

**GOVERNMENT
OF
THE DISTRICT OF COLUMBIA**

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JANUARY 28, 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
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**

MAXINE BROWN-ROBERTS

PAUL GOLDSTEIN

STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

JACOB RITING, ESQ.

**The transcript constitutes the
minutes from the Regular meeting held on
January 28, 2013.**

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

6:38 p.m.

CHAIRMAN HOOD: This meeting will
please come to order.

Good evening, ladies and
gentlemen. This is the January 28th, 2013
public meeting of the Zoning Commission for
the District of Columbia.

My name is Anthony Hood. Joining
me are Vice Chair Cohen, Commissioner Miller
and Commissioner May.

We're also joined by the Office of
Zoning Staff Ms. Sharon Schellin, Office of
Attorney General Mr. Bergstein and Mr. Riting
and the Office of Planning Ms. Steingasser,
Mr. Goldstein, Mr. Mordfin and Ms. Brown-
Roberts.

Okay. Copies of today's 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 come forward.

1 Please be advised that this
2 proceeding is being recorded by a court
3 reporter and is also webcast live.

4 Accordingly, we must ask you to
5 reframe from any disruptive noises or actions
6 in the hearing room.

7 Please turn off all beepers and
8 cell phones.

9 Does the staff have any
10 preliminary matters?

11 MS. SCHELLIN: No, sir.

12 CHAIRMAN HOOD: Okay. If not, I
13 would like to move under final action Zoning
14 Commission Case Number 12-08 and we will move
15 that to the last case that we will hear under
16 final action. We'll move that down to D and
17 move everything else up.

18 Any objections?

19 Okay. Let's go right into the
20 consent calendar item Zoning Commission Case
21 04-08C/02-45, D.C. Department of Mental Health
22 minor modification to a PUD at Square 5868S.

1 Before I ask Ms. Schellin to give
2 us any remarks, is there any Commissioner who
3 would like to see this come off the consent
4 calendar item?

5 COMMISSIONER MAY: Mr. Chairman, I
6 have questions about whether this should be on
7 the consent calendar. So, I would like to see
8 it moved to a hearing action.

9 CHAIRMAN HOOD: Okay. As you know
10 our rules, all it takes is one. So, what I
11 would like to do is move that to a hearing
12 action.

13 If we could take that hearing
14 action up right now at this particular, that
15 would be good. Okay.

16 COMMISSIONER MAY: Okay. Let me
17 explain what my concern is.

18 We are talking about a substantial
19 land area that's being taken out of a PUD and
20 it happens to be the land area that covers a
21 large portion of a ravine on the east campus.
22 I just think that while I don't have any great

1 concern about the modification itself it's
2 significate enough, I mean 13 acres or so,
3 whatever it is, that I could -- I just am not
4 inclined to make that sort of a decision
5 without hearing from the public to see whether
6 there are concerns with regard to that change
7 to the PUD.

8 CHAIRMAN HOOD: Okay.
9 Commissioner, any other comments? Vice Chair?

10 VICE CHAIR COHEN: I would just
11 like to state that I support Commissioner
12 May's statement.

13 CHAIRMAN HOOD: Okay. While Ms.
14 Schellin, I guess, is getting us some dates,
15 I'm going to go to, I guess, Ms. Steingasser.
16 Any comments?

17 MS. STEINGASSER: No, sir, we
18 would recommend it be set down and advertised
19 as soon as possible. Earliest possible date.

20 CHAIRMAN HOOD: Okay. Okay. Ms.
21 Schellin, could we have the dates tonight or
22 we're going to do that at a later time?

1 MR BERGSTEIN: I think that
2 there's possible variables because we need to
3 get a notice of a public hearing and normally,
4 we would reply upon the applicant to provide
5 that. So, that needs to be worked out.

6 Until we know when we get the
7 notice of public hearing, we're not going to
8 know when the hearing is.

9 I think probably it would be a
10 good idea for the Commission to waive the
11 requirement of a supplemental filing and to
12 allow the immediate publication of notice of
13 public hearing once we get that.

14 CHAIRMAN HOOD: Okay.
15 Commissioners, all of what Mr. Bergstein said
16 is, does anybody have any objection?

17 COMMISSIONER MAY: No. No. I
18 would certainly support all that.

19 CHAIRMAN HOOD: Okay. So, do we
20 need to do a motion on that or can we just
21 general consensus? Oh. Okay. Okay. Well,
22 somebody like to make a motion to set it down?

1 COMMISSIONER MAY: Do we have a
2 new case number for this? Okay. So, I would
3 move that we set down Zoning Commission Case
4 Number 04-08C/02-45, D.C. Department of Mental
5 Health minor modification, sorry, modification
6 to PUD at Square 5868S.

7 VICE CHAIR COHEN: And I'll second
8 that.

9 CHAIRMAN HOOD: Okay. It's been
10 moved and properly seconded. Any further
11 discussion?

12 All those in favor?

13 (Ayes.)

14 CHAIRMAN HOOD: Any opposition?
15 So ordered. Staff, would you record the vote?

16 MS. SCHELLIN: Yes, staff would
17 record the vote 4 to 0 to 1 to set down Zoning
18 Commission Case Number 04-08C/02-45 as a
19 contested case and just to confirm that the
20 Commission also waived having to have a
21 prehearing statement in order to go forward
22 with the hearing. Commissioner May moving.

1 Commissioner Cohen seconding. Commissioners
2 Hood and Miller in support. Commissioner
3 Turnbull not present not voting.

4 CHAIRMAN HOOD: Okay. Ms.
5 Schellin, also, if we could maybe kind of work
6 that in. I'll leave that up to staff to work
7 that in. It may be one of those cases that we
8 may have for 45 minutes. Maybe we can combine
9 it with another case if it looks like it's not
10 going to take us all night. That would be
11 helpful.

12 Okay. Thank you.

13 Let's go to final action now.
14 Zoning Commission Case Number 12-15. This is
15 Gallaudet University 12-Year Campus Plan and
16 further processing.

17 Ms. Schellin.

18 MS. SCHELLIN: Yes, sir, at
19 Exhibit 36, we have the Applicant's post-
20 hearing submission. Exhibit 37 is DDOT's
21 supplemental report and at Exhibit 38 is the
22 Applicant's draft order.

1 CHAIRMAN HOOD: Okay.

2 Commissioners, we have some submissions in
3 front of us as Ms. Schellin has already
4 stated. One in particular I paid a lot of
5 attention to which I think we exhausted a lot
6 at the hearing was the DDOT letter which
7 actually came in after the submittal from
8 Gallaudet's traffic consultant. DDOT
9 responded.

10 It looks like there are still some
11 outstanding issues, but I think in our
12 proposed order some of those issues are being
13 worked out and some of these other things
14 which are in this DDOT letter will be worked
15 on upon time of further processing. So, that
16 gives me a comfort level to move further or to
17 move on with this Campus Plan.

18 Let me open it up for any
19 discussion. Any comments?

20 Okay. Not seeing or hearing any,
21 I would move that we approve Zoning Commission
22 Case Number 12-15. This is the Gallaudet

1 University Ten-Year Campus Plan and further
2 processing and ask for a second.

3 COMMISSIONER MILLER: Second.

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

7 Are you ready for the question?
8 All those in favor aye.

9 (Ayes.)

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

13 MS. SCHELLIN: Yes, staff records
14 the vote 4 to 0 to 1 to approve final action
15 on Zoning Commission Number 12-15.
16 Commissioner Hood moving. Commissioner Miller
17 seconding. Commissioners Cohen and May in
18 support. Commissioner Turnbull not present
19 not voting.

20 CHAIRMAN HOOD: Okay. As I
21 already stated, we will do the text and map
22 amendments of St. Elizabeth's last.

1 Let's go to now Zoning Commission
2 Case Number 08-34A, Center Place Holdings, LLC
3 second stage PUD at Square 568.

4 Ms. Schellin.

5 MS. SCHELLIN: At Exhibits 31
6 through 32, we have the Applicant's post-
7 hearing submission and a draft order.

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

10 As already noted, Commissioners,
11 we do have some detailed elevations of the
12 facade of a seven-story structure, the
13 northwest corner. That's been provided to us
14 for our review.

15 As well as, okay, Ms. Schellin,
16 did we have anything from NCPC on this one?
17 Oh. Okay. Okay. All right.

18 Okay. Any other comments? Let's
19 open it up.

20 COMMISSIONER MAY: Mr. Chairman, I
21 think I was fairly satisfied with the proposed
22 action. So, I don't think I have any further

1 comment.

2 CHAIRMAN HOOD: I don't have
3 anything marked either. Anyone else?

4 Okay. So, with that, I would move
5 to approve Zoning Commission Case Number 08-
6 34A and ask for a second.

7 COMMISSIONER MILLER: Second.

8 CHAIRMAN HOOD: It's been moved
9 and properly seconded. Any further
10 discussion?

11 All those in favor aye.

12 (Ayes.)

13 CHAIRMAN HOOD: No hearing any
14 opposition, Ms. Schellin, would you please
15 record the vote?

16 MS. SCHELLIN: I'm sorry. There
17 was a NCPC that came in on January 17th.

18 CHAIRMAN HOOD: I don't think they
19 had any issues with it.

20 MS. SCHELLIN: Right.

21 CHAIRMAN HOOD: I just couldn't
22 find it.

1 MS. SCHELLIN: It's Exhibit 33. I
2 just unfortunately didn't have it in my
3 package for some reason.

4 CHAIRMAN HOOD: Okay. Okay.
5 Good. I knew there was one somewhere. I
6 just --

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Okay. All right.
9 Anyway.

10 MS. SCHELLIN: So, the staff
11 records the vote, on this one I have an
12 absentee ballot from Commissioner Turnbull, 4
13 to 0 to 1 to approve final action on Zoning
14 Commission Case Number 08-34A. Commissioner
15 Hood moving. Commissioner Miller seconding.
16 Commissioners May and Turnbull in support.
17 Commissioner Cohen not voting having not
18 participated.

19 CHAIRMAN HOOD: Okay. Thank you.
20 Let's go to Zoning Commission Case Number 12-
21 07. This is the Office of Planning Map
22 Amendment at the Old Post Office.

1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir, on this
3 one, Exhibit 23 is an OP supplemental report.
4 Exhibit 24 is the letter from Arent Fox which
5 was the firm representing the party in
6 support. Provided the requested letter from
7 GSA. Letter that the Commission asked for.
8 Exhibit 25 was a draft order that Arent Fox
9 provided and Exhibit 26 was a memo from the
10 Office of Planning advising that the draft
11 order provided by Arent Fox should be
12 considered on behalf of the Office of
13 Planning. Exhibit 27 is a NCPC report.

14 CHAIRMAN HOOD: Okay. Let's open
15 it up for any comments.

16 Okay. And I think for the most
17 part NCPC has said that will not adversely
18 affect the Federal interest and it goes on and
19 the report has already stated. Okay.

20 Any other comments? Somebody like
21 to make a motion?

22 COMMISSIONER MILLER: I'll make a

1 motion, Mr. Chairman, to approve Zoning
2 Commission Case Number 12-07, Office of
3 Planning Map Amendment at Square 323 and
4 Parcels 1, 2 and 3 at Square 349.

5 CHAIRMAN HOOD: Okay. I'll second
6 it.

7 It's been moved and properly
8 seconded. Any further discussion?

9 All those in favor aye.

10 (Ayes.)

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, would you record the
13 vote?

14 MS. SCHELLIN: Yes, staff records
15 the vote 4 to 0 to 1 to approve final action
16 on Zoning Commission Case Number 12-07.
17 Commissioner Miller moving. Commissioner Hood
18 seconding. Commissioners May and Turnbull by
19 absentee ballot in favor and Commissioner
20 Cohen not voting having not participated.

21 CHAIRMAN HOOD: Okay. I think
22 last on our agenda is Zoning Commission Case

1 Number 12-08. It's the Office of Planning
2 Text and Map Amendments at St. Elizabeth's.

3 Ms. Schellin.

4 MS. SCHELLIN: Yes, sir, there are
5 a few exhibits that came in on this. Exhibit
6 27 is a copy of ANC 8C's testimony from the
7 hearing. Exhibit 28 is a copy of the
8 PowerPoint presentation from the DHS
9 consolidation at St. E's concept design from
10 January 2012. Exhibit 29's an OP supplemental
11 report. Exhibit 31 is a copy of the notice of
12 proposed rulemaking that we published in the
13 D.C. Register. Exhibit 32 is an NCPC report
14 which says the amendment is not inconsistent
15 with the Comp Plan for the National Capital.
16 Exhibit 33 is a OP second supplemental report
17 and Exhibit 34 are comments to the proposed
18 rulemaking from Councilmember Barry of Ward 8.

19 CHAIRMAN HOOD: Okay.
20 Commissioners, just looking at a number of
21 things. We did have a submission from the
22 Councilmember of Ward 8.

1 But, I wanted to talk about the
2 ANC letter first. Because I know one of the
3 things and I was looking at the old ANC
4 letter. One of the things that they really,
5 really pressed I think was the chapel. I know
6 we talked about that at the hearing and I'm
7 not sure what -- I can't recall if we had any
8 resolution.

9 I know we can't bind an applicant
10 to preserve the chapel, but I thought that
11 there was maybe some incentive here for a
12 developer that may come by and do a
13 development on that site maybe to preserve the
14 chapel. Sort of like what we did down on the
15 O Street Market. I'm not sure how that came
16 into existence, but I know that we did
17 preserve some things down on O Street.

18 VICE CHAIR COHEN: Mr. Chairman,
19 my recollection at the hearing was that I
20 believe the Deputy Mayor's Office did indicate
21 that that would be part of the request for
22 proposals to give extra points for that.

1 CHAIRMAN HOOD: All right. I
2 guess that's about all we can do. We can't
3 just say leave the chapel in, build around it
4 or do like they did down on O Street. But,
5 anyway, hopefully, that will materialize
6 because I think I heard that loud and clear at
7 the hearing. So noted.

8 Any other issues before I get to
9 the Councilmember's five or six issues?

10 VICE CHAIR COHEN: Mr. Chairman, I
11 would like to concur with a number of the
12 issues especially related to density that were
13 made by Councilman Barry and I also would like
14 the Zoning Order to reflect that affordable
15 housing be at 20 percent of the housing that
16 is being built on the site.

17 The City owns this particular
18 property, 94 acres I believe and by owning the
19 land, they can actually encourage affordable
20 housing by pricing the land properly and then
21 there are also a number of other tools that
22 can be used to assure that there's

1 affordability: tax credits, tax exempt bonds,
2 the Housing Trust Fund.

3 If we're going to make this a
4 mixed-use project, we must also consider
5 making it a mixed-income project and
6 inclusionary zoning doesn't really provide for
7 that. There are families in the neighborhood
8 that may want to move to a newer development
9 and they will be priced out if we don't
10 increase the affordable housing percentage.

11 So, I'm open for discussion on
12 that as well as, of course, the Mayor's
13 letter. I mean the Councilman's letter on
14 density.

15 CHAIRMAN HOOD: Okay. Any other
16 comments, Commissioners? Commissioner May?

17 COMMISSIONER MAY: Yes, I had had
18 some concerns and Office of Planning had
19 submitted a second supplemental report to try
20 to address the building form issues. I was
21 trying to get a picture of how the stepping
22 back would occur on a couple of the parcels

1 and what the -- how the lot size, density, you
2 know, the FAR, the height and the lot
3 occupancy all work together and what the
4 likely result might be and they provided some
5 diagrams that demonstrate that which is some
6 comfort.

7 Not that these are a really
8 attractive massing, but it gives you a sense
9 of what the envelope might be for these
10 buildings and so, it alleviated some of the
11 concerns that I had.

12 I did want to clarify something
13 because it's not totally clear from my memory,
14 but as it is right now, there have been some
15 -- after the hearing and when we took proposed
16 action, the Office of Planning had made some
17 changes to include stepping back the
18 properties on a couple of properties. Is that
19 correct?

20 MS. BROWN-ROBERTS: That's
21 correct.

22 COMMISSIONER MAY: And can you

1 tell me -- remind me again which parcels those
2 were?

3 MS. BROWN-ROBERTS: They were
4 parcels 6, 13, 16 and 18.

5 COMMISSIONER MAY: Six, 13, 16 and
6 18?

7 MS. BROWN-ROBERTS: And then we
8 also included 17 also.

9 COMMISSIONER MAY: Okay.

10 MS. BROWN-ROBERTS: On the later
11 submission.

12 COMMISSIONER MAY: Got it. Okay.
13 And the idea is -- where does it step back?
14 Is it consistent on all of those or is it
15 different in each circumstance?

16 MS. BROWN-ROBERTS: It's different
17 on parcel 17.

18 COMMISSIONER MAY: Um-hum.

19 MS. BROWN-ROBERTS: Because we're
20 measuring -- I think the height of this one
21 was lower.

22 COMMISSIONER MAY: Um-hum.

1 MS. BROWN-ROBERTS: So, we gave
2 the different --

3 COMMISSIONER MAY: Got it.

4 MS. BROWN-ROBERTS: -- distance
5 out from the right of way.

6 COMMISSIONER MAY: Okay. Great.
7 Thank you.

8 MS. BROWN-ROBERTS: Um-hum.

9 COMMISSIONER MAY: Those are the
10 biggest concerns that I had about the massing.
11 I don't think it's completely responsive to
12 some of the concerns of the neighbors, but I
13 thought that it was a reasonable compromise to
14 try to get the density that we wanted to see,
15 but also, allow for a sensible relationship
16 between these new buildings and the
17 residential buildings across the street or
18 adjacent.

19 So, I appreciate that
20 modification.

21 CHAIRMAN HOOD: Okay.
22 Commissioner Miller.

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

3 Yes, I appreciate the setback
4 requirements as well. They're part of the
5 zoning text. Right? They're actually
6 required. Is that correct?

7 MS. BROWN-ROBERTS: Yes.

8 COMMISSIONER MILLER: Yes.

9 MS. BROWN-ROBERTS: They're
10 included in the text.

11 COMMISSIONER MILLER: And I think
12 it is partially -- at least partially
13 responsive to some of the ANC's concerns about
14 the height of buildings along Alabama Avenue.

15 Regarding the Vice Chair's
16 comments, I wanted to associate myself with
17 her desire that the affordable housing set
18 aside be at least 20 percent and not simply
19 the 8 to 10 percent that inclusionary zoning
20 would require. Which is what is in the draft
21 order.

22 It's typical, as I said at the

1 hearing, for these dispositions to have at
2 least -- dispositions by the City of District
3 property to have at least 20 percent
4 affordable housing. I think the Southwest
5 Waterfront had 30 percent. So, I do support
6 a doubling of that affordable housing set
7 aside and with 1600 to 2,000 residential
8 units, a 20 percent set aside would be a
9 substantial amount.

10 Regarding Councilmember Barry's
11 comments, I would be interested in -- if we
12 could go through each of the points and just
13 hearing Office of Planning's response.
14 Because I'm not sure -- I don't think I -- I'm
15 not sure I do concur with him unlike the Vice
16 Chair, but I wanted to hear the Office of
17 Planning's comments on each of Councilmember
18 Barry's points which -- yes.

19 CHAIRMAN HOOD: Okay. I would
20 agree at some point, but what I don't want to
21 do, colleagues, and if you don't agree with
22 me, just speak about it, I don't want to

1 necessarily put the Office of Planning on the
2 spot about it. I wanted us to discuss the
3 comments first and maybe give them some time.
4 I don't even know if we're going to finish
5 this tonight.

6 I wanted to hear about it because
7 I think the Councilman brings up some good
8 points and my issue is -- because I watch what
9 we do all over this City as far as pushing the
10 envelope for height and density essentially
11 around Metro stations and I'm concerned when
12 we get in certain areas we don't do the same
13 thing or we're not trying to push for some of
14 the same things in certain areas.

15 I'm not saying that's
16 intentionally done. I'm not saying that we're
17 doing it, but I just think we need to be
18 cognizant of what we told the folks in Ward 6
19 and what we just told the folks in Ward 5 and
20 other wards who actually came in and said
21 don't do this to us and we actually have done
22 it because we thought that was the thing to do

1 especially around Metro stations.

2 And I think when I read the
3 Councilmember's letter, those are some of the
4 things that maybe might -- I don't necessarily
5 know if Office of Planning wants to respond
6 tonight off the cuff. I don't want to do that
7 because, you know, I don't like for anyone to
8 get blindsided, but I think that these are
9 some of the issues especially when he talks
10 about the Congress Heights Metro Station. We
11 do this all over the City and I'm just
12 curious.

13 Maybe I need some -- maybe it's
14 here, but when I look at some of his thoughts,
15 it just brought back to my mind. I said well,
16 wait a minute. Why are we doing this over in
17 these areas and we're not doing it here?

18 So, and I do notice some
19 contradictions where one of the ANC folks did
20 not want a certain amount of height and where
21 the Councilmember's saying push the envelope.
22 I think for me it's to push the envelope and

1 then once the development starts, then we
2 scale back at that time. At least allow the
3 envelope to be able to be pushed and maximize
4 as we've done in other cases across this city.

5 And I just see us in this plan
6 really just -- really condensing it and not
7 allowing ourselves the opportunity. As is
8 always said sometime back that there was no
9 plan for the Verizon Center, at that time MCI
10 Center, to go downtown. There was no plan and
11 I just see us limiting ourselves at least here
12 by not allowing some of the things that the
13 Councilmember has mentioned in his letter.

14 So, I don't know if -- I'll leave
15 that up to the Office of Planning if they want
16 to ask for some of these now or maybe we might
17 need some additional time.

18 MS. STEINGASSER: We have read the
19 letter and we have gone through it relative to
20 the Small Area Plan that was most recently
21 done based on the Master Plan adapted by the
22 Council.

1 And what we found was where the
2 Councilman wanted us to go to a much higher
3 density, areas of the Small Area Plan, we felt
4 like we had already maxed those out under the
5 proposed zoning.

6 In addition, there's areas outside
7 of the St. Elizabeth's Campus that have been
8 recently called for in the 2010 Comprehensive
9 Plan to be up zoned. So, off the campus,
10 there's additional capacity around the
11 Congress Heights Metro, the Anacostia and
12 basically around St. Elizabeth's that has a
13 great deal of potential and the Comp Plan ties
14 it to additional amenities that the
15 neighborhood has talked about and
16 implementation through a PUD. So, in addition
17 to St. Elizabeth, there is a great deal of
18 development potential around the campus that
19 this was looked at as a comprehensive whole.

20 So, we do feel like there is a
21 great deal of supply coming to this part of
22 the ward that the Commission will see.

1 We'll also point out that, you
2 know, this kind of zoning is living. So, if
3 we find that we need more as the development
4 responses start to come in regarding the RFPs,
5 we can always adjust accordingly. If we find
6 that more height's being requested or more
7 density's being requested around the Metro, we
8 could always come back.

9 But, we did take our lead from the
10 Small Area Plan where we started and as you
11 saw from the ANC's letter, they felt pressure
12 that they wanted less.

13 In addition, one of the
14 differences about the St. Elizabeth's Campus
15 itself is it's a national historic landmark
16 and one of its defining elements is its
17 campus-like setting. So, some of these open
18 spaces are integral elements to its
19 designation and that was a lot of struggle
20 between the St. Elizabeth's planning team on
21 how to respect the historic elements of the
22 campus and still accommodate the growth and I

1 think that's also why some of the growth that
2 will be spawned in this area is actually off
3 the campus boundary around the Metro. If
4 that's helpful.

5 CHAIRMAN HOOD: Yes, but I would
6 still encourage my colleagues. Let's look at
7 this and again, I want to -- instead of coming
8 back -- and it depends on what happens with
9 RFPs. The envelope should be there. I
10 believe the envelope needs to get there and
11 then we can cut back as we move forward.

12 I mean I think again for me if you
13 look at his letter on page 2 of 3. The
14 density proposed for the parcel adjacent to
15 the Congress Heights Metro is not sufficient
16 and what is that? ST 18.

17 I just know we do this everywhere
18 else and maybe if I'm missing something, maybe
19 my colleagues will help me. But, we've done
20 it everywhere else. I don't know why we're
21 not starting of with that here. That's just
22 my concern and my issue.

1 Commissioner Miller.

2 COMMISSIONER MILLER: One thing I
3 would say, Mr. Chairman, is that, you know,
4 downtown, to pick an area that has a high --
5 whereas the underlining zoning has a high FAR
6 and the highest height, all those overlay
7 restrictions and uses and the historic
8 preservation constraints, they have ended up
9 producing the kind of livable downtown that we
10 have and right near the Verizon Center, there
11 are a lot of, you know, historic properties in
12 that historic district where you get a scale
13 of -- you know, a variety of scale of
14 buildings and I think that's what I think the
15 zoning -- what the Small Area Plan was
16 anticipating and recognizes that it is an
17 historic district with open spaces.

18 And then there's going to be a lot
19 of development on this campus. It's going to
20 make this campus look very much different than
21 it currently looks. I'm not sure if Historic
22 Preservation's going to allow all of what's

1 even being proposed under the zoning, but
2 that's the only comment.

3 Oh, other than the fact that yes,
4 the most recent Comp Plan amendments did call
5 for some up zoning of off-campus sites at the
6 Congress Heights Metro Station and that's
7 appropriate and we want to be able to -- we
8 want to make sure that those parcels are
9 successful and that the area has the capacity
10 to support the market.

11 CHAIRMAN HOOD: Okay. Vice Chair.
12 Commissioner May.

13 COMMISSIONER MAY: Yes, Mr.
14 Chairman, I tend to agree with the Office of
15 Planning on this. I think that, you know,
16 they start in the right place with the Small
17 Area Plan.

18 What we see here is the product
19 of, I think, extensive consultations with the
20 community and while it may not be as high a
21 density as we might see in some other
22 locations, it is certainly higher than what's

1 there now and between the density that's going
2 on in this campus and the density that will go
3 into some of the surrounding properties, I
4 think it's striking a good balance.

5 I think that the physical
6 circumstances are quite different in some of
7 the other areas of the City where we have done
8 something a little bit different and I think
9 the bottom line for me is that I think this is
10 the right balance.

11 I also think that it would be a
12 mistake to create a larger envelope with the
13 notion that somehow we might restrict it in
14 the future because I think it's a lot easier
15 to up zone a property than to down zone it in
16 terms of the reactions of the landowners
17 themselves. You know, they're going to come
18 to us and appeal for greater density if they
19 think there's a reason for it and if the
20 Office of Planning can support it, then we
21 would take it up.

22 Whereas, you know, if a developer

1 has a piece of property and they want to build
2 the maximum, I mean who's going to come to us
3 and say oh, I think we need to cut that back.
4 I don't think that's going to happen.

5 So, I think that this is the right
6 balance. You know, I wouldn't object if you
7 wanted to postpone making a decision until the
8 Office of Planning has the opportunity to put
9 a more detailed response into the record.
10 But, I'm also quite comfortable going ahead
11 based on what's proposed and is before us
12 right now.

13 CHAIRMAN HOOD: I guess for me
14 when I ride from Monroe Street and then I look
15 at this case here in front of me, I think
16 we're doing a disservice and we're limiting a
17 community and yes, that argument can go two
18 ways, Commissioner May, about yes, it's easy
19 to come back in and ask for more as opposed to
20 give them less. But, you know, sometimes you
21 may get more applicants or more people may
22 want to come in. Okay. Well, I know what I

1 can do here.

2 So, I just see this not being
3 consistent and the cases that we've had in
4 front of us across this City and I just --
5 especially in what the Councilmember mentions
6 here about the Metro station.

7 Vice Chair.

8 VICE CHAIR COHEN: Thank you, Mr.
9 Chairman.

10 I guess I'm also in the position
11 of realizing that the quality of the retail
12 you're going to get is based on how many
13 people are living and working in the area.
14 So, density will contribute obviously to I
15 think a higher grade of retail.

16 In addition, we're going to get
17 push back from developers if we do require
18 more affordable housing. They're going to say
19 that they need greater density as well.

20 So, I'm still of the opinion that
21 we need in these certain areas and we can go
22 site by site, but I think that the Councilman

1 makes a very good point.

2 I agree with you, Commissioner,
3 that we have done this before and we should
4 prepare the envelope now.

5 CHAIRMAN HOOD: Okay. Any other
6 comments?

7 Why don't we do this? I mean I
8 don't know where Mr. Turnbull is. We can
9 always wait for him. We'll let him out vote
10 us or out vote two of us.

11 Why don't we go along with
12 Commissioner May and maybe the Office of
13 Planning maybe feels like they've already
14 exhausted all of this and I understand their
15 strategy because I look back at some books of
16 2004 of the Office of Planning and some things
17 that were planned then and some things that
18 have never gotten done for other reasons, been
19 rerouted and who knows what the issues were.
20 It could have been money. It could have been
21 a change of plans. I've seen a number of
22 different types of plans since I've been on

1 the Commission that have come out as far as in
2 developing and shaping our communities.

3 I just think that the Councilman
4 brings points up that this Commission, as long
5 as I've been sitting here, has done across the
6 City and I think that we need to realize that
7 I think they bring up some valid points and I
8 know we have to maximum and balance it with
9 what the ANC Commissioners said and trying to
10 take in all comments.

11 Because at the end of the day,
12 this Councilmember like other Councilmembers
13 in Wards, they represent their constituents
14 and I'm sure this is not self-interest. I'm
15 sure that he has talked to a lot of his
16 constituents and I'm sure his ANC
17 Commissioners and civic association leaders
18 have been involved with his response to us in
19 30 days and I take heed especially to the
20 Congress Heights Metro issue.

21 So, I would go along somewhat with
22 Commissioner May and see if the Office of

1 Planning could kind of have some responses to
2 us. I won't ask them tonight to do that.

3 And I would like for us to also
4 include our other colleague in on the
5 discussion, Commissioner Turnbull, even though
6 I think he has given us a proxy. But, he was
7 not privy to this discussion.

8 So, I would like for us to maybe
9 revisit the discussions slightly as soon as
10 possible. I don't know if there's an urgency.
11 I'm sure it is. But, I don't know if it's an
12 urgency. This can wait maybe another, what,
13 two weeks.

14 When is our next meeting? In two
15 weeks.

16 MS. SCHELLIN: I think I would
17 look -- our next meeting is February 11th.
18 So, I think I'd look at the Office of Planning
19 to see how soon they could have a response
20 back.

21 In order to make it for the
22 February 11th meeting, we would need their

1 response preferably by noon on February 5th.

2 Is that manageable? Do you want
3 to do the February 11th meeting? Okay.

4 COMMISSIONER MAY: Mr. Chairman,
5 would you also like in addition to these
6 specific comments that were in the
7 Councilmember's letter, the discussion that we
8 had about the affordable housing component?
9 Would they also be addressing that?

10 CHAIRMAN HOOD: I think that would
11 be good because we're going to include that in
12 our discussion.

13 Commissioner Miller.

14 COMMISSIONER MILLER: That was the
15 point I was going -- I appreciate, Mr.
16 Chairman, you asking and giving the Office of
17 Planning time to give us a thoughtful response
18 to each of Councilmember Barry's comments.
19 Not only on the height and density, but on
20 requiring certain preferred uses in certain
21 places and also the Vice Chair's suggestion
22 that the affordable housing set aside be

1 increased and if there were to be an increase,
2 is how much of the set aside at the different
3 levels of AMI? If that could be part of some
4 -- if you can give us options or
5 recommendations or preferred options it would
6 be helpful, I think, to our deliberations.

7 CHAIRMAN HOOD: Okay. Ms.
8 Schellin, will Mr. Turnbull be here to --
9 he'll be here to participate even though he
10 wasn't here tonight. Right?

11 MS. SCHELLIN: Correct.

12 CHAIRMAN HOOD: Okay. Okay. So,
13 now, I want to thank everyone for your
14 participation in this particular case and
15 let's see what comes back from the Office of
16 Planning. Let's see what Mr. Turnbull has to
17 add and then we'll take it from there and
18 hopefully, this is not causing a burden.

19 Ms. Schellin, could you look in
20 the audience or see if it's causing a burden?
21 I know we have representatives from the Deputy
22 Mayor's Office. I'm sure they're going to say

1 it's causing a burden.

2 Two or three weeks.

3 MR. BERGSTEIN: Just so it's clear
4 that if you do either of these suggestions,
5 there will need to be another Notice of
6 Proposed Rulemaking. I don't believe that
7 this could be seen as changes that naturally
8 flow from what's been proposed. These are
9 both probably two fairly substantial changes.

10 So, I'll think about it some more,
11 but I want to alert you to my thought at this
12 point.

13 CHAIRMAN HOOD: Okay. All right.
14 I thank you. We'll wait.

15 Commissioner Miller.

16 COMMISSIONER MILLER: Part of the
17 response that we're going to get from Office
18 of Planning can we get some information about
19 the timing of when the zoning needs to be in
20 place for whatever is being planned? It would
21 just be helpful to know that as well.

22 CHAIRMAN HOOD: Okay. So, can we

1 add that and find out how much of a delay
2 we're -- that we're delaying it even more than
3 it already has been delayed.

4 Okay. All right. So, I'm hoping
5 that we can look to some of these things that
6 have been discussed and see how some of these
7 things can kind of work through. So, we can
8 make sure -- at least from my standpoint, I'd
9 like to be consistent across the City
10 especially around Metro.

11 Anything else? Did we have
12 anything else on our agenda?

13 Are we all on the same page about
14 this case? Okay.

15 Do we have an updates to anything
16 from the Office of Planning?

17 Okay. So, with that, I want to
18 thank everyone and this meeting is adjourned.

19 (Whereupon, at 7:17 p.m., the
20 meeting was adjourned.)

21
22

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