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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Special Public Meeting  
1443rd Meeting Session [22nd of 2016]

6:32 p.m. to 7:05 p.m.  
Monday, August 8, 2016

Jerrily R. Kress Memorial Hearing Room  
441 4th Street, N.W., Suite 220 South  
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 STEPHEN COCHRAN

13 JOEL LAWSON

14

15 Office of Attorney General:

16 ALAN BERGSTEIN

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

2 CHAIRPERSON HOOD: This is a special public  
3 meeting of the Zoning Commission. This meeting will  
4 please come to order.

5 Good evening, ladies and gentlemen, this is a  
6 special public meeting for the Zoning Commission for  
7 the District of Columbia. My name is Anthony Hood.  
8 Joining me are Vice Chair Cohen, Commissioner Miller,  
9 May, and Turnbull. We're also joined by the Office  
10 of Zoning staff, Ms. Sharon Schellin, Office of  
11 Attorney General, Mr. Bergstein, Office of Planning,  
12 Mr. Lawson and Mr. Cochran.

13 Copies of today's meeting agenda are  
14 available to you and are located in the bin near the  
15 door. We do not take any public testimony at our  
16 meetings unless the Commission requests someone to  
17 come forward. Please be advised this proceeding is  
18 being recorded by a court reporter and it's also  
19 webcast live. Accordingly, we must ask you to  
20 refrain from any disruptive noises or actions in the  
21 hearing room, including the display of any signs of  
22 objects. Please turn off all beepers and electronic  
23 devices at this time. We're also joined by Ms.  
24 Steingasser, from the Office of Planning.

25 I want to thank everyone for taking the

1 time. We typically don't meet in August but we  
2 wanted to dissolve this issue before September so I  
3 appreciate everyone coming back for this one special  
4 public meeting.

5 Does the staff have any preliminary matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. We have possibly two  
8 agenda items, but let's start off with Case No. 15-  
9 15. This is case for final action, JBG Boundary,  
10 1500 Harry Thomas, LLC., and the JBC Boundary,  
11 Eckington Place, LLC. And we know what the issue --  
12 Ms. Schellin, would you like to tee it up for us?

13 MS. SCHELLIN: Sure. As you know, this was  
14 deferred from the last special public meeting held on  
15 July 28th. The applicant has made a further  
16 submission at Exhibit 59, and also in the audience if  
17 the Commission wants to hear from DHCD, we have Ms.  
18 Polly Donaldson, and would ask the Commission to  
19 consider final action this evening.

20 CHAIRMAN HOOD: Okay. Commissioners, you  
21 know we had a very outstanding issue of the  
22 affordability proposal from the applicant versus what  
23 can be administered by DHCD. We did receive a letter  
24 from DHCD explaining their position on how we would  
25 move forward and they advised -- and the advisement

1 was given to us in that letter.

2           What I'd like to do is to go to -- I don't  
3 know if Commissioner May, since you were not here, if  
4 you had something you wanted to add or, you know, we  
5 can just open it up to everyone but I didn't know if  
6 you had something to tell me.

7           MR. MAY: Well, I mean, I think the first  
8 thing I need to say is that I listened to and watched  
9 the meetings that I missed so that I could be up to  
10 speed on this project and I appreciate the Commission  
11 coming in for an extra meeting, an unheard of extra  
12 meeting in August, to continue this discussion so  
13 that I could participate. So, I don't think I have  
14 anything more to say to kick things off at this  
15 moment, but if you'd like me to start talking about  
16 the issue I'm happy to let you know what I'm  
17 thinking.

18           CHAIRMAN HOOD: Okay. Let's do that. I  
19 think we know where everyone else is. Let's hear  
20 from you.

21           MR. MAY: Okay. So, I had originally  
22 significant concerns about the applicant's proposal  
23 and specifically the issue of how a 60 percent IZ  
24 proffer could be administered and raised that during  
25 the proposed action discussion, and I went back and

1 listened to that again just to see, you know, replay  
2 all of that discussion from when it came up before.  
3 And at the time I did not get the sense that there  
4 was great concern on the part of the majority of the  
5 Commission, but the conclusion of that discussion,  
6 though, was that -- was to request further feedback  
7 from DHCD on the complications of administration of a  
8 60 percent IZ proffer.

9           And the subsequent discussion by the  
10 Commission on July 25th and July 28th confirmed my  
11 concerns, and certainly DHCD's letter confirmed my  
12 concerns about it, and I am -- I, you know, based on  
13 what DHCD has submitted, I am not comfortable with  
14 the notion that this would, in a sense, be off the  
15 books if you will, not part of the overall system  
16 that DHCD administers. So I would prefer that we  
17 would find some way that this can fit into the mold  
18 rather than try to invent something new in this  
19 circumstance and grant a full waiver. You know,  
20 again because this is, as they said at proposed  
21 action, this is not a short-term proffer. This is  
22 you know, this is the full duration of this project.

23           And so I think we need to make sure that this  
24 is administered appropriately and consistently well  
25 into the future. So, anyway, that's where I stand on

1 that now. I won't go into the most recent submission  
2 by the applicant unless we want to -- I guess I would  
3 turn it back to the Chairman to see if there are  
4 further thoughts on this before we get into that  
5 discussion.

6 CHAIRMAN HOOD: No, I don't have any further.  
7 I think -- and I don't know if anyone wants to rehash  
8 our further deliberations. We do have a letter here  
9 from August the 5th with two options, and I think --  
10 I don't know everyone -- I believe everyone has had a  
11 opportunity to review that. And we did, as I sent,  
12 let everyone know that we do have Ms. Donaldson here,  
13 who we've asked, just in case there were questions.

14 So with all that being said, let me open it  
15 up. And I don't know if we need to digress. I mean,  
16 I think everyone pretty much knows where our  
17 positions were, unless somebody has changed. But let  
18 me just open it up, because it looks like now we're  
19 being proposed with two options. At least they're  
20 written down. I think those were similar options  
21 that we had previously. It just was not specifically  
22 spelled out like it is.

23 Let me open it up and let's see what others  
24 have to say at this point. Vice Chair Cohen.

25 MS. COHEN: Thank you, Mr. Chairman. I want

1 to correct myself. I indicated, and I guess it was  
2 the 25th or the 28th of last month, that I said OP  
3 did support the 60 percent. And on page 17 of their  
4 report they do indicate that DHCD will have some  
5 issues in implementing the 60 percent.

6 I thought about this a lot, which is, you  
7 know, I do have a life, but I did think about this  
8 particular issue. And we spent enormous hours on the  
9 IZ program, and hearing from council members and, you  
10 know, elected ANC people, and the public about the  
11 need for getting deeper subsidies. And this project  
12 won't be up and running for at least two years, if  
13 not more due to plans and specs having to be  
14 completed, and construction.

15 And so my thinking is, and maybe Ms.  
16 Donaldson can elaborate, my thinking is, we are  
17 pushing IZ to 60 percent so why couldn't this project  
18 come under that new evolution of implementation?

19 Again, everybody wants deeper subsidies, but  
20 when push comes to shove this particular project is  
21 offering it and my preference is still to go with  
22 Option 1, which is the 60 percent. However, sir.

23 CHAIRMAN HOOD: Okay. Did you want Ms.  
24 Donaldson to come -- Ms. Donaldson, can you come up  
25 and respond? And identify yourself, and if you could

1 respond to Vice Chair Cohen's question or comments?

2 MS. DONALDSON: Thank you. Appreciate the  
3 opportunity to be here.

4 Your question was regarding the two options?

5 MS. COHEN: No, my question is that with the  
6 Inclusionary Zoning proposed changes that seem to be  
7 supported widely, and although we haven't reached  
8 final, it appears that Option 1, the 60 percent,  
9 would fall within those guidelines. And in that this  
10 project isn't going to be ready for a while, and you  
11 know, I mean, you know where the wind is blowing,  
12 that we're going for deeper subsidy because we've  
13 been obviously encouraged to do that. So I don't see  
14 why this project wouldn't be part of the new  
15 implementation procedures that DHCD must come up  
16 with.

17 MS. DONALDSON: Right.

18 MS. COHEN: That's my --

19 MS. DONALDSON: And as you know --

20 MS. COHEN: -- question.

21 MS. DONALDSON: -- they're looking forward to  
22 meeting with the Commission in September, I believe,  
23 to begin that process of talking about what would it  
24 take to implement the decision made three weeks ago,  
25 two weeks ago, by the Commission. And we totally

1 respect that and know that that is what is coming,  
2 and are prepared to discuss both, what would be  
3 needed either legislatively and administratively as  
4 well.

5           And so I want to make that very clear and  
6 that is a commitment and obviously something we want  
7 to see to ensure the success, the continued success  
8 of the IZ program.

9           If I could, the question of which of the  
10 options offers greater affordability is, I think, one  
11 that is open to some discussion. I do believe that  
12 the second option, which would have half the units at  
13 50 percent and half at 80, does reach a little --  
14 sorry, a greater amount of affordability level with  
15 those 50 percent units, particularly, and is more  
16 than the regular IZ program. It's IZ plus, is one  
17 way that we've put it.

18           In other words, and often times the  
19 Commission has other examples where there have been  
20 additions to or adjustments to. But always at the  
21 level of either 50 or 80 because that's what the  
22 current law is. And that is what we are asked to  
23 implement, and having it under the IZ law, I think  
24 Option 1 still allows for the developer to administer  
25 the program separate from the IZ law. And that is

1 also a very strong concern as I think our letters  
2 shared in detail with you.

3 So my sense is that the deeper affordability  
4 of the 50 percent AMI is a positive and is a plus,  
5 and it doesn't mean in any way that we are not going  
6 to go forth and develop what is needed to implement  
7 the 60 percent, the new -- well, which will be  
8 finalized this fall by the Commission. And so I just  
9 want to be very clear on that.

10 And when a project comes on line is not  
11 necessarily -- it's when a project is at this stage,  
12 that's when the IZ covenants and the work, the  
13 paperwork if you will, needs to be done and put  
14 together. And so it isn't something that I can  
15 forward in that way to two years from now.

16 MS. COHEN: However, Low Income Housing Tax  
17 Credit projects, they're administered and  
18 differently. And that's a 60 percent median income  
19 program.

20 MS. DONALDSON: Or below.

21 MS. COHEN: Or below. I'm confused because  
22 again I --

23 MS. DONALDSON: Oh, I'm sorry. Go ahead.

24 MS. COHEN: I think it's just something that  
25 the -- and I'm going to say the word bureaucracy. I

1 don't mean to be in an offensive term, it's just, it  
2 is what it is. But why it can't accommodate this  
3 particular project and another one we also approved.  
4 And just to add icing on my argument a little bit is  
5 that our attorney never really brought it to our  
6 attention that this would be something that wouldn't  
7 be legal. You know, you did mention the law.

8 I like to, you know, not -- I like to pay  
9 attention to the law, but sometimes the law needs to  
10 be changed.

11 MS. DONALDSON: Well, and I think that's  
12 the --

13 MS. COHEN: And in this case -- yeah.

14 MS. DONALDSON: -- action that is going to  
15 happen.

16 MS. COHEN: Exactly.

17 MS. DONALDSON: We're charged with  
18 implementing the law as it exists right now. And we  
19 are -- and we are trying to comport with that in how  
20 this would go forward. And I think the important  
21 difference between Option 1 and Option 2 is, on  
22 Option 2, the developer would be part of the IZ  
23 program, accessing the registry of units, requiring  
24 participation in the IZ Lottery, meaning that's the  
25 fair process through which District residents can

1 apply for an IZ unit.

2           Option 1 puts them outside of that because it  
3 is not in the IZ program. At least as it was  
4 proposed. And I think that's an issue as well for  
5 going forward in terms of standardization,  
6 consistency, and being able to implement and  
7 administer the program in that way.

8           MS. COHEN: Well, we do have fair housing  
9 laws and everything that, you know, adds to the  
10 developer's need to comply with certain requirements  
11 that, you know, you can't just discriminate. And  
12 that's why I really do not understand why we can't  
13 implement. You know, I think I used the term rocket  
14 science. And I have a great deal of faith in your  
15 administration of DHCD. And therefore I don't see --  
16 you know, I know you're doing this stuff already. So  
17 that's why I don't understand why we're pushing it  
18 away from trying to get -- I mean, you said 50  
19 percent is better. I agree with you. But 80 percent  
20 is market often. And 80 percent we have lots of  
21 units that have been built, maybe -- well at least  
22 1,200 maybe. And in different projects.

23           MS. DONALDSON: In the IZ program?

24           MS. COHEN: Yeah. Maybe it's more now?

25           MS. DONALDSON: It's 300 units in the IZ

1 program currently.

2 MS. COHEN: But we keep seeing them here.

3 MS. DONALDSON: Right, because they're coming  
4 down the pike.

5 MS. COHEN: Yeah, they're coming on.

6 MS. DONALDSON: You're right.

7 MS. COHEN: Exactly.

8 MS. DONALDSON: There is a large number in  
9 various stages of the pipeline.

10 MS. COHEN: That's why I really think 60  
11 percent is a demand that has not really been met in  
12 our city and we don't have enough subsidies to deal  
13 with the issue. So here a developer is offering 100  
14 percent at 60 percent.

15 So that's my argument. I'm going to vote for  
16 this project no matter where it goes because my  
17 colleagues think slightly differently than I do,  
18 which doesn't surprise me at all. But I really  
19 believe strongly that when somebody comes forward we  
20 need to be a little bit more flexible in light of the  
21 changes that are being made and the fact this project  
22 will not be ready, even though you have to have, you  
23 know, the covenants earlier on in the process. I  
24 mean, I really have a problem when we go -- when we  
25 stick so closely to process as opposed to need.

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1 MS. DONALDSON: I understand.

2 CHAIRMAN HOOD: Okay. Anybody else, any  
3 other comments? Commissioner Turnbull, and then  
4 we'll go to Commissioner Miller.

5 MR. TURNBULL: Thank you, Mr. Chair. Do you  
6 agree or your position on the 80 percent? Do you  
7 really feel that 80 percent is really providing  
8 affordable housing for the residents of the city?

9 MS. DONALDSON: Let me perhaps put it in this  
10 context. There is a continuum of affordable housing  
11 in the District. IZ is one of many programs. Many  
12 of our programs are actually geared towards very low  
13 and low income 30 percent AMI and less.

14 More are being developed in between 31 and 50  
15 percent AMI. Tax credits do indeed do the 60  
16 percent. Or lower, depending on what the developer  
17 can propose.

18 Very little is actually being done of what I  
19 would define as workforce housing between 60 and 80,  
20 meaning that are at that -- the actual salary amount  
21 for 80 percent AMI is about \$90,000 for a family of  
22 four. And some of the housing, I mean that's just --  
23 that is a market. It's not as huge, maybe, as some  
24 of the other needs, but it is -- IZ is the only  
25 program addressing really that income level for

1 affordability in a city where prices are rising and  
2 that is true.

3           Again, I submit that the second option, which  
4 we actually did discuss with the -- as we were last  
5 week, prior to their letter being submitted, we  
6 talked about Option 2, and actually were in, I  
7 thought, concurrence and agreement.

8           And so I actually think there's openness, as  
9 their letter indicates to doing, having the deeper  
10 affordability of 50 percent and coupled with the 80  
11 percent, and again both comport with the current IZ  
12 law and would be -- the law as it stands now. Not  
13 what we're going to submit to the Council for  
14 changes, but to reflect the actions of the Zoning  
15 Commission, which is going to occur as expeditiously  
16 as possible. But tonight I'm being charged with  
17 administering and implementing the laws that exist  
18 now.

19           MR. TURNBULL: Okay. No, and I appreciate  
20 that. But as we go forward --

21           MS. DONALDSON: Uh-huh.

22           MR. TURNBULL: -- do we see you on the other  
23 side of the fence for affordability? Do you see --

24           MS. DONALDSON: Oh, I think --

25           MR. TURNBULL: Do we see DHCD as moving with

1 the Zoning Commission to try to improve --

2 MS. DONALDSON: Absolutely.

3 MR. TURNBULL: -- affordability?

4 MS. DONALDSON: Our last RFP that we issued  
5 for the Housing Production Trust Fund actually put  
6 incentives in for proposing projects at 50 percent of  
7 AMI or below. Eighty percent of the fund must go  
8 according to statute, to 50 percent AMI and below.  
9 And the track record of achieving that has been  
10 uneven at best. And the intentionality in the RFP  
11 was precisely to address that lack and to know that  
12 we also, a couple other city resources operating  
13 subsidy from the Housing Authority, the local rent  
14 supplement program, services funding from the  
15 Department of Human Services to provide those  
16 supports to the very low and low income. And yes,  
17 using the development finance tools that we have at  
18 DHCD.

19 MR. TURNBULL: Okay. Thank you.

20 CHAIRMAN HOOD: Commissioner Miller?

21 MR. MILLER: Thank you, Mr. Chairman. And  
22 thank you Director Donaldson for being here and for  
23 all the input that you've given in this case and in  
24 other cases. And I also wanted to thank the  
25 applicant for its letter and appreciate that it's

1 come up with an option that is -- Option 2, that has  
2 garnered the support of DHCD and of Office of  
3 Planning. I do agree, however, with -- well, let me  
4 ask a question before I make the comments. I had  
5 just one question.

6 Your department does administer, not under  
7 Inclusionary Zoning but under other programs or under  
8 other monitoring and enforcement covenants, many  
9 projects at the 60 percent AMI or below level. Is  
10 that correct?

11 MS. DONALDSON: That is correct.

12 MR. MILLER: Is it probably a lot more  
13 administration of those than of the IZ, which you  
14 said there are only 300 units --

15 MS. DONALDSON: Right now. More in -- many  
16 more in development, which I'm very happy to hear.  
17 And scaling up the administration is something we've  
18 planned for and are ready to do.

19 And for the other 60 percent, there are two  
20 forms principally. One is our monitoring of the Low  
21 Income Housing Tax Credit, both the four percents and  
22 the nine percents. HFA issues the four percents but  
23 we monitor for compliance, that's doing annual income  
24 verifications at the appropriate level, each  
25 developer must submit and we monitor their compliance

1 and submit to the Department of Treasury as well.  
2 That's our responsibility for that.

3           So, it's not an inability to be able to  
4 administer 60 percent. The other major form is with  
5 the older ADU system, that were reflective of two  
6 things. One, prior to IZ individual developers  
7 developed one on one agreements that -- where the  
8 terms are vastly different it really is -- many of  
9 them one offs in that sense.

10           And then of course with other public  
11 dispositions like a DMPED project where there is a  
12 requirement of affordability right now, that is done  
13 via an ADU agreement. But it is now designed to  
14 match, if you will, the requirements of the IZ  
15 program. In other words, we have streamlined our  
16 administrative ability and can respond to that and  
17 do.

18           But if you have a lot of one offs, and then  
19 you have a lot of you know, other things, and it's a  
20 different division that monitors the assets of the  
21 Low Income Housing Tax Credit, it's not the same  
22 division that is monitoring IZ and that is  
23 implementing the IZ program.

24           So that is, again, it's a different  
25 requirement in that sense and a different you know, a

1 different type of monitoring and compliance in that  
2 way.

3 MR. MILLER: I can appreciate that. And I  
4 think in this case the applicant did testify that  
5 they would -- they had to -- they testified that they  
6 had to go for the waiver to do the 60 percent AMI.  
7 That's what they were advised by the --

8 MS. DONALDSON: That's true.

9 MR. MILLER: -- administration. But even  
10 though they were asking for a total waiver they were  
11 willing to put into their particular monitoring and  
12 enforcement covenant, which you would be  
13 administering many at the same IZ requirements in  
14 terms of whether it's life of the project or many of  
15 the same characteristics, that's what they testified  
16 at least to.

17 So, I don't have any other questions to  
18 Director Donaldson. I just did want to comment, Mr.  
19 Chairman, that I mean, I do agree with the Vice Chair  
20 that although the 50 percent -- half of the set aside  
21 at the 50 percent AMI is a good thing. Having the  
22 other half at 80 percent, I agree with the Vice Chair  
23 that that's virtually market rate, in Eckington and  
24 most of the city, and doesn't really meet a real  
25 affordable housing need in our city, which is of a

1 deeper level. The information we had in the IZ cases  
2 that most of the folks on the waiting list were at  
3 the 60 percent AMI level or lower.

4 And the half and half sit 50 and 80, I  
5 realize it meets the strict AMI levels, median income  
6 levels of the -- but it ends up being a blended rate  
7 of 65 percent, so it's not getting it as much  
8 affordable housing as we would otherwise have. So I  
9 would have preferred Option 1, but in the interest of  
10 comity and compromise, I'm also -- and because there  
11 is support for, I think on the Commission and amongst  
12 the administration, and amongst the -- and by the  
13 applicant for Option 2, I'm willing to go along with  
14 that.

15 CHAIRMAN HOOD: Okay. Any other comments  
16 from anyone else? Commissioner May?

17 MR. MAY: Yes. I want to thank Director  
18 Donaldson as well for coming here and for the letter  
19 that you've written and I especially appreciate the  
20 personal interest that you've taken in this and being  
21 here tonight, in August, to talk about this.

22 And I will also speak up in support of  
23 healthy functioning bureaucracy because I think it's  
24 necessary in many ways.

25 MS. COHEN: I didn't say [speaking off mic].

1           MR. MAY: I didn't say you were. But I  
2 understand the need for that and the need to be  
3 consistent. And I was -- I mean, I think that was  
4 part of my initial concern was that administering  
5 this or having the applicant essentially administer  
6 this as one off -- I mean, you know, it may be  
7 perfectly fine but it also, when we're talking about  
8 having to do this forever it can be, you know, a  
9 burden for the applicant in the long run, it could  
10 also be an area where, you know, the applicant or  
11 whoever might be a future owner of the overall  
12 property may not necessarily keep things up and  
13 consistent with the standards that DHCD would apply.

14           So I agree that the blended rate of 65 is not  
15 as good as the, you know, the straight up 60. I  
16 mean, I think I would have preferred to see a proffer  
17 that would be more like two-thirds/one-third, because  
18 if you do the math on that it works out to be about  
19 60 percent. Although I know the math is probably  
20 more complicated than my simple version of it. But  
21 I'm willing to support the second option. I would  
22 not be willing to stick with the first option. So,  
23 that's it.

24           CHAIRMAN HOOD: All right. As I stated last  
25 week, or whatever, last -- week before last, one of

1 the things -- and I appreciate the letter, Director  
2 Donaldson, from DHCD, which gave me pause because I  
3 was frankly, honestly like I said then, we make a lot  
4 of decisions up here and once we finish we don't know  
5 how it's working, whether it's working. But DHCD is  
6 the one who is going to administer this. Look like  
7 we have a compromise where they are working together  
8 here with Option 2. I just didn't want to put  
9 something out there and nobody is going to watch it  
10 because I don't think any one of us up here, I know  
11 I'm not, I'm not going to be administering anything.

12 So, you know, I would leave it to the subject  
13 matter experts as I've stated previously, and I think  
14 we're going in the right direction. Yes, I would  
15 like to try to achieve a deeper subsidy. If it's up  
16 to me, Director, let's work towards 30 percent.  
17 That's where we're -- I would like to push. I've  
18 been doing that, talking about that for years. I  
19 don't know exactly how to get there, but I do know  
20 that I take the comments of the agency which  
21 administers here for the city very seriously. The  
22 letter gave me a lot of pause and moving forward,  
23 because again, colleagues, we don't administer  
24 anything. There's a lot of things that get changed  
25 and a lot of things that go on. We think it's

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1 happening one way and years come -- you find out  
2 years later that it actually didn't even progress in  
3 a manner we thought it would. So I think the safe  
4 haven for now is to take the recommendation of the  
5 DHCD, as well as Office of Planning. And it looks  
6 like the developer too now have come up with a plan,  
7 which is the 80/50 split.

8           So, and it will be administered and it will  
9 be followed. So that's one of the keys for me and I  
10 really think that that is the direction. It sounds  
11 like we are all ready to move in that direction, so  
12 without further ado I would move that we approve  
13 Zoning Commission No. 15-15 and note with option --  
14 approval of Option 2, half affordable units at 50  
15 percent AMI and half of the units at 80 percent of  
16 the AMI, which is a proposal I believe everyone is in  
17 agreeance with. I'm kind of looking around and I'm  
18 seeing heads nod, so this is going to be a quick  
19 August meeting.

20           So, that's my motion. Can I get a second?

21           MR. MAY: Second.

22           CHAIRMAN HOOD: It's been moved and properly  
23 seconded. Any further discussion?

24           [Vote taken.]

25           CHAIRMAN HOOD: Ms. Schellin, would you

1 record the vote?

2 MS. SCHELLIN: Yes, sir. Staff records the  
3 vote five to zero to zero to approve final action in  
4 Zoning Commission Case No. 15-15, Commissioner Hood  
5 moving, Commissioner May seconding, Commissioners  
6 Cohen, Miller, and Turnbull in support.

7 CHAIRMAN HOOD: Okay. We do have the -- we  
8 do have the minor modification. Are there any issues  
9 with the minor modifications, Commissioners?

10 MS. COHEN: No, sir.

11 CHAIRMAN HOOD: I was going to read off what  
12 it said but my page is not coming up. Ms. Schellin,  
13 do you have what's being proposed in front of you?  
14 It's like the second item in the Office of Planning  
15 report.

16 MS. SCHELLIN: I do.

17 CHAIRMAN HOOD: I can't get it to come up.  
18 Thank you, Director Donaldson. We appreciate it.

19 MS. DONALDSON: [Speaking off mic.]

20 CHAIRMAN HOOD: No. Thank you.

21 MS. SCHELLIN: Yes, this was the minor  
22 modification that was submitted that goes -- that's  
23 related to this case that you guys just took action  
24 on. They provided some updated plan pages and so  
25 they're asking -- they provided some plans and

1 diagrams and the minor modification was for the --  
2 regarding the connection to this neighboring  
3 property, which is the action that you guys just  
4 took.

5 CHAIRMAN HOOD: Okay. And if you look at the  
6 modification request as Ms. Schellin said, expand the  
7 one ground level loading dock and existing PUD, 05-  
8 23, the Gale PUD with the proposed PUD 15-15,  
9 construct below grade connection between the existing  
10 PUD garage and proposed PUD garage to permit entry to  
11 the proposed garage from the existing driveway  
12 entered from the north side of Q Street, construct a  
13 pedestrian walkway at a grade level from Q Street  
14 Northeast to proposed PUD, and I believe the Office  
15 of Planning is in support of this minor modification  
16 as well.

17 Any comments? Any questions?

18 Okay. I would move approval of this minor  
19 modification as noted in the planning report of  
20 Zoning Commission Case No. 05-23B, and ask for a  
21 second.

22 MS. COHEN: My last second.

23 CHAIRMAN HOOD: It's been moved and -- it's  
24 been moved by her last second. For some reason, I  
25 don't think that's true. But anyways, her last. Any

1 further discussion?

2 [Vote taken.]

3 CHAIRMAN HOOD: Ms. Schellin, would you  
4 record the vote?

5 MS. SCHELLIN: Yes, sir. Staff records the  
6 vote five to zero to zero to approve final action in  
7 Zoning Commission Case No. 05-23B, Commissioner Hood  
8 moving, Commissioner Cohen on her last second,  
9 Commissioners May, Miller, and Turnbull in support.

10 CHAIRMAN HOOD: Ms. Schellin, do we have  
11 anything else?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Thank everyone again.

14 MR. BERGSTEIN: Mr. Chairman?

15 CHAIRMAN HOOD: Yes.

16 MR. BERGSTEIN: Just with respect to 15-15,  
17 would the applicant be able to submit a revised  
18 order? It would be of assistance to our office.

19 CHAIRMAN HOOD: Yes. I think that -- and  
20 work with your office on that. Thank you.

21 MR. BERGSTEIN: Thank you.

22 CHAIRMAN HOOD: Mr. Bergstein. Thank you for  
23 reminding me. Okay. Anything else, Ms. Schellin?

24 MS. SCHELLIN: No, sir.

25 CHAIRMAN HOOD: Okay. So with that I want to

1 thank everyone for coming to this August special  
2 public meeting and I can say this, we have not heard  
3 the last of Marcie Cohen.

4 With that, this hearing is adjourned.

5 [Special Public Meeting adjourned at 7:05  
6 p.m.]

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