

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

Monday

June 28, 2010

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in 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
KONRAD SCHLATER, Vice Chairman
PETER MAY, Commissioner (NPS)
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

JAMISON WEINBAUM, Director
SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
KAREN THOMAS
MAXINE BROWN-ROBERTS
STEVEN COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.
JACOB RITTIG, ESQ.

The transcript constitutes the minutes from the Regular or meeting held on June 28, 2010.

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TABLE OF CONTENTS

Opening - Chairman Hood.....	4
Preliminary Matters - Ms. Schellin.....	5
A. Cancellation of the September Meeting	
Consent Calendar - Ms. Schellin	
A. Z.C. Case No. 70-16B.....	5
B. Z.C. Case No. 04-33.....	6
Vote to Approve Technical Correction...	8
Final Action - Ms. Schellin	
A. Z.C. Case No. 07-18A.....	8
Vote to Approve Final Action.....	12
B. Z.C. Case No. 09-03.....	12
Proposed Action - Ms. Schellin	
A. Z.C. Case No. 10-07.....	19
Vote to Approve Proposed Action.....	25
Hearing Action - Office of Planning	
A. Z.C. Case No. 70-16B.....	26
Vote to Approve as Contested Case.....	32
Closing - Chairman Hood.....	34

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

2 7:03 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. First of all,
5 let me apologize for being a few moments late.

6 We will try to move as diligently as possible
7 through this meeting.

8 This is the June 28, 2010 public
9 meeting of the Zoning Commission of the
10 District of Columbia.

11 My name is Anthony Hood. Joining
12 me are Vice Chairman Schlater, Commissioners
13 May and Turnbull.

14 We are also joined by Director
15 Weinbaum, Ms. Sharon Schellin, Donna Hanousek
16 and Esther Bushman and the capable and able
17 Office of Planning Staff as well as Office of
18 Attorney General and our own Office of Zoning
19 Staff.

20 Please be advised that this
21 proceeding is being recorded by a court
22 reporter. It is also webcast live.

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1 Please turn off all beepers and
2 cell phones.

3 Does the staff have any preliminary
4 matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: I think we're going
7 to move Zoning Commission Case Number 70-16B
8 off of the consent calendar to hearing action.

9 And also, I wanted to make an
10 announcement that our first meeting in
11 September will be canceled. We will not be
12 having a Zoning Commission meeting in -- the
13 first meeting in September. I think we do
14 have a --

15 MS. SCHELLIN: September 13th.

16 CHAIRMAN HOOD: September 13th
17 meeting will be canceled.

18 MS. SCHELLIN: That's correct.

19 CHAIRMAN HOOD: Is there anything
20 else that I need to make an announcement
21 about?

22 MS. SCHELLIN: No, we'll still have

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1 one on September 27th. So, anything that may
2 have been potentially put on for September
3 13th will be put on the September 27th agenda.

4 CHAIRMAN HOOD: Okay. That's
5 great.

6 Let's move right along to our
7 agenda. The first consent calendar which is
8 B. It's under Commission Case Number 04-33
9 (Office of Planning - Inclusionary Zoning:
10 Technical Correction to 2604.1).

11 Ms. Schellin.

12 MS. SCHELLIN: Yes, sir, this is a
13 request from the Office of Planning to clarify
14 height limits for projects utilizing the IZ
15 bonus density for the Commission to consider a
16 technical correction to Zoning Commission
17 Order 04-33.

18 CHAIRMAN HOOD: Okay. Colleagues,
19 if we look at Exhibit Number 231 and this is
20 just basically a clarification. To avoid any
21 misunderstanding of the issue, the Office of
22 Planning after consulting with the Zoning

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1 Administrator and the Office of Attorney
2 General proposed an amendment to clarify that
3 and it shows the maximum height an
4 inclusionary zoning project may achieve, it's
5 not automatically the maximum permitted to the
6 property by the Act, to regulate the height of
7 buildings in the District of Columbia approved
8 June 1st, 2010 which -- I'm sorry, 1910 our
9 Height Act.

10 I think this is pretty straight
11 forward. Any discussion? And I think this is
12 very fitting to be on the consent calendar.

13 So, I would move that we approve
14 Zoning Commission Case 04-33 (Office of
15 Planning - Inclusionary Zoning: Technical
16 Correction to 2604.1) on the consent calendar
17 and I move that we approve it.

18 VICE CHAIRMAN SCHLATER: Second.

19 CHAIRMAN HOOD: It's moved and
20 properly seconded. Anything further? Further
21 discussion?

22 All those in favor?

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1 (Ayes.)

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

5 MS. SCHELLIN: Yes, sir, staff
6 records the vote 4 to 0 to 1 to approve the
7 technical correction in Zoning Commission Case
8 Number 04-33. Commissioner Hood moving.
9 Commissioner Schlater seconding.
10 Commissioners May and Turnbull in support.
11 The third Mayoral Appointee position vacant,
12 not voting.

13 CHAIRMAN HOOD: Okay. Now, we're
14 going to final action. Zoning Commission Case
15 Number 07-18A (Jemal's Up Against the Wall -
16 Two-Year PUD Time Extension at Square 347).

17 Ms. Schellin.

18 MS. SCHELLIN: Yes, sir, this is a
19 request from the Applicant for a two-year time
20 extension of their PUD and they are requesting
21 this extension due to the continuing economic
22 crisis.

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1 OP supports this request. Their
2 report can be found at Exhibit 6.

3 CHAIRMAN HOOD: Okay. Thank you,
4 Ms. Schellin.

5 Commissioners, again, we have a
6 request for a two-year PUD time extension and
7 I think that the Applicant has submitted an
8 affidavit behind Tab B which is dated May
9 11th, 2010.

10 Also, we have an Office of Planning
11 Report which basically says the Applicant has
12 been unable to obtain sufficient project
13 funding for the proposed building as a result
14 of the continuing credit crisis and decreased
15 demand for office space in Washington, D.C.

16 And there's also an affidavit from
17 Mr. Jemal, President, Douglas Development,
18 Inc. showing us that they have made at least
19 one attempt to try to get financing for their
20 project.

21 Let me open up. Any further
22 discussion?

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1 And let me just say this. They're
2 extending it to -- they would like an
3 extension to May 16th, 2012.

4 Any issues? Commissioner May.

5 COMMISSIONER MAY: Mr. Chairman, I
6 would say that at this moment I would support
7 this extension, but I do say that with some
8 caution. I think, you know, we're concerned
9 that extensions like this are not granted
10 simply because they're requested. We think
11 there does need to be a concerted effort on
12 the part of the Applicant to follow through on
13 projects and we've some cases where that was
14 not always so apparent.

15 In this case, I think the case has
16 been made and this is the first time this
17 project's up for an extension and let's hope
18 it will be the last time it's up for an
19 extension and they get it financed.

20 I think that's about all.

21 CHAIRMAN HOOD: Any other comments?

22 Mr. Turnbull.

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1 COMMISSIONER TURNBULL: Thank you,
2 Mr. Chairman. I would agree with Commissioner
3 May that I think this document is fine for a
4 first-time extension, but I think other
5 projects as they go along if they were going
6 for another extension beyond this, I think we
7 would require a little bit more detailed
8 explanation as to the financing of it.

9 So, I would agree with Commissioner
10 May on that.

11 CHAIRMAN HOOD: Okay. I think
12 we're all in agreement with the comments we've
13 heard.

14 With that, I would move that we
15 approve the request of a two-year time
16 extension with the discussion and caveat so
17 noted. So, the next time it won't be any
18 surprises because I'm sure that a number of my
19 colleagues will still be here. That we
20 approve Zoning Commission Case Number 07-18A
21 (Jemal's Up Against the Wall- Two-Year PUD
22 Time Extension at Square 347) as requested.

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1 COMMISSIONER TURNBULL: Second.

2 CHAIRMAN HOOD: Moved and property
3 seconded. Any further discussion? Are you
4 ready for the question? All those in favor
5 aye.

6 (Ayes.)

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

10 MS. SCHELLIN: Yes, staff records
11 the vote 4 to 0 to 1 to approve final action
12 on Zoning Commission Case Number 07-18A.
13 Commissioner Hood moving. Commissioner
14 Turnbull seconding. Commissioners May and
15 Schlater in support. The third Mayoral
16 Appointee position vacant, not voting.

17 CHAIRMAN HOOD: Okay. Next under
18 final action, we have Zoning Commission Case
19 Number 09-03 (Skyland Holdings, LLC -
20 Consolidated PUD & Related Map Amendment at
21 Squares 5632, 5633, 5641, 5641N and Various
22 Parcels).

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1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir, this case
3 is up for final action and we do have an NCPC
4 report at Exhibit 122 which states they have
5 no adverse affects.

6 CHAIRMAN HOOD: Okay.
7 Commissioners, we have asked for a few things.

8 I think we have Exhibit 118, 124 and I think
9 we flushed a lot of things about, but let me
10 just open it up for any comments or any
11 questions. Anything that's still lingering.

12 COMMISSIONER MAY: Mr. Chairman.

13 CHAIRMAN HOOD: Commissioner May.

14 COMMISSIONER MAY: Yes, I do
15 believe we've gotten some of the information
16 that was needed at this point. There were
17 some additional submissions and I think that
18 many of the bases have been covered.

19 But, I'm very concerned about a
20 couple of issues that I don't think have been
21 resolved to our satisfaction.

22 Specifically, the expiration date

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1 for the PUD. What's been proposed is I think
2 a lengthy timetable tied to the issuance of
3 the first building permit within three years.

4 The filing of or the issuance of the C of O
5 and then another ten years and when you do the
6 math on that, it could easily add up to 15 or
7 more years before this project is completed
8 and it's very soft.

9 I mean I understand that they may
10 not be able to tell us specifically what the
11 phasing of the different blocks of the project
12 will be, but I find this far too open-ended and
13 I would prefer to see an expiration date by a
14 date certain.

15 The other, I think, significant
16 issue with regard to this project is that the
17 payments for some of the benefits associated
18 with the project that have been included in
19 the benefits and amenities package are tied to
20 the issuance of the final building permit
21 which means that it's quite possible that
22 nothing will be paid out for as much as 15

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1 years which just seems absurd to me. So, I
2 think that there needs to be something a
3 little bit more definitive than that before
4 I'm ready to vote in favor of final action.

5 CHAIRMAN HOOD: Thank you,
6 Commissioner May. Mr. Turnbull or --

7 COMMISSIONER TURNBULL: I concur
8 with my colleague and there's a possibility
9 that if they don't go forward with the final
10 building, and there's no final building
11 permit, where are we then with the proffers
12 and the amenities.

13 So, I would agree with Commissioner
14 May. I think we need to structure this a
15 little bit more carefully. So, that the
16 amenities that have been proffered to the
17 neighborhood need to be accounted for in a
18 very rational manner.

19 CHAIRMAN HOOD: I would agree. I
20 would agree with both of my colleagues. Even
21 though, I want to make for the record there's
22 only three of us that are participating on

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1 those, but I would agree with both
2 Commissioner May and with Commissioner
3 Turnbull.

4 We need to have it as Commissioner
5 May has already said be time -- we need to
6 know some time specific. This thing may drag
7 on for 15.

8 When I look at the math, I wasn't
9 as good at math as you were, I think 17 plus.

10 But, you say 15 plus. But, I'm saying 17
11 plus.

12 But, either way, we need some time
13 specific and also with this agreement and
14 arrangement as Mr. Turnbull has already
15 mentioned that if the last part of it was not
16 even done then or the permit was never applied
17 for, then the transfer of money would never
18 happen and we need some kind of commitment
19 before the end date of this PUD. So, those
20 are two things.

21 And what I would propose is I would
22 ask the Applicant to continue to work with the

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1 Office of Zoning as well as the Office of
2 Attorney General to come with some formality
3 for my colleagues and I to be able to vote on
4 something. Because the way we're looking at
5 it now and the way I see it and the way you've
6 heard us discuss it, is that this will not --
7 if we were to take a vote tonight, this would
8 be voted down.

9 So, I would encourage the Office of
10 Attorney General and the Applicant and all
11 parties that need to be involved with those
12 two specific issues to get together and we
13 will revisit this, I think at our -- another
14 meeting. I don't know --

15 MS. SCHELLIN: We have to
16 reschedule. Yes.

17 CHAIRMAN HOOD: When is our next
18 meeting?

19 MS. SCHELLIN: Do you want me to go
20 ahead and give you dates for the document?

21 CHAIRMAN HOOD: See if that's
22 enough time. Oh. Okay.

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1 MS. SCHELLIN: We worked out a
2 schedule with OAG.

3 CHAIRMAN HOOD: Oh, you worked --

4 MS. SCHELLIN: Yes. Basically,
5 going by the same schedule that the Applicant
6 and the parties and OAG worked by or the same
7 routine rather than they used last time. The
8 Applicant should file a new proffer by July
9 30th and then OAG will respond by July 2nd and
10 work with the -- I mean June 30th. I'm sorry.

11 June 30th and then OAG will respond by July
12 2nd and then the Applicant after talking with
13 OAG and the Applicant talking, the Applicant
14 then will file again the best response back to
15 that by July 6 since Monday's a holiday and
16 the parties can then -- they'll serve the
17 parties with that and the parties can respond
18 to that filing by July 9th and then we will
19 take this up at our July 12th meeting. It's a
20 very aggressive schedule.

21 CHAIRMAN HOOD: Very aggressive
22 schedule.

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1 MS. SCHELLIN: But, I mean it's
2 just a very minor -- I mean it's only one or
3 two issues and I think that we can take care
4 of that in two weeks.

5 CHAIRMAN HOOD: Okay. We have a
6 schedule set. We will deal with this again on
7 July the 12th at our next meeting.

8 Okay. Let's moved to proposed
9 action. Zoning Commission Case Number 10-07
10 (Office of Planning - Text Amendment: Arts
11 Overlay.)

12 Ms. Schellin.

13 MS. SCHELLIN: Yes, sir, as you
14 know, we just had a hearing on this case. The
15 record was closed that evening. So, there are
16 no additional filings. So, it's just before
17 the Commission to consider for proposed
18 action.

19 CHAIRMAN HOOD: Okay.
20 Commissioners, I remember one of the main
21 things that was before us is whether we treat
22 this as a special exception variance and let's

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1 start off with that conversation. When I find
2 my paperwork.

3 COMMISSIONER MAY: I think we had
4 testimony going both ways, but in the end, I
5 think that the language as proposed by the
6 Office of Planning makes sense which includes
7 the variance test as the way of sort of
8 balancing out this increased amount of retail
9 or of restaurant use.

10 CHAIRMAN HOOD: All right. You're
11 adopting the Office of Planning leaving --

12 COMMISSIONER MAY: Yes, I agree
13 with the Office of Planning that this is the
14 right --

15 CHAIRMAN HOOD: Anyone disagree
16 with us moving in that fashion? Okay. Any
17 other comments? Questions?

18 I think the hearing that we had was
19 very -- it was a lot of consensus and I think
20 the ANC and everyone who came in and
21 testified, it appeared that the community
22 really wanted us to move in this fashion.

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1 I'm not sure about the special
2 exception, the variance, I think we did have a
3 request and I'm not sure who it was off the
4 top of my head who asked us to keep it as a
5 special exception. It may have been one of
6 the civic association groups, but someone had
7 asked us.

8 But, I think I would agree also
9 with Commissioner May and also the adoption of
10 what the Office of Planning has proposed in
11 front of us.

12 Any other comments? Any further
13 discussion?

14 VICE CHAIRMAN SCHLATER: Sure.

15 CHAIRMAN HOOD: Vice Chairman
16 Schlater.

17 VICE CHAIRMAN SCHLATER: Mr.
18 Chairman, I'd just say that -- I have to say
19 my mind was not made up going into the
20 hearing, but it does seem like there's a huge
21 amount of unanimity within the community.

22 A lot of work had been done before

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1 it got to the Commission and I certainly have
2 some concerns about raising the cap from 25 to
3 50 percent, but I think that I'm convinced.
4 The work of the ANC, the Overlay Commission,
5 it was good work and I'm happy to follow it in
6 this case.

7 CHAIRMAN HOOD: Okay. Thank you.
8 All right.

9 COMMISSIONER TURNBULL: I would
10 agree with Commissioner Schlater.

11 I think -- I mean there was a
12 concern about the big jump from 25 to 50. I
13 think the other thing that maybe was a little
14 bit more reassuring is that with the variance
15 test, it's a little bit stronger case that you
16 have to make to go beyond that. So, I felt a
17 little bit more of a degree of comfort in
18 that, but I did have some reservations.

19 But, I think the testimony -- we
20 did hear from the neighborhood and the
21 community. It seems like everybody is really
22 for this and really behind this.

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1 CHAIRMAN HOOD: Okay. With that, I
2 would move approval of Zoning Commission Case
3 Number 10-07 with it being specified as we've
4 deliberated with the variance test and ask for
5 a second.

6 VICE CHAIRMAN SCHLATER: Second. I
7 have actually a question.

8 CHAIRMAN HOOD: Vice Chairman.

9 VICE CHAIRMAN SCHLATER: I recall
10 at the hearing some discussion of maybe a need
11 for an interim measure because our emergency
12 might expire prior to the effective date of
13 this action.

14 So, the question is do we need to
15 do anything tonight that would bridge that
16 gap?

17 MR. BERGSTEIN: I think what's
18 going to happen is we're going to see if NCPC
19 takes action on this at their July meeting.
20 If they do, then you can go immediately to
21 final at your next July meeting because we
22 already did a notice of proposed rulemaking.

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1 So, if they don't do that, I
2 believe Ms. Schellin has automatically
3 scheduled this either for emergency action or
4 final action and based upon what NCPC does,
5 you can do one or the other.

6 VICE CHAIRMAN SCHLATER: Okay.
7 Thank you.

8 CHAIRMAN HOOD: Thank you. Good
9 catch. Should I put that in my motion just in
10 case or there's no need?

11 MS. SCHELLIN: No.

12 MR. BERGSTEIN: There's no need.
13 It's been taken care of administratively.

14 CHAIRMAN HOOD: Well, whatever my
15 motion was, can I get a second?

16 COMMISSIONER MAY: Second.

17 MS. SCHELLIN: You already did.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: Commissioner May
20 seconded.

21 CHAIRMAN HOOD: Okay. All right.
22 Okay. Any further discussion? All those in

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1 favor?

2 (Ayes.)

3 CHAIRMAN HOOD: Not hearing any
4 opposition, Ms. Schellin, would you record the
5 vote?

6 MS. SCHELLIN: Yes, staff records
7 the vote 4 to 0 to 1 to approve proposed
8 action in Zoning Commission Case Number 10-07.
9 Commissioner Hood moving. Commissioner May
10 seconding. Commissioners Schlater and
11 Turnbull in favor. Third Mayoral Appointee
12 position vacant not voting.

13 CHAIRMAN HOOD: Okay. And just
14 acknowledge, Ms. Schellin, that we have
15 correspondence from -- a letter from the
16 Zoning Administrator.

17 MS. SCHELLIN: That's correct.

18 CHAIRMAN HOOD: Okay. And I've
19 already mentioned the cancellation of
20 September meeting, the first meeting.

21 Do we have a -- oh, a hearing
22 action. Okay. I'm sorry. I was about to

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1 close out.

2 Okay. Hearing action Zoning
3 Commission Case Number 70-16B. This is a
4 request -- well, it was a request for minor
5 modification to the PUD at Square 72.

6 Ms. Thomas.

7 MS. THOMAS: Good evening, Mr.
8 Chairman, Members of the Commission.

9 The Office of Planning is
10 recommending set down inasmuch as the
11 Commission has decided to remove it from the
12 consent calendar.

13 The Applicant is requesting a
14 reduction in the amount of square footage that
15 was previously approved as a condition in its
16 original order and they are asking for that
17 reduction to be about 16,000 square feet
18 instead of 24,000 square feet.

19 We have no objection to this
20 request and we recommend set down.

21 Thank you.

22 CHAIRMAN HOOD: Okay.

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1 Commissioners, any questions of Ms. Thomas?
2 Commissioner May.

3 COMMISSIONER MAY: I don't have a
4 question. I had a comment which is that I
5 think that the -- one of the reasons why there
6 was concern over what was being requested here
7 has to do with this sort of gradual reduction
8 of the amount of retail space within this PUD
9 from where it originally started so many years
10 ago until now and I think understanding the
11 importance of that particular benefit of the
12 project in the current context. It's not an
13 easy thing just to say oh, sure, we can cut
14 the retail by the substantial amount.

15 I mean I understand why it might
16 not work. It might be difficult to lease, but
17 it was a substantial benefit to the project
18 initially. So, I'd like to hear more about
19 this when we get to the hearing.

20 CHAIRMAN HOOD: Vice Chairman.

21 VICE CHAIRMAN SCHLATER: Mr.
22 Chairman. Ms. Thomas, I have a quick

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1 question.

2 The original order which was way
3 back in 1973 had a requirement for 32,000
4 square feet of retail at the first floor as
5 well as 20,000 square feet of retail in the --
6 oh, it's not -- was that a requirement for
7 that additional level or was it an option?

8 MS. THOMAS: I'm not quite certain
9 of --

10 VICE CHAIRMAN SCHLATER: Okay.

11 MS. THOMAS: -- that part of it. I
12 just know that it was 32,000 square feet, but
13 I can check that and make that clear.

14 VICE CHAIRMAN SCHLATER: And was
15 there ever retail. I think for when we have
16 the hearing it would be good to understand the
17 history of where that retail requirement has
18 been and where it's going.

19 MS. THOMAS: Yes, I believe that it
20 was a building that had an arcade before.

21 VICE CHAIRMAN SCHLATER: Um-hum.

22 MS. THOMAS: And they had suffered

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1 through that issue of not being able to, you
2 know, rent and maintain viable lease space in
3 there. So, they requested -- from the way I
4 understand it, they requested a modification
5 to remove the arcade and pull the retail space
6 to the front line.

7 VICE CHAIRMAN SCHLATER: Um-hum.

8 MS. THOMAS: So, that being done,
9 then they, you know, sort of had a refurbished
10 street frontage. But --

11 VICE CHAIRMAN SCHLATER: Do you
12 know if this retail space was ever filled
13 before? I mean I think that would be --

14 MS. THOMAS: This one?

15 VICE CHAIRMAN SCHLATER: Yes.

16 MS. THOMAS: No. No, I don't
17 believe it has been filled.

18 VICE CHAIRMAN SCHLATER: Okay.
19 Well, one question I might have as well is if
20 they're reducing the amenity, I mean it
21 doesn't seem like there's a lot of amenities
22 in this PUD, retail being one of the primary

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1 ones, was there ever any discussion of
2 something in return for the reduction in that
3 particular amenity?

4 MS. THOMAS: Not that I'm aware of
5 at this time.

6 VICE CHAIRMAN SCHLATER: I think,
7 you know --

8 MS. THOMAS: It might be, but --

9 VICE CHAIRMAN SCHLATER: -- just by
10 way of example if somebody said they were
11 going to, you know, write a check to the
12 Housing Production Trust Fund for 100,000 and
13 then they said they were only going to give
14 you 50,000, you'd say well, what are you going
15 to do instead?

16 MS. THOMAS: Well, the way I look
17 at it in this case is not that the space won't
18 be used. It won't be the typical retail. It
19 would be probably some service type retail.

20 The only thing that the community
21 has asked for and requested is that it not be
22 a nightclub. But, in one sense, we're just

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1 trying to expand the type of uses that could
2 possibly go in there from what was in the
3 original order.

4 So, if you want to look at it as
5 service retail, maybe as opposed to a more
6 traditional type commercial retail operation.

7 Which could be like a day care or something
8 else. Some type of service.

9 VICE CHAIRMAN SCHLATER: I mean I
10 think we can explore this more at the hearing
11 because I'm supportive of setting it down for
12 a hearing.

13 MS. THOMAS: Um-hum.

14 VICE CHAIRMAN SCHLATER: But,
15 sometimes these matters get into a question of
16 how much rent are you going to get for the
17 space not whether you can fill it. It's how
18 much money are you going to make on it. So,
19 maybe there's, you know, trade-offs that need
20 to be made.

21 I'm not sure and look forward to
22 asking those questions at the hearing.

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1 MS. THOMAS: Okay.

2 CHAIRMAN HOOD: Okay. Commissioner
3 May, did you want add something? Anyone else?

4 Okay. Let me see. Maybe I should
5 make a motion. We haven't made a motion to
6 set this down yet. Have we? Okay. Somebody
7 want to do that. Okay. Vice Chairman.

8 VICE CHAIRMAN SCHLATER: Mr.
9 Chairman, I move that we set down Zoning
10 Commission Case Number 70-16B (CESC 2101 L
11 Street, LLC - Request -- I guess it's not a
12 minor modification at this point. It would be
13 a modification.

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: It's been moved and
16 properly seconded. Any further discussion?
17 Ready for the question? All those in favor?

18 (Ayes.)

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

22 MS. SCHELLIN: Yes, staff records

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1 the vote 4 to 0 to 1 to set down Zoning
2 Commission Case Number 70-16B as a contested
3 case. Commissioner Schlater moving.
4 Commissioner Turnbull seconding.
5 Commissioners Hood and May in support. The
6 third Mayoral Appointee position vacant. Not
7 voting.

8 CHAIRMAN HOOD: Okay. Do we have a
9 time frame when we can set this and have a
10 meeting? I hope maybe we can -- it's going to
11 be a narrow scope. So, maybe we can put this
12 in with something else or what do we have on
13 the calendar.

14 MS. SCHELLIN: The first chance, we
15 could double it up on October 7th.

16 CHAIRMAN HOOD: October 7th?

17 MS. SCHELLIN: Um-hum.

18 CHAIRMAN HOOD: Okay. So, October
19 7th. We have something before that. Right?

20 MS. SCHELLIN: Right. It would be
21 the second hearing for that evening. So, as
22 soon as they filed their -- pay their hearing

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1 fee and get me a draft hearing notice, we can
2 go ahead and schedule that.

3 CHAIRMAN HOOD: Okay. And you'll
4 give them the time and everything.

5 MS. SCHELLIN: Yes, we will just
6 make it the second hearing because we don't
7 know when the first one's going to end, but
8 the first one should be pretty short.

9 CHAIRMAN HOOD: Okay. Great.
10 Okay. Do we have anything else, Ms. Schellin,
11 before us?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. I thank
14 everyone for their participation tonight in
15 this meeting and this meeting is adjourned.

16 (Whereupon, the hearing was
17 concluded at 7:30 p.m.)

18

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