

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

TUESDAY
MARCH 22, 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, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- WILLIAM WARREN KEATING, Vice Chairman
- KONRAD SCHLATER, Commissioner
- MICHAEL J. TURNBULL, FAIA, Commissioner
(AOC)
- PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- DONNA HANOUSEK, Zoning Specialist
- ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

- JENNIFER STEINGASSER
- JOEL LAWSON
- ARTHUR JACKSON
- LAINE CIDLOWSKI

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on March 22, 2010.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

INTRODUCTION:

Chairman Anthony J. Hood..... 5

CONSENT CALENDAR:

A. Z.C. Case No. 08-12A..... 28

VOTE: 40

B. Z.C. Case No. 08-22A..... 28

VOTE: 40

FINAL ACTION:

A. Z.C. Case No. 09-13..... 8

VOTE: 12

B. Z.C. Case No. 09-16..... 14

VOTE: 15

HEARING ACTION:

Office of Planning..... 16

A. Z.C. Case No. 10-04..... 16

VOTE: 27

B. Z.C. Case No. 10-05..... 28

VOTE: 40

REPORT OF THE SECRETARY:

Sharon Schellin..... 40

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

2 6:14 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. This meeting
5 will please come to order. Good evening,
6 ladies and gentlemen. This is the March 22,
7 2010 Public Meeting of the Zoning Commission
8 of the District of Columbia.

9 My name is Anthony J. Hood. Joining
10 me are Vice-Chairman Keating, Commissioner
11 May, Commissioner Schlater, and Commissioner
12 Turnbull. We're also joined by the Office of
13 Zoning Staff, Ms. Sharon Schellin and Ms.
14 Hanousek, and also Ms. Bushman. Also, from
15 the Office of the Attorney General, Mr.
16 Bergstein. Also, from the Office of Planning,
17 we have Ms. Steingasser, Mr. Lawson, and Mr.
18 Jackson. And Mr. Lawson will tell us the name
19 of the new member in the Office of Planning.
20 Or the new member can introduce herself.

21 MS. LAWSON: Sure. I'd be happy
22 to, Mr. Chair.

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1 CHAIRMAN HOOD: Okay.

2 MS. LAWSON: We have Laine
3 Cidlowski here with us tonight. She's been
4 hired as part -- mainly -- mainly, she's
5 working on the zoning review process, although
6 she's been before the BZA many times. This is
7 her first case before the Zoning Commission,
8 but I'm sure that you'll be working with her
9 much more closely as we start to, in the
10 future, bring forward more definitive text for
11 the zoning review process. But she's the case
12 manager for one of the projects coming before
13 you tonight.

14 CHAIRMAN HOOD: Okay. Great.
15 Welcome aboard. And Ms. Cidlowski?

16 MS. CIDLOWSKI: Cidlowski.

17 CHAIRMAN HOOD: Cidlowski, okay.
18 Thank you. Welcome aboard and we're all
19 looking forward to working with you. Okay.
20 Copies of today's meeting agenda are available
21 to you and are located in the bin near the
22 door. We do not take any public testimony at

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1 our meetings unless the Commission requests
2 someone to come forward.

3 Please be advised that this
4 proceeding is being recorded by a court
5 reporter and is also webcast live.
6 Accordingly, we must ask you to refrain from
7 any disruptive noises or actions in the
8 hearing room. Please turn off all beepers and
9 cell phones.

10 Does the staff have any preliminary
11 matters?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: If not, let's move
14 the agenda. We're going to move to the
15 agenda, but we're going to move -- we're going
16 to do final action first; hearing action
17 second; and the consent calendar items will
18 follow after hearing action. One actually
19 will tie into the hearing action items. So
20 let's go right into it. Let's go to final
21 action, Zoning Commission Case Number 09-13,
22 (Office of Zoning -- Text Amendment -- BZA

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1 Expedited Review Process). Ms. Schellin?

2 MS. SCHELLIN: Staff would just add
3 that there was an NCPC report received in this
4 case. However, NCPC, even though we're not
5 required to refer BZA rules and procedures to
6 NCPC, we did provide them with a courtesy copy
7 and NCPC did provide a report stating that
8 they did not have any -- it would not have any
9 adverse impacts. That's at Exhibit 20.

10 CHAIRMAN HOOD: Thank you, very
11 much, Ms. Schellin. Commissioners, I want to
12 call your attention to -- we have two ANC
13 letters of comment, ANC-6B and ANC-6C. I know
14 we have already read them. But I just wanted
15 to touch on a few points. And we tried to
16 look at a lot of these matters. They voted
17 unanimously to support the creation of a
18 consent calendar process, only if it achieves
19 the following objectives: permits non-
20 controversial cases to move to BZA approved
21 basis upon Staff review without the necessity
22 of holding formal hearings, guarantees the

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1 objectives to the placement of a case on a
2 consent calendar made by ANC's Council
3 members, abutting residents or other parties
4 of interest, and the community organizations,
5 and that, when such objections are lodged in a
6 timely manner, they are automatically removed
7 from consent calendar and put down for a
8 hearing.

9 I believe this has been fully
10 vetted and I think, in collaboration with the
11 Office of Planning and OIG and the task force,
12 I think we have -- there's been something put
13 in place to kind of help with that trigger.
14 It might not be exactly as they stated, but
15 something will be in the format in which to
16 help trigger and be able to actually
17 accomplish what they are trying to achieve.

18 Provide realistic workable
19 deadlines for ANCs and other individuals and
20 organizations seeking to comment on cases
21 before the BZA, so that these entitles have
22 sufficient time to file objections before

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1 decisions. Again, I think that has been
2 covered. And it may not be exactly as what
3 they are saying or they're achieving. But I
4 think it's been fully vetted and I think the
5 process is to the point where, if this
6 Commission sees that it needs to revisit it,
7 along with the Office of Planning, as we at
8 least get started, I think that that will be
9 an avenue I'm sure that this Commission will
10 move in that fashion.

11 Also, ANC-6C, when I look at what
12 they have, after a brief summary of the
13 purpose of this consent calendar, which we
14 understand applies only to one family dwelling
15 or flat in R1 and a new or enlarged accessory
16 structures and community centers and who's
17 purpose is to reduce backlog and lower
18 applicants' costs, the Commissioners voted
19 nine to zero to support the consent calendar
20 with the following caveat: ANC-6C requests
21 mandatory notification to this Commission when
22 new consent calendar items are posted. Thank

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1 you for giving great weight to recommendations
2 of ANC-6C. Again, I think that is covered
3 through the venue in which I think it's been
4 established under this auspice of this new
5 expedited review calendar.

6 Let me open up. Any comments? Any
7 comments on any of the ANC letters?
8 Commissioner May?

9 COMMISSIONER MAY: No. I just want
10 -- I would just concur with your assessment
11 that, I think, through the course of the
12 hearing and the previous deliberation, that
13 we, very thoughtfully considered what the ANCs
14 had suggested. And I think that those --
15 their concerns have been appropriately
16 addressed, if not word-for-word, certainly in
17 terms of the spirit of what they were
18 suggesting. We've -- we've addressed it. I
19 think, you know, some of us, in particular,
20 struggled with the -- with what was being
21 proposed. And I think we -- it got worked
22 long enough and hard enough to address those

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1 concerns.

2 CHAIRMAN HOOD: Okay. Thank you,
3 very much, Commissioner May. Anyone else?
4 So, with that, I would move that we approve
5 Zoning Commission Case Number 09-13, (Office
6 of Planning -- Text Amendment -- BZA Expedited
7 Review Process), and ask for a second.

8 COMMISSIONER TURNBULL: Second.

9 CHAIRMAN HOOD: Moved and properly
10 seconded. Any further discussion? Are you
11 ready for the question? All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Any opposition?
14 Not hearing any, Ms. Schellin, would you
15 record the vote?

16 MS. SCHELLIN: Yes, sir. Staff
17 records the vote five to zero to zero to
18 approve final action on Zoning Commission Case
19 Number 09-13, Commissioner Hood moving;
20 Commissioner Turnbull seconding; Commissioners
21 Keating, May, and Schlater in support.

22 CHAIRMAN HOOD: Okay. Next, let's

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1 go to Zoning Commission Case Number 09-16
2 (Office of Planning -- Text Amendment re: Car
3 Sharing.) Ms. Schellin?

4 MS. SCHELLIN: Yes, sir. In this
5 case, we have an NCPC report at Exhibit 14.
6 In this case, they did not have any -- they
7 found that there would be no adverse impacts.

8 And, just as a reminder, Commissioners May
9 and Schlater did not participate in this case.

10 CHAIRMAN HOOD: Okay.
11 Commissioners May and Schlater will not be
12 participating. Let me open it up for any
13 comments. Any comments from my colleagues?

14 COMMISSIONER TURNBULL: No
15 comments, Mr. Chair.

16 CHAIRMAN HOOD: Okay. No comments?
17 Okay. With that, again, I think this was
18 vetted during proposed. We didn't have a
19 great attendance down here, but I think we
20 heard from the community and a lot of it was
21 support with some concerns. But I think a lot
22 of that was hashed out as we went into our

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1 hearing process and with final action. So
2 what I would do, I would like to make a motion
3 to approve Zoning Commission Case Number 09-16
4 and ask for a second.

5 VICE CHAIRMAN KEATING: Second.

6 CHAIRMAN HOOD: Moved and properly
7 seconded. Any further discussion? Are you
8 ready for the question? All those in favor?

9 ALL: Aye.

10 CHAIRMAN HOOD: And not hearing any
11 opposition, Ms. Schellin, would you record the
12 vote?

13 MS. SCHELLIN: Yes, sir. Staff
14 records the vote three to zero to two, to
15 approve final action on Zoning Commission Case
16 Number 09-16, Commissioner Hood moving;
17 Commissioner Keating seconding; Commissioner
18 Turnbull in support; Commissioners May and
19 Schlater not voting, having not participated.

20 CHAIRMAN HOOD: Okay. Let's go
21 right into hearing action. Zoning Commission
22 Case Number 10-04 (Office of Zoning -- Text

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1 Amendment re: Notification Requirements). Mr.
2 Jackson?

3 MR. JACKSON: Good evening, Mr.
4 Chairman and members of the Zoning Commission.

5 I will give a brief summary of the Office of
6 Planning's report. The Office of Zoning has
7 submitted a request to amend the Zoning
8 Regulations by adding a new Section 3007, that
9 would allow Advisory Neighborhood Commissions
10 and single member District representatives the
11 option to receive required notices by e-mail.

12 Currently, the regulations require all such
13 notices to be delivered by first class mail.
14 This change is proposed as part of an Office
15 of Zoning initiative to expand it's outreach.

16 It would also bring the Zoning Regulations
17 into conformance with the new requirements of
18 Section 13C of the Advisory Neighborhood
19 Commission Act of 1975, as this Act was
20 amended effective March 3, 2010.

21 The Office of Planning supports
22 this proposal and recommends that the Text

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1 Amendments, as modified, be set down for
2 public hearing. This concludes this summary
3 of the Office of Planning's report and we
4 remain available to answer questions.

5 CHAIRMAN HOOD: Thank you, Mr.
6 Jackson. Commissioner Schlater?

7 COMMISSIONER SCHLATER: Mr.
8 Jackson, I just have a question. I saw this
9 fiscal year FY '10 Budget Support Act of 2009.

10 MR. JACKSON: Yes.

11 COMMISSIONER SCHLATER: And it
12 mirrors the language that's being reflected
13 here. Maybe this is more of a question for
14 OAG, but what's the relationship between
15 Counsel's, you know, Budget Support Act and
16 our regulations? Can Counsel dictate what our
17 regulations are going to be and do we have to
18 put them in conformance?

19 MR. BERGSTEIN: What the Counsel
20 can do is, as it had done for everybody else,
21 is to require that the notice to the ANCs be
22 only by first class mail. With the new

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1 amendments that actually took effect a week or
2 so ago, the Zoning Commission was authorized
3 to send those notices by electronic mail if
4 the ANC opted out. The Director of the Office
5 of Zoning felt that it would be appropriate to
6 reflect that flexibility in the Zoning
7 Regulations. And also, the Zoning Regulations
8 never discussed the fact that, what each ANC
9 receives, in terms of written notice, that it
10 responds to through a written report is not
11 the notice of hearing, which is the only
12 notice that's really discussed in the Zoning
13 Regulations. But, in fact, when every
14 application that comes in is complete, the
15 Office of Zoning sends out a notice of
16 application. And what we're trying to do, by
17 these regulations, is to make clear that it's
18 that notice and not the hearing notice that
19 triggers the time period -- the 30-day working
20 day time period for each ANC to provide its
21 written report. So this presented an
22 opportunity to clarify that, so that,

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1 basically, the ANCs don't get two
2 opportunities to put in a written report.
3 They get one opportunity and that opportunity
4 is the one that begins with the notice of
5 application, not the notice of hearing.

6 VICE CHAIRMAN KEATING: And I just
7 want to say, I have no issue at all with this
8 language. I just want to better understand
9 the relationship between Counsel and the
10 Zoning Commission on this issue. The ANC Act,
11 the Zoning Commission must live under the ANC
12 Act. Is that what you're --

13 MR. BERGSTEIN: That's right.

14 VICE CHAIRMAN KEATING: No matter
15 what they write, we basically have to comply
16 with the ANC Act.

17 MR. BERGSTEIN: That's right.

18 VICE CHAIRMAN KEATING: Okay.
19 Thank you.

20 CHAIRMAN HOOD: And other comments?
21 Commissioner May?

22 COMMISSIONER MAY: No. I don't

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1 necessarily have a comment. I do have
2 questions about the use of electronic media in
3 the hearing process. But I think I'll just
4 save that for the hearing.

5 CHAIRMAN HOOD: All right,
6 Commissioner. I'm sorry. Could you repeat
7 that?

8 COMMISSIONER MAY: I'm just saying
9 that my questions are more general about the
10 use of electronic media in the hearing
11 process. But I'll save it for the actual
12 hearing. I might ask a few questions then.

13 MS. SCHELLIN: And, if I may just
14 add too, that this is something that our
15 office has actually initiated, because it's
16 one of our initiatives. And it's something
17 that we are putting forward to better serve
18 our constituencies too. And it is only for
19 the ANCs that elect to receive electronic
20 notification. So it is not that every ANC
21 will receive notification by electronic -- you
22 know, that they'll get their notification by

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1 e-mail. It's only if they notify us. So
2 those that still decide they want theirs by
3 first class mail, will still receive it by
4 first class mail. So we're not taking that
5 away. So I just want to make that clear.
6 It's just we've heard from some of the ANCs
7 that want to receive it that way. And so this
8 is just one of our initiatives that we're
9 trying to further. And the ANC Act helps us
10 do that. Our regs, right now, require us to
11 do it only by first class mail. So, by
12 changing our regs, it allows us to, you know,
13 come in line with the ANC Act, and to also
14 further our initiative to move forward in the
15 future.

16 CHAIRMAN HOOD: And let me just say
17 -- let me just echo, because I don't know -- I
18 might not be able to hear it, but I want to
19 put this on the record. I think that -- I'm
20 sure that the Office of Zoning has had many
21 requests. And I appreciate them moving this
22 forward. But I just want us to be cautioned

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1 that, when we start sending stuff
2 electronically to ANCs, it probably doesn't
3 happen maybe just maybe a hand full, but I
4 often times, if it goes to individual people,
5 then the whole -- and I'm sure you've got it
6 all vetted out, but it something that we
7 probably need to bring up at the hearing,
8 Commissioners is, if it goes to an individual,
9 the whole commission may not get it. And I
10 was thinking when I was reading this that
11 maybe, in terms of a general -- hopefully, the
12 ANC will have a general e-mail box.

13 MS. SCHELLIN: It's already we have
14 discussed it. So, just to put it out there if
15 it puts you at ease, prior to the hearing,
16 each ANC member is given an @DC.gov e-mail
17 address. And that will be the only e-mail
18 address that the notification will go to,
19 because that e-mail address will go to the ANC
20 person, regardless of whether that person
21 changes come January 1, of whatever year, that
22 e-mail address, whether it's ANC-1A@DC.gov --

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1 1A-01, you know, or whatever, it doesn't
2 change. You know, that address stays the
3 same, regardless of who holds that seat.

4 CHAIRMAN HOOD: So, I understand it
5 will go to A-5B-01.

6 MS. SCHELLIN: Right.

7 CHAIRMAN HOOD: I understand that.
8 But does it go also -- which, if Commissioner
9 Schlater was 5B-01, I'm the Chair at 5B --

10 MS. SCHELLIN: It would also go to
11 the Chair and the SMD, was what we're planning
12 to have. Whoever we're required to notify, it
13 would go to them, whether it's the ANC
14 Chairperson and the SMD, you know, it will
15 always go to the Chair. But, if we're also
16 required to notify the SMD, it will also go to
17 the SMD. But the Chair for sure.

18 CHAIRMAN HOOD: And basically, this
19 mirrors what the Department of Consumer
20 Regulatory Affairs is already doing, or is
21 supposed to be doing?

22 MR. BERGSTEIN: Well, yes. But, at

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1 the same time, they added C4 for us, they
2 amended C3 for DCRA, and pretty much, it's the
3 same language. And, by the way, parties right
4 now can serve each other electronically. And
5 so, when the ANC is a party, they're already
6 receiving any service between -- from another
7 party, electronically, if that's what the
8 party wishes to do.

9 CHAIRMAN HOOD: Okay. So I don't
10 think we've heard anything, so it must be
11 working. Any other comments? Commissioner
12 Turnbull?

13 COMMISSIONER TURNBULL: Nobody's
14 request both ways, have they?

15 MS. SCHELLIN: Actually, one of the
16 things that the Office of Zoning has done is
17 that we now accept electronic filings under
18 ten pages, black and white. So you can now
19 file with us via e-mail. Is that what you're
20 asking?

21 COMMISSIONER TURNBULL: No. I
22 mean, nobody's request both ways, that they

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1 want it electronically and a hard copy?

2 MS. SCHELLIN: Well, they're not
3 going to get both, I'm sure.

4 MR. BERGSTEIN: Well, the option
5 hasn't been actually presented yet. In other
6 words, because this is a Rule Making and you
7 haven't adopted it yet, right now it's first
8 class mail all the way.

9 MS. SCHELLIN: Only.

10 MR. BERGSTEIN: Once you take final
11 action, the Office of Zoning will be sending
12 out a template letter, advising them that they
13 now have -- and I haven't reviewed the text
14 and I don't think it's even been drafted. But
15 there will be a letter going out to each ANC
16 and each of the single commissioners,
17 indicating -- well, at least for the ANC,
18 because they have the opt out, that right now
19 they're receiving all the notices first class
20 mail. If they wish to receive electronically,
21 they need to opt out of first class. But I
22 think the way it's probably going to be

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1 written is they're not going to have the
2 opportunity to request both, unless Mr.
3 Weinbaum chooses otherwise. The opt out, even
4 by the statute, is one or the other. It's not
5 both.

6 COMMISSIONER TURNBULL: You know, I
7 could just see a situation where we have an
8 ANC that gets it electronically, but then
9 there's another affected ANC across the street
10 who wants it by mail, which would just be a --
11 but that's the way it is.

12 MR. BERGSTEIN: That's the way it
13 is. Yes.

14 CHAIRMAN HOOD: Anything else? All
15 right. Would somebody like to make a motion?

16 COMMISSIONER MAY: Mr. Chairman?

17 CHAIRMAN HOOD: Okay Commissioner
18 May?

19 COMMISSIONER MAY: I would move
20 that we set down Zoning Commission Case Number
21 10-04 (Office of Zoning -- Text Amendment re:
22 Notification Requirements), and ask for a

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1 second.

2 CHAIRMAN HOOD: Okay. It's been
3 moved and properly seconded -- I mean, no,
4 moved and can I get a second?

5 COMMISSIONER SCHLATER: Second.

6 CHAIRMAN HOOD: Moved and properly
7 seconded. Any further discussion? Are you
8 ready for the question? That tickles some
9 people. All those in favor?

10 ALL: Aye.

11 CHAIRMAN HOOD: Not hearing any
12 opposition, so ordered. Staff, would you
13 record the vote?

14 MS. SCHELLIN: Yes, sir. Staff
15 records the vote five to zero to zero to set
16 down Zoning Commission Case Number 10-04 as a
17 Rule Making case; Commissioner May making the
18 motion; Commissioner Schlater seconding;
19 Commissioners Hood, Keating, and Turnbull in
20 favor.

21 CHAIRMAN HOOD: Okay. Thank you,
22 very much. Let's move right along. Hearing

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1 action. What we're going to do, we're going
2 to deal with Hearing Action Zoning Commission
3 Case Number 10-05, as well as two items on the
4 consent calendar, Zoning Commission Number 08-
5 12A an Zoning Commission Case Number 08-22A.
6 But first, I think they kind of all go
7 together. So what I'd like to do is first go
8 to Mr. Lawson. And then we'll go to Ms.
9 Schellin for any comments. Okay? Mr. Lawson?

10 Oh, I'm sorry, Ms. Cidlowski.

11 MS. CIDLOWSKI: It's Ms. Cidlowski.

12
13 CHAIRMAN HOOD: Oh. Okay.

14 MS. CIDLOWSKI: Good evening,
15 Chairman and Commissioners. The case before
16 you is a zoning consistency Map Amendment,
17 brought forth by the Office of Planning, that
18 would make amendments and technical
19 corrections to the Ward 7 and 8 R-5-A rezoning
20 cases, 07-30, 08-12, and 08-22. These earlier
21 cases were the result of a detailed study by
22 the Office of Planning of the Ward 7 and Ward

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1 8, R-5-A zones areas in 2007, which included a
2 street by street windshield survey and an
3 examination of the prevailing lot sizes and
4 building forms in individual neighborhoods.

5 The 2006 Comprehensive Plan and
6 it's future land use map include specific
7 references to changing the R-5-A zoning in
8 Wards 7 and 8, designating the subject lots as
9 low to moderate density residential. The
10 minor amendments and more substantive
11 amendments noted in the Office of Planning
12 report would not -- would all be not
13 inconsistent with the Comprehensive Plan in
14 this matter.

15 The original rezoning effort in the
16 previous Zoning Commission case has examined
17 some 8,000 plus lots for rezoning. Since the
18 issuance of the orders for 07-30, 08-12, and
19 08-22, questions have been raised about the
20 zoning of specific lots in the area, leading
21 to a re-examination of the original data and
22 geographic analysis. In studying the

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1 methodology of capturing and including all of
2 the lots in the original cases, apparent
3 mapping or typing errors were made, which led
4 to the inadvertent exclusion of several lots,
5 which should have been included in the
6 original orders, as well as the inclusion of
7 some lots which should not have been included.

8 This led to the submitted corrections for
9 less than one percent of the total original R-
10 5-A rezoning, from the three cases. Office of
11 Attorney General has advised us that some of
12 these corrections would require a hearing,
13 while others would be examined by the Zoning
14 Commission as consent calendar order
15 corrections, and are currently listed as
16 Zoning Commission Consent Calendar cases
17 08-12A and 08-22A.

18 In addition, OP had identified a
19 smaller number of more substantive changes,
20 which led to errors in the original
21 recommendations to the Commission. They are
22 separately described in the report and will

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1 all require a set down and a public hearing.
2 I can explain them individually in more detail
3 if the Commission would prefer it, when I'm
4 finished.

5 The Office of Planning, in summary,
6 recommends that the requested Map Amendment be
7 set down for public hearing. I'm happy to
8 take any further questions or clarifications
9 you might have.

10 CHAIRMAN HOOD: Okay. Thank you,
11 very much, Ms. Cidlowksi. Let me go to --
12 before we go to the Office of Planning for any
13 questions, let me go to Ms. Schellin. If she
14 can comment on 08-12A and 08-22A?

15 MS. SCHELLIN: Staff really has
16 nothing further to add. This case was brought
17 by OP and I think Ms. Cidlowksi probably
18 covered everything in her report. We just
19 broke this down, based on my conversation with
20 the Office of the Attorney General. I thought
21 it would be best to break it down into three
22 separate cases. That's why they are broken

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1 down like they are. Since the two do not
2 require a hearing, Staff decided to give them
3 two separate case numbers, since they -- they
4 just needed some technical corrections. So
5 that's why there are the two under the consent
6 calendar, because they could proceed without a
7 hearing. So it was all OP's case. We just
8 broke it down to three separate case numbers.

9 CHAIRMAN HOOD: Okay.

10 MR. BERGSTEIN: And to summarize,
11 there's just two votes involved. You know,
12 the first vote is to set down, if you agree to
13 set down, the 10-05. And the second vote, and
14 you could vote in the same breath, is to
15 authorize corrective orders for 08-12 and 08-
16 22. And that's why they're -- they're
17 separated. Because there's two different
18 results from your vote.

19 CHAIRMAN HOOD: Okay. Thank you,
20 very much, Mr. Bergstein and Ms. Schellin.
21 Any questions for Ms. Cidlowski? Am I
22 pronouncing that right? Because I don't want

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1 to butcher your name.

2 MS. CIDLOWSKI: Yes. Thank you.

3 COMMISSIONER TURNBULL: Mr. Chair,
4 I don't have a question, per se. But I'm
5 assuming that this represents the definitive
6 list. I think there's -- none of us are going
7 to question you on these properties --
8 individual properties. But I'm assuming that
9 these were left off and you've now gone back
10 through and verified these that we've picked
11 up everything for consistency. Or we think we
12 have, anyway.

13 MS. LAWSON: We certainly hope so,
14 as well. I should note that the original
15 cases were handled, of course, by John Moore,
16 who many of you know well. And who did an
17 amazing job of bringing these forward at the
18 request of the ANCs and in conformance to the
19 Comp Plan. Very shortly -- it was odd -- very
20 shortly after they were all approved by the
21 Zoning Commission, we received our first phone
22 call from DCRA saying lot 20 -- and I'm -- I

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1 think it was lot 20, but whatever -- is not
2 actually listed in the order, but it was
3 clearly intended to be rezoned, so what's the
4 zoning? And we discovered that, on our
5 mapping, lot 20 simply didn't show. So that's
6 when Laine came into the picture. And poor
7 Laine was stuck with the task of literally
8 going through every single square, opening up
9 every single property individually, to make
10 sure that its legal description was listed or
11 not listed in the order. So she did that. So
12 we feel that we've captured everything now.
13 Of course, you know, since the orders were
14 adopted there have been new lots created; old
15 lots have been sub-divided or consolidated.
16 This is not intended to address that kind of
17 situation. Because that's ongoing. These are
18 all lots that should have been listed in the
19 original orders, but simply didn't show up on
20 our -- on the mapping system that we were
21 using or else are lots that, for some reason,
22 were included, but should not have been. We

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1 think we have the definitive list.

2 COMMISSIONER TURNBULL: Well,
3 there's a lot of work. I mean, just looking
4 at the three pages here on these -- you know,
5 on these spread sheets. So, I commend Ms.
6 Cidlowski for all the work that she's done.

7 MS. CIDLOWSKI: Thank you.

8 CHAIRMAN HOOD: Any other
9 questions? Commissioner Schlater?

10 COMMISSIONER KEATING: Quick
11 questions about two of the lots. They are two
12 of the larger ones that are being rezoned.
13 The first one's on page three of the Office of
14 Planning report. It's lots 28 in 813 and
15 5078. It says the lots are District and
16 federally owned and part of a larger developed
17 parcel. Can you just tell me what is on that
18 site?

19 MS. CIDLOWSKI: I'm sorry. Are you
20 referring to the third one or the --

21 VICE CHAIRMAN KEATING: The first
22 one.

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1 MS. CIDLOWSKI: I believe that that
2 is a school, off the top of my head. And so
3 that's simply a part of the larger
4 development. So, clearly, we didn't intend to
5 rezone part of the building, but not the rest
6 of the building, or part of the playground,
7 for example, but not part of the parking lot.

8 VICE CHAIRMAN KEATING: It's an
9 existing building?

10 MS. CIDLOWSKI: Yes.

11 VICE CHAIRMAN KEATING: Rezoned
12 some of the parcels on it. There's no plans
13 to redevelop that parcel or anything like
14 that?

15 MS. LAWSON: Now that we know of.
16 It's a -- I believe it's actually a charter
17 school, and it's in use right now. It's in
18 active use.

19 VICE CHAIRMAN KEATING: It's a
20 school site?

21 MS. LAWSON: Yes.

22 VICE CHAIRMAN KEATING: And then

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1 the other one is a school site too, the Merit
2 School site.

3 MS. LAWSON: That's right.

4 MS. CIDLOWSKI: Yes.

5 MS. LAWSON: It's a used site. I
6 don't believe it's used as a school right now.
7 I think that the plan was to use it. And I
8 can't remember which District agencies, but
9 there are a small number of District agencies
10 that are to be housed in that school.

11 VICE CHAIRMAN KEATING: Any plans
12 for redevelopment of the site?

13 MS. LAWSON: No. It's a fairly new
14 school. It was built, I believe, in the '70s.
15 And it's a massive structure. There were
16 plans to do some renovations on the inside of
17 the building, but not to tear it down and
18 replace. The lots, interestingly, in Number
19 2, the one that you're referring to right now,
20 the Merit School site, those lots,
21 individually, don't even have access to a
22 street. So they're clearly part of the school

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1 property and neither could nor would --
2 neither would nor could be individually and
3 separately developed, because the interior
4 lots have no access to a street.

5 VICE CHAIRMAN KEATING: And so all
6 of these were just mainly clerical errors in
7 processing the order? Is that the way to
8 describe it? Or just in interpreting the map
9 and the ownership and the squares and lots?

10 MS. LAWSON: There's a whole series
11 of different things. We've tried to elaborate
12 in Exhibit 2 and 3, some of the background to
13 where we think some of these came from. We do
14 have to thank, to some extent, the OCTO and
15 the Office of Zoning and our own GIS people
16 for kind of cleaning up some of our own zoning
17 map information. Over the last couple of
18 years, you'll see on our list of five more
19 substantive changes, two of them are because,
20 at the time, the mapping of those properties
21 was inconclusive. And so now it's much more
22 conclusive. So we can kind of really clarify

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1 the issue in the order.

2 VICE CHAIRMAN KEATING: Okay. Very
3 good. Thank you.

4 CHAIRMAN HOOD: Any other
5 questions? Okay. I would recommend,
6 Commissioners, as we do as we've already
7 heard, the two items on consent calendar are
8 minor technical corrections. I would ask that
9 we set down Zoning Commission Case Numbers
10 10-05, and also, in the same breath, and also
11 that we ask the OAG Office of Zoning to
12 proceed with the technical corrections on
13 Zoning Commission Case Number 08-12A, and
14 Zoning Commission Case Number 08-22A. And
15 that's my motion. I ask for a second?

16 COMMISSIONER TURNBULL: Second.

17 CHAIRMAN HOOD: Moved and properly
18 seconded. Any further discussion? All those
19 in favor?

20 ALL: Aye.

21 CHAIRMAN HOOD: Not hearing any
22 opposition, Ms. Schellin, would you record the

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1 vote?

2 MS. SCHELLIN: Yes, sir. The Staff
3 records the vote five to zero to zero to set
4 down Zoning Commission Case Number 10-05, and
5 also approve final action in 08-12A and 08-
6 22A; Commissioner Hood moving; Commissioner
7 Turnbull seconding; Commissioners Keating, May
8 and Schlater in support.

9 CHAIRMAN HOOD: Okay. Thank you,
10 very much. Let's go to the status report. Do
11 we have a status report? Okay. All right.
12 Ms. Schellin, do we have anything else?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: All right. Thank
15 you everyone for your participation tonight.
16 And this meeting is adjourned.

17 (Whereupon, the meeting was
18 adjourned at 7:04 p.m.)

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