 Yes, I would join you in  
5 commending the Applicant and the ANC for  
6 coming together with the Bus Management Plan  
7 that they requested prior to Final Action  
8 today and, again, reiterate our previous  
9 appreciation to the changes that were made  
10 after the hearing and prior to the proposed  
11 action that addressed several Commission  
12 concerns including the additional wharfs  
13 staircase that was added and other changes to  
14 the roof line, I think. So, thank you, Mr.  
15 Chair.

16 CHAIRMAN HOOD: Okay. Any other  
17 comments or would someone like to make a  
18 motion?

19 Vice Chair.

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

22 I move to approve Zoning

1 Commission Case Number 11-03B, Hoffman-  
2 Streuver Waterfront, LLC, second stage PUD at  
3 Square 473, also known as Parcel 5.

4 CHAIRMAN HOOD: Okay. It's been  
5 moved and properly seconded. Any further  
6 discussion?

7 All those in favor?

8 (AYES)

9 CHAIRMAN HOOD: Not hearing any  
10 opposition, Ms. Schellin, would you please  
11 record the vote?

12 SECRETARY SCHELLIN: Yes, sir.  
13 Staff will record the vote five to zero to  
14 zero to approve Final Action on Zoning  
15 Commission Case Number 11-03B. Commissioner  
16 Cohen moving, Commissioner Miller seconding,  
17 Commissioners Hood, May and Turnbull in  
18 support.

19 CHAIRMAN HOOD: Okay. Zoning  
20 Commission Case Number 12-20, 13th and &  
21 Lessee, LLC, Consolidated PUD and Related Map  
22 Amendment at Square 237.

1 Ms. Schellin.

2 SECRETARY SCHELLIN: Yes, sir.

3 Exhibits 37 and 42 we have the Applicant's

4 submission regarding it's proposed proffers

5 and conditions. Exhibit 39 is the

6 Supplemental Report from OP. Exhibits 40 and

7 41 are submissions from Creme Cafe and Ms.

8 Johnson regarding the meeting with the

9 Application. If you recall the record was

10 reopened to allow them to provide a response

11 to an exhibit that was submitted from the

12 Applicant regarding meetings that they had

13 with them,

14 Today we received a request to

15 reopen the record from Dan Wittels, however,

16 that request was denied.

17 Thank you.

18 CHAIRMAN HOOD: Okay. Thank you,

19 Ms. Schellin, again.

20 Colleagues, the request was denied

21 earlier today, unless anyone objects to me

22 denying that request. I think it's very late

1 in the game, Actually, we're here for Final  
2 Action.

3 Let me open it up for any  
4 comments. Any other comments on the Creme  
5 Cafe and Ms. Johnson's submissions?

6 I will say that I think that while  
7 I think the argument for the Cafe and others,  
8 there's not enough monetary money. It's only  
9 so far this Commission move in that direction.

10 I was also glad to see though that  
11 it was made a condition even though I know  
12 that the argument from the Cafe was that it  
13 was not enough. Obviously there was not  
14 enough funding but I don't know how far the  
15 Zoning Commission gets into individual  
16 agreements, usually don't. And this is one of  
17 those cases.

18 Let me open it up for any  
19 comments.

20 VICE CHAIR COHEN: Yes, Mr.  
21 Chairman, with regard to the Cafe, there is a  
22 lease and there's 10 months on the lease and,

1 you know, the lease dictates how the lessee  
2 and the lessor will agree to termination. So,  
3 we can't really can't involved in that. And  
4 as you said, there was a small effort made to  
5 compensate for some of the moving expenses.  
6 You know, I don't think we can get into the  
7 details of that as well.

8 CHAIRMAN HOOD: Any other comments  
9 from any other Commissioners?

10 Commissioner May.

11 COMMISSIONER MAY: I just wanted  
12 to note. the Office of Planning's report  
13 regarding the store front guidelines and bike  
14 and shower and it looks like all of that has  
15 been worked out and presumably the revised  
16 conditions have been written into the order.

17 CHAIRMAN HOOD: Okay. Any further  
18 discussion?

19 Any other comments?

20 Somebody like to make a motion?

21 VICE CHAIR COHEN: Can I just make  
22 one other comment?

1           The property next door, you know,  
2           there's insurance that every developer has to  
3           take out to assure that damage isn't done to  
4           adjacent buildings, etcetera. And, again,  
5           that's standard operating procedure and I  
6           don't know how much more we can require of the  
7           Applicant to provide any additional guarantees  
8           other than, you know, there is a proper policy  
9           is place.

10           CHAIRMAN HOOD: Okay. You're  
11           exactly correct. Let me just ask. Does  
12           anyone have any issues about the mural which  
13           I understand --

14           VICE CHAIR COHEN: Well, the mural  
15           was covered for a very long, long time and I  
16           don't really believe that anybody knows that  
17           it existed except there might have been a  
18           small article in a local newspaper at some  
19           point in time. But that's been brought up  
20           fairly late as well. And I think the  
21           Applicant is going to, if they can, do some  
22           kind of photography of it, is my

1 understanding.

2 CHAIRMAN HOOD: Okay. Again, I  
3 don't know how much more we can ask for and  
4 it's only certain points that we can push  
5 within the realm of our jurisdiction. A lot  
6 of times in years past we and including myself  
7 have asked for much more than what I'm  
8 supposed to and I appreciate all those who  
9 accommodated, but I know the stopping point.

10 So, any further discussion?

11 Somebody -- did anybody make a  
12 motion? Okay.

13 VICE CHAIR COHEN: Mr. Chairman, I  
14 will move to approve Zoning Case Number 12-20,  
15 13th and U Lessee, LLC, consolidated PUD and  
16 related map amendment at Square 237.

17 CHAIRMAN HOOD: Okay. It's been  
18 moved. Do I have a second? It's moved and  
19 properly seconded.

20 Any further discussion?

21 I just also want to mention that  
22 at no time did I direct anybody to meet with

1 anyone. I always ask, put a mark on my paper  
2 when I was reading it. I can't direct anyone  
3 to meet with someone in the fashion that it  
4 was mentioned. What I do is ask people to  
5 meet.

6 Any further discussion?

7 All those in favor?

8 (AYES)

9 CHAIRMAN HOOD: Not hearing any  
10 opposition, Ms. Schellin, would you record the  
11 vote.

12 SECRETARY SCHELLIN: Staff records  
13 the vote five to zero to zero to approve Final  
14 Action on Zoning Commission Case Number 12-20.  
15 Commissioner Cohen moving,

16 CHAIRMAN HOOD: Okay.

17 SECRETARY SCHELLIN: Commissioner  
18 Miller seconding, Commissioners, Hood, May and  
19 Turnbull in support.

20 CHAIRMAN HOOD: Okay. Next under  
21 Correspondence, Ms. Schellin, we have two  
22 letters. A letter the ZRR letter from Ms.

1 Alma Gates and a letter from Ms. Ellen  
2 McCarthy.

3 Ms. Schellin.

4 SECRETARY SCHELLIN: I have  
5 nothing further to add other than as you said,  
6 there are two letters from Ms. Gates and Mc.  
7 McCarthy regarding proceeding with the ZRR  
8 Process.

9 CHAIRMAN HOOD: Okay.

10 Commissioners, we have a request from -- we  
11 actually have a request and a comment back  
12 from members of the task force. One request,  
13 I think, is totally different from, at least  
14 the way I read it, totally difference from the  
15 response of the other request disagreeing with  
16 the first request from the second request.

17 But what I'd like to do to kind of  
18 give us a reference. This has been going on  
19 for a long time. I'm not ever sure if we put  
20 anything in writing about the process. I'm  
21 going to go to Ms. Steingasser. I have a few  
22 questions I'd like to peruse with her to kind

1 of bring those of us up to speed and also help  
2 reinforce some of the memory because we  
3 started this, I want to say 2005, but it may  
4 have been 2007.

5 Ms. Steingasser, the question I  
6 had first is did we ever put anything like a  
7 process in writing?

8 MS. STEINGASSER: When the task  
9 force was first formed the Office of Planning  
10 invited each councilmember and several  
11 stakeholder groups to provide a member. There  
12 was never a public hearing. There was never  
13 required confirmation that there had been a  
14 majority vote of these stakeholder groups.

15 The people were volunteers and at  
16 our first member in November 2007 -- November  
17 28th, 2007, they were provided with PowerPoint  
18 slides that kind of went through what the  
19 expectation would be. It was never meant to  
20 be a consensus building. It never had the  
21 expectation of having authority onto itself.  
22 It really is a volunteer group to provide

1 feedback to the Office of Planning. That was  
2 made very clear. The original expectation was  
3 that they would need price once every two  
4 months and that they would participate  
5 primarily electronically. We found that the  
6 oral interchange was actually much more  
7 productive in terms of being able to talk to  
8 each other, as well as OP. So, we started  
9 holding more regular meetings. But there is  
10 no expectation that there would be consensus  
11 or that the Office of Planning reported to  
12 this task force. They were truly a group of  
13 volunteers to provide feedback to the Office  
14 of Planning. And it was provided for them in  
15 terms of the PowerPoint which is also up on  
16 our website from November 28th.

17 CHAIRMAN HOOD: As I looked at  
18 this, I went back to the website and looked at  
19 the information. This task force and I'm  
20 looking at the councilmembers and I'm just  
21 wondering as the councilmembers changed were  
22 these positions replaced? Because I'm looking

1 at some of the name including mine. If I  
2 asked you for the tenants I'm sure my name  
3 would be on maybe one or two for various  
4 reasons. And I'm sure, looking at these names  
5 there are some others who probably would be  
6 like me who didn't attend. And, I guess, did  
7 we keep an attendance of the --

8 MS. STEINGASSER: We have some  
9 intermittent attendance but as time went on,  
10 people came a little bit. They didn't come as  
11 much. And with all due respect to you, you  
12 made it very clear why you were ceasing to  
13 come and that you had received some criticism  
14 and you felt that you needed to be more  
15 impartial. So, I don't think anybody took  
16 quite as deliberate a position. That was  
17 clear to their colleagues as to why they would  
18 no longer be coming.

19 Most people continued to come.  
20 We didn't ask them to no longer come once  
21 their councilmember changed. They continued  
22 to participate. We found the continuity to be

1 very important in terms of having people kind  
2 of follow the process and understood.

3 Councilwoman Shay changed representative, but  
4 mostly the task force remained the same.

5 The attendance typically runs  
6 around, I'd say eight -- six to eight people.

7 CHAIRMAN HOOD: Let me just ask  
8 this. For example, Councilmember Grosso, he  
9 just came on the Council. Councilmember  
10 Bonds. Would they have had an opportunity.  
11 I know that's late in the game but would they  
12 -- and the reason I'm asking because I can  
13 tell you. There have been some concerns from  
14 some councilmembers also that I've heard. So,  
15 I'm just wondering, would they have had an  
16 opportunity to place somebody on the task  
17 force?

18 MS. STEINGASSER: If they had  
19 wanted to, yes.

20 CHAIRMAN HOOD: They would just  
21 have to contact the Office of Planning?

22 MS. STEINGASSER: Right. But at

1 this late date it would be a very uphill, but  
2 we would certainly welcome any of the new  
3 councilmembers.

4 CHAIRMAN HOOD: I have a few more  
5 but let me open it up.

6 Vice Chair and then I'll go t  
7 Commissioner Miller.

8 VICE CHAIR COHEN: I just think  
9 that, you know, these letters are -- you may  
10 have read into them more than I have. I don't  
11 have the history that you have. And I'm  
12 pleased about that because I think I would  
13 have been pulling my hair out by now.

14 I just think it's our role to now  
15 finally, eventually set down the ZRR and have  
16 public hearings and we can hear from  
17 everybody. There will not be any consensus.  
18 There never is consensus on something that is  
19 as comprehensive as these changes are. And I  
20 think it's about time we say, let's just have  
21 our public hearing and hear from everybody who  
22 wants to present testimony and then, you

1 know,that will help us, evolve and make  
2 decisions. But to continue to have all of  
3 these possible roundtables really will -- I  
4 don't think that's our role frankly.

5 I thought about this a lot over  
6 the past -- what have I been on the  
7 Commission,a year and a half. And it just  
8 seems like it's a very painful process for  
9 everybody. But everybody will have an  
10 opportunity to express their opinions one way  
11 or the other. I mean, I think that that's the  
12 most important thing is to eventually get it  
13 down in front of us but that's my minority  
14 opinion.

15 CHAIRMAN HOOD: Commissioner  
16 Miller.

17 COMMISSIONER MILLER: Thank you,  
18 Mr. Chairman.

19 I tend to agree with the Vice  
20 Chair's comments, but I just wanted to -- Ms.  
21 Gates' letter requests this Zoning Commission  
22 roundtable to set out an agreeable timeline

1 and process for the future of the ZRR. I  
2 wonder if the Office of Planning just for the  
3 record at this juncture say when -- what is  
4 the process that the Office of Planning sees  
5 going forward from here?

6 MS. STEINGASSER: Let me just ask  
7 because I was going to go there. Can I just  
8 ask that we do this. And we can still do it  
9 but I think with the task force to solve it,  
10 I was going to get to that at the end, but  
11 Commissioner Miller is exactly in line -- but  
12 I think we need to start putting stuff -- I  
13 don't know if we have it in black and white.  
14 Not that it can't be fluid, but I think when  
15 you go back -- I know it's on the website, but  
16 I think going forward for the task force, for  
17 us, Office of Planning, Office of Zoning and  
18 for the public, if we document it, you know,  
19 and sometimes in parenthesis we may say  
20 tentative. I want you to do exactly what  
21 Commissioner Miller said. But also what I'm  
22 going to do at the end is ask if the Office of

1 Planning would give us that diagram. And not  
2 saying that we're holding you to it, but that  
3 it could be fluid. And then everybody would  
4 be on the same page. There won't be any  
5 misunderstanding. Let me let you do that.

6 MS. STEINGASSER: Okay. Well, as  
7 you know, we were moving forward to finishing  
8 the draft text in the fall and the Commission  
9 asked that we begin our community outreach  
10 prior to concluding our draft text and much of  
11 this came from certain members of the task  
12 force that felt very strongly that prior to  
13 finishing our draft we should go out to the  
14 public. And prior to bringing it to the  
15 Commission we should go out to the public.  
16 So, we did that.

17 I know the Commission had concerns  
18 about taking stuff out to the public that the  
19 Commission may or may not agree with because  
20 you wouldn't have had a chance to see it  
21 yet, but you conceded that that would be in the  
22 best interest.

1                   So, we did do a series of  
2                   community outreach meetings. Office of  
3                   Planning hosted eight, one in every ward. It  
4                   was the same meeting. I did check last week.  
5                   It is still available on Channel 16 on Demand.

6                   We heard a lot of really, really  
7                   good feedback from those community outreach  
8                   meetings. And as a result, we have made some  
9                   major modifications to the way the zoning text  
10                  is going to look compared to the original  
11                  draft. It will be much more similar and much  
12                  more familiar to people in terms of the layout  
13                  being a little bit more reflective of the  
14                  current code.

15                  That's taken us quite a bit of  
16                  time to reorient the formatting again. We did  
17                  proceed with some of the creation of new zones  
18                  as we had talked about earlier. But that's  
19                  where we've been working all this spring as  
20                  we've been rolling out -- completing the new  
21                  drafts of these texts. We've been taking them  
22                  to the task force. So, the task force has now

1       seen, I think, three.

2                       We're having another meeting on  
3       the 22nd of this month where we'll be going  
4       over the downtown industrial and there's a  
5       third one. And then we hope to bring it to  
6       the Zoning Commission we're saying late june,  
7       but definitely by the summer break. And then  
8       the Commission can determine how you want to  
9       proceed with setting it down or holding  
10      hearings or what you want to do. But I think  
11      you'll find that the text is much more  
12      familiar than the direction we had started in,  
13      where we were going to have youth groups and  
14      all impacts. And you were going to, you know,  
15      connect these dots. We found that it  
16      basically become overwhelming and because  
17      there are so many cross sections, it was just  
18      right for mistakes. So, we started to regroup  
19      things a little bit and we found that to be a  
20      much more comfortable format.

21                      So, we've been spending a lot of  
22      time reformatting that. A lot of that came

1 out of the task force and the community  
2 outreach meetings. And, you know, to date we  
3 are at 298 public meetings and that doesn't  
4 include the public meetings that the Zoning  
5 Commission has had in addition to your  
6 hearings. It does include the public  
7 hearings. You've had 20 of those, but you've  
8 also had another two dozen public meetings  
9 where you've discussed and given guidance.

10 So, we feel like we've done a  
11 great deal of outreach. We've done a great  
12 deal of public preparation of documents and  
13 tried to keep everybody involved. But we hope  
14 to get that to you by the end of June,  
15 beginning of July.

16 CHAIRMAN HOOD: Let me just say  
17 this. I do want to comment on the Office of  
18 Planning, whether you agree with the process  
19 or not. From what I understand, at least  
20 every time I've asked, you've been willing to  
21 and my colleagues has asked you've been  
22 willing to at least approach -- do the best

1 you can. Did you get to every door? No. Did  
2 we ever get to every door? No. I know that  
3 from community work.

4 But when I looked at the request  
5 from Ms. Gates and I'm in no mind frame of  
6 trying to slow up anything or stop the  
7 process. I just think we need to have  
8 something written, not that it's a written  
9 hard-fast rule, not just the regulation but  
10 something that the Zoning Commission, Office  
11 of Zoning, Office of Planning because you all  
12 took the lead on that at that point until we  
13 get to the text. And also the task force and  
14 everyone can kind of say, this is how we move  
15 forward. This is what we're going to do and  
16 that way, you know, sometime having to go back  
17 and relook at the transcript, people get  
18 confused. I may get confused. You may say  
19 one thing, I may change it around for you and  
20 say something else. You may say six months.  
21 I may say -- you say three months. But, you  
22 know, not saying that we have to stick to it

1 but something we all can kind of look at to  
2 say this is our goal, even though we know  
3 other things can happen. I know you all have  
4 put a lot of time into this. It may change  
5 then. I think we should be liable for that  
6 change if we need to. But I think we're on  
7 target at least I think set this down as you  
8 say. And that's the kind of stuff we need to  
9 capture because even in this hearing, people  
10 get it confused and mixed up.

11 Now, I'm asking my colleagues, the  
12 way I see these two letters, two separate.  
13 One thing I've learned and I actually learned  
14 this when Mayor Gray was the Chairman. He  
15 would always list and I think at least that's  
16 what I see from Ms. Gates. I think she's  
17 asking us about process versus Ms. McCarthy's  
18 letter which is talking about substance. I  
19 don't think Ms. Gates, at least from what I  
20 see, I don't want to talk about process. And,  
21 you know, we may not even need to do a  
22 roundtable.

1                   But this Commission and, Vice  
2                   Chair, to your comments, this Commission has  
3                   done a roundtable for the campus plans. In my  
4                   15 years, we did more than one roundtable for  
5                   campus plans. And I forgot we were trying to  
6                   achieve whether the Zoning Commission is going  
7                   to keep it or it was going to go to the BZA  
8                   and that was a big deal at that time.

9                   One of the things that the  
10                  Commission did then is listen. And I know and  
11                  I don't want to contradict what I had the  
12                  Office of Zoning put up on the website is that  
13                  the hearing is going to take precedence and  
14                  that's when we're really going to really hash  
15                  everything out in the hearing room.

16                 But when I read Ms. Gates' letter  
17                 it talks about our process. And that's why if  
18                 we don't do a roundtable I would just ask the  
19                 Office of Planning if we could just do that  
20                 little synchronization sheet and then -- I  
21                 don't know. When is your next task force  
22                 meeting?

1 MS. STEINGASSER: The 22nd of this  
2 month.

3 CHAIRMAN HOOD: Okay. So, maybe  
4 that's the way we move forward and then --

5 MS. STEINGASSER: Okay.

6 CHAIRMAN HOOD: -- let us see it  
7 and that way we'll all be on the same page  
8 because I was inclined to, because one thing  
9 this city wants is to heard and I was inclined  
10 to sit and do a roundtable like we did some  
11 years back on the campus plan issue. But if  
12 we can start putting stuff down. I'm not  
13 saying we're going to hold us to it because we  
14 know this is -- well, first time in what? It  
15 was 50 years. I think it's a little more than  
16 that Maybe it's like 56, 57 years that we  
17 have rewritten the zoning code.

18 So, it's no exact science. Peter  
19 May will probably be the only person around  
20 when we rewrite it again in 50 years. So, I  
21 don't want to say I'm holding the Office of  
22 Planning to us but also want to say that we

1 want to make sure that we trying to  
2 accommodate as many of the masses as possible.  
3 And I'm not saying you haven't done that.  
4 That's just my opinion.

5 Vice Chair.

6 VICE CHAIR COHEN: Thank you, Mr.  
7 Chair. I just want to clarify something  
8 because I may have come across as harsh. And  
9 I do have, you know, a great deal of respect  
10 for Ms. Gates and what she is saying. I think  
11 my point is that it has been a very long time  
12 and that I do want to hear what, you know, the  
13 citizens have to say. This is extremely,  
14 extremely important. And I think though for  
15 us the proper venue is a hearing as opposed to  
16 another roundtable, you know. It's just going  
17 to go on and on and I just think there has to  
18 be an opportunity for us to hear everyone's  
19 concerns and, you know, they will line up, I  
20 know, because it is important and it is  
21 controversial. And as I said, it's been going  
22 on for many years of which I've only, you

1 know, really been involved for a shorter time.

2 So, I don't mean to in any way  
3 imply that I'm not interested in the citizens  
4 of the city and what they're saying. I think  
5 I just disagree with Ms. Gates and that the  
6 task force has been around a long, long time.  
7 There will never be consensus on these things  
8 and we just need to move forward.

9 CHAIRMAN HOOD: And, again, this  
10 by us having a discussion, Vice Chair, you and  
11 I and I know you will take what I'm saying.  
12 You and I are basically not saying the same  
13 thing but we both read the same letters and I  
14 think Ms. Gates' letter is not dealing with  
15 the merits. Where I think it's the process  
16 where Ms. McCarthy's letter is dealing with  
17 the merits. And all I'm saying is if we're  
18 having that kind of dialogue right there,  
19 either we do a round table, which obviously is  
20 not favorable or we kind of start trying to  
21 put it in black and white of how we're  
22 proceeding. If Mr. Lawson and Ms. Steingasser

1       come in here with a change that we're going to  
2       be upset and we're going to hold them to it  
3       and we're going to stand and just badger them.  
4       No, that's not what we're trying to do. What  
5       we're trying to say is, okay, this is what we  
6       laid out the process. Office of Planning is  
7       directing us at this point until we get the  
8       text. This is how they've laid out how we're  
9       going to move forward. That's all I'm saying.  
10      And I think that's what we would achieve in  
11      the roundtable but maybe putting it in black  
12      and white would be better. But let's hear  
13      from somebody else.

14                               Mr. Turnbull.

15                               COMMISSIONER TURNBULL: Thank you,  
16      Mr. Chair. And I just want to reassure the  
17      Vice Chair that we never think of you as  
18      harsh.

19                               My only comment is, I think two  
20      years ago when we had the roundtable, I think  
21      we were at a point where I think it was good.  
22      I think it was a good step for us, the Zoning

1 Commission to meet with and to step in and to  
2 have that talk, but I think then it was also  
3 important for us to step back and let the  
4 Office of Planning and the task forces have  
5 those meetings and those dialogues and let the  
6 Office of Planning do that. And that our role  
7 is really going to come in in the hearings.  
8 I think that's what we're now going to hear  
9 the input but I think we needed to have that  
10 first roundtable meeting but then I think we  
11 need to then step back and let the process as  
12 being run by the Office of Planning take hold  
13 and let them take the lead. And I'm looking  
14 forward to the hearings and the comments. But  
15 I want to compliment the Office of Planning  
16 for jumping out and having all those community  
17 meetings and getting the input.

18 CHAIRMAN HOOD: I would agree. Do  
19 you think we can get to 300?

20 Okay.

21 CHAIRMAN HOOD: Okay.

22 Commissioner May.

1                   COMMISSIONER MAY: Yes. I don't  
2                   want to talk just about the letters that have  
3                   been received. I think those have been  
4                   addressed fairly thoroughly. But I do want to  
5                   thank the members of the task force for  
6                   attending so many of those meetings. And  
7                   there were 298 meetings that the Office of  
8                   Planning has held, I imagine the task force --  
9                   there have been members there who have done  
10                  dozens of meetings over the course of the  
11                  years.

12                 MS. STEINGASSER: I think the task  
13                 force has had in the 30's.

14                 COMMISSIONER MAY: In the 30's,  
15                 yes. And that's a lot of time. I don't know  
16                 how it's even possible to do 298 public  
17                 meetings.

18                 How many hearings have we already  
19                 had on the ZRR?

20                 MS. STEINGASSER: The Zoning  
21                 Commission has had 20 public hearings.

22                 COMMISSIONER MAY: Twenty public

1       hearings and we've discussed it at numerous  
2       meetings as well and made some preliminary  
3       decisions about things.  And when was the last  
4       time we actually had a hearing on it, do you  
5       remember?

6                       MS. STEINGASSER:  I don't  
7       remember.

8                       COMMISSIONER MAY:  At least a  
9       couple of years ago, wasn't it?

10                      MS. STEINGASSER:  At least two  
11       years ago.

12                      COMMISSIONER MAY:  Yes.  So, I  
13       mean, I think the time is right.  I don't  
14       think it's going to take us 298 hearings to  
15       finish it, but, you know, who knows.

16                      I'm anxious to get started.  I  
17       think that we got a good start on things and  
18       we had to take a step back and do a little bit  
19       more public outreach and public communication.  
20       I don't see a lot of purpose in doing a  
21       roundtable or other kinds of outreach at this  
22       point.  I think we just need to start having

1       hearings and hear directly from people about  
2       the zoning regulations. So, I look forward to  
3       do it and end of June, early July, something  
4       like that is when we'll see the draft regs and  
5       I will plan on not having an evening life for  
6       the fall and spring. We'll just be here all  
7       the time, including volleyball night? I don't  
8       know. Hopefully, I can play volleyball.

9                   CHAIRMAN HOOD: I was planning to  
10       schedule that for volleyball night.

11                   COMMISSIONER MAY: Yes, I figured  
12       you would.

13                   CHAIRMAN HOOD: That's the goal.  
14       Tuesday and Wednesday actually. We may just  
15       come every day of the week, Monday, Tuesday,  
16       Wednesday and Thursday. We can take Friday  
17       off.

18                   COMMISSIONER MAY: Yes, okay.  
19       Thank you.

20                   CHAIRMAN HOOD: You're welcome.  
21       Okay.

22                   Anybody else?

1 Commissioner Miller.

2 MS. STEINGASSER: I just want to  
3 add that I think, not to prejudge when we're  
4 going to set it down, but if we do set it down  
5 there will be extensive public hearings and  
6 opportunity for comment as there has been  
7 throughout the process having someone who has  
8 attended many of those ZRR task force meetings  
9 when I was the council chairman observer,  
10 under Chairman Gray.

11 COMMISSIONER MAY: Sounds like you  
12 want to do more than 298 hearings. No? Okay.  
13 I didn't want to misinterpret.

14 CHAIRMAN HOOD: So, on the 22nd,  
15 Ms. Steingasser, can we -- do you see a  
16 problem with maybe outlining as we move  
17 forward? I mean, if that's a problem, let me  
18 -- just so we put it on the public record.

19 MS. STEINGASSER: No, we can get  
20 something to the Office of Zoning by the end  
21 of this week that kind of lays out the rough  
22 schedule that we're looking at.

1                   CHAIRMAN HOOD: And to the task  
2 force on the 22nd of this month?

3                   MS. STEINGASSER: The task force--  
4 the task force is aware of the schedule.  
5 We've been talking to them about it for a  
6 couple of months.

7                   CHAIRMAN HOOD: I mean, do they  
8 have anything written down so we won't forget  
9 just like, you know, we all forget like me.  
10 Like the roundtable we had two months ago even  
11 though we didn't have a roundtable. That kind  
12 of stuff. We all forget.

13                   MS. STEINGASSER: We'll be happy  
14 to. We start every task force meeting with a  
15 Power Point that kind of reminds us where  
16 we've been and where we're going that kind of  
17 lays it out. But we'll be happy to get a more  
18 comprehensive document that would be the same  
19 as what you get is what they get.

20                   CHAIRMAN HOOD: Okay. And last  
21 question, I think you mentioned this. The  
22 Office of Planning basically was the initiator

1 of this. They were the ones who set -- they  
2 didn't act like a council but you all reached  
3 out to the councilmembers as you stated and  
4 asked councilmembers to appoint someone. You  
5 all did the leg work of who was -- well, which  
6 groups were going to be recommended as far as  
7 community people, business groups.

8 MS. STEINGASSER: Yes,

9 CHAIRMAN HOOD: Okay. All right.

10 Are there any other questions?

11 You say 2007, I don't know I think it was  
12 2005.

13 MS. STEINGASSER: Well, the Office  
14 of Zoning and the Zoning Commission started  
15 discussions probably the end of 2005/2006 we  
16 started talking about moving forward and how  
17 would we move forward and kind of allocating  
18 the work and you did have a roundtable in June  
19 and July of 2007. So, obviously, we had  
20 worked up to that in the schedule. So, I  
21 would say easily 2006 --

22 CHAIRMAN HOOD: Okay.

1 MS. STEINGASSER: -- we started  
2 work. Probably in 2005 we started noodling  
3 around of how to even approach things.

4 CHAIRMAN HOOD: Approach. Okay.  
5 All right. Any other questions?

6 SECRETARY SCHELLIN: Chairman  
7 Hood, may I ask. With what Ms. Steingasser  
8 provided since we don't have an open file  
9 right now can we, if we have permission, maybe  
10 we could post that on our website, that  
11 schedule since we can put it there since we  
12 don't have an open record right now?

13 CHAIRMAN HOOD: Okay.

14 SECRETARY SCHELLIN: That way it  
15 will be available for everyone.

16 CHAIRMAN HOOD: We can put that up  
17 there right next to the letters. Okay. We'll  
18 put all that there together.

19 SECRETARY SCHELLIN: The letters  
20 are just in general --

21 CHAIRMAN HOOD: No, next to my --

22 SECRETARY SCHELLIN: Your letter,

1       yes.  Yes, yes.  We can --

2                   CHAIRMAN HOOD:  So, you all took  
3 mind down already?  Okay.  All right.

4                   Anything else?  Any other  
5 comments?  Okay.

6                   I want to thank the Office of  
7 Planning.  Appreciate the update.

8                   Okay.  We have one more item.  
9 Zoning Commission Case Number 05-36G, Union  
10 Place, Phase I, LLC's motion to dismiss  
11 application for PUD modification and related  
12 map amendment or in the alternative, we have  
13 a motion for reconsideration and decision to  
14 set down application for a public hearing and  
15 Applicant's opposition thereto.

16                   Ms. Schellin.

17                   SECRETARY SCHELLIN:  Staff has  
18 nothing further to add.

19                   CHAIRMAN HOOD:  Okay.  All right.

20                   Colleagues, let's open it up.  We  
21 have some requests in front of us.  We'll try  
22 some exhibits.  Who would like to start us off

1 on that discussion?

2 Okay. I would recommend with the  
3 motions and the requests that are in front of  
4 us that we delay this until set down and even  
5 at set down, I'm sorry, for the hearing, which  
6 I think is June the 27th and also that we  
7 would ask all parties to provide a brief to  
8 argue the motions that are before us. And  
9 that we would take that up prior to the  
10 beginning. I guess there's a preliminary  
11 matter on the 27th. All those folks who  
12 provided these motions, if they could provide  
13 a brief to argue their motions that are before  
14 us. A brief. I think brief --

15 COMMISSIONER MAY: Didn't we  
16 already have -- we already have the briefs.  
17 I think they need to be prepared to argue it.

18 CHAIRMAN HOOD: Yes, they have to  
19 argue their briefs. But do we want them to --  
20 so, we would have like a semi -- trying to  
21 figure out. What is the process -- never  
22 mind, never mind. I don't want to do that.

1                   COMMISSIONER MAY: I think we just  
2 consider this as a preliminary matter.

3                   CHAIRMAN HOOD: Kind of like what  
4 we do with the BZA. I'm just trying to figure  
5 out how their process works. We do a  
6 preliminary matter. We have oral arguments on  
7 the motions so they --

8                   COMMISSIONER MAY: Yes.

9                   CHAIRMAN HOOD: -- they can argue  
10 their briefs. Okay. That's what I'm saying.

11                  SECRETARY SCHELLIN: Do you want--  
12 do we need to set a time?

13                  CHAIRMAN HOOD: Is that the way we  
14 need to do that?

15                               And do we need to set time  
16 limits, eight minutes? Is that typically what  
17 we need to do to argue their briefs? Five  
18 minutes?

19                  MR. RITTING: I mean, I'm not  
20 familiar with any set amount of time that's  
21 usual or any kind of constraints. I mean,  
22 it's up to you and I think maybe you should

1 give some thought to what you think is an  
2 appropriate amount of time now and communicate  
3 that to the parties so they can come prepared.

4 CHAIRMAN HOOD: Commissioners, I'm  
5 going to need some help on this. Five, ten  
6 minutes?

7 COMMISSIONER MAY: Yes, I would  
8 think it wouldn't be more than 10 minutes in  
9 any circumstances. Five minutes ought to be  
10 sufficient for just a statement. I actually  
11 look forward to the opportunity to be able to  
12 ask some questions and have them answered more  
13 than anything else. And then I think we can  
14 decide the matter and how we would proceed on  
15 this.

16 CHAIRMAN HOOD: Why don't we do  
17 this so we can set some guidelines to move  
18 forward. Why don't we say seven minutes to  
19 argue the point and then we will ask our  
20 questions because we may have questions once  
21 they make their oral arguments. Okay. So,  
22 we'll allow each one of them seven minutes.

1 I would say five, but by the time they give us  
2 their name, three minutes will go by. So,  
3 let's say seven minutes and then that way that  
4 includes -- then we won't spend the whole  
5 night depending upon which way we go either  
6 way.

7 Is that agreeable?

8 VICE CHAIR COHEN: Yes, Mr.  
9 Chairman.

10 CHAIRMAN HOOD: Mr. Miller?

11 COMMISSIONER MILLER: Yes, I would  
12 -- thank you, Mr. Chairman. I would concur  
13 with your suggestion that we defer these  
14 arguments to a preliminary matter on the  
15 hearing date at the beginning of the hearing  
16 June 27th and the seven minutes sounds like an  
17 appropriate time.

18 And I just also think that we  
19 should maybe acknowledge that the party who is  
20 moving to dismiss the application, in the  
21 alternative, move to reconsider the setdown,  
22 they consider whether they need to be a party

1 for the hearing that may happen and we would  
2 not be considering that any prejudice or  
3 statement on their position that they actually  
4 should be a co-applicant in this case. But  
5 they need to preserve their ability to -- they  
6 probably need to preserve their ability to be  
7 at the hearing if there is one.

8 CHAIRMAN HOOD: Okay. I would  
9 agree. So noted.

10 Anything else, Commissioners?

11 So, in terms of what Commissioner  
12 Miller was saying, they should also file a  
13 party status request. Okay.

14 Now, is somebody going to convey  
15 that to them or are they listening? Okay.  
16 They're watching? Assume, that's that word  
17 again. Okay. All right.

18 Anything else? Do we have  
19 anything else?

20 SECRETARY SCHELLIN: No.

21 CHAIRMAN HOOD: Okay. Okay. Do  
22 we have a status report? Mr. Cochran, did you

1 have something? Okay.

2 So, with that, I want to thank

3 everyone for their participation tonight.

4 This meeting is adjourned.

5 (Whereupon, the above matter was

6 concluded at 7:37 p.m.)

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C E R T I F I C A T E

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In the matter of: Public Meeting

Before: DCZC

Date: 05-13-13

Place: Washington, DC

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