

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION

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REGULAR MEETING

MONDAY, APRIL 14, 2008

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The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> 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  
GREGORY N. JEFFRIES, Vice Chairman  
CURTIS L. ETHERLY, JR., Commissioner  
PETER MAY, Commissioner (NPS)  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (OAC)

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS  
STEVEN COCHRAN  
TRAVIS PARKER  
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

LORI MONROE, ESQ.  
JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on April 14, 2008.

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

2 6:43 p.m.

3 CHAIRPERSON HOOD: This meeting  
4 will please come to order.

5 Good evening, ladies and  
6 gentlemen. This is the April 14th, 2008  
7 public meeting of the Zoning Commission of the  
8 District of Columbia.

9 My name is Anthony J. Hood.  
10 Joining me this evening are Vice-Chairman  
11 Jeffries, Commissioners Turnbull, Etherly and  
12 May. We're also joined by Office of Zoning  
13 staff Sharon Schellin and Donna Hanousek.  
14 Also, Mr. Travis Parker, Office of Planning  
15 staff and I see some additional staff in the  
16 office who will be joining us when the time is  
17 appropriate. Oh, also Ms. Bushman. From the  
18 Office of OAG, Ms. Monroe and Mr. Ritting is  
19 down there hiding, but I can see him, too.

20 Okay. Copies of today's meeting  
21 agenda are available to you and are located in  
22 the bin near the door. We do not take any

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1 public testimony at our meetings, unless the  
2 Commission requests someone to come forward.

3 Please be advised that these  
4 proceedings are being recorded by a court  
5 reporter and is also webcast live.

6 Accordingly, we must ask you to  
7 refrain from any disruptive noises or actions  
8 in the hearing room. Please turn off all  
9 beepers and cell phones.

10 Does the staff have any  
11 preliminary matters?

12 MS. SCHELLIN: No, sir.

13 CHAIRPERSON HOOD: If not, let us  
14 proceed with the agenda.

15 I do have a preliminary matter. I  
16 just wanted to say that, and we usually do  
17 this at the end, but I think we need to do  
18 this at the beginning. I want to thank all  
19 those involved: Office of Zoning staff, Office  
20 of Planning, ANCs, the community, and also the  
21 Office of Attorney General. Because,  
22 oftentimes information is given -- a little

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1 misinformation is given to my colleagues and  
2 I and at times -- and I'm going to do this  
3 more often than not, because, you know, the  
4 staff helps us, makes sure that we obtain all  
5 the information that we get so we can make the  
6 best informed decision for the best interest  
7 of the city. And I think that is not taken  
8 very lightly. I think that my colleagues and  
9 I really appreciate what everyone does, the  
10 community, O of Z staff, OAG, Office of  
11 Planning, ANCs, civic associations, whomever.  
12 And we try to make the best decision possible  
13 so we can still continue to live in a  
14 coexistent city.

15 With that said, let's get to the  
16 hard part.

17 Okay. No preliminary matters?

18 MS. SCHELLIN: I'm sorry, Chairman  
19 Hood. I believe, maybe I missed -- we were  
20 going to move final actions to do --

21 CHAIRPERSON HOOD: Yes.

22 MS. SCHELLIN: Want to still do

1 that?

2 CHAIRPERSON HOOD: I sure am. I  
3 want to move final action to No. 4 and propose  
4 action to No. 5. So I think it may take us a  
5 little longer tonight to deal with proposed  
6 action.

7 And, Ms. Schellin, if you could  
8 help me to remember that when we get there?

9 Okay. Also we're going to move  
10 the Office of Planning's report to the end.  
11 Okay?

12 Okay. Hearing action. Zoning  
13 Commission Case No. 08-02, Hay-Adams Holdings,  
14 LLC, map amendment at Square 186, Lot 809.  
15 And I think it's Ms. Thomas.

16 MS. THOMAS: Good evening, Mr.  
17 Chairman, Members of the Commission. The Hay-  
18 Adams Hotel is requesting a map amendment from  
19 the SP-2 to C-4 Zone to permit an addition to  
20 its hotel. This would increase the height of  
21 the building from 90 feet to 98 feet and a  
22 density from 7.35 to 7.99 FAR.

1                   We are in support of this C-4  
2 designation to support the hotel's renovation.  
3 The addition itself has been subject to many  
4 reviews, including CF8 as well as HPRB and the  
5 Secret Service, and we think that the  
6 recommendations support the comp. plan. So we  
7 are in support of it as not being inconsistent  
8 with the plan and recommend set down for a  
9 public hearing. Thank you.

10                   CHAIRPERSON HOOD: Okay, Ms.  
11 Thomas. I'm just going to start right off.  
12 I saw in your report you actually preempted  
13 the questions that I'm sure -- I don't know if  
14 my other colleagues have, but I'm sure they  
15 possibly thought about it, spot zoning.

16                   And you say in your report to  
17 constitute legal spot zoning, the Commission's  
18 action must pertain to a single parcel or a  
19 limited area ordinarily for the benefit of a  
20 particular property owner or specially  
21 interested party. Must be inconsistent with  
22 the city's comprehensive plan or there is none

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1 with the character of zoning of the  
2 surrounding area of the purpose of the Zoning  
3 Regulations; i.e., the public health, safety  
4 and general welfare.

5 With me saying all that, can you  
6 help me understand again why this is not spot  
7 zoned?

8 MS. THOMAS: Because the comp.  
9 plan specifically addresses this addition and  
10 this rezoning. It's specific to it. It has  
11 to meet the two parts of it and does meet the  
12 second part, and it's not inconsistent with  
13 the city's comprehensive plan as it is  
14 written.

15 CHAIRPERSON HOOD: Okay. Can I  
16 get that for the record maybe during the  
17 hearing time? Can I get that specific  
18 language wherever it is in the comp. plan that  
19 actually pertains to exactly where it says  
20 this, or is it in your report?

21 MS. THOMAS: It's in the report.

22 CHAIRPERSON HOOD: Okay.

1 MS. THOMAS: Under the comp. plan  
2 and it's policy CW-1.10 for central Washington  
3 hotels.

4 CHAIRPERSON HOOD: I see it.

5 MS. THOMAS: Yes.

6 CHAIRPERSON HOOD: Okay. Okay.

7 Let me ask you, are there other sites, and I  
8 know we're talking about this specific case  
9 that we may run into this instance where it  
10 signals that it's in the comp. plan, which  
11 would not make it a spot zoning, that you may  
12 know of right off? That may be a loaded  
13 question, but I'm just curious.

14 MS. THOMAS: Yes, I'm not sure  
15 right at the top of my head.

16 CHAIRPERSON HOOD: Okay. That's  
17 fine.

18 MS. THOMAS: Yes.

19 CHAIRPERSON HOOD: Okay. Any  
20 other questions?

21 VICE-CHAIR JEFFRIES: Yes. Boy, I  
22 tell you, this 2006 comprehensive plan is a

1 real catchall.

2 Can you talk a little bit about  
3 the original intent of the SP districts, what  
4 the intent is? And I know that you sort of  
5 cover it here, you know, preserve, protect  
6 areas adjacent to commercial districts that  
7 contain a mix of row houses. There are row  
8 houses in and around this area?

9 MS. THOMAS: No, not that I'm  
10 aware of. There are no row houses immediately  
11 abutting.

12 VICE-CHAIR JEFFRIES: Okay. So it  
13 says it is designed to preserve and protect  
14 areas adjacent to the commercial districts  
15 that contain a mix of row houses, apartments,  
16 offices, institutions at a medium to high-  
17 density. So it seems as if the SP Zone is  
18 really trying to, you know, really protect  
19 some of the medium -- some of the residential  
20 zones that are adjacent to. And, I mean, this  
21 is somewhat sort of in the center of this SP-2  
22 Zone in terms of where this Hay-Adams Hotel

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1 is. I mean, again, you look at the zoning map  
2 and it looks like, you know, we're doing that  
3 carve out again. And again, I understand your  
4 two-prong test here and you're covered.

5 MS. THOMAS: But, I'm sorry, you  
6 don't have the comp. plan map, but the comp.  
7 plan specifically calls for this area below I  
8 Street at high-density.

9 VICE-CHAIR JEFFRIES: I'm looking  
10 at Exhibit D of what was submitted by Holland  
11 & Knight. Yes, see they're covered for one.  
12 There's a question mark for prong two because  
13 it's addressed in the 2006 comprehensive plan.  
14 So where should this line be?

15 MR. PARKER: Which exhibit are you  
16 looking at?

17 VICE-CHAIR JEFFRIES: The  
18 application from the applicant.

19 MR. PARKER: We would direct you  
20 to Exhibit F.

21 VICE-CHAIR JEFFRIES: F?

22 MR. PARKER: As the comprehensive

1 plan.

2 MS. THOMAS: F.

3 MR. PARKER: Although is that the  
4 older one?

5 VICE-CHAIR JEFFRIES: The future  
6 land use?

7 MS. THOMAS: Yes.

8 MR. PARKER: Right. Right.

9 Where, as Karen pointed out, the strip of  
10 mixed use is north of I. And to the south of  
11 I, it's consistently high-density residential,  
12 which would be consistent with --

13 MS. THOMAS: High-density  
14 commercial.

15 MR. PARKER: Or commercial, which  
16 would be consistent with this SC-4 zoning.

17 VICE-CHAIR JEFFRIES: Okay. So  
18 I'm looking at the Metro line, the orange and  
19 blue. And what you're saying is north of that  
20 -- did I get that right? No, south of that is  
21 the high-density commercial.

22 MR. PARKER: Correct.

1 VICE-CHAIR JEFFRIES: Okay. And  
2 then that double-dashed orange portion still  
3 continues to be an SP-2 Zone.

4 MR. PARKER: Going to the north of  
5 I Street.

6 VICE-CHAIR JEFFRIES: To the  
7 north?

8 MS. THOMAS: Right.

9 VICE-CHAIR JEFFRIES: Is that  
10 Farragut North?

11 MR. PARKER: Well, that's the blue  
12 and orange lines going down I Street.

13 MS. THOMAS: Up 16th Street.

14 VICE-CHAIR JEFFRIES: Of 16th  
15 Street?

16 MS. THOMAS: Yes.

17 VICE-CHAIR JEFFRIES: Oh, so what  
18 is that circle there? Is that Mass?

19 MR. PARKER: Scott or Thomas; I  
20 don't remember which one.

21 VICE-CHAIR JEFFRIES: It's Scott?

22 MR. PARKER: Yes.

1 VICE-CHAIR JEFFRIES: Is it Scott  
2 Circle?

3 MR. PARKER: On 16th Street? Yes,  
4 yes.

5 VICE-CHAIR JEFFRIES: Yes, 16th  
6 Street. Okay. Okay. Okay. Thank you.

7 CHAIRPERSON HOOD: Okay. Any  
8 other comments?

9 Commissioner May?

10 COMMISSIONER MAY: Yes, I just had  
11 one small point, and that was that I noted in  
12 what was submitted that the comp. plan calls  
13 for coordination with the security needs of  
14 the federal government. And I also noted that  
15 the letter that was in the package, I think  
16 from the Secret Service, was about two years  
17 old and I assume that we'll get updated  
18 information when the hearing rolls around.

19 MS. THOMAS: Okay.

20 COMMISSIONER MAY: To make sure  
21 that there's been continuing coordination and  
22 make sure that this isn't going in fact to be

1 a problem later on.

2 MS. THOMAS: Okay.

3 CHAIRPERSON HOOD: Right.

4 Anybody? Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Thank you,  
6 Mr. Chair.

7 I guess my only concept so far is  
8 that I really can't say I'm that thrilled by  
9 the addition on top, architecturally. This is  
10 historic property. The penthouse, I think, I  
11 mean, right now by what we're seeing with  
12 these cartoons is that it's a little, I don't  
13 know what you want to call it -- it doesn't do  
14 justice to the building.

15 MR. PARKER: Well, and keep in  
16 mind, this project is subject to HPRB review.

17 COMMISSIONER TURNBULL: I know.

18 MR. PARKER: Yes.

19 COMMISSIONER TURNBULL: And, I  
20 mean, looking at this right now, I can't see  
21 that they would approve this. I mean, I just  
22 think that it looks like a phony mansard roof

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1 up on the penthouse there, where the  
2 mechanical is. It detracts from the building,  
3 I think. I think there's some serious  
4 architectural issues that are going to have to  
5 be solved with this.

6 MS. THOMAS: Okay.

7 COMMISSIONER TURNBULL: Thank you.

8 VICE-CHAIR JEFFRIES: So just one  
9 additional question. So, I'm looking at  
10 Exhibit F. So, and I know that this is an  
11 applicant that's bringing this case before us,  
12 but why aren't we looking at this as a  
13 consistency case?

14 MR. PARKER: I think this is a  
15 consistency case.

16 VICE-CHAIR JEFFRIES: For all the  
17 areas that are below I Street. Is that below?  
18 Yes. I mean, what's going to happen is that  
19 someone, you know -- I mean, we're just  
20 looking at one square here, right? Am I  
21 confusing this?

22 MR. PARKER: One piece of

1 property.

2 MS. THOMAS: One piece of  
3 property.

4 VICE-CHAIR JEFFRIES: One  
5 property, yes.

6 MS. THOMAS: Yes. The rest of the  
7 square is zoned C-4, appropriately C-4. You  
8 know, a portion of it.

9 VICE-CHAIR JEFFRIES: Okay. Just  
10 give me a little help here. I just want to be  
11 clear. Can you go back to Exhibit D? And, I  
12 mean, I just want to be clear. Okay. So I  
13 see where the Hay-Adams site is. I Street is  
14 just above that, correct?

15 MR. PARKER: Yes.

16 VICE-CHAIR JEFFRIES: Okay. So  
17 anything that is below I Street to the White  
18 House, or the Government here, for the 2006  
19 comprehensive plan, is high-density, correct?

20 MR. PARKER: Correct.

21 VICE-CHAIR JEFFRIES: So in this  
22 particular vicinity here then, we could have

1 another applicant come forward and ask for a  
2 C-4.

3 MR. PARKER: It's possible. I  
4 mean, the SP-2 is not inconsistent with that  
5 designation either. But you're right, C-4 is  
6 appropriate.

7 CHAIRPERSON HOOD: I'm sorry. I'm  
8 being advised that this would be a contested  
9 case map amendment. This is not a consistency  
10 case.

11 VICE-CHAIR JEFFRIES: Oh.

12 CHAIRPERSON HOOD: Okay?

13 VICE-CHAIR JEFFRIES: So, okay.  
14 So SP-2 and C-4 are both considered high-  
15 density commercial. Okay?

16 MS. THOMAS: That's correct.

17 VICE-CHAIR JEFFRIES: Okay. So  
18 that was really what my concern is.

19 MR. PARKER: Well, I think SP-2  
20 could be consistent in a range of categories.  
21 SP-2 could be consistent further to the north,  
22 as well. In other words, the standard is not

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1 inconsistent and SP-2 is not inconsistent with  
2 high-density uses.

3 VICE-CHAIR JEFFRIES: So in  
4 looking into your analysis here and your  
5 discussion about spot zoning, this is really  
6 Office of Planning's opinion, correct?

7 MS. THOMAS: This was --

8 VICE-CHAIR JEFFRIES: In terms of  
9 this two-prong approach?

10 MS. THOMAS: No, this is not OP's  
11 opinion. We requested OAG to provide us with  
12 this reasoning.

13 VICE-CHAIR JEFFRIES: Okay. So  
14 Office of Attorney General, this two-prong  
15 approach for spot zoning is what they're  
16 saying has to be reached in terms of making  
17 the case?

18 MS. THOMAS: That's what we were  
19 advised, yes.

20 MR. PARKER: Right. I don't have  
21 it in front of me, but there's a two-part test  
22 and both have to be met for it to be spot

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1 zoning.

2 VICE-CHAIR JEFFRIES: Yes.

3 MR. PARKER: Now, in the report,  
4 the Office of Planning has said that they do  
5 not believe that it's spot zoning because it's  
6 consistent or not inconsistent with the  
7 comprehensive plan. You may not agree with  
8 that conclusion, but that's their opinion.

9 VICE-CHAIR JEFFRIES: Okay.

10 CHAIRPERSON HOOD: Okay.

11 Commissioner Jeffries, any further concerns?

12 VICE-CHAIR JEFFRIES: No.

13 CHAIRPERSON HOOD: Okay. Anyone  
14 else?

15 Okay. Colleagues, we have in  
16 front of us a proposal to set down Zoning  
17 Commission Case No. 08-02. And I'm sure that  
18 the applicants have heard the issues and  
19 concerns that may come up at the hearing.

20 So with that, I would move to  
21 reset 08-02 down for a hearing.

22 COMMISSIONER ETHERLY: Second, Mr.

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1 Chair.

2 CHAIRPERSON HOOD: Moved and  
3 properly seconded. Any further discussion?

4 All those in favor?

5 ALL: Aye.

6 CHAIRPERSON HOOD: Any opposition?

7 So ordered.

8 Staff, would you record the vote?

9 MS. SCHELLIN: Staff records the  
10 vote 5-0-0 to set down Zoning Commission Case  
11 No. 08-02. Commissioner Hood moving;  
12 Commissioner Etherly seconding. Commissioners  
13 Jeffries, May and Turnbull in favor of set  
14 down. And this is being set down, as  
15 mentioned, as a contested case.

16 CHAIRPERSON HOOD: Okay. Thank  
17 you, Ms. Schellin.

18 Our next case, No. 08-05, Office  
19 of Planning, text amendment to the DD  
20 Regulations.

21 Mr. Cochran.

22 MR. COCHRAN: Thank you, Mr. Chair

1 and Members of the Commission.

2 For the record, my name is Steven  
3 Cochran. I'm with the Office of Planning.

4 OP is asking the Commission to  
5 exempt the new convention center/hotel in  
6 Square 370 from the housing requirements that  
7 would otherwise apply in the housing priority  
8 area A of the Zone Districts DD C-2-C and DD  
9 C-3-C, and also to permit additional density  
10 on the site, density which would normally be  
11 achievable only in an all-residential project.

12 The importance of the convention  
13 center/hotel is stressed in several sections  
14 of the comprehensive plan. These were cited  
15 in the OP report.

16 With respect to the housing  
17 requirement, the Commission in other cases has  
18 decided to exempt a public project from a  
19 zoning requirement in order to achieve a  
20 comprehensive plan goal or objective. This  
21 was true with the Verizon Center, which was  
22 relieved of its housing requirement, and also

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1 true of the recent DC Gould Land Transfer,  
2 which was relieved of its escrow requirement  
3 because it was a public project. This is why  
4 the District is asking you for relief from  
5 Sections in Chapter 17.

6 Now with respect to the density,  
7 the hotel has estimated that approximately 9.3  
8 FAR is needed to make the hotel viable. As  
9 you know, the hotel has been under  
10 consideration and has been trying to become  
11 viable for several years now. But this kind  
12 of FAR wouldn't be achievable without an  
13 residential project. That's why we're asking  
14 the Commission to revise the section of  
15 Chapter 24 in order to permit the Commission  
16 to allow more than a five percent additional  
17 density to a planned unit development in this  
18 square, thereby enabling the hotel to achieve  
19 a density more like 9.3. Of course that  
20 density would not be determined until the PUD  
21 is actually before you.

22 So in short, OP recommends the

1 Commission set this down for a public hearing.  
2 Our March 14th report also serves as our  
3 prehearing statement. Thank you.

4 CHAIRPERSON HOOD: Okay. Thank  
5 you, Mr. Cochran. Help me understand 2405.3.  
6 And I think I see it now, but help me  
7 understand what are we adding. What are you  
8 asking us to amend in 2405.3, added to what's  
9 already there after the five percent and the  
10 maximum height and floor area ratio?  
11 Everything after that. What are you asking us  
12 to do or to consider?

13 MR. COCHRAN: What we're asking  
14 you to add is that not more than five percent  
15 -- that you would be allowed to increase the  
16 maximum floor area ratio not more than five  
17 percent usually, but in Square 370 you can  
18 grant in excess of five percent only for the  
19 purposes of a convention center/headquarters  
20 hotel.

21 CHAIRPERSON HOOD: So this will be  
22 applicable only to Square 370?

1 MR. COCHRAN: That's correct. And  
2 only for that particular use.

3 CHAIRPERSON HOOD: Okay. So it  
4 wouldn't apply to Square 369, just 370?

5 MR. COCHRAN: That's correct, nor  
6 to 371.

7 CHAIRPERSON HOOD: All right.  
8 That's very creative.

9 Okay. Let me open it up to  
10 questions. Mr. May?

11 COMMISSIONER MAY: Thank you very  
12 much, Mr. Chairman.

13 I guess I don't really understand  
14 why it's necessary for us to really bend over  
15 backwards for this particular development on  
16 this particular lot. I mean, I understand the  
17 hotel is desirable. Nine-point-five is a heck  
18 of a lot of an FAR. You're saying that 9.0,  
19 it doesn't work financially?

20 MR. COCHRAN: No, I'm not saying  
21 that.

22 COMMISSIONER MAY: All right.

1 MR. COCHRAN: I'm saying that the  
2 estimate that the city has received is that  
3 about 9.3 FAR would be what the convention  
4 center/hotel developers think would be needed  
5 on the site.

6 All that we're asking you to do  
7 today is to enable yourselves to give more  
8 than a five percent increase in Square 370 to  
9 the FAR that would be allowed for a convention  
10 center/hotel. There's nothing specific to a  
11 9.3, 9.0, 9.5 or 0.10. As it is, I mean, this  
12 site could probably achieve about a 10 FAR if  
13 it were all residential because it's exempt  
14 from most requirements other than lot  
15 occupancy and height by the changes that were  
16 made to the DD a few years ago. So in  
17 essence, we're hoping that you will allow  
18 yourselves to grant a density to a future PUD  
19 application that would be comparable to what's  
20 allowed on the site now for an all  
21 residential.

22 COMMISSIONER MAY: Yes.

1 MR. COCHRAN: But since in these  
2 two zone districts a hotel does not count as  
3 residential use, of course it wouldn't be able  
4 to get the exemption from the otherwise  
5 underlying FAR limitations.

6 COMMISSIONER MAY: So not even  
7 talking about the five percent, by modifying  
8 the residential use requirement what density  
9 do they get to? Where can you get to?

10 MR. COCHRAN: Well, they would  
11 normally go down to their matter of right  
12 density which would be 8.0 for the C-2-C  
13 portion of the site and 9.5 as a matter of  
14 right for the C-3-C. Now, the C-3-C portion  
15 is smaller in square footage; it's about  
16 33,000 square feet in land area, as opposed to  
17 the C-2-C, which would be 49,000. So you can  
18 see that if you average those out, it's going  
19 to come somewhere between eight and nine as a  
20 matter of right density. And they're saying  
21 that they can't make it work that way.

22 This is not tying you to any

1 particular density. You're not approving any  
2 kind of density.

3 COMMISSIONER MAY: I understand  
4 that.

5 MR. COCHRAN: Right now you're  
6 allowed to grant five percent increases in the  
7 height or floor area ratio throughout the DD.  
8 This simply allows you to grant more than five  
9 percent of an FAR increase for this particular  
10 square and this particular use.

11 COMMISSIONER MAY: Right. And in  
12 addition to exempting the residential  
13 requirement?

14 MR. COCHRAN: Correct.

15 COMMISSIONER MAY: Which allows  
16 them to go --

17 MR. COCHRAN: What you would be  
18 doing by this would be exempting them from  
19 their residential requirement.

20 COMMISSIONER MAY: Right.

21 MR. COCHRAN: What you would be  
22 doing by this would be simply allowing you

1 future permission to exempt them from the FAR.

2 COMMISSIONER MAY: I understand  
3 that concept, and that's not what I'm  
4 struggling with.

5 MR. COCHRAN: Yes.

6 COMMISSIONER MAY: I haven't  
7 necessarily gotten there in terms of agreeing  
8 to it, but I now understand that concept.

9 The talk of the headquarters  
10 hotel, and I don't know whether it was always  
11 on this site, but it's been talked about for  
12 a long time, five years, something like that.  
13 Right?

14 MR. COCHRAN: Ten.

15 COMMISSIONER MAY: Okay. Ten. I  
16 guess I wasn't listening that long ago.

17 Has the concept always been that  
18 it had to be this dense of development to  
19 work, or is this a relatively new discovery in  
20 the process?

21 MR. COCHRAN: I can't speak to the  
22 former FARs. It was certainly a larger hotel

1 that had been initially proposed.

2 COMMISSIONER MAY: Yes.

3 MR. COCHRAN: Right now the hotel  
4 is would be located just on Square 370 and  
5 would be about 1,150 rooms. Previously the  
6 hotel would have been located on both Squares  
7 369 and 370 and would have been over 1,250  
8 rooms. But I don't know how that density  
9 would have worked out.

10 COMMISSIONER MAY: Yes. I guess  
11 what I wonder is whether this was awarded to  
12 the particular hotel company by some sort of  
13 RFP. Is that right?

14 MR. COCHRAN: That's correct.

15 COMMISSIONER MAY: And the  
16 existing zoning wasn't considered in that  
17 process, or was there an assumption that they  
18 could get some --

19 MR. COCHRAN: I'm sorry, I wasn't  
20 part of the review for the RFP, so I don't  
21 know how to answer that. I don't know the  
22 answer.

1                   COMMISSIONER MAY: Right. Well, I  
2 think you can get a sense of what the  
3 questions might be in the future, at least my  
4 questions. Anyway, thanks.

5                   CHAIRPERSON HOOD: Okay. Any  
6 other questions?

7                   Okay. Well, if there are no other  
8 questions for the Office of Planning,  
9 colleagues, what is your pleasure?

10                  VICE-CHAIR JEFFRIES: I'd like to  
11 make a motion that we set down Zoning  
12 Commission Case No. 08-05, which is presented  
13 by Office of Planning, text amendment to the  
14 DD Regulations.

15                  COMMISSIONER ETHERLY: Second, Mr.  
16 Chair.

17                  CHAIRPERSON HOOD: Moved and  
18 properly seconded. Any further discussion?

19                  All those in favor?

20                  ALL: Aye.

21                  CHAIRPERSON HOOD: Any opposition?  
22 Not hearing any.

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1 Staff, would you record the vote?

2 MS. SCHELLIN: Yes.

3 MR. COCHRAN: Mr. Chair, could I  
4 just ask you to clarify that this also applies  
5 to modifications to the Chapter 24 PUD  
6 Regulations?

7 CHAIRPERSON HOOD: Does your  
8 motion --

9 VICE-CHAIR JEFFRIES: Yes, that  
10 motion does apply to Chapter 24.

11 CHAIRPERSON HOOD: It includes  
12 everything? Oh-three.

13 VICE-CHAIR JEFFRIES: And 17, I  
14 believe as well. Yes.

15 CHAIRPERSON HOOD: Okay.

16 MS. SCHELLIN: Staff records the  
17 votes as 5-0-0 to approve set down for Zoning  
18 Commission Case No. 08-05. Commissioner  
19 Jeffries moving; Commissioner Etherly  
20 seconding. Commissioners Hood, May and  
21 Turnbull in support. And this case is being  
22 set down as a rule making case.

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1 CHAIRPERSON HOOD: Okay. Thank  
2 you.

3 Next, Zoning Commission Case No.  
4 08-06. Oh, yes, Mr. Parker. Of course.

5 MR. PARKER: Good evening. Travis  
6 Parker with the DC Office of Planning.

7 This is a number that you will  
8 probably be seeing a lot over the next few  
9 years. 08-06 is the case number for the  
10 entire comprehensive review of the Zoning  
11 Regulations. As you aware from our previous  
12 discussions, this will be coming to you in  
13 phases over the next two years. There are 20  
14 subject areas and the intent is to have a  
15 public hearing on each individual one. So far  
16 four of them have wrapped up their work and we  
17 have recommendations sent to the task force on  
18 four of them, two of which have actually gone  
19 through the task force and are open for public  
20 review on our web site. But the long short is  
21 that the vast majority of our work has yet to  
22 be done. And so we can't possibly have any

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1 idea what the language will be set down for  
2 the vast majority of our hearings.

3 So with that in mind, we are  
4 requesting a waiver of the set down  
5 requirements for these 20 public hearings.  
6 This is obviously an extremely unique case.  
7 Once every 50 years, it seems, we look at our  
8 Zoning Regulations with an eye towards  
9 updating and amending them comprehensively.  
10 And based on the process that you've  
11 previously heard about and discussed, we would  
12 recommend that you approve waiver of, I  
13 believe there are three particular sections  
14 that OAG has identified, and I don't have  
15 those in front of me. Mr. Ritting may.

16 MR. RITTING: I could read them  
17 for you; I have them in front of me.

18 MR. PARKER: I appreciate that.

19 MR. RITTING: Be a waiver of  
20 Section 3010.1, which requires a petition to  
21 initiate a rule making case.

22 Section 3011, which pertains the

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1 review and processing of petitions, including  
2 the requirement of a set down proceeding.

3 And 3013, requiring supplemental  
4 filings prior to the publication of a public  
5 hearing.

6 The general significance of this  
7 is a recognition that usually at set down you  
8 have a text before you that you set down. And  
9 this is going to be a slightly different  
10 process.

11 MR. PARKER: We would still, of  
12 course, be following all the normal  
13 advertising rules. Proposed recommendations  
14 will be advertised for 45 days before each  
15 hearing, published the same way. Everything  
16 else will follow the normal procedures for  
17 each individual hearing, but obviously the  
18 work will be split out for case 08-06 over the  
19 next two years.

20 I'm happy to answer particular  
21 questions you have.

22 CHAIRPERSON HOOD: Okay. First,

1 let me just do this, and I'm going to probably  
2 do this for the next so many times that we  
3 talk about the rewrite. I do sit on the task  
4 force. I have been informed by the OAG and  
5 the task force members, no one objected to me  
6 sitting on the task force. That will have no  
7 bearing, I'm being told, from a legal  
8 prospective of me participating in this here  
9 on the Commission. Okay?

10 So with that, I'll open it up to  
11 my colleagues for any questions.

12 Commissioner May?

13 COMMISSIONER MAY: Yes. Can you  
14 walk me through the exact steps for any  
15 particular section of the regs so I understand  
16 the process as you propose it?

17 MR. PARKER: Sure. Each subject  
18 area starts with the formation of a working  
19 group. Our working groups are completely open  
20 to the public. They're advertised on our web  
21 site. We send notifications to the ANCs and  
22 community groups to garner participation.

1 Working groups have been meeting  
2 for between five weeks and we've got one  
3 meeting now for about three months.

4 COMMISSIONER MAY: I'm more  
5 concerned with like our side of the process,  
6 so if you can sort of jump to that.

7 MR. PARKER: Skip to that?

8 COMMISSIONER MAY: Yes.

9 MR. PARKER: Okay. Just *Reader's*  
10 *Digest*, after the working group, we present to  
11 the task force. And then immediately after  
12 the task force, we set up a period of two-  
13 month public review on our web site, at which  
14 time we will advertise for a public hearing  
15 and set a date with Ms. Schellin and advertise  
16 a public hearing at least two months after the  
17 task force review.

18 COMMISSIONER MAY: Okay. Task  
19 force is reviewing the entirety, or one  
20 section?

21 MR. PARKER: Each section. This  
22 is for each particular section.

1 COMMISSIONER MAY: This is one  
2 section. Okay.

3 MR. PARKER: After the working  
4 group task force reviews Section X and then  
5 Section X is advertised on our web site for at  
6 least two months and through the normal  
7 channels for your public hearing, after which  
8 point it will come to you for a public  
9 hearing.

10 I think the intent after that will  
11 vary a little bit based on the type of subject  
12 area because we have two basic types.

13 COMMISSIONER MAY: When we go  
14 through the public review for two months and  
15 it's advertised, and there's the public  
16 hearing, that's based on specific language?

17 MR. PARKER: For the vast majority  
18 of our working groups that will be the case.  
19 Let's take parking for example. That will  
20 result in a proposed parking chapter with  
21 proposed language that will be advertised on  
22 our web site, we'll collect comments on. It

1 will come to you for a hearing after which  
2 point you will be able to take proposed action  
3 on that particular portion of the regulations.

4 The idea then once all 20 working  
5 groups are finalized and you've taken proposed  
6 action on each of the 20 individual areas,  
7 we'll then take everything that you've done  
8 and organize it, put it all together in one  
9 unified density. It may involve some  
10 reorganizations of the section and even, you  
11 know, language changes as necessary to put  
12 things together, but no substantive changes to  
13 any of the concepts that were discussed and  
14 passed.

15 And then ultimately you'll take a  
16 final action on the entire document. And  
17 maybe, and this has yet to be determined, an  
18 omnibus proposed action as well, but  
19 ultimately you'll then take action on a final  
20 document that the result of the original 20  
21 hearings and proposals.

22 COMMISSIONER MAY: Do you have

1 this diagrammed in some way?

2 MR. PARKER: We do. I can submit  
3 a diagram into the record, if that would help.

4 COMMISSIONER MAY: It certainly  
5 would help me.

6 MR. PARKER: Sure.

7 CHAIRPERSON HOOD: I assume it  
8 would help all of us.

9 VICE-CHAIR JEFFRIES: Mr. Parker,  
10 just one quick question. After the working  
11 groups, when will we first get to see language  
12 per working group?

13 MR. PARKER: Unless you're a  
14 participant of the working group, the first  
15 time you'll see language is when it's put up  
16 on our public web site immediately after the  
17 task force review.

18 VICE-CHAIR JEFFRIES: And this  
19 will be actual language that will eventually  
20 be in --

21 MR. PARKER: Well, it's rough  
22 language.

1 VICE-CHAIR JEFFRIES: Okay.

2 MR. PARKER: It's obviously got a  
3 long way to go. It's got to go through more  
4 months of public review; it's got to go  
5 through your scrutiny. And then, like I said,  
6 even after we've gone through all 20 sections,  
7 we'll be putting everything together in a  
8 document.

9 VICE-CHAIR JEFFRIES: Right.

10 MR. PARKER: And that may involve  
11 a lot of shifting around.

12 VICE-CHAIR JEFFRIES: Right.

13 MR. PARKER: So, yes, it will be  
14 rough language.

15 VICE-CHAIR JEFFRIES: Okay.

16 COMMISSIONER TURNBULL: Mr.  
17 Parker?

18 MR. PARKER: Yes?

19 COMMISSIONER TURNBULL: Currently  
20 on the web site there is, and I'll just pick  
21 one, regarding the height act?

22 MR. PARKER: Sure.

1                   COMMISSIONER TURNBULL: These are  
2 the kinds of documents you're talking about  
3 that would be posted?

4                   MR. PARKER: Well, those were  
5 working group documents, but there is a  
6 section now that you can see the proposed  
7 recommendations. And you may have that. I  
8 don't know if that's one of the documents you  
9 have there. But there are proposed  
10 recommendations.

11                   COMMISSIONER TURNBULL: It's got a  
12 blueprint, and it means blue and then black?

13                   MR. PARKER: That is it. That is  
14 it.

15                   COMMISSIONER TURNBULL: That's it.

16                   VICE-CHAIR JEFFRIES: Well, when  
17 you say recommendations, whose language?

18                   MR. PARKER: Yes. Well, yes, for  
19 the most part.

20                   VICE-CHAIR JEFFRIES: Yes, rough.

21                   MR. PARKER: Yes.

22                   VICE-CHAIR JEFFRIES: Rough.

1 Okay.

2 MR. PARKER: Yes.

3 COMMISSIONER MAY: So whose  
4 recommendations are those, the task force's  
5 recommendations?

6 MR. PARKER: The Office of  
7 Planning's recommendations with the input of  
8 the working group and the task force.

9 COMMISSIONER MAY: See, you didn't  
10 mention OP doing any of the work in this  
11 process in my little chart that I tried to  
12 create. Okay.

13 MR. PARKER: We're involved from  
14 the start.

15 COMMISSIONER MAY: Yes, I know.  
16 And the recommendations constitute what would  
17 get that public review and what would be  
18 advertised, and what would be the subject of  
19 the hearing?

20 MR. PARKER: Right. And like I  
21 said, for the most part those will be in the  
22 form of language. Some of the working groups

1 will be precursors to others, which will  
2 involve in just recommendations that will be  
3 sent forward to a subsequent working group.  
4 Things like arts and culture and retail  
5 strategy probably won't be chapters of their  
6 own, so they'll result in recommendations that  
7 will be forwarded to the commercial, you know,  
8 groups and groups that will incorporate them  
9 into language.

10 COMMISSIONER MAY: Has there been  
11 thought to the overall structure of the Zoning  
12 Regulations and whether you'll be able to do  
13 things like use diagrams and those sorts of  
14 things?

15 MR. PARKER: We're trying to leave  
16 all of our options open right now to use  
17 matrices, tables and diagrams. We want to  
18 have the most user-friendly document that we  
19 can. We're going to work with Office of  
20 Zoning. They've done a lot of work already to  
21 try and figure out how to make it as possible  
22 as it can be to include, you know, different

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1 types of tables and graphs.

2 Right now we're trying to avoid  
3 creating a structure and then filling it.

4 We're trying to start from the conceptual  
5 phase of determining what needs to be changed  
6 and what needs to be done. And then once we  
7 have that done, we can determine the best form  
8 to put it in. Did that makes sense?

9 COMMISSIONER MAY: And I guess  
10 that's a strategy, but I have to say that my  
11 first inclination would be to start with the  
12 structure and for us to review and understand  
13 that.

14 MR. PARKER: We felt that that  
15 might be limiting to what we could accomplish.  
16 It's better to figure out what policies need  
17 to be implemented and what needs to be done,  
18 and then find a structure that's most  
19 conducive to that.

20 COMMISSIONER MAY: Yes, I'm not  
21 sure I agree with that strategy.

22 MR. PARKER: Okay.

1 COMMISSIONER MAY: But, just my  
2 opinion.

3 CHAIRPERSON HOOD: Any other  
4 questions?

5 Let me just ask, and this is for  
6 Mr. Ritting, even though I'm the member on --  
7 even though my colleagues will be  
8 participating, I think legally they can also  
9 come. It's public; it's open. They come also  
10 if they --

11 MR. RITTING: I'm not aware of any  
12 prohibition or reason that they would not be  
13 able to participate.

14 CHAIRPERSON HOOD: Can you give us  
15 the night of the next meeting?

16 MR. PARKER: The next task force  
17 meeting?

18 CHAIRPERSON HOOD: Task force.

19 MR. PARKER: The fourth Wednesday  
20 of every second month. So we had a meeting in  
21 March; we'll have another meeting the fourth  
22 Wednesday of May. I don't have the date in

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1 front of me. And then the fourth Wednesday of  
2 July, and so on and so forth.

3 CHAIRPERSON HOOD: I wasn't being  
4 sarcastic or trying to be funny, but the  
5 reason I'm doing that, because there are  
6 things that Anthony Hood may miss and my  
7 colleagues. And I think, Mr. Parker, you said  
8 I'd rather for us to keep us abreast and make  
9 sure, because we don't want to get to one  
10 point and then my colleagues, we have to turn  
11 around and redo the whole process. We don't  
12 want to get there.

13 MR. PARKER: And I'll certainly be  
14 here every month. So I'm happy to give  
15 regular monthly updates and answer all the  
16 questions you've got, at all of your meetings  
17 and any other time that you see fit.

18 CHAIRPERSON HOOD: Okay. So,  
19 colleagues again, as Commissioner May did  
20 tonight, if there are any issues, let's make  
21 sure we get them out on front and make sure we  
22 get everything resolved and answered as we

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1 move along. Because Wednesday nights  
2 sometimes can be very long when you're down on  
3 Mondays, Tuesdays and Thursdays. Okay. All  
4 right.

5 COMMISSIONER MAY: Where are the  
6 task force meetings?

7 MR. PARKER: They're held at the  
8 Metropolitan Washington COG Building at 777  
9 North Capitol.

10 COMMISSIONER MAY: Okay.

11 CHAIRPERSON HOOD: Okay.

12 COMMISSIONER ETHERLY: Mr. Chair,  
13 if it's appropriate at this time, I'd be  
14 prepared to move forward with a motion.

15 CHAIRPERSON HOOD: Sure.

16 COMMISSIONER ETHERLY: Most  
17 certainly keeping in mind the excellent  
18 questions and comments that were raised by my  
19 colleagues and in particular Mr. May's  
20 concerns as they related to the issue of the  
21 overall structure. But with that being said,  
22 I don't see anything that would necessarily

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1 preclude us from moving forward at this  
2 particular point, because as I think as was  
3 indicated in the report by the Office of  
4 Planning this is indeed a very unusual once  
5 every 50 year or so exercise and it is one  
6 that does indeed require a certain measure of  
7 uniqueness with respect to the approach.

8 So it would be my motion to waive  
9 the following rules with respect to Case No.  
10 08-06: Section 3010.1 requiring a petition to  
11 initiate a rule making case; Section 3011  
12 pertaining to the review and processing of  
13 petitions, including the requirement of a set  
14 down proceeding; and Section 3013 requiring  
15 supplemental filings prior to the publication  
16 of a notice of public hearing.

17 And just to clarify, in lieu of  
18 these procedures, Mr. Chair, and for my  
19 colleagues, the Office of Zoning may publish  
20 such notices of public hearing as the Office  
21 of Planning may submit for the case, which the  
22 Office of Attorney General finds to be legally

1 sufficient. The Office of Zoning shall treat  
2 notice as a petition and assign to it Zoning  
3 Commission Case No. 08-06 followed by a hyphen  
4 and a number with the first petition assigned  
5 Zoning Commission Case No. 08-06-1.

6 That would be my motion, Mr.  
7 Chair.

8 VICE-CHAIR JEFFRIES: Second.

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

12 VICE-CHAIR JEFFRIES: I just want  
13 to add one point. I would agree with  
14 Commissioner Etherly that this process is  
15 gargantuan and I think that we perhaps should,  
16 you know, try to look at this overall process  
17 as, you know, more art than science and have  
18 some level of flexibility and, you know,  
19 certain things might not work now. We could  
20 revisit those things as we go along. But it's  
21 such a huge process. I just want to be on the  
22 record to, you know, allow the process to go

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1 forward and we can make changes as we go  
2 along.

3 CHAIRPERSON HOOD: I think that  
4 was very well said.

5 Commissioner May?

6 COMMISSIONER MAY: Yes, you know,  
7 one of the things I'm thinking is that we may  
8 find that what's being proposed here isn't  
9 working especially well and that we do need to  
10 make further changes to it, or we need to go  
11 back to something that's more traditional in  
12 terms of, you know, the individual set downs.

13 And I'm wondering, I mean, what  
14 action, and this is a question really for the  
15 Office of the Attorney General, what action  
16 might be necessary to change course. I mean,  
17 you know, having said this, this is the way it  
18 will happen, we can't simply say well, you've  
19 got to go back and start it differently. We'd  
20 have to --

21 MR. RITTING: Right. The way I  
22 have understood this piece, this thing that

1 we're considering tonight is a motion that  
2 will sort of carry through the rest of this  
3 case. We haven't set anything down, so you  
4 can always revisit this motion and make a new  
5 motion to substitute what you've done tonight.

6 COMMISSIONER TURNBULL: You mean  
7 like just amend it?

8 MR. RITTING: To amend or  
9 completely change it, yes.

10 VICE-CHAIR JEFFRIES: Reconsider.  
11 But I do think -- I'm sorry.

12 COMMISSIONER ETHERLY: No, no, no.  
13 I was turning it off.

14 VICE-CHAIR JEFFRIES: You know, I  
15 just think we should really try to be  
16 flexible. I know that a lot of times we  
17 really like to understand all our steps and so  
18 forth, but this is a very unusual large hill,  
19 an amorphous project that's going to be  
20 undertaken by a lot of very smart people and  
21 I'd just, you know, like to see it go forward.  
22 And again, you know, if we need to step in and

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1 make some changes, we should at least be able  
2 to do that and feel comfortable at this  
3 juncture.

4 COMMISSIONER ETHERLY: And I would  
5 definitely concur fully with all the remarks  
6 of the colleagues. And I think something that  
7 the Office of Planning indicated in its report  
8 is most certainly the intention of this  
9 process providing for the maximum amount of  
10 public participation. So most certainly we as  
11 move forward, if we do in fact find at some  
12 point along the way that objective is not  
13 being met, this most certainly is one member  
14 who would be more than inclined to revisit  
15 this motion wherever and whenever necessary to  
16 ensure that there is maximum opportunity for  
17 public participation and input. Thank you,  
18 Mr. Chair.

19 CHAIRPERSON HOOD: All right.  
20 Thank you. And I agree with all my colleagues  
21 also. It's been 50 years since we've done  
22 this, so sometimes we need to just step out

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1 there and hopefully don't get stuck in the  
2 mud. All right?

3 Okay. It's been moved and  
4 seconded. Any further discussion? All those  
5 in favor?

6 ALL: Aye.

7 CHAIRPERSON HOOD: Any opposition?  
8 So ordered.

9 Staff, would you record the vote?

10 MS. SCHELLIN: Staff records the  
11 vote 5-0-0 with regard to waiving the motion  
12 regarding Sections 3010.1, 3011 and 3013, as  
13 Mr. Etherly made the motion; Mr. Jeffries  
14 seconding. Commissioners Hood, May and  
15 Turnbull in support.

16 CHAIRPERSON HOOD: Okay. Thank  
17 you.

18 Okay. Next, Zoning Commission  
19 Case No. 08-08. This is the consolidated PUD  
20 at 3910-12 Georgia Avenue, N.W.

21 Ms. Brown-Roberts, before you get  
22 started, I'm sure you want to do this, can you

1 tell us how we got here?

2 MS. BROWN-ROBERTS: Oh, good.

3 CHAIRPERSON HOOD: I understand  
4 this was in front of --

5 MS. BROWN-ROBERTS: Yes, I'll  
6 explain to you.

7 CHAIRPERSON HOOD: Okay. All  
8 right.

9 MS. BROWN-ROBERTS: And I also  
10 think there are two preliminary things that  
11 I'm requesting of the Board. One, that the  
12 Office of Planning report was not submitted  
13 within the 10-day requirement and we're asking  
14 for that waiver.

15 Secondly, the Department of  
16 Housing and Community Development is also  
17 requesting a waiver of the hearing fees. So  
18 that's two things.

19 And also, at the end I'm going to  
20 ask you also to hopefully authorize the  
21 immediate advertisement of the proposal.

22 The subject site is located at

1 3910 to 3912 Georgia Avenue, N.W. It's in the  
2 Petworth neighborhood of Ward 4 and is  
3 approximately 31,000 square feet. The  
4 property is zoned C-3-A and is also within the  
5 Georgia Avenue Commercial Overlay District,  
6 and it's two blocks from the Georgia Avenue-  
7 Petworth Metro Station.

8 As a background to this  
9 application, in 2006-2007 the applicant  
10 submitted an application to the BZA for  
11 variances from the FAR, the lot occupancy  
12 parking and loading. The Office of Planning  
13 did not support the FAR and the lot occupancy  
14 variances because we did not think that the  
15 applicant could meet the 3-point test for the  
16 variances. However, as part of the public  
17 hearing the applicant submitted an interim  
18 application, one in which the original  
19 proposal and also another proposal that  
20 deleted the FAR and the lot occupancy  
21 variances.

22 The variances regarding the FAR

1 and the lot occupancy were based on the IZ  
2 requirements that would allow them to get that  
3 additional FAR and lot occupancy. Since the  
4 IZ was not in effect at the time, the  
5 applicant could not make the case for those  
6 variances. And so the BZA looked at both the  
7 proposed plan with just a parking and a  
8 loading variance and then there was what there  
9 was called an interim plan that had the IZ  
10 requirements that allowed the additional FAR  
11 and loading and additional height. And as  
12 part of the discussion at the BZA, it was  
13 noted that we would go ahead and approve just  
14 the loading and the parking and at the time  
15 when IZ was instituted then they could come  
16 back for an amendment to their application.  
17 The Board had already heard both sides and so  
18 it would just be a simple amendment and they  
19 would be able to move on.

20 Since that time, the IZ has not  
21 been finalized as yet and the applicant is  
22 constrained by some funding requirements and

1 need to move the application ahead. They  
2 therefore decided that they would come in and  
3 submit an application for the PUD that would  
4 allow them, or request some flexibility in the  
5 FAR and also the height and allow them to  
6 provide the affordable units that they would  
7 like to do.

8 Therefore, the applicant proposes  
9 to demolish -- there's an existing one-story  
10 building and they will demolish that and  
11 replace it with a six-story apartment  
12 building. There will be 130 dwelling units  
13 and approximately 22,000 square feet of ground  
14 floor retail, service or medical services.

15 The residential uses will include  
16 students' one, two and three-bedroom units  
17 with lofts. To complement the residential  
18 use, there will be shared outdoor residential  
19 space on the second floor, in a courtyard and  
20 also on the rooftop. The proposed first floor  
21 will have retail uses.

22 The applicant has also stated that

1 of the residential uses 62 will be aimed at  
2 the 30 to 60 percent of AMI and the remaining  
3 will go to 80 to 100 percent of AMI residents.

4 The proposal for the building will  
5 also include LEED and D certification, which  
6 also includes some environmentally sensitive  
7 storm water management, heating and cooling  
8 system and also a green roof.

9 As I said, the subject area is  
10 within the proposed Georgia Avenue Commercial  
11 Overlay and is zoned C-3-A.

12 The applicant has requested the  
13 flexibility to the FAR, the height and  
14 loading. Regarding the FAR, the PUD maximum  
15 FAR is 4.5 and the applicant is proposing an  
16 FAR of 4.7. And what they would like to do is  
17 to utilize the five percent allowance that is  
18 allowed under Section 2405.3. This will allow  
19 them to increase the FAR and allow them to  
20 have more light and air into the building.

21 They're also requesting an  
22 increase in the height, and that is under the

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1 overlay. The PUD allows a height limit of 90  
2 feet. The Georgia Avenue Overlay allows a  
3 height limit of 70 feet and the applicant is  
4 proposing 78 feet. The additional height will  
5 all be within the residential units and this  
6 again will allow them to get extra light and  
7 air, and also to have some of the units with  
8 additional ceiling heights.

9           Regarding the loading, the parking  
10 and loading will be accessed from two 15-foot  
11 wide alleys that are adjacent to the building.  
12 What they would like to do is to -- in  
13 particular one of the requirements is that  
14 they have a 55-foot loading berth. They would  
15 like to reduce that and have two 30-foot  
16 loading berths. Also they would like to have  
17 shared use of the loading berth by both the  
18 retail or medical offices and the residential  
19 use.

20           Also as part of the PUD, they're  
21 also requesting special exception review.  
22 Under the Georgia Avenue Overlay, any lot that

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1 has been developed that has 12,000 square foot  
2 of lot area or more is required to get a  
3 special exception review. And therefore, the  
4 applicant is asking that this also be included  
5 as part of the PUD review.

6 They're also requesting special  
7 exception review from Section 1328.9, which  
8 talks about ceiling height and clear height  
9 requirements. Due to the topography of the  
10 site which slopes down from the southern  
11 portion of the site to the northern portion,  
12 the residential lobby entrance is at 12.5 feet  
13 and slopes down to 14 feet in order to achieve  
14 that maximum height. The entrance into a part  
15 of the proposed medical center would also be  
16 at 14 feet and it would increase as it goes  
17 towards the pharmacy to 15.5, and therefore it  
18 is not uniform across the frontage. So  
19 they're requesting some flexibility or special  
20 exception review in order to minimize a  
21 portion of it to 12.5 feet.

22 Regarding the clear height, the

1 applicant is measuring from the underside of  
2 the structure, the slab, and not from the  
3 finished ceiling. And their rationale is that  
4 there are various structural drops and beams  
5 and columns on the ground floor and therefore  
6 which produces some variation in the ceiling  
7 height at certain locations.

8 The public benefits and amenities  
9 that go along with this project, one of the  
10 main things is the affordable housing and the  
11 family housing. They're also proposing a  
12 primary care facility which would serve the  
13 medical needs of the community. And the green  
14 roof and the LEED and D certification that  
15 they're proposing.

16 The generalized land use map  
17 identifies the site for mixed-use, medium-  
18 density residential and moderate-density  
19 commercial and the proposed use and  
20 development is not inconsistent with this  
21 designation.

22 As part of the BZA application,

1 the proposal was reviewed by ANC 4C and they  
2 voted to recommend approval at that time.

3 Therefore, the Office of Planning  
4 recommends that this proposal be set down for  
5 public hearing. And we are also requesting  
6 that because of the time frame that the  
7 Commission authorize the immediate  
8 advertisement of the proposal. Thank you.

9 CHAIRPERSON HOOD: Okay. Thank  
10 you, Ms. Brown-Roberts.

11 Let me ask a few questions. I  
12 know there are some requests for us to waive.  
13 Let's do this first. Might not do this all at  
14 one time, but let's waive the Office of  
15 Planning's report. I think Ms. Brown-Roberts  
16 requested that we waive the Office of  
17 Planning's report. Any objections?

18 I move that we waive the Office of  
19 Planning report and accept it under the 10-day  
20 -- I think it's 10 days, or whatever.

21 MS. BROWN-ROBERTS: Yes, 10 days.

22 CHAIRPERSON HOOD: Ten days? Ten-

1 day filing and ask for a second.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRPERSON HOOD: Moved and  
4 properly seconded. Any further discussion?  
5 All those in favor?

6 ALL: Aye.

7 CHAIRPERSON HOOD: Any opposition?

8 Staff, would you record the vote?

9 MS. SCHELLIN: Staff records the  
10 vote 5-0-0 to waive the 10-day requirement for  
11 the OP report, or rather the late filing of  
12 the OP report. Commissioner Hood moving;  
13 Commission Turnbull seconding. Commissioners  
14 Jeffries, Etherly and May in favor.

15 CHAIRPERSON HOOD: Okay. We have  
16 a couple of more requests, but let's ask a few  
17 questions first, I think. Those can stay in  
18 abeyance until we ask our questions.

19 Ms. Brown-Roberts, let me ask you,  
20 I've looked at this report and I realize that  
21 the BZA has dealt with this previously and  
22 approved two issues which you alluded to. But

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1 when I read it, I see 80 percent of AMI, I see  
2 30 to 60 percent of AMI. Which one is it?

3 MS. BROWN-ROBERTS: Well, there's  
4 a total of 130 units and 62 of the units are  
5 going to be between 30 to 60. Then the  
6 remainder --

7 CHAIRPERSON HOOD: The remainder.

8 MS. BROWN-ROBERTS: -- will be  
9 within 80 to 100.

10 CHAIRPERSON HOOD: Eighty to  
11 hundred percent of the AMI?

12 MS. BROWN-ROBERTS: Yes.

13 CHAIRPERSON HOOD: So the  
14 affordable units will be 30 to 60?

15 MS. BROWN-ROBERTS: Basically,  
16 yes, those 62 units.

17 CHAIRPERSON HOOD: Okay. It would  
18 be real nice if, and I've said this before,  
19 they can really lean towards the 30 percent,  
20 and I just will say that.

21 MS. BROWN-ROBERTS: Okay.

22 CHAIRPERSON HOOD: Okay. Let me

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1 also ask, is there an alley behind?

2 MS. BROWN-ROBERTS: Yes. Yes.

3 CHAIRPERSON HOOD: And I think,  
4 and I hope I'm talking about the right case,  
5 but I think that I read somewhere that the  
6 entrance to the loading dock, is it in the  
7 alley?

8 MS. BROWN-ROBERTS: Yes, it is.

9 CHAIRPERSON HOOD: Okay.

10 MS. BROWN-ROBERTS: It's at the  
11 rear of the building, yes.

12 CHAIRPERSON HOOD: Right. Well,  
13 the applicant, I'm going to ask for a  
14 circulation pattern. I didn't see that.

15 MS. BROWN-ROBERTS: There's a  
16 traffic impact analysis. I'm not sure if it's  
17 in there, but --

18 CHAIRPERSON HOOD: I looked at  
19 that.

20 MS. BROWN-ROBERTS: Okay.

21 CHAIRPERSON HOOD: I didn't see  
22 the color rendering pattern that I'm used to.

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1 MS. BROWN-ROBERTS: Okay.

2 CHAIRPERSON HOOD: I saw a lot of  
3 black and white.

4 MS. BROWN-ROBERTS: Okay.

5 CHAIRPERSON HOOD: And color  
6 actually helps me. And I think this goes to  
7 something that Commissioner May has mentioned  
8 on many occasions, and we'll start asking for  
9 it, we need to start analyzing these, how  
10 we're going to use the loading and access to  
11 these alleys, because I'm not sure if this is  
12 one of the prime cases, but there are some  
13 that I just don't see how it works, or how  
14 it's going to work.

15 MS. BROWN-ROBERTS: Yes.

16 CHAIRPERSON HOOD: We want to make  
17 sure that we don't create a traffic jam.

18 MS. BROWN-ROBERTS: Yes, and I  
19 worked on this case with the BZA and that was  
20 something that was discussed. But we'll get  
21 you that information.

22 CHAIRPERSON HOOD: So you may

1 already have it?

2 MS. BROWN-ROBERTS: Yes.

3 CHAIRPERSON HOOD: But it would be  
4 good if we could a circulation.

5 MS. BROWN-ROBERTS: Yes, we'll  
6 discuss that.

7 VICE-CHAIR JEFFRIES: Mr. Chair, I  
8 have a couple questions for OP, or just  
9 observations.

10 So first of all, in looking at the  
11 floor plan, I looked at the second floor plan,  
12 A2-4, it looks rather dense. Seems to be a  
13 lot of apartments here, and clearly I  
14 understand this is affordable work force  
15 housing development. But I guess I'm more  
16 concerned about the width of the courtyard and  
17 just how much light is going to get in this  
18 courtyard. It's 25 feet and I was counting  
19 ceiling tiles here to get a sense of what that  
20 looks like and then somehow trying to imagine  
21 the volume of the courtyard. It just seems,  
22 you know, could be somewhat problematic. So

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1 I just, you know, for earshot of the applicant  
2 just to sort of be prepared to sort of talk  
3 about that. Again, it looks pretty dense.

4 I'm trying to also -- I think you  
5 said 30 to 60 percent area medium income, but  
6 is that really up to 60 percent? Because that  
7 means that, you know, you could really be 50  
8 to 60 percent.

9 MS. BROWN-ROBERTS: Thirty to --  
10 pardon me?

11  
12 VICE-CHAIR JEFFRIES: You could  
13 really do 50 to 60 percent, if it's up to 60  
14 percent.

15 MS. BROWN-ROBERTS: It's up to 60  
16 percent.

17 VICE-CHAIR JEFFRIES: Okay. So I  
18 was really dealing with the Chair's concern  
19 that he'd like to see more at 30.

20 MS. BROWN-ROBERTS: The 30? Okay.

21 VICE-CHAIR JEFFRIES: And that  
22 range sort of allows the applicant to get

1 closer to 60.

2 MS. BROWN-ROBERTS: Okay.

3 VICE-CHAIR JEFFRIES: And that's  
4 somewhat likely.

5 Also, I'm looking at some of the  
6 materials on the elevations.

7 MS. BROWN-ROBERTS: Okay.

8 VICE-CHAIR JEFFRIES: And so I'm  
9 certain that the applicant will certainly, you  
10 know, bring in samples of what these materials  
11 look like.

12 MS. BROWN-ROBERTS: Yes.

13 VICE-CHAIR JEFFRIES: I really do  
14 think we need to be careful here that while  
15 this is a work force affordable project, it  
16 will be one of the more catalytic projects  
17 along Georgia Avenue.

18 MS. BROWN-ROBERTS: Yes.

19 VICE-CHAIR JEFFRIES: We should be  
20 concerned about design and design of the  
21 buildings.

22 MS. BROWN-ROBERTS: Yes.

1 VICE-CHAIR JEFFRIES: So I would,  
2 you know, hope that the applicant can be  
3 somewhat focused on that.

4 And then also, elevators. I'm  
5 seeing two elevators here. Correct? For the  
6 residential.

7 MS. BROWN-ROBERTS: I think so.

8 VICE-CHAIR JEFFRIES: So I'm going  
9 to come up this elevator and then if I'm in --  
10 I got a pretty long walk, right? I mean, my  
11 question is that the elevator is not centrally  
12 located.

13 MS. BROWN-ROBERTS: Okay.

14 VICE-CHAIR JEFFRIES: And I  
15 understand just based on the configuration of  
16 the site and some of the tenants will have a  
17 nice little walk.

18 MS. BROWN-ROBERTS: I think it's  
19 because of course trying to maximize the  
20 retail space along there.

21 VICE-CHAIR JEFFRIES: Yes.

22 MS. BROWN-ROBERTS: So it's sort

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1 of tucked in the corner.

2 VICE-CHAIR JEFFRIES: Yes. Okay.  
3 Well anyway, those are more observations.

4 MS. BROWN-ROBERTS: Okay.

5 VICE-CHAIR JEFFRIES: I'd like to  
6 see an axonometric or some volumetric that  
7 looks at this, you know, that covers this  
8 courtyard so I could just get a sense of what  
9 that space looks like.

10 MS. BROWN-ROBERTS: Okay.

11 VICE-CHAIR JEFFRIES: Don't want  
12 it to look like a shaft of some sort.

13 MS. BROWN-ROBERTS: Okay.

14 VICE-CHAIR JEFFRIES: Thank you.

15 CHAIRPERSON HOOD: Okay. So,  
16 Vice-Chair, you've asked for?

17 VICE-CHAIR JEFFRIES: Just a  
18 volumetric or some axonometric or something  
19 that's of the overall building that, you know,  
20 gives a sense of what the volume is of the  
21 courtyard.

22 MS. BROWN-ROBERTS: Okay.

1 VICE-CHAIR JEFFRIES: And I look  
2 and I really would like there to be some  
3 discussion in their application about light.

4 CHAIRPERSON HOOD: Light.

5 MS. BROWN-ROBERTS: Getting.

6 VICE-CHAIR JEFFRIES: Yes.

7 MS. BROWN-ROBERTS: Okay.

8 VICE-CHAIR JEFFRIES: And how it  
9 enters into this courtyard.

10 CHAIRPERSON HOOD: And you also  
11 asked for material samples which they have to  
12 provide?

13 VICE-CHAIR JEFFRIES: Yes, yes,  
14 yes. Well, and I brought that up because I'm  
15 going to be focused -- because the elevations,  
16 you know, don't have a lot of depth or texture  
17 to them. So I'm going to have to depend on  
18 the samples.

19 CHAIRPERSON HOOD: Okay. Thank  
20 you.

21 Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Thank you,

1 Mr. Chair.

2 I think I would echo the Vice-  
3 Chair's comments regarding the architectural  
4 quality. We're going to need, like we usually  
5 get, some samples.

6 MS. BROWN-ROBERTS: Right.

7 COMMISSIONER TURNBULL: We need  
8 some color drawings.

9 MS. BROWN-ROBERTS: Yes.

10 COMMISSIONER TURNBULL: That  
11 actually articulate better what the wall  
12 surfaces are, the cementitious panels, the  
13 metal panels. And I think an axonometric or  
14 perspective would be in order. I think we  
15 really need to see what's going on.

16 MS. BROWN-ROBERTS: Okay.

17 COMMISSIONER TURNBULL: I'm very  
18 happy to see that it's going to be a LEED  
19 certified building.

20 MS. BROWN-ROBERTS: Yes.

21 COMMISSIONER TURNBULL: I think  
22 that's very complimentary. I mean, that's

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1 really good.

2 I guess I'm confused and I guess I  
3 need some clarification on the courtyard. I  
4 guess I would go along with the Vice-Chair's  
5 comments regarding the narrowness of the court  
6 and I'd like to see what the green area is in  
7 this courtyard. I see a skylight in there and  
8 I'd like to know, can you walk in here, what  
9 the planning's going to look like?

10 MS. BROWN-ROBERTS: Okay.

11 COMMISSIONER TURNBULL: Is this  
12 for recreation or is it just to look at?

13 And the roof area. I was looking  
14 at the roof, the penthouse. It looks like the  
15 penthouse is 20 feet tall, which I know would  
16 go along with the proposed regulations, but  
17 we're not there yet. So it looks like I'm  
18 worried about some heights. I'm worried about  
19 setbacks.

20 MS. BROWN-ROBERTS: Okay.

21 COMMISSIONER TURNBULL: The  
22 elevators are not at a one-to-one setback. I

1 think we need to know a little bit more about  
2 what's happening on that roof plan.

3 MS. BROWN-ROBERTS: Okay.

4 COMMISSIONER TURNBULL: Again,  
5 it's a nice green roof. It's got a lot of  
6 things going for it, but I think we need what  
7 we're used to seeing as far as landscape  
8 plantings and maybe either a rendering looking  
9 at this roof, because there's a lot of things  
10 going on up there.

11 MS. BROWN-ROBERTS: Okay.

12 COMMISSIONER TURNBULL: But  
13 otherwise, I think the applicant's to be  
14 commended. There's a lot of things going on  
15 here. There's a lot that they're trying to  
16 do.

17 MS. BROWN-ROBERTS: Yes.

18 COMMISSIONER TURNBULL: But I  
19 think we just need some more definition of  
20 some of the architectural elements.

21 MS. BROWN-ROBERTS: Okay.

22 CHAIRPERSON HOOD: Okay. Thank

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1 you, Mr. Turnbull.

2 Commissioner May?

3 COMMISSIONER MAY: Yes, I'd like  
4 to follow on on some of the comments that Mr.  
5 Turnbull made.

6 I found the roof plan to be very,  
7 very confusing and it's kind of hard to  
8 understand what's going on up there. So  
9 anything that gives it to us in color or  
10 delineates the spaces a little bit better  
11 would be very helpful.

12 I also would say that the  
13 courtyard itself, it is unclear what it would  
14 be used for, although either you mentioned it  
15 or it was in the report that it would be  
16 recreation space of a sort, which doesn't  
17 really fit well with the way the courtyard is  
18 shown in the sections. It's like, you know,  
19 you've got 25 feet between sliding glass doors  
20 and that's going to be some common recreation  
21 space.

22 MS. BROWN-ROBERTS: Yes.

1                   COMMISSIONER MAY: I doesn't  
2 really have that feel.

3                   MS. BROWN-ROBERTS: Okay.

4                   COMMISSIONER MAY: That having  
5 been said, you know, I have been in some  
6 housing developments in other cities where  
7 these sorts of courtyards are done very  
8 successfully. And I think it would help a lot  
9 to not only show what this courtyard would  
10 look like, but also perhaps to show some  
11 examples of other ones that are successful  
12 that are in this kind of dimension.

13                  MS. BROWN-ROBERTS: Okay.

14                  COMMISSIONER MAY: Because I think  
15 it is sort of an unusual thing for us to have  
16 a closed courtyard like this of this  
17 dimension.

18                  MS. BROWN-ROBERTS: Okay.

19                  COMMISSIONER MAY: Like I said,  
20 it's something that happens, you know, in some  
21 other cities. Probably happens in Europe  
22 because they do everything first over there,

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1 supposedly.

2                   Anyway, so I think that will be  
3 helpful.

4                   MS. BROWN-ROBERTS: Okay.

5                   COMMISSIONER MAY: But overall I'm  
6 very encouraged by the thought that has gone  
7 into the design here. I think there are a  
8 number of interesting and innovative things  
9 that are going on with the design and it's  
10 nice to see some investment in the design  
11 effort on a project that's mostly affordable  
12 housing, because often that's not what we see.

13                   One last question. When do we  
14 expect the IZ regulations to become final?

15                   MS. BROWN-ROBERTS: I don't know.

16                   COMMISSIONER MAY: I saw something  
17 in the paper today suggesting that it was  
18 going to be another year-and-a-half before  
19 it's finalized.

20                   MS. BROWN-ROBERTS: I don't know.

21                   VICE-CHAIR JEFFRIES: And that's  
22 not in the jurisdiction of Office of Planning,

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1 I don't think.

2 MS. BROWN-ROBERTS: Maybe Steve  
3 can answer.

4 COMMISSIONER MAY: I'm just  
5 wondering what the more official word is  
6 because I don't want to take what I see in the  
7 newspaper as the official word.

8 MR. COCHRAN: I cannot tell you  
9 definitively. Legislation has been submitted  
10 to the counsel that would provide for the  
11 inclusionary zoning program becoming effective  
12 at the later of the issuing of the price  
13 guidelines or the completion of the  
14 regulations. So it could be sometime before  
15 both of those are complete.

16 COMMISSIONER MAY: So more than a  
17 year is still possible?

18 MR. COCHRAN: Even if the program  
19 had its, shall we say kick-off, the playing of  
20 the game might still be delayed for six months  
21 or a year after that. I don't know how much  
22 of a phase in time there would be in the final

1 regulations. I'd be surprised if they were  
2 implemented immediately though.

3 COMMISSIONER MAY: Okay. I mean,  
4 this isn't really something for this case.  
5 This is being handled in a different way, but  
6 it would be useful I think for the Commission  
7 to know more about when the IZ regulations  
8 will actually come into effect. And maybe  
9 there's some other way that we can get at that  
10 information. So, thanks.

11 CHAIRPERSON HOOD: Okay. We will  
12 inquire. I know we did something, was it last  
13 month, emergency? We did something that gave  
14 either or and I don't have that in front of  
15 me, but I'm sure we can nail some of that down  
16 as close as possible.

17 Okay. Any other discussion?

18 Okay. Oh, let me just go back to  
19 this issue about the circulation pattern. I  
20 want to thank Ms. Schellin for bringing this  
21 to my attention. There was a circulation  
22 pattern that was, I guess, presented to the

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1 BZA. This just doesn't do it for me, and I  
2 guess it can be related to Mr. George &  
3 Associates.

4 I'm looking to see how it's going  
5 to work and also we were supplied some  
6 photographs. There's about five photographs.  
7 I would actually like to see how that alley  
8 looks. It may not even be of a concern; I  
9 just don't know how that alley looks. I  
10 notice none of these photographs have -- they  
11 have a piece of the alley, but it's inside of  
12 a fence. I believe that's the alley. But it  
13 would be helpful to be able to kind of see a  
14 few angles or a few shots of the alley, as  
15 well as the circulation pattern exactly how  
16 that's going to work. So, I think that's  
17 enough said.

18 And yes, the circulation pattern  
19 that's presented, it doesn't help me. It  
20 doesn't do it for me. So, if you could modify  
21 that to some point.

22 Okay. We have a few waiver

1 requests. The waiver for the hearing for the  
2 portion of the subsidized housing, which is  
3 the 62 units. Am I correct, Ms. Brown-  
4 Roberts?

5 MS. BROWN-ROBERTS: Yes.

6 CHAIRPERSON HOOD: Sixty-two  
7 units. Okay. I just wanted to make sure.

8 We have a letter from Ms. Edmunds  
9 from the Department of Housing and Community  
10 -- DHCD, thank you, Mr. Vice-Chair -- telling  
11 us that portion will be subsidized, and  
12 normally we usually grant a waiver on that.  
13 I think we need to do a motion that we grant  
14 the waiver for the subsidized portion only of  
15 affordable housing of this -- excuse me?

16 Okay. The subsidized housing,  
17 which is 45,300 square feet of the subsidized  
18 housing. We need to waive our fees for that  
19 45,300 square feet.

20 Thank you, Ms. Schellin.

21 VICE-CHAIR JEFFRIES: Is that a  
22 motion?

1 CHAIRPERSON HOOD: Yes, that's a  
2 motion.

3 VICE-CHAIR JEFFRIES: Second.

4 CHAIRPERSON HOOD: It's moved and  
5 seconded. Any further discussion?

6 All those in favor?

7 ALL: Aye.

8 CHAIRPERSON HOOD: Any opposition?  
9 So ordered.

10 Staff, would you record the vote?

11 MS. SCHELLIN: Yes. Staff records  
12 the vote 5-0-0 to waive the hearing fee for  
13 45,300 square feet for subsidized housing.  
14 Commissioner Hood moving; Commissioner  
15 Jeffries. Commissioners Turnbull, May and  
16 Etherly in favor.

17 CHAIRPERSON HOOD: Okay. And the  
18 other thing is, I actually should have done  
19 this first, because we do have an issue with  
20 the Notice of Intent to File.

21 Our regulations state, 2406.7, at  
22 least 10 calendar days prior to filing an

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1 application under this chapter, the applicant  
2 should mail written notice of his intent to  
3 file the application to the Advisory  
4 Neighborhood Commission for their area within  
5 the property is located and the owners of all  
6 property within 200 feet of the perimeter of  
7 the property in question.

8 I think during the BZA case the  
9 ANC was well involved from the letter I see.  
10 Am I right?

11 MS. BROWN-ROBERTS: Yes, you're  
12 right.

13 CHAIRPERSON HOOD: That's what  
14 gave me comfort level, because I would  
15 definitely not want to move, especially if the  
16 Notice of Intent to File was not in order,  
17 especially notifying the ANC. So I think  
18 that's basically in order. They're aware of  
19 it; just not aware of which jurisdiction in  
20 now in front of the Zoning Commission. So  
21 I'll approve that we waive under Section  
22 2406.7 and ask for a second.

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1 COMMISSIONER ETHERLY: Second.

2 COMMISSIONER TURNBULL: Second.

3 COMMISSIONER ETHERLY: I'll defer  
4 to Mr. Turnbull.

5 CHAIRPERSON HOOD: Moved and  
6 properly seconded. Any further discussion?  
7 All those in favor?

8 ALL: Aye.

9 CHAIRPERSON HOOD: There's no  
10 opposition.

11 Ms. Schellin, would you record the  
12 vote?

13 MS. SCHELLIN: Staff records the  
14 vote 5-0-0 to waive the requirements of  
15 Section 2406.7. Commissioner Hood moving;  
16 Commissioner Turnbull seconding.  
17 Commissioners Jeffries, Etherly and May in  
18 support.

19 CHAIRPERSON HOOD: Okay. The next  
20 waiver that we've been asked to do is the  
21 immediate publication. Ms. Brown-Roberts, I'm  
22 looking at you to --

1 MS. BROWN-ROBERTS: Oh, I'm sorry.

2 Yes, that's it.

3 CHAIRPERSON HOOD: Okay.

4 Okay. Thank you, Ms. Schellin.

5 Okay. I move that we set down  
6 Zoning Commission Case No. 08-08, also with  
7 the caveat that we publish immediate  
8 publication. I ask for a second.

9 COMMISSIONER ETHERLY: Second, Mr.  
10 Chair.

11 CHAIRPERSON HOOD: Moved and  
12 properly seconded. Any further discussion?  
13 All those in favor?

14 ALL: Aye.

15 CHAIRPERSON HOOD: Any opposition?  
16 Staff, would you record the vote?

17 MS. SCHELLIN: Yes. Staff records  
18 the vote 5-0-0 to set down Zoning Commission  
19 Case No. 08-08 as a contested case and to  
20 authorize the immediate publication of the  
21 public hearing notice. Commissioner Hood  
22 moving; Commissioner Etherly seconding.

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1 Commissioners Jeffries, May and Turnbull in  
2 favor.

3 CHAIRPERSON HOOD: The only other  
4 thing, normally, hopefully we can see what the  
5 distribution of the -- I don't know if they  
6 saw that in the BZA, but the distribution of  
7 affordable units.

8 MS. BROWN-ROBERTS: Okay. I'll  
9 get that information.

10 CHAIRPERSON HOOD: Okay. Now,  
11 we're going to move right into final action.

12 Okay. Zoning Commission Case No.  
13 07-18, Jemal's Up Against the Wall,  
14 consolidated PUD at Square 347.

15 Ms. Schellin?

16 MS. SCHELLIN: Staff has nothing  
17 further to add other than to say that you have  
18 a draft Proposed Findings of Facts and  
19 Conclusions of Law before you.

20 CHAIRPERSON HOOD: Okay. Let me  
21 let one of my colleagues start off. We have  
22 a draft order in front of us. Let me just

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1 comment. We received a letter from National  
2 Capital Planning Commission and it basically  
3 says Zoning Commission, proposed action of the  
4 Zoning Commission on Zoning Commission Case  
5 07-18 would be adverse to the federal  
6 interests because the project would violate  
7 the Height of Buildings Act of 1910.

8 And before we do that, I think in  
9 the order -- let's go back to that. I think  
10 in the order we've been apprised of the fact  
11 that in modified Condition 7, that it  
12 basically spells out. They say Affordable  
13 Housing Trust Fund. As we all know, that is  
14 the Housing Production Trust Fund. It's just  
15 been corrected. And looking through the  
16 order, I think everything is sufficient with  
17 the exception of dealing with the National  
18 Capital Planning's comment about the violation  
19 of the Height Act.

20 Typically in the past, unless my  
21 colleagues feel otherwise, the Zoning  
22 Commission has not basically dealt with this,

1 and this is a clear violation. First, let me  
2 ask, do any of my colleagues see that in this  
3 case of being a clear -- for those -- did  
4 everyone participate? Yes. Being a clear  
5 violation of the Height Act. Okay.

6 So what normally happens is, when  
7 they go for permitting or whatever, they go to  
8 the Zoning Administrator and that's how the  
9 Zoning Administrator usually has ruling on  
10 that.

11 Does anybody have any issues with  
12 that?

13 Okay. And we're not just going  
14 right over top of what NCPC is saying to us.  
15 I believe that that will be dealt with at the  
16 Zoning Administrators -- in his realm of  
17 dealing with this case.

18 I would move approval of Zoning  
19 Commission Case No. 07-18 and ask for a  
20 second.

21 VICE-CHAIR JEFFRIES: Second.

22 CHAIRPERSON HOOD: It's moved and

1 seconded. Any further discussion? All those  
2 in favor?

3 ALL: Aye.

4 CHAIRPERSON HOOD: Any opposition?  
5 So ordered.

6 Staff, would you record the vote?

7 MS. SCHELLIN: Staff records the  
8 vote 5-0-0 to approve final action in Zoning  
9 Commission Case No. 07-18. Commissioner Hood  
10 moving; Commissioner Jeffries seconding.  
11 Commissioners Etherly, May and Turnbull in  
12 support.

13 CHAIRPERSON HOOD: Okay. Next we  
14 have Zoning Commission Case No. 07-11, Forest  
15 City SEFC, LLC, text amendment to the  
16 Southeast Federal Center Overlay District.

17 Ms. Schellin?

18 MS. SCHELLIN: Just a reminder  
19 that Mr. Turnbull did not participate in this  
20 case. And other than that, you have the  
21 proposed text before you that was published.

22 CHAIRPERSON HOOD: Okay. We had a

1 submission in that review comment from Forest  
2 City. Forest City apparently is in agreement.  
3 They had to issues which basically I would  
4 like for us to leave up to the Office of  
5 Attorney General in working with our staff to  
6 make sure it's legally sufficient.

7 The only other thing that jumps out,  
8 that's been brought to our attention, that  
9 1804.3(a). I'd ask my colleagues to turn to  
10 that, as soon as I find it. 1804.3(a).

11 Okay. Instead of the word  
12 "buildings," and I'm sorry, 1803.3(a), should  
13 basically mirror 1804.3(a) and the last word  
14 I think it has "additions." "Buildings"  
15 should be substituted for "additions." And I  
16 wanted to open it up for discussion, if anyone  
17 had any on that.

18 Hearing none. Anyone have  
19 anything else?

20 VICE-CHAIR JEFFRIES: Wait now.

21 1803.13?

22 CHAIRPERSON HOOD: 1803.3(a).

1 VICE-CHAIR JEFFRIES: But I have  
2 here from Forest City -- is that different  
3 from the building containing residential uses  
4 rather than a residential building?

5 CHAIRPERSON HOOD: Yes, that's  
6 another.

7 VICE-CHAIR JEFFRIES: Oh. Oh,  
8 okay.

9 CHAIRPERSON HOOD: That's matching  
10 up what was proposed versus what they thought.

11 VICE-CHAIR JEFFRIES: Okay. Okay.

12 CHAIRPERSON HOOD: But I think  
13 that's why I wanted to make sure we leave it.

14 VICE-CHAIR JEFFRIES: Okay. Okay.

15 CHAIRPERSON HOOD: Because I think  
16 they basically say the same thing. Well, it's  
17 a technicality.

18 VICE-CHAIR JEFFRIES: No, it's  
19 different, because what they're trying to make  
20 the case for a mixed-use because versus just  
21 a sole residential building.

22 CHAIRPERSON HOOD: And I think we

1 can leave that up to OAG, I really do. Unless  
2 you feel otherwise. I mean, we can comment on  
3 it.

4 VICE-CHAIR JEFFRIES: Yes, I mean,  
5 it's, you know, sort of revising it to say a  
6 building containing a residential uses. I  
7 mean, it speaks to a mixed-use building versus  
8 just saying a residential building. I mean,  
9 that seems proper to me. So, I mean, I'd like  
10 to, you know, make that change. Because  
11 that's exactly what you have there. It's a  
12 mixed use building.

13 CHAIRPERSON HOOD: So you're  
14 saying you're going to adopt the language of  
15 "a building containing residential uses"  
16 rather than a "residential building?"

17 VICE-CHAIR JEFFRIES: Correct.  
18 Which is what has been proposed by Forest  
19 City.

20 CHAIRPERSON HOOD: Okay. What  
21 about the second since we got into it? I  
22 pretty much figure that's what we're going to

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1 end up with. What about the final version of  
2 the alternative, 1804.3, which I just spoke  
3 about?

4 It calls Tenley Street S.E. and  
5 4th Street rather than along the length of  
6 Tenley Street east of 4th Street because of  
7 the flood plain, retaining wall and other  
8 issues discussed at the public hearing.

9 The first alternative or the  
10 second? And that's on page 4, if you're  
11 looking at what was advertised on page 4.

12 VICE-CHAIR JEFFRIES: Page 4?

13 CHAIRPERSON HOOD: As you see (b),  
14 it says Tenley Street, S.E. and/or. Either  
15 the first alternative or the second?

16 Okay. Unless anyone has an  
17 objection, we're going to take the second  
18 alternative. Any objections?

19 COMMISSIONER MAY: I would agree  
20 with that, no.

21 CHAIRPERSON HOOD: Okay. Were  
22 those the only things that were looming with

1 this one? Ms. Monroe?

2 MS. MONROE: I just want to be  
3 sure, on 1803.3(a) we're changing the word  
4 from "building" to "addition?" I'm not sure  
5 if you said that, or the opposite.

6 COMMISSIONER MAY: Yes, I'm not  
7 sure I agree that it's inconsistent the way  
8 it's written, that it refers to a building and  
9 that that portion should refer to a building  
10 and not a building addition.

11 MS. MONROE: Well, it says  
12 "building."

13 COMMISSIONER MAY: Right.

14 MS. MONROE: Maybe that was  
15 intended. It doesn't mirror the other sister  
16 section and it depends on what you want it to  
17 say. I mean, obviously the section is  
18 allowing preferred uses and then at the bottom  
19 there it says but it doesn't have to be any  
20 addition that doesn't face that street, but  
21 may be provided in such addition or in such  
22 building, depending on what you want it to

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1 mean. Should be one or the other. It's just  
2 that the other mirroring section has additions  
3 there.

4 COMMISSIONER MAY: Yes. I mean,  
5 the second clause has an addition to a  
6 building, but at the very beginning of that  
7 whole paragraph it refers to a building or an  
8 addition and so I think it was a conscious  
9 decision to refer to buildings in that first  
10 phrase and then building or an addition to a  
11 building in the second phrase.

12 MS. MONROE: It could have been;  
13 it depends on what you want it to say.

14 COMMISSIONER MAY: Yes.

15 MS. MONROE: What I'm saying is  
16 the sister provision, 1804.3(a) and 1803 --

17 COMMISSIONER MAY: Yes.

18 MS. MONROE: -- refers only to  
19 additions in that same language, so I didn't  
20 know if you wanted it to be the same or  
21 different.

22 COMMISSIONER MAY: Frankly, I

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1 don't think it matters and I just as soon  
2 leave it "building," in my opinion.

3 CHAIRPERSON HOOD: I think mostly,  
4 if we look in our regulations when we go from  
5 one statute to the next, doesn't it usually  
6 mirror?

7 MS. MONROE: Usually, if that's  
8 what you want.

9 CHAIRPERSON HOOD: You know what?  
10 Somebody else make the motion at this point.

11 Hold on. Do you feel that  
12 strongly about it, Commissioner May? Anyone  
13 else?

14 COMMISSIONER MAY: I mean, we're  
15 talking about changing the language that was  
16 published, right? I mean, I would stick with  
17 the language that was published because I  
18 think that it's a fine point that I'm not sure  
19 really adds anything significant.

20 CHAIRPERSON HOOD: But now, Ms.  
21 Monroe, help me because Forest City, now they  
22 also asked us to --

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1 VICE-CHAIR JEFFRIES: So,  
2 Commissioner May, are you saying that we  
3 should just go with the Notice of Proposed  
4 Rule making as is, rather than not to address  
5 any of the revisions set forth by Forest City,  
6 or are you just dealing with --

7 COMMISSIONER MAY: No, I'm just  
8 dealing with 1803.3(a). That's the only thing  
9 I'm saying. I think we just stick with it the  
10 way it was published in 1803.

11 VICE-CHAIR JEFFRIES: Are we in  
12 legal jeopardy if we leave this as is?

13 MS. MONROE: No.

14 VICE-CHAIR JEFFRIES: Okay.

15 MS. MONROE: No. In fact, I think  
16 it's reasonable you can leave 1803.3(a) as is,  
17 but still deal with the two other issues that  
18 came up that were in Forest City's letter.  
19 One of them is the residential building issue  
20 and the other one is the alternatives.  
21 Because basically, you have to -- you don't  
22 have to, but the point is to pick one

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1 alternative or the other. And those are the  
2 two things that the applicant --

3 CHAIRPERSON HOOD: Let me help.  
4 Now that we've picked the second alternative.  
5 Okay. Let me go back to Commissioner  
6 Jeffries.

7 VICE-CHAIR JEFFRIES: Okay. Yes,  
8 I'm going to make a motion that we approve  
9 under final action Zoning Commission Case No.  
10 07-11, Forest City, text and map Amendment to  
11 Southeast Federal Center Overlay District and  
12 that should reflect the two amendments set  
13 forth in Forest City's letter dated April 4th,  
14 2008. That's 1803.13. We should revise to  
15 say that a building containing residential  
16 uses rather than a residential building and  
17 then also under the final version of 1804.3,  
18 we will take the second alternative. And  
19 that's it.

20 COMMISSIONER ETHERLY: Seconded,  
21 Mr. Chair.

22 CHAIRPERSON HOOD: It is moved and

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1 seconded, but we want to add -- Commissioner  
2 May, I don't think we got you --

3 COMMISSIONER MAY: No, if we're  
4 going with the language as it was proposed --

5 CHAIRPERSON HOOD: Okay. Is that  
6 what you did?

7 COMMISSIONER MAY: -- with the  
8 changes, that's fine.

9 VICE-CHAIR JEFFRIES: -- was  
10 already in there, right?

11 COMMISSIONER MAY: Exactly.

12 VICE-CHAIR JEFFRIES: Yes, so it's  
13 fine.

14 CHAIRPERSON HOOD: Okay. All  
15 right. So we only had two changes, and that  
16 was addressed in the Forest City. I just want  
17 to make sure OAG is clear. Is OAG clear?  
18 Okay. Good.

19 All right. Any further  
20 discussion?

21 COMMISSIONER MAY: We didn't get a  
22 second.

1 CHAIRPERSON HOOD: Oh, you did get  
2 a second. Commissioner Etherly.

3 Any further discussion? All those  
4 in favor?

5 ALL: Aye.

6 CHAIRPERSON HOOD: Any opposition?  
7 So ordered.

8 Staff, would you record the vote?

9 MS. SCHELLIN: Staff records the  
10 vote 4-0-1 to approve proposed action in  
11 Zoning Commission Case No. 08-11, as amended.  
12 Commissioner Jeffries moving; Commissioner  
13 Etherly seconding. Commissioners Hood and May  
14 in support and Commissioner Turnbull not  
15 voting, having not participated.

16 CHAIRPERSON HOOD: Okay. Next,  
17 Zoning Commission Case No. 05-15A. That's the  
18 Broadway I Associates, PUD Modification at 318  
19 I Street, N.E.

20 Ms. Schellin?

21 MS. SCHELLIN: Staff has nothing  
22 further to add on this one.

1 CHAIRPERSON HOOD: Okay. We have  
2 a proposed order in front of us. We have  
3 fleshed a lot of this out with the exception  
4 of -- Commissioner Jeffries?

5 VICE-CHAIR JEFFRIES: Yes, the  
6 only question here is page 14, Proposed  
7 Findings of Fact and Conclusions of Law.  
8 7(C), it says to make modifications to the  
9 design of the roof structures and the pergola  
10 in order to lessen appearance of height and  
11 soften the visual effects of the penthouse,  
12 including flexibility to have multiple heights  
13 to aesthetically refine and articulate rooftop  
14 structures for scale and compositional  
15 purposes.

16 I'm not certain that we discussed  
17 that broad of a mandate here for Broadway I  
18 Associates, and so I just want to bring that  
19 up. You know, if you're at the Hopscotch  
20 Bridge, you can clearly see that rooftop and  
21 so it's not something that could go unnoticed  
22 in terms of allowing, you know, greater

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1 flexibility there.

2 So, I mean, I'd like to strike  
3 that or at least make some change to it.

4 CHAIRPERSON HOOD: Commissioner  
5 May?

6 COMMISSIONER MAY: You know, I'm  
7 open to the idea of granting some flexibility  
8 on the design of the roof structures and the  
9 pergola because I don't feel that that was  
10 completely resolved at the hearing or the last  
11 version of what we saw. But I don't like the  
12 broadness of what's phrased here either. So  
13 I would certainly want to strike the clause  
14 that says including flexibility to have  
15 multiple heights to aesthetically refine or  
16 articulate rooftop structures for scale and  
17 compositional purposes.

18 I mean, first of all, I don't  
19 really know what that means, but it just  
20 sounds too broad.

21 VICE-CHAIR JEFFRIES: So we just  
22 leave in "to make modifications to the design

1 of the roof structures and the pergola in  
2 order to lessen the appearance of height and  
3 soften the visual effects of the penthouse,"  
4 period?

5 COMMISSIONER MAY: Right, and I  
6 might even say make minor modifications or  
7 something like that just to limit it.

8 COMMISSIONER TURNBULL: I would  
9 agree that, minor.

10 COMMISSIONER MAY: Yes.

11 VICE-CHAIR JEFFRIES: And the  
12 definitions of "minor?"

13 CHAIRPERSON HOOD: You want to  
14 watch minor. See, when I first got on the  
15 Zoning Commission, we did a minor modification  
16 which was a major -- I like what you said when  
17 you said minor modification.

18 COMMISSIONER MAY: Well, we could  
19 leave it modifications. I don't have a real  
20 problem with that. I mean, minor  
21 modification. Obviously, in terms of zoning,  
22 we've had some debate about what's minor and

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1 what's not. But I think generally speaking,  
2 we have a good sense that minor does not mean  
3 things like, you know, doubling the height or  
4 what have you, or you know, adding an extra  
5 story or something.

6 VICE-CHAIR JEFFRIES: And it says  
7 to lessen the appearance of height.

8 COMMISSIONER MAY: Right.

9 VICE-CHAIR JEFFRIES: Yes.

10 COMMISSIONER MAY: So, I mean, I  
11 guess what I wouldn't want to have happen is,  
12 you know, for the whole thing to become, you  
13 know, a glass box, for example.

14 VICE-CHAIR JEFFRIES: Right.

15 COMMISSIONER MAY: Which is a  
16 modification and somebody might interpret that  
17 as lessening the appearance of height and  
18 softening the visual effect, but it would be  
19 a pretty drastic modification to the  
20 materials. Without defining very specific  
21 things that can or can't be done, I think  
22 putting in the word minor, you know,

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1 communicates the fact that we really don't  
2 want to see it changed significantly.

3 CHAIRPERSON HOOD: Well,  
4 Commissioner May, I would agree with your  
5 expertise. Let's put minor modification in  
6 there. I just have had a bad experience with  
7 minor modifications running away.

8 I think that's fine. So after the  
9 word "penthouse," how did you have that worded  
10 after the word "penthouse?"

11 COMMISSIONER MAY: Just period.

12 CHAIRPERSON HOOD: Period? But  
13 you say minor modification?

14 COMMISSIONER MAY: At the  
15 beginning to say "to make minor  
16 modifications."

17 CHAIRPERSON HOOD: Okay.

18 COMMISSIONER MAY: I would also --

19 CHAIRPERSON HOOD: Let me find if  
20 everybody's okay with that. Okay. Good.

21 Yes, Mr. May?

22 COMMISSIONER MAY: Yes, I would

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1 also note that the same language appears in  
2 the findings of fact, Modifications to the  
3 PUD, item 22 on page 4. And I think we want  
4 to make the same kind of changes there. Minor  
5 modifications and a period after the word  
6 "penthouse."

7 CHAIRPERSON HOOD: Okay. So  
8 noted. All right. Any other comments or  
9 changes? All right.

10 VICE-CHAIR JEFFRIES: Okay. So  
11 I'll make a motion that we approve under final  
12 action Broadway I Associates, PUD  
13 modification. That's Zoning Commission Case  
14 No. 05-15A. That's a PUD modification at 318  
15 I Street, N.E. And we'd like to make the  
16 following modifications under Proposed  
17 Findings of Facts and Conclusions of Law, page  
18 4: We're going to insert the word "minor"  
19 after "make" and before "modifications" in  
20 paragraph 22. And then we're going to cross  
21 out all the language after the word  
22 "penthouse." We'll cross out all of the

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1 language starting with "including" to  
2 "purposes."

3 And then on the decision that's  
4 7C, we're going to add the word "minor" before  
5 "modifications," put a period after  
6 "penthouse" in the third line and then omit  
7 all the language after that.

8 COMMISSIONER TURNBULL: Second.

9 CHAIRPERSON HOOD: It's been moved  
10 and properly seconded. Thank you, Vice-Chair  
11 and Mr. Turnbull.

12 Any further discussion? All those  
13 in favor?

14 ALL: Aye.

15 CHAIRPERSON HOOD: Any opposition?  
16 Staff, would you record the vote?

17 MS. SCHELLIN: Staff records the  
18 vote 5-0-0 to approve final action in Zoning  
19 Commission Case No, 05-15A, as amended.  
20 Commissioner Jeffries moving; Commissioner  
21 Turnbull seconding. Commissioners Hood,  
22 Etherly and May in support.

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1 CHAIRPERSON HOOD: Okay. Next,  
2 Zoning Commission Case No. 07-29, Bozzuto  
3 Development, map amendment at Square 514, Lot  
4 865.

5 Ms. Schellin?

6 MS, SCHELLIN: Staff has nothing  
7 further on this one either.

8 CHAIRPERSON HOOD: Okay. With  
9 that, I think we've fleshed this out and I  
10 will move that we approve Zoning Commission  
11 Case No. 07-29 and ask for a second.

12 COMMISSIONER MAY: Second.

13 CHAIRPERSON HOOD: Moved and  
14 properly seconded. Any further discussion?  
15 All those in favor?

16 ALL: Aye.

17 CHAIRPERSON HOOD: Any opposition?  
18 Not hearing any.

19 Ms. Schellin, would you record the  
20 vote?

21 MS. SCHELLIN: Staff records the  
22 vote 5-0-0 to approve final action in Zoning

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1 Commission Case No. 07-29. Commissioner Hood  
2 moving; Commissioner May seconding.

3 Commissioners Jeffries, Etherly and Turnbull  
4 in favor.

5 CHAIRPERSON HOOD: Okay. Let me  
6 start off by thanking those who were waiting  
7 around for the proposed action. I don't know  
8 if that was a good move or not, but anyway, we  
9 are where we are.

10 Zoning Commission Case No. 07-02.  
11 This is the Columbia Heights Ventures Parcel  
12 26, LLC, consolidated PUD and related map  
13 amendment at Square 2562.

14 Ms. Schellin?

15 MS. SCHELLIN: Just one thing.  
16 Just a reminder that Commissioner May did not  
17 participate in this case.

18 CHAIRPERSON HOOD: Okay.  
19 Commissioner May did not participate. We'll  
20 just have to remember to call him back before  
21 we go to the next case.

22 Okay. Colleagues, we've had a

1 number of submissions for this particular  
2 case. Exhibits 38, 39, 40, 41, 42, 43, 44, 45  
3 and 46. The only thing that I saw, and I  
4 couldn't remember if this was the case, and I  
5 don't think it was, but the only thing that I  
6 saw that was requested by District Department  
7 of Transportation, their approval for support  
8 was contingent on the TDM. So I don't think  
9 this was the case. I think they testified at  
10 this. Anyway.

11 VICE-CHAIR JEFFRIES: No, this was  
12 the case that they wanted a strong -- from the  
13 associate director?

14 CHAIRPERSON HOOD: Ms. Ricks?

15 VICE-CHAIR JEFFRIES: Ricks, yes.

16 CHAIRPERSON HOOD: Ricks?

17 VICE-CHAIR JEFFRIES: Yes.

18 CHAIRPERSON HOOD: No, I mean, is  
19 this the case where they didn't come?

20 VICE-CHAIR JEFFRIES: Oh, yes.

21 Yes.

22 CHAIRPERSON HOOD: And I said I

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1 would have a problem if they came back with  
2 anything because they didn't show up? I don't  
3 think this is the case. No.

4 VICE-CHAIR JEFFRIES: I can't  
5 recall whether or not --

6 CHAIRPERSON HOOD: I really don't  
7 think this is the one. But, anyway. Okay.

8 I will tell you that there has  
9 been some progress, and I'm not sure who asked  
10 for what, but I'm just going to review a few  
11 things that I had.

12 From my standpoint, it says, and  
13 actually it's in the supplemental report of  
14 the Office of Planning; I think they spell it  
15 out a lot more eloquent. It says, "Since then  
16 the applicant has revised the proposal and  
17 filed additional information to respond to the  
18 Zoning Commission's" -- I don't know who  
19 actually brought this up -- "Zoning  
20 Commission's and OP's concerns, the CBRF would  
21 now be a separate building and its proposed  
22 height has been reduced to 70 feet to conform

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1 to the height permitted in the C-3-A building  
2 fronting on the street with a 50-foot right of  
3 way."

4 I'm not sure who brought that  
5 issue up. If it sounds familiar, if that  
6 satisfies you, because there's a lot of issues  
7 going on here.

8 Okay. I think that issue whether  
9 it was a single building or -- I'm not sure  
10 who brought that issue up, so obviously --

11 VICE-CHAIR JEFFRIES: Yes, the  
12 single building?

13 CHAIRPERSON HOOD: Whether it was  
14 a single structure --

15 VICE-CHAIR JEFFRIES: Well, I  
16 think that was a general theme, and I think  
17 there was a concern about, you know, having  
18 sort of an appendage between two buildings and  
19 that sort of representing, you know, one  
20 building. And it appears that the applicant  
21 has submitted several examples -- I believe  
22 there was the Wardman, I think I saw it

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1            somewhere here -- of instances where there was  
2            in fact buildings that are sort of connected  
3            by these spines or appendages, you know, and  
4            those buildings have been considered, you  
5            know, one building.

6                            CHAIRPERSON HOOD:    It was actually  
7            behind Tab E.

8                            VICE-CHAIR JEFFRIES:    Yes, Tab E?

9                            CHAIRPERSON HOOD:    And one of the  
10            submissions they gave us, I don't know whether  
11            it was considered, but one of them I don't see  
12            connected at all.    It just may be my bad  
13            eyesight.

14                           VICE-CHAIR JEFFRIES:    Yes.

15                           CHAIRPERSON HOOD:    That's not  
16            connected at all, so --

17                           VICE-CHAIR JEFFRIES:    It might be  
18            just the graphic.

19                           CHAIRPERSON HOOD:    Oh, okay.

20                           VICE-CHAIR JEFFRIES:    Well, I  
21            think the concern, I think at least one of the  
22            things that I had pointed out was the

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1           Dorchester case on 16th Street, and I  
2           remember, you know, in that instance we had an  
3           applicant who obviously wanted to measure off  
4           of 16th Street and there was fairly long depth  
5           back, and it really created what I think this  
6           Commission considered to be a somewhat  
7           inferior design, you know, off of the street  
8           that paralleled 16th Street to the west. And  
9           so, I think the applicant was just really  
10          responding to many more instances where in  
11          fact there are buildings again that are  
12          connected and they represent one building. So  
13          I'm not going to go down that road. I mean,  
14          there was clearly a response to that concern  
15          that I thought was somewhat of a theme from  
16          the Commission, not just myself.

17                   CHAIRPERSON HOOD: I will tell  
18          you, let me say this, anyone have a sparked  
19          interest? And I know that DDOT can deal with  
20          it on another issue about obtaining this TDM.  
21          And it says in summary, the Department  
22          supporting a proposed development is

1 contingent on the applicant preparing a  
2 transportation demand management for DDOT  
3 review and approval. I think that can happen,  
4 that that approval process and I'm just not  
5 sure if this was the case. I mean, I believe  
6 it was, but anyway.

7 VICE-CHAIR JEFFRIES: Yes.

8 CHAIRPERSON HOOD: I don't think  
9 that's going to preclude me from moving  
10 forward.

11 VICE-CHAIR JEFFRIES: Oh, no. No,  
12 no. And it's obviously in the applicant's  
13 best interest. Obviously they have a strong  
14 TMA, being given this location, which has  
15 seen, you know, such density, just overall,  
16 the north Columbia Heights neighborhood. So,  
17 you know, I think we can move forward. And,  
18 you know, I think for a final action, you  
19 know, we can make certain that that is  
20 addressed.

21 CHAIRPERSON HOOD: Vice-Chair, I'm  
22 not even sure it will be moved to final

1 action. I don't know whether this is the case  
2 or not. But, anyway.

3 VICE-CHAIR JEFFRIES: Yes.

4 CHAIRPERSON HOOD: Okay. Let me  
5 just say that I commented at the hearing, I'm  
6 really hoping about this CBRF, because I was  
7 really impressed with this doing away with the  
8 trailers, or whatever it is. I was really  
9 impressed with that CBRF, and this is the kind  
10 of amenities, whether it's offered or not, I  
11 think that this is the type of amenities that  
12 go back to a neighborhood. And I think that  
13 this is really profound. I don't see too many  
14 like this and I think this is great. I think  
15 this is going to last existing of the project.  
16 It's more than just buying uniforms or  
17 anything. It's really giving people shelter  
18 and I think the applicant, as far as I'm  
19 concerned, should be very well commended. I'm  
20 just hoping that it works, because I know  
21 there are some other parts to this, but I'm  
22 just hoping that this gets done. That's the

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1 goal.

2 Okay. Anything else?

3 VICE-CHAIR JEFFRIES: There was a  
4 perspective of the interior between the two  
5 buildings that I wanted to comment on.

6 I rather liked this interior  
7 perspective. I think it's very nice; it's  
8 sort of intersection of three fairly different  
9 building types and so forth. And, you know,  
10 given all the activity that's going to be  
11 outside this building and so forth, I think  
12 this is a very nice sort of urban interior  
13 space, courtyard. I mean, I don't know the  
14 outright width of it and so forth, but the  
15 representation here seems to be somewhat  
16 successful to me, you know, as it sits. And  
17 again, I'm looking at what was submitted April  
18 1, 2008 by Holland & Knight, the high-  
19 resolution rendering.

20 CHAIRPERSON HOOD: Okay. Any  
21 further discussion?

22 Commissioner Turnbull?

1                   COMMISSIONER TURNBULL: Thanks,  
2 Mr. Chair. The one thing which I think the  
3 applicant went out of his way to meet our  
4 concerns, we were concerned about the Highland  
5 Park height marching down Irving, the height  
6 of the building. And by separating the CBRF  
7 from the Highland Park residents, the setback,  
8 as it goes, the street scape blends better  
9 with the CBRF at the lower height and the  
10 Highland Park building in the background going  
11 up higher. I think that transition works very  
12 well.

13                   CHAIRPERSON HOOD: Okay. And I  
14 think most of the submissions that we asked  
15 for as we already have read were addressed in  
16 the March 31st post-submission.

17                   Okay. With that, any further  
18 discussion?

19                   I would move that we approve  
20 Zoning Commission Case No. 07-02 and ask for  
21 a second.

22                   VICE-CHAIR JEFFRIES: Second.

1 CHAIRPERSON HOOD: Any further  
2 discussion? All those in favor?

3 ALL: Aye.

4 CHAIRPERSON HOOD: Any opposition?  
5 So ordered.

6 Staff, would you record the vote?

7 MS. SCHELLIN: Staff records the  
8 vote 4-0-1 to approve proposed action, Zoning  
9 Commission Case No. 07-02. Commissioner Hood  
10 moving; Commissioner Jeffries seconding.  
11 Commissioners Etherly and Turnbull in favor.  
12 Commissioner May no voting, having not  
13 participated.

14 CHAIRPERSON HOOD: Ms. Hanousek,  
15 can you ask Mr. May, I think Mr. May is on the  
16 next case, if he can join us?

17 Okay. Zoning Commission Case No.  
18 07-21. This is Per Star M Street Partner, LLC  
19 at 2213 M Street LP, consolidated PUD at  
20 Square 50.

21 Ms. Schellin?

22 MS. SCHELLIN: Yes, sir. We do

1 have a request from a party in opposition,  
2 which was Sandi Holdings filed by Hutton &  
3 Williams asking that the Commission reopen the  
4 record to accept the party's withdrawal from  
5 the case, their opposition.

6 CHAIRPERSON HOOD: Okay. We have  
7 a request to open our record for the party  
8 that was in opposition, Sandi Holdings, asking  
9 the record to be reopened to accept their  
10 letter of today advising that they are  
11 withdrawing their opposition in light of an  
12 agreement they have reached with the  
13 applicant.

14 Okay. Let's do that first. I  
15 think this was significant. I think this was  
16 the only party that was in opposition. The  
17 other two groups that are known in that area  
18 were in support. And I know that that was an  
19 issue that was sticking for most of us. But  
20 I have not really had the chance to go through  
21 it. I would move that we reopen the late  
22 filing from the party in opposition, Sandi

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1 Holdings, to be considered for our  
2 consideration and our deliberations and ask  
3 for a second.

4 COMMISSIONER TURNBULL: Second.

5 CHAIRPERSON HOOD: Moved and  
6 properly seconded. Any further discussion?  
7 All those in favor?

8 ALL: Aye.

9 CHAIRPERSON HOOD: Any opposition?  
10 So ordered.

11 Staff, would you record the vote?

12 MS. SCHELLIN: Staff records the  
13 vote 5-0-0 to reopen the record to accept the  
14 filing from the party in opposition that was  
15 filed today. Commissioner Hood moving;  
16 Commissioner Turnbull seconding.  
17 Commissioners Jeffries, Etherly and May in  
18 favor.

19 CHAIRPERSON HOOD: Okay. We've  
20 had some submissions to come in. Exhibits 48  
21 through 53. We can probably scratch that now.  
22 There was a lot of, I'm not going to say back

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1 and forth, but discussion from the applicant,  
2 Sandi Holdings. I think with the -- unless  
3 someone here still has an issue with that. I  
4 would tell you that that was some very  
5 interesting reading, but since that has been  
6 taken care of, unless my colleagues still have  
7 an issue with that, I don't know if we need to  
8 discuss that? Okay.

9 We had a letter from the applicant  
10 that addressed some of our concerns.  
11 Supplemental traffic analysis from the  
12 applicant, the architectural plans from the  
13 applicant. We have some illustrations of the  
14 green wall, information on its plantings; I  
15 think someone asked for that. And DDOT's  
16 supplemental report. And also the West End  
17 Citizens Association's response to post-  
18 hearing submissions.

19 And I will tell you that I did  
20 review some of what they have taken from me,  
21 commenting about the amenities package. I  
22 think that if we look at the prehearing

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1 submission, we were talking about how it was  
2 going to be administered. I think if we look  
3 at the prehearing submission, possibly that  
4 was an oversight. I'm sure that was an  
5 oversight on my part, when I just looked at  
6 what was spelled out in front of me at that  
7 time.

8 But back to the prehearing  
9 submission. It showed how it was being  
10 administered. So that actually satisfied me  
11 and it's actually going to be in the proposed  
12 order, specifically how it was in the  
13 prehearing statement. I think that satisfies  
14 my inquiry at that time.

15 So what I would do is open up to  
16 anything that sparks any of my colleagues.

17 Commissioner Jeffries?

18 VICE-CHAIR JEFFRIES: Well, let me  
19 just start off by saying, I mean, you know, in  
20 the four plus years I've been on this  
21 commission, I mean, you know, I don't often  
22 see, you know, great architecture. But, you

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1 know, as I think I've said in the set down, I  
2 really do think that this building is just  
3 quite stunning and it continues to be. And  
4 I'm very happy that the applicant has  
5 submitted and responded to sort of, you know,  
6 how the green wall panels work and looking at  
7 the sections and sort of the panel assembly,  
8 you know, that was very, very helpful. You  
9 know, it's helpful to see the examples; the  
10 botanical garden in Japan, Whole Foods in  
11 Austin, Texas, dental offices in Vancouver.  
12 Although, you know, in each case there seems  
13 to be, you know, significant light that comes  
14 into where these green panels are.

15 I'm going to just assume, and I  
16 think rightfully so, that the applicant, it's  
17 obviously in their best interest to make  
18 certain that this lung works. If it doesn't  
19 work, I mean, that's going to be a problem for  
20 business. So I'm willing to go forward with  
21 this.

22 And again, I'm just very excited

1 to have, you know, what I consider just really  
2 great sort of contemporary modernist design  
3 with innovation, green building and so forth.  
4 I just think it's a nice combination. I don't  
5 know if it's prefect, but I think that it's  
6 great architecture.

7 CHAIRPERSON HOOD: Okay. Any  
8 other comments, colleagues?

9 Commissioner May?

10 COMMISSIONER MAY: Yes, I like the  
11 building too, although I can't say I'm quite  
12 as enthusiastic as Commissioner Jeffries.

13 I still find some of the concepts  
14 a little bit hard to appreciate, like the fact  
15 that this green wall is going to be only eight  
16 feet away from the wall that faces it and it  
17 may itself be very attractive, but the space  
18 that's eight feet wide, green on one side, I  
19 don't know, stucco or plaster on the other  
20 side and, you know, that tall and that deep,  
21 it's going to be a little bit odd to me. And,  
22 you know, I hope that when we actually see it

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1 built that it's going to be lovely and  
2 wonderful. It's hard for me to imagine that  
3 it's really going to be a great space and it's  
4 almost as if it just needs to be a little  
5 bigger, or instead of having two spaces it  
6 needed to be one in order to have a decent  
7 amount of space to it. I'm not sure what the  
8 right design solution is, just it still makes  
9 me a little bit uncomfortable.

10 It was good to see all the  
11 submissions that show how it works  
12 technically; I think that was very helpful.

13 I have to say one of the things  
14 that pleased me the most about this submission  
15 was a fairly mundane improvement, which is to  
16 the wall on the west side, or actually on both  
17 sides, the parti-walls where the surface of  
18 the building was more highly articulated and  
19 then the penthouse itself became, you know, a  
20 smooth stucco finish and so it recedes more.  
21 Because I think that's the right sort of  
22 treatment and the kind of treatment that we

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1 really should be looking for when we're  
2 building the first or we're watching the first  
3 building being built on a block like this,  
4 that goes up to a height like that. Because  
5 there are too many examples, I think, in the  
6 city where we wind up with that end wall which  
7 is a parti-wall and it's just a big flat thing  
8 and then it continues up to the penthouse. So  
9 I think that that articulation and expression,  
10 I think, is very attractive.

11 I was also, you know, relieved to  
12 see some of the other traffic information and  
13 to know that DDOT is comfortable with things  
14 and, you know, I think all those things got  
15 refined and worked out. So I'm fairly pleased  
16 with where we are right now.

17 CHAIRPERSON HOOD: Okay. And then  
18 let me just comment. In the DDOT submission  
19 it says, the end of it says, "Accordingly,  
20 DDOT has no objections to placing the proposed  
21 parking garage entrance on 22nd Street, N.W.,  
22 provided the applicant incorporates the design

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1 modifications listed." And they encourage the  
2 applicant, which I'm sure they're going to be  
3 able to really encourage them to continue to  
4 coordinate with DDOT staff on proposed public  
5 space improvements. Okay?

6 Commissioner Turnbull?

7 COMMISSIONER TURNBULL: Yes, Mr.  
8 Chair. I think that's a significant move. I  
9 think we had trouble before on this project  
10 and another one of them trying to funnel  
11 things through the alley. And they seem to be  
12 almost immovable from that position at one  
13 point. No, this is the way we're going to do.  
14 And I'm glad they stepped back and looked at  
15 the situation and looked at the existing  
16 conditions and said, you know, it does make  
17 sense to have the parking garage enter off of  
18 22nd. I think it's a rational response to the  
19 existing conditions that are there.

20 I guess the building is different.  
21 It's one of those unique buildings that  
22 carries green design to a point that we

1 haven't seen it. The architecture in a way is  
2 very simple. I sort of like the way the  
3 windows start off as the larger glass and then  
4 as it goes down the panes get tighter and  
5 tighter. It's got a bit of a unique quality  
6 to it.

7           Whether the lead aspects, the  
8 green function totally -- I would agree with  
9 Mr. May, I think, that the narrowness of that  
10 green courtyard is a little troubling, but you  
11 know, they're dealing with a very tight site  
12 and who knows? If it works on this site,  
13 maybe it will have them expand and go to a  
14 bigger scenario later on. But I think it's an  
15 intriguing building.

16           CHAIRPERSON HOOD: Okay. Any  
17 further comments?

18           COMMISSIONER ETHERLY: Mr. Chair,  
19 I'll just note for the record, I'll also, to  
20 an extent, echo the comments of my colleagues  
21 with respect to the submittal from DDOT, as  
22 well as the additional work undertaken by the

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1 applicant to clarify some of the traffic-  
2 related issues.

3 As my colleagues will recall, I  
4 postulated some questions as to the  
5 effectiveness of the plan as it related to  
6 22nd Street in particular, given some of the  
7 well-publicized challenges of this entire area  
8 with respect to its inventory of existing  
9 hotels and other uses, both commercial and  
10 residential.

11 To tell you the honest truth, I  
12 was definitely quite surprised by DDOT's  
13 report. I perhaps expected a little more of  
14 a grim forecast, if you will, but I'm pleased  
15 again that the work that was undertaken by the  
16 applicant and DDOT to assess impacts on 22nd  
17 Street and the effectiveness of the lay-by, I  
18 was perhaps I would say humored somewhat by  
19 the reference to the Mayflower experience,  
20 because there have been times when I've had  
21 more than my share of challenges going down  
22 Connecticut Avenue and having to grapple with

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1 the impacts of the Mayflower's traffic  
2 activity.

3 But all that being said, Mr.  
4 Chair, I'm comfortable with DDOT's submittal,  
5 their assessment of the alley's inability to  
6 handle any additional traffic as it relates to  
7 moving more functions back there and am  
8 prepared to move forward. Thank you, Mr.  
9 Chair.

10 CHAIRPERSON HOOD: We're going to  
11 encourage you, Commissioner Etherly, to get a  
12 SmarTrip card and use Metro.

13 Okay. Any other discussion?

14 VICE-CHAIR JEFFRIES: Other than  
15 I'd like to make a motion, yes.

16 I'd like to make a motion on the  
17 proposed action that we approve Zoning  
18 Commission Case No. 07-21. That's Per Star M  
19 Street Partners, LLC and 2213 M Street, LP,  
20 consolidated PUD at Square 50.

21 COMMISSIONER TURNBULL: Seconded.

22 CHAIRPERSON HOOD: Okay. It's

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1           been moved and properly seconded.

2                     Thank you, Vice-Chair Jeffries and  
3           Commissioner Turnbull.

4                     Any further discussion? All those  
5           in favor?

6                     ALL: Aye.

7                     CHAIRPERSON HOOD: Any opposition?  
8           So ordered.

9                     Staff, would you record the vote?

10                    MS. SCHELLIN: Staff records the  
11           vote 5-0-0 to approve proposed action in  
12           Zoning Commission Case No. 07-21.  
13           Commissioner Jeffries moving; Commissioner  
14           Turnbull seconding. Commissioners Hood,  
15           Etherly and May in support.

16                    CHAIRPERSON HOOD: Okay. Next is  
17           Zoning Commission Case No. 07-08A. This is  
18           the Office of Planning text amendment to allow  
19           temporary ballpark accessory surface parking  
20           lots.

21                    Mrs. Schellin?

22                    MS. SCHELLIN: Staff has nothing

1 further on this one.

2 CHAIRPERSON HOOD: Okay.

3 Colleagues, again these were additional lots,  
4 bringing my memory back, these were additional  
5 that were requested by -- who was it requested  
6 by -- the Nationals. Okay. I almost forgot  
7 the name of the team. Okay. The Nationals.  
8 And again, I know that the community's  
9 concerns were they were told that they would  
10 not need these lots. I think the Nationals  
11 have asked for flexibility to be able to use  
12 the lots if need dictates that they need those  
13 lots. So, I will open it up for discussion.

14 Before I do that, I will tell you  
15 I am in favor of moving forward with this. I  
16 have not had the opportunity to go and see how  
17 everything is working, but I think I would  
18 personally rather give them that flexibility.  
19 So, I go back to the issue with the FedEx  
20 Field. That has to be tweaked and pulled and  
21 tugged, and done so many different ways to  
22 make it work. And I think we are basically

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1           faced with the same situation.

2                     But I know there are some issues,  
3           so I'll open it up to my colleagues.

4                     VICE-CHAIR JEFFRIES: I mean, you  
5           know, well, I've been there just last week,  
6           and a great experience. But, you know, it's  
7           an 800-pound gorilla that's there. I mean,  
8           you know, and it has to do what it does,  
9           right? So I don't, you know, quite frankly  
10          see how we could, you know, not go forward on  
11          this given, you know, what the stadium is  
12          trying to do.

13                    And I have to tell you, you know,  
14          it does seem like there's considerable care  
15          given to keeping people on South Capitol and  
16          so forth, you know, it's very difficult to  
17          even remotely get to any residential  
18          communities in and around the stadium. So,  
19          you know, I truly think it's in the best  
20          interest of the Nationals to be able to have  
21          that level of flexibility going forward. So  
22          I would also be supportive.

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1 CHAIRPERSON HOOD: Commissioner

2 Etherly?

3 COMMISSIONER ETHERLY: I'll echo  
4 Mr. Jeffries' comments. The critical issue  
5 here really from the outset was just getting  
6 clarification on the sometimes competing  
7 messages that we heard about what was actually  
8 needed. And I think the hearing served to  
9 clarify that tremendously in terms of the  
10 Nationals' posture with respect to the need  
11 for these lots, as well as the District's plan  
12 for how to grapple and deal with, and direct  
13 the flow of traffic to and from and around the  
14 ballpark. I think those questions have been  
15 answered. Thank you, Mr. Chair.

16 CHAIRPERSON HOOD: Commissioner  
17 May?

18 COMMISSIONER MAY: Mr. Chairman, I  
19 have nothing to add, believe it or not.

20 CHAIRPERSON HOOD: Is that  
21 Commissioner May sitting on the other side of  
22 you over there? Who is that? Who is that

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1           guy? Commissioner May has left. No, I'm just  
2           playing. No, I'm must joking. No, you bring  
3           a lot to the table. I'm just joking. Are you  
4           sure you don't have anything?

5                        COMMISSIONER MAY: That's right, a  
6           lot. Right? Thank you very much.

7                        CHAIRPERSON HOOD: Commissioner  
8           Turnbull, did you want to add something?

9                        COMMISSIONER TURNBULL: Well, Mr.  
10          Chair, I guess I still struggle with the lots  
11          north of Potomac Avenue, the ones closest to  
12          the residential neighborhood. And I just  
13          struggle if we're going to introduce  
14          something, since they are so close. I'm not  
15          opposed to going forward. I'd just like to go  
16          on the record that I think the closer that you  
17          do get to the residential neighborhoods and  
18          interject this, there's always the temptation  
19          for a lot of people to scoot out different  
20          ways. So, you're not governed by some of the  
21          regulations that are in place along some of  
22          the existing streets now with the existing

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1 lots. So, depending on where you turn out of  
2 those lots north or Potomac Avenue, you could  
3 introduce significant traffic.

4 CHAIRPERSON HOOD: Commissioner  
5 Turnbull, you're still concerned about the  
6 ones north of Potomac?

7 COMMISSIONER TURNBULL: The ones  
8 north of Potomac, right?

9 CHAIRPERSON HOOD: Let me ask you  
10 this, does anybody else share that same  
11 concern? Do you have anything you want to  
12 propose to us?

13 COMMISSIONER TURNBULL: No, I have  
14 no control over that, so --

15 VICE-CHAIR JEFFRIES: You just  
16 wanted to state for the record.

17 COMMISSIONER TURNBULL: Yes, I  
18 just wanted to state for the record that I  
19 think that that could be an issue.

20 CHAIRPERSON HOOD: Okay. All  
21 right. So noted.

22 All right. I would move approval

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1 of Zoning Commission Case No. 07-08A and ask  
2 for a second.

3 COMMISSIONER MAY: Second.

4 CHAIRPERSON HOOD: Moved and  
5 properly seconded. Any further discussion?  
6 And so noted to Commissioner Turnbull's  
7 concerns. All those in favor?

8 ALL: Aye.

9 CHAIRPERSON HOOD: Any opposition?  
10 So ordered.

11 Staff, would you record the vote?

12 MS. SCHELLIN: Staff records the  
13 vote 5-0-0 to approve proposed action in  
14 Zoning Commission Case No. 07-08A.  
15 Commissioner Hood moving; Commissioner May  
16 seconding. Commissioners Jeffries, Etherly  
17 and Turnbull in support.

18 CHAIRPERSON HOOD: I really think  
19 proposed action went a lot faster than what we  
20 thought it was going to be.

21 Okay. I think now we have the  
22 Office of Planning report. I think that's the

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1 only thing left.

2 MR. PARKER: Good evening, again.

3 Just two things for your attention  
4 tonight. The first has to do with public  
5 schools. Office of Planning is going through  
6 a public process of community involvement on  
7 the future allocation of our recently  
8 decommissioned public schools. You may be  
9 seeing some emergency text amendments in the  
10 near future regarding the use of those  
11 schools.

12 There will be three phases of  
13 types of schools. The first are ones that  
14 will be up for reuse this summer, the next  
15 intermediate from between this fall and three  
16 years from now and then some that will be  
17 longer term, three or more years. Obviously,  
18 for the ones that are to be used this summer,  
19 we may have to get in with some text  
20 amendments in the near future once our public  
21 participation is over with. And those types  
22 of uses will be, you know, government offices,

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1 community centers, social services, things  
2 like that.

3 The second issue has to do with  
4 the MPD warehouse.

5 COMMISSIONER MAY: When do we get  
6 to ask questions?

7 MR. PARKER: Go ahead.

8 CHAIRPERSON HOOD: I thought you  
9 didn't have anything else?

10 VICE-CHAIR JEFFRIES: No, no.  
11 That was five minutes ago.

12 COMMISSIONER MAY: Well, we can  
13 wait until all the items are done and ask --

14 CHAIRPERSON HOOD: NO, I think  
15 you're fine.

16 COMMISSIONER MAY: -- both of  
17 them, but I'm --

18 CHAIRPERSON HOOD: I think you're  
19 fine.

20 COMMISSIONER MAY: Okay. On the  
21 vacated school, I have a long memory and I  
22 remember what happened last time there was a

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1 big round of school closings, what, 20 years  
2 ago? Something like that.

3 CHAIRPERSON HOOD: I think it was  
4 little more recent than that.

5 COMMISSIONER MAY: No, I'm talking  
6 about the big ones.

7 CHAIRPERSON HOOD: The big round?

8 COMMISSIONER MAY: Like when Brian  
9 was closed and --

10 CHAIRPERSON HOOD: Taft Junior  
11 High School?

12 COMMISSIONER MAY: Yes, maybe that  
13 was like --

14 CHAIRPERSON HOOD: That was like  
15 10 years ago.

16 COMMISSIONER MAY: Ten years ago?

17 CHAIRPERSON HOOD: Hold on, let me  
18 see.

19 COMMISSIONER MAY: Ten, fifteen?

20 CHAIRPERSON HOOD: Yes. Okay.

21 COMMISSIONER MAY: Anyway, the  
22 last big round. Yes, it wasn't that long ago.

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1 I just think I'm older than I am.

2 CHAIRPERSON HOOD: And I was still  
3 in school.

4 COMMISSIONER MAY: Right. And,  
5 you know, what happened with some of those  
6 building was I think not very well considered,  
7 and so I'm just very concerned about the  
8 prospects of some of the uses that could go  
9 into these buildings. And I think that we  
10 need to make sure that, you know, even if  
11 there is a some urgency to this potential  
12 reuse that the process, the public process by  
13 which we determine what uses are appropriate  
14 get a very full airing.

15 And I think this is particularly  
16 true since when, as I recall, I don't know,  
17 five or six years ago the Zoning Commission  
18 considered the rules by which the government  
19 or even non-profit organizations could reuse  
20 historic school buildings. And I remember  
21 even that was a contentious issue. And maybe  
22 because it was considered in the context of

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1 some particular buildings in some particular  
2 neighborhoods, but I think this is a very  
3 significant issue. You know, school buildings  
4 and churches are supposed to be inherently  
5 compatible with residential districts and  
6 government office buildings are not inherently  
7 compatible. They can be, but they're not  
8 inherently.

9 And I just think that we need to  
10 be very, very careful about this and have the  
11 appropriate public input. And it's not just  
12 a question of -- well, let me put it this way.  
13 There's a risk of being a little bit too  
14 particular and saying well, this school should  
15 be this and so therefore that community should  
16 be heard on what's going to happen with that  
17 building and this community should be heard  
18 about what's happening on their building.  
19 There needs to be some consistency across the  
20 board and there needs to be a long view about  
21 how this will affect our communities in the  
22 long term.

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1                   So, I'm throwing those words of  
2 caution out there just because I have this  
3 memory of those two particular things.

4                   CHAIRPERSON HOOD: I think you're  
5 exactly right on point. I will tell you that  
6 now that I see that it's coming possibly in  
7 front of us, I had attended a few meetings,  
8 but the problem is I got there so late that I  
9 really, you know, didn't hear a whole lot.  
10 But I can tell you, those are some discussions  
11 -- I know in Ward 5 the Office of Planning's  
12 been out there talking about this. I just  
13 never knew that it was going to come down here  
14 eventually. I guess it probably eventually  
15 would. But I would agree with Commissioner  
16 May. We want to make sure that it's vetted in  
17 the community. And actually, I think they're  
18 doing that. I'm not sure about all other  
19 wards, but I know Ward 5, it's already up and  
20 doing that at this point.

21                   But I would agree with  
22 Commissioner May to make sure that the

1 community is not going to these meetings, Mr.  
2 Parker, because I know Office of Planning is  
3 -- they have some kind of role there. What  
4 the role is, I really don't exactly know, but  
5 I do know that Ms. Deborah Crane was at one of  
6 the meetings I was late to, but I know that  
7 there's a role there from the Office of  
8 Planning, but you want to make sure that, as  
9 Commissioner May says, this neighborhood wants  
10 this at this school and this neighborhood  
11 wants this at this school. And I think what  
12 he's saying is it should be a broad range of  
13 consistency across the board because we don't  
14 want to mislead the community and then we have  
15 a lot of folks down here saying well we were  
16 told this and we were told that. And I'm sure  
17 OP's has got it under control.

18 MR. PARKER: Absolutely. And that  
19 is the intent. I think the issue here is that  
20 right now there's a very limited universe of  
21 things that are allowed to happen in these  
22 buildings. And a lot of these are buildings

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1 that are historic and can't come down, so we  
2 need to slightly broaden with public input the  
3 universe of things that can happen so that  
4 these buildings don't get boarded up and can  
5 be reused.

6 COMMISSIONER MAY: Don't we  
7 already have flexibility when the buildings  
8 are actually historic?

9 MR. PARKER: Only if they're of a  
10 certain size and only for, I believe, non-  
11 profit.

12 COMMISSIONER TURNBULL: Or  
13 government use and most of these are  
14 government uses, aren't they?

15 MR. PARKER: Okay. I'll look into  
16 that, yes.

17 COMMISSIONER MAY: Yes. And I  
18 also would be very cautious about the prospect  
19 of doing anything on an emergency basis,  
20 because while it's important I think to show  
21 progress, it's probably more politically  
22 important that it is, you know, zoning

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1 important. I mean, we have to take that long  
2 view more so than be, you know, responsive to  
3 some perceived emergency. So, I'm just  
4 concerned about that. Thank you.

5 CHAIRPERSON HOOD: Okay. Mr.  
6 Parker, did you finish?

7 MR. PARKER: The only other issue  
8 was the MPD warehouse. Office of Planning is  
9 finishing planning for the east campus of  
10 Saint Elizabeth's and considering different  
11 possible uses, including some expansion of  
12 federal uses into the east campus, as well as  
13 a possible MPD warehouse. And you may see an  
14 application on that in the very near future as  
15 well.

16 CHAIRPERSON HOOD: Okay. Any  
17 other questions for Mr. Parker?

18 COMMISSIONER MAY: Oh, yes.

19 CHAIRPERSON HOOD: Commissioner  
20 May?

21 COMMISSIONER MAY: Yes, I want to  
22 mention on that one, I'm glad to hear that the

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1 small area plan is being completed. You know,  
2 I'd heard about the prospect of this warehouse  
3 being built there, although I understand this  
4 is not the only site that may be under  
5 consideration for that use. But the prospect  
6 of doing any kind of emergency zoning at Saint  
7 Elizabeth's again brings up memories, because  
8 four years ago, or maybe it was more like five  
9 years ago, when the Zoning Commission took  
10 action to approve -- I think the last case was  
11 -- well, I think the last case was the  
12 hospital, but we also had the UCC, the Unified  
13 Communications Center. Both of those were  
14 considered as PUDs and in both cases I recall  
15 the Office of Planning saying that this is  
16 only a short term measure because we really  
17 need to, you know, build these buildings, make  
18 use of these buildings, actually build these  
19 buildings in both cases. And there's an  
20 immediate need to address this that preempts  
21 this overall need to do a master plan and  
22 complete the zoning of the entire property.

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1                   And I remember at the time very  
2 specifically the sense of the Zoning  
3 Commission was that no more PUDs should be  
4 considered for Saint Elizabeth's until the  
5 master plan was done and at which point all of  
6 the zoning should be considered. And, I mean,  
7 maybe we need to go back and look at some of  
8 those cases to understand what the exact  
9 wording was, but I remember that very clearly.

10                   Now, maybe I'm wrong on that too,  
11 but I think that it's very important, and let  
12 me also add that I think that this sense of  
13 things came from what we heard from the  
14 members of the community there, that they  
15 didn't want to see more piecemeal zoning of  
16 Saint Elizabeth's. They wanted to see the  
17 master plan and, you know, the guiding  
18 information for all of the development before  
19 any more pieces of it were carved out for, you  
20 know, one more little important use, you know,  
21 here or there.

22                   So I think it's very important

1 that the small area plan be completed and that  
2 we know what is coming down the pike for the  
3 entirety of the campus. Maybe that doesn't  
4 mean that the whole small area plan has to be,  
5 you know, approved by counsel and go through  
6 that whole process, but there needs to be that  
7 community interaction and that understanding  
8 of what the full picture of development is  
9 before we start to consider something like an  
10 emergency text amendment to allow one  
11 building.

12 CHAIRPERSON HOOD: Mr. Parker, I'm  
13 trying to see what's going to happen in the  
14 future. You said you're close to the small  
15 area plan being approved?

16 MR. PARKER: I don't have any date  
17 yet. That's the best I can tell you right now  
18 is that it's closing in, but I don't have any  
19 completion date.

20 CHAIRPERSON HOOD: Okay. Let me  
21 back up to something that Commissioner May  
22 mentioned about the emergency text amendments

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1 dealing with the schools.

2 I didn't really look down at the  
3 report until after he said it and we moved on,  
4 Commissioner May, and I think this is in tune  
5 with what you were saying, "Working with  
6 communities on reuse scenarios may be bringing  
7 emergency text amendments." They're already  
8 telling us that this is a possibility.

9 So let me just find out now,  
10 again, looking into the future so I'll know  
11 how to plan evenings, but are you just dead  
12 set against the emergencies, or you just want  
13 to proceed with caution?

14 COMMISSIONER MAY: You know, I  
15 think I want to proceed cautiously. And I  
16 think it's important for the Zoning Commission  
17 to make sure that the process for, you know,  
18 for zoning a property or rezoning a property  
19 is adhered to throughout and that's largely  
20 the public input, knowing that that has run  
21 its full course and that we're not, you know,  
22 taking emergency action for the wrong reasons.

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1 We need to take them for the right reasons.  
2 There needs to be a really good justification  
3 to deal with it as an emergency. Because in  
4 all honesty, the difference between an  
5 emergency text amendment and a regular text  
6 amendment isn't that much time. Right? I  
7 mean, you know, what does it add? A couple of  
8 months to the process? It doesn't take, you  
9 know, a three-month process and make it into  
10 a one-year process. It takes a three-month  
11 process and maybe makes it into a six-month  
12 process. Well, what's going to happen in  
13 those extra three months? And that's what  
14 really needs to be demonstrated if we're going  
15 to consider something as an emergency.

16 CHAIRPERSON HOOD: Okay. Thank  
17 you. Thank you for your clarification.

18 Okay. Any other questions of  
19 Office of Planning?

20 COMMISSIONER TURNBULL: Mr. Chair,  
21 I just have one question. Just because he  
22 brought it up so many times, I'm just

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1 wondering, former Commissioner Parsons talked  
2 about open space study.

3 MR. PARKER: There is actually --

4 COMMISSIONER TURNBULL: I don't  
5 want to bring up a sore spot or anything.

6 MR. PARKER: There is actually  
7 parks and open space subject area slated for  
8 work in our zoning review, so we will, as a  
9 part of our overall zoning review, be looking  
10 at parks and open space zoning.

11 COMMISSIONER TURNBULL: Very  
12 good.

13 CHAIRPERSON HOOD: We'll just ask  
14 Peter or someone to make sure that Mr. Parsons  
15 knows that you're carrying the torch.

16 COMMISSIONER MAY: Yes, but you  
17 did take it off the list. It used to be on  
18 the list.

19 MR. PARKER: Well, now it's  
20 subsumed in the list under the 08-06, third  
21 thing on the list. It's move dup.

22 COMMISSIONER MAY: Okay. I hope

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1 he doesn't get a copy of this. I'll have some  
2 explaining to do.

3 CHAIRPERSON HOOD: Okay. Anything  
4 else, colleagues? Any other questions?

5 Thank you, Mr. Parker.

6 Ms. Schellin, do we have anything  
7 else?

8 MS. SCHELLIN: (No audible  
9 response.)

10 CHAIRPERSON HOOD: All right.  
11 With that, this meeting is adjourned.

12 (The meeting was adjourned at 9:04  
13 p.m.)