

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 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
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.

TABLE OF CONTENTS

Hearing Action

<u>Z.C. Case No. 08-02</u>	
Office of Planning, Karen Thomas	7
Vote: 5-0-0 in favor to set down	21
<u>Z.C. Case No. 08-05</u>	
Office of Planning, Steve Cochran	22
Vote: 5-0-0 to approve set down	33
<u>Z.C. Case No. 08-06</u>	
Office of Planning, Travis Parker	34
Vote: 5-0-0 to waive the motion	55
<u>Z.C. Case No. 08-08</u>	
Office of Planning, M. Brown-Roberts	55
Vote: 5-0-0 to waive hearing fee	85
Vote: 5-0-0 to waive requirements of Section 406.7	87
Vote: 5-0-0 to authorize publication of public notice	88

Final Action

<u>Z.C. Case No. 07-18</u>	89
Vote: 5-0-0 to approve final action	
<u>Z.C. Case No. 07-11</u>	92
Vote: 4-0-1 to approve proposed action	103
<u>Z.C. Case No. 05-15A</u>	103
Vote: 5-0-0 to approve final action	
<u>Z.C. Case No. 07-29</u>	111
Vote: 5-0-0 to approve final action	111

Proposed Action

<u>Z.C. Case No. 07-02</u>	112
Vote: 5-0-0 to approve proposed action	122
<u>Z.C. Case No. 07-21</u>	122
Vote: 5-0-0 to accept filing of party in opposition	124
Vote: 5-0-0 to accept proposed action	135
<u>Z.C. Case No. 07-08A</u>	135
Vote: 5-0-0 to approve proposed action	141

Office of Planning Report

Travis Parker	142
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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

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.

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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

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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

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

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.

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.

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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

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

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

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

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

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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

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,

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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

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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,

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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

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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

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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

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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 perfect, 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.)