GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

REGULAR MEETING
MONDAY, APRIL 14, 2008

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.
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## Office of Planning Report
- Travis Parker

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CHAIRPERSON HOOD: This meeting will please come to order.

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

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

Okay. Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any
public testimony at our meetings, unless the Commission requests someone to come forward.

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

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

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

I do have a preliminary matter. I just wanted to say that, and we usually do this at the end, but I think we need to do this at the beginning. I want to thank all those involved: Office of Zoning staff, Office of Planning, ANCs, the community, and also the Office of Attorney General. Because, oftentimes information is given -- a little
misinformation is given to my colleagues and I and at times -- and I'm going to do this more often than not, because, you know, the staff helps us, makes sure that we obtain all the information that we get so we can make the best informed decision for the best interest of the city. And I think that is not taken very lightly. I think that my colleagues and I really appreciate what everyone does, the community, O of Z staff, OAG, Office of Planning, ANCs, civic associations, whomever. And we try to make the best decision possible so we can still continue to live in a coexistent city.

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

Okay. No preliminary matters?

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

CHAIRPERSON HOOD: Yes.

MS. SCHELLIN: Want to still do
CHAIRPERSON HOOD: I sure am. I want to move final action to No. 4 and propose action to No. 5. So I think it may take us a little longer tonight to deal with proposed action.

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

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

Okay?

Okay. Hearing action. Zoning Commission Case No. 08-02, Hay-Adams Holdings, LLC, map amendment at Square 186, Lot 809.

And I think it's Ms. Thomas.

MS. THOMAS: Good evening, Mr. Chairman, Members of the Commission. The Hay-Adams Hotel is requesting a map amendment from the SP-2 to C-4 Zone to permit an addition to its hotel. This would increase the height of the building from 90 feet to 98 feet and a density from 7.35 to 7.99 FAR.
We are in support of this C-4 designation to support the hotel's renovation. The addition itself has been subject to many reviews, including CF8 as well as HPRB and the Secret Service, and we think that the recommendations support the comp. plan. So we are in support of it as not being inconsistent with the plan and recommend set down for a public hearing. Thank you.

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

And you say in your report to constitute legal spot zoning, the Commission's action must pertain to a single parcel or a limited area ordinarily for the benefit of a particular property owner or specially interested party. Must be inconsistent with the city's comprehensive plan or there is none
with the character of zoning of the surrounding area of the purpose of the Zoning Regulations; i.e., the public health, safety and general welfare.

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

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

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

MS. THOMAS: It's in the report.

CHAIRPERSON HOOD: Okay.
MS. THOMAS: Under the comp. plan and it's policy CW-1.10 for central Washington hotels.

CHAIRPERSON HOOD: I see it.

MS. THOMAS: Yes.

CHAIRPERSON HOOD: Okay. Okay.

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

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

CHAIRPERSON HOOD: Okay. That's fine.

MS. THOMAS: Yes.

CHAIRPERSON HOOD: Okay. Any other questions?

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

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

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

VICE-CHAIR JEFFRIES: Okay. So it says it is designed to preserve and protect areas adjacent to the commercial districts that contain a mix of row houses, apartments, offices, institutions at a medium to high-density. So it seems as if the SP Zone is really trying to, you know, really protect some of the medium -- some of the residential zones that are adjacent to. And, I mean, this is somewhat sort of in the center of this SP-2 Zone in terms of where this Hay-Adams Hotel
is. I mean, again, you look at the zoning map and it looks like, you know, we're doing that carve out again. And again, I understand your two-prong test here and you're covered.

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

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

MR. PARKER: Which exhibit are you looking at?

VICE-CHAIR JEFFRIES: The application from the applicant.

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

VICE-CHAIR JEFFRIES: F?

MR. PARKER: As the comprehensive
plan.

MS. THOMAS: F.

MR. PARKER: Although is that the older one?

VICE-CHAIR JEFFRIES: The future land use?

MS. THOMAS: Yes.

MR. PARKER: Right. Right.

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

MS. THOMAS: High-density commercial.

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

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

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

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

VICE-CHAIR JEFFRIES: To the north?

MS. THOMAS: Right.

VICE-CHAIR JEFFRIES: Is that Farragut North?

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

MS. THOMAS: Up 16th Street.

VICE-CHAIR JEFFRIES: Of 16th Street?

MS. THOMAS: Yes.

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

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

VICE-CHAIR JEFFRIES: It's Scott?

MR. PARKER: Yes.
VICE-CHAIR JEFFRIES: Is it Scott Circle?

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


CHAIRPERSON HOOD: Okay. Any other comments?

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

MS. THOMAS: Okay.

COMMISSIONER MAY: To make sure that there's been continuing coordination and make sure that this isn't going in fact to be
a problem later on.

MS. THOMAS: Okay.

CHAIRPERSON HOOD: Right.

Anybody? Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

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

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

COMMISSIONER TURNBULL: I know.

MR. PARKER: Yes.

COMMISSIONER TURNBULL: And, I mean, looking at this right now, I can't see that they would approve this. I mean, I just think that it looks like a phony mansard roof
up on the penthouse there, where the mechanical is. It detracts from the building, I think. I think there's some serious architectural issues that are going to have to be solved with this.

MS. THOMAS: Okay.

COMMISSIONER TURNBULL: Thank you.

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

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

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

MR. PARKER: One piece of
MS. THOMAS: One piece of property.

VICE-CHAIR JEFFRIES: One property, yes.

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

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

MR. PARKER: Yes.

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

MR. PARKER: Correct.

VICE-CHAIR JEFFRIES: So in this particular vicinity here then, we could have
another applicant come forward and ask for a C-4.

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

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

VICE-CHAIR JEFFRIES: Oh.

CHAIRPERSON HOOD: Okay?

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

MS. THOMAS: That's correct.

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

MR. PARKER: Well, I think SP-2 could be consistent in a range of categories. SP-2 could be consistent further to the north, as well. In other words, the standard is not
inconsistent and SP-2 is not inconsistent with high-density uses.

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

MS. THOMAS: This was --

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

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

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

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

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

VICE-CHAIR JEFFRIES: Yes.

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

VICE-CHAIR JEFFRIES: Okay.

CHAIRPERSON HOOD: Okay.

Commissioner Jeffries, any further concerns?

VICE-CHAIR JEFFRIES: No.

CHAIRPERSON HOOD: Okay. Anyone else?

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

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

COMMISSIONER ETHERLY: Second, Mr.
Chair.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

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

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

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

Mr. Cochran.

MR. COCHRAN: Thank you, Mr. Chair
and Members of the Commission.

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

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

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

With respect to the housing requirement, the Commission in other cases has decided to exempt a public project from a zoning requirement in order to achieve a comprehensive plan goal or objective. This was true with the Verizon Center, which was relieved of its housing requirement, and also
true of the recent DC Gould Land Transfer,
which was relieved of its escrow requirement
because it was a public project. This is why
the District is asking you for relief from
Sections in Chapter 17.

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

So in short, OP recommends the
Commission set this down for a public hearing.

Our March 14th report also serves as our prehearing statement. Thank you.

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

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

CHAIRPERSON HOOD: So this will be applicable only to Square 370?
MR. COCHRAN: That's correct. And only for that particular use.

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

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

CHAIRPERSON HOOD: All right.

That's very creative.

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

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

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

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

COMMISSIONER MAY: All right.
MR. COCHRAN: I'm saying that the estimate that the city has received is that about 9.3 FAR would be what the convention center/hotel developers think would be needed on the site.

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

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

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

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

This is not tying you to any
particular density. You're not approving any kind of density.

COMMISSIONER MAY: I understand that.

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

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

MR. COCHRAN: Correct.

COMMISSIONER MAY: Which allows them to go --

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

COMMISSIONER MAY: Right.

MR. COCHRAN: What you would be doing by this would be simply allowing you
future permission to exempt them from the FAR.

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

MR. COCHRAN: Yes.

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

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

MR. COCHRAN: Ten.

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

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

MR. COCHRAN: I can't speak to the former FARs. It was certainly a larger hotel
that had been initially proposed.

    COMMISSIONER MAY: Yes.

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

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

    MR. COCHRAN: That's correct.

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

    MR. COCHRAN: I'm sorry, I wasn't
part of the review for the RFP, so I don't
know how to answer that. I don't know the
answer.
COMMISSIONER MAY: Right. Well, I think you can get a sense of what the questions might be in the future, at least my questions. Anyway, thanks.

CHAIRPERSON HOOD: Okay. Any other questions?

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

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

COMMISSIONER ETHERLY: Second, Mr. Chair.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

Not hearing any.
Staff, would you record the vote?

MS. SCHELLIN: Yes.

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

CHAIRPERSON HOOD: Does your motion --

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

CHAIRPERSON HOOD: It includes everything? Oh-three.

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

CHAIRPERSON HOOD: Okay.

MS. SCHELLIN: Staff records the votes as 5-0-0 to approve set down for Zoning Commission Case No. 08-05. Commissioner Jeffries moving; Commissioner Etherly seconding. Commissioners Hood, May and Turnbull in support. And this case is being set down as a rule making case.
CHAIRPERSON HOOD: Okay. Thank you.

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

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

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

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

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

MR. PARKER: I appreciate that.

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

Section 3011, which pertains the
review and processing of petitions, including the requirement of a set down proceeding.

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

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

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

I'm happy to answer particular questions you have.

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

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

Commissioner May?

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

MR. PARKER: Sure. Each subject
area starts with the formation of a working
group. Our working groups are completely open
to the public. They're advertised on our web
site. We send notifications to the ANCs and
community groups to garner participation.
Working groups have been meeting for between five weeks and we've got one meeting now for about three months.

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

MR. PARKER: Skip to that?

COMMISSIONER MAY: Yes.

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

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

MR. PARKER: Each section. This is for each particular section.
COMMISSIONER MAY: This is one section. Okay.

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

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

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

MR. PARKER: For the vast majority of our working groups that will be the case. Let's take parking for example. That will result in a proposed parking chapter with proposed language that will be advertised on our web site, we'll collect comments on. It
will come to you for a hearing after which point you will be able to take proposed action on that particular portion of the regulations.

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

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

COMMISSIONER MAY: Do you have
this diagrammed in some way?

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

COMMISSIONER MAY: It certainly would help me.

MR. PARKER: Sure.

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

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

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

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

MR. PARKER: Well, it's rough language.
VICE-CHAIR JEFFRIES: Okay.

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

VICE-CHAIR JEFFRIES: Right.

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

VICE-CHAIR JEFFRIES: Right.

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

VICE-CHAIR JEFFRIES: Okay.

COMMISSIONER TURNBULL: Mr. Parker?

MR. PARKER: Yes?

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

MR. PARKER: Sure.
COMMISSIONER TURNBULL: These are the kinds of documents you're talking about that would be posted?

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

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

MR. PARKER: That is it. That is it.

COMMISSIONER TURNBULL: That's it.

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

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

VICE-CHAIR JEFFRIES: Yes, rough.

MR. PARKER: Yes.

VICE-CHAIR JEFFRIES: Rough.
Okay.

MR. PARKER: Yes.

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

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

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

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

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

MR. PARKER: Right. And like I said, for the most part those will be in the form of language. Some of the working groups
will be precursors to others, which will
involve in just recommendations that will be
sent forward to a subsequent working group.
Things like arts and culture and retail
strategy probably won't be chapters of their
own, so they'll result in recommendations that
will be forwarded to the commercial, you know,
groups and groups that will incorporate them
into language.

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

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

Right now we're trying to avoid creating a structure and then filling it. We're trying to start from the conceptual phase of determining what needs to be changed and what needs to be done. And then once we have that done, we can determine the best form to put it in. Did that makes sense?

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

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

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

MR. PARKER: Okay.
COMMISSIONER MAY: But, just my opinion.

CHAIRPERSON HOOD: Any other questions?

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

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

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

MR. PARKER: The next task force meeting?

CHAIRPERSON HOOD: Task force.

MR. PARKER: The fourth Wednesday of every second month. So we had a meeting in March; we'll have another meeting the fourth Wednesday of May. I don't have the date in
front of me. And then the fourth Wednesday of July, and so on and so forth.

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

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

CHAIRPERSON HOOD: Okay. So, colleagues again, as Commissioner May did tonight, if there are any issues, let's make sure we get them out on front and make sure we get everything resolved and answered as we
move along. Because Wednesday nights sometimes can be very long when you're down on Mondays, Tuesdays and Thursdays. Okay. All right.

COMMISSIONER MAY: Where are the task force meetings?

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

COMMISSIONER MAY: Okay.

CHAIRPERSON HOOD: Okay.

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

CHAIRPERSON HOOD: Sure.

COMMISSIONER ETHERLY: Most certainly keeping in mind the excellent questions and comments that were raised by my colleagues and in particular Mr. May's concerns as they related to the issue of the overall structure. But with that being said, I don't see anything that would necessarily
preclude us from moving forward at this particular point, because as I think as was indicated in the report by the Office of Planning this is indeed a very unusual once every 50 year or so exercise and it is one that does indeed require a certain measure of uniqueness with respect to the approach.

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

And just to clarify, in lieu of these procedures, Mr. Chair, and for my colleagues, the Office of Zoning may publish such notices of public hearing as the Office of Planning may submit for the case, which the Office of Attorney General finds to be legally
sufficient. The Office of Zoning shall treat notice as a petition and assign to it Zoning Commission Case No. 08-06 followed by a hyphen and a number with the first petition assigned Zoning Commission Case No. 08-06-1.

That would be my motion, Mr. Chair.

VICE-CHAIR JEFFRIES: Second.

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

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

CHAIRPERSON HOOD: I think that was very well said.

Commissioner May?

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

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

MR. RITTING: Right. The way I have understood this piece, this thing that
we're considering tonight is a motion that will sort of carry through the rest of this case. We haven't set anything down, so you can always revisit this motion and make a new motion to substitute what you've done tonight.

COMMISSIONER TURNBULL: You mean like just amend it?

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

VICE-CHAIR JEFFRIES: Reconsider.

But I do think -- I'm sorry.

COMMISSIONER ETHERLY: No, no, no.

I was turning it off.

VICE-CHAIR JEFFRIES: You know, I just think we should really try to be flexible. I know that a lot of times we really like to understand all our steps and so forth, but this is a very unusual large hill, an amorphous project that's going to be undertaken by a lot of very smart people and I'd just, you know, like to see it go forward. And again, you know, if we need to step in and
make some changes, we should at least be able
to do that and feel comfortable at this
juncture.

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

CHAIRPERSON HOOD: All right.
Thank you. And I agree with all my colleagues
also. It's been 50 years since we've done
this, so sometimes we need to just step out
there and hopefully don't get stuck in the
mud. All right?

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

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

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

CHAIRPERSON HOOD: Okay. Thank
you.

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

Ms. Brown-Roberts, before you get
started, I'm sure you want to do this, can you
tell us how we got here?

MS. BROWN-ROBERTS: Oh, good.

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

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

CHAIRPERSON HOOD: Okay. All right.

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

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

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

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

As a background to this application, in 2006-2007 the applicant submitted an application to the BZA for variances from the FAR, the lot occupancy parking and loading. The Office of Planning did not support the FAR and the lot occupancy variances because we did not think that the applicant could meet the 3-point test for the variances. However, as part of the public hearing the applicant submitted an interim application, one in which the original proposal and also another proposal that deleted the FAR and the lot occupancy variances.

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

Since that time, the IZ has not been finalized as yet and the applicant is constrained by some funding requirements and
need to move the application ahead. They therefore decided that they would come in and submit an application for the PUD that would allow them, or request some flexibility in the FAR and also the height and allow them to provide the affordable units that they would like to do.

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

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

The applicant has also stated that
of the residential uses 62 will be aimed at
the 30 to 60 percent of AMI and the remaining
will go to 80 to 100 percent of AMI residents.

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

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

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

They're also requesting an
increase in the height, and that is under the
overlay. The PUD allows a height limit of 90 feet. The Georgia Avenue Overlay allows a height limit of 70 feet and the applicant is proposing 78 feet. The additional height will all be within the residential units and this again will allow them to get extra light and air, and also to have some of the units with additional ceiling heights.

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

Also as part of the PUD, they're also requesting special exception review. Under the Georgia Avenue Overlay, any lot that
has been developed that has 12,000 square foot
of lot area or more is required to get a
special exception review. And therefore, the
applicant is asking that this also be included
as part of the PUD review.

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

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

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

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

As part of the BZA application,
the proposal was reviewed by ANC 4C and they voted to recommend approval at that time.

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

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

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

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

MS. BROWN-ROBERTS: Yes, 10 days.

CHAIRPERSON HOOD: Ten days? Ten-
day filing and ask for a second.

   COMMISSIONER TURNBULL:  Second.

   CHAIRPERSON HOOD:  Moved and

properly seconded. Any further discussion?

   All those in favor?

   ALL:  Aye.

   CHAIRPERSON HOOD:  Any opposition?

   Staff, would you record the vote?

   MS. SCHELLIN:  Staff records the

vote 5-0-0 to waive the 10-day requirement for
the OP report, or rather the late filing of
the OP report. Commissioner Hood moving;
Commission Turnbull seconding. Commissioners
Jeffries, Etherly and May in favor.

   CHAIRPERSON HOOD:  Okay. We have

a couple of more requests, but let's ask a few
questions first, I think. Those can stay in
abeyance until we ask our questions.

   Ms. Brown-Roberts, let me ask you,

I've looked at this report and I realize that
the BZA has dealt with this previously and
approved two issues which you alluded to. But
when I read it, I see 80 percent of AMI, I see
30 to 60 percent of AMI. Which one is it?

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

CHAIRPERSON HOOD: The remainder.

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

CHAIRPERSON HOOD: Eighty to
hundred percent of the AMI?

MS. BROWN-ROBERTS: Yes.

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

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

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

MS. BROWN-ROBERTS: Okay.

CHAIRPERSON HOOD: Okay. Let me
also ask, is there an alley behind?

    MS. BROWN-ROBERTS: Yes. Yes.

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

    MS. BROWN-ROBERTS: Yes, it is.

    CHAIRPERSON HOOD: Okay.

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

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

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

    CHAIRPERSON HOOD: I looked at that.

    MS. BROWN-ROBERTS: Okay.

    CHAIRPERSON HOOD: I didn't see the color rendering pattern that I'm used to.
MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Yes.

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

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

CHAIRPERSON HOOD: So you may
already have it?

MS. BROWN-ROBERTS: Yes.

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

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

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

So first of all, in looking at the floor plan, I looked at the second floor plan, A2-4, it looks rather dense. Seems to be a lot of apartments here, and clearly I understand this is affordable work force housing development. But I guess I'm more concerned about the width of the courtyard and just how much light is going to get in this courtyard. It's 25 feet and I was counting ceiling tiles here to get a sense of what that looks like and then somehow trying to imagine the volume of the courtyard. It just seems, you know, could be somewhat problematic. So
I just, you know, for earshot of the applicant just to sort of be prepared to sort of talk about that. Again, it looks pretty dense.

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

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

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

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

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


VICE-CHAIR JEFFRIES: And that range sort of allows the applicant to get
closer to 60.

    MS. BROWN-ROBERTS: Okay.

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

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

    MS. BROWN-ROBERTS: Okay.

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

    MS. BROWN-ROBERTS: Yes.

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

    MS. BROWN-ROBERTS: Yes.

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

    MS. BROWN-ROBERTS: Yes.
VICE-CHAIR JEFFRIES: So I would, you know, hope that the applicant can be somewhat focused on that.

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

MS. BROWN-ROBERTS: I think so.

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

MS. BROWN-ROBERTS: Okay.

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

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

VICE-CHAIR JEFFRIES: Yes.

MS. BROWN-ROBERTS: So it's sort
of tucked in the corner.

VICE-CHAIR JEFFRIES: Yes. Okay.

Well anyway, those are more observations.

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

VICE-CHAIR JEFFRIES: Thank you.

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

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

MS. BROWN-ROBERTS: Okay.
VICE-CHAIR JEFFRIES: And I look and I really would like there to be some discussion in their application about light.

CHAIRPERSON HOOD: Light.

MS. BROWN-ROBERTS: Getting.

VICE-CHAIR JEFFRIES: Yes.

MS. BROWN-ROBERTS: Okay.

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

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

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

CHAIRPERSON HOOD: Okay. Thank you.

Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you,
Mr. Chair.

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

MS. BROWN-ROBERTS: Right.

COMMISSIONER TURNBULL: We need some color drawings.

MS. BROWN-ROBERTS: Yes.

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

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Yes.

COMMISSIONER TURNBULL: I think that's very complimentary. I mean, that's
really good.

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

MS. BROWN-ROBERTS: Okay.

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

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

MS. BROWN-ROBERTS: Okay.

COMMISSIONER TURNBULL: The elevators are not at a one-to-one setback. I
think we need to know a little bit more about what's happening on that roof plan.

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Yes.

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

MS. BROWN-ROBERTS: Okay.

CHAIRPERSON HOOD: Okay. Thank
you, Mr. Turnbull.

Commissioner May?

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

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

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

MS. BROWN-ROBERTS: Yes.
COMMISSIONER MAY: I don't really have that feel.

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

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

MS. BROWN-ROBERTS: Okay.

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

   Anyway, so I think that will be helpful.

   MS. BROWN-ROBERTS: Okay.

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

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

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

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

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

   VICE-CHAIR JEFFRIES: And that's not in the jurisdiction of Office of Planning,
I don't think.

MS. BROWN-ROBERTS: Maybe Steve can answer.

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

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

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

MR. COCHRAN: Even if the program had its, shall we say kick-off, the playing of the game might still be delayed for six months or a year after that. I don't know how much of a phase in time there would be in the final
regulations. I'd be surprised if they were implemented immediately though.

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

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

Okay. Any other discussion?

Okay. Oh, let me just go back to this issue about the circulation pattern. I want to thank Ms. Schellin for bringing this to my attention. There was a circulation pattern that was, I guess, presented to the
BZA. This just doesn't do it for me, and I guess it can be related to Mr. George & Associates.

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

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

Okay. We have a few waiver
requests. The waiver for the hearing for the portion of the subsidized housing, which is the 62 units. Am I correct, Ms. Brown-Roberts?

MS. BROWN-ROBERTS: Yes.

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

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

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

Thank you, Ms. Schellin.

VICE-CHAIR JEFFRIES: Is that a motion?
CHAIRPERSON HOOD: Yes, that's a motion.

VICE-CHAIR JEFFRIES: Second.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

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

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

Our regulations state, 2406.7, at least 10 calendar days prior to filing an
application under this chapter, the applicant should mail written notice of his intent to file the application to the Advisory Neighborhood Commission for their area within the property is located and the owners of all property within 200 feet of the perimeter of the property in question.

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

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

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

COMMISSIONER TURNBULL: Second.

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

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

ALL: Aye.

CHAIRPERSON HOOD: There's no opposition.

Ms. Schellin, would you record the vote?

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

CHAIRPERSON HOOD: Okay. The next waiver that we've been asked to do is the immediate publication. Ms. Brown-Roberts, I'm looking at you to --
MS. BROWN-ROBERTS: Oh, I'm sorry.

Yes, that's it.

CHAIRPERSON HOOD: Okay.

Okay. Thank you, Ms. Schellin.

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

COMMISSIONER ETHERLY: Second, Mr. Chair.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

Staff, would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to set down Zoning Commission Case No. 08-08 as a contested case and to authorize the immediate publication of the public hearing notice. Commissioner Hood moving; Commissioner Etherly seconding.
Commissioners Jeffries, May and Turnbull in favor.

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

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

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

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

Ms. Schellin?

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

CHAIRPERSON HOOD: Okay. Let me let one of my colleagues start off. We have a draft order in front of us. Let me just
comment. We received a letter from National Capital Planning Commission and it basically says Zoning Commission, proposed action of the Zoning Commission on Zoning Commission Case 07-18 would be adverse to the federal interests because the project would violate the Height of Buildings Act of 1910.

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

Typically in the past, unless my colleagues feel otherwise, the Zoning Commission has not basically dealt with this,
and this is a clear violation. First, let me ask, do any of my colleagues see that in this case of being a clear -- for those -- did everyone participate? Yes. Being a clear violation of the Height Act. Okay.

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

Does anybody have any issues with that?

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

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

VICE-CHAIR JEFFRIES: Second.

CHAIRPERSON HOOD: It's moved and
seconded. Any further discussion? All those in favor?

    ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

    Staff, would you record the vote?

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

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

    Ms. Schellin?

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

CHAIRPERSON HOOD: Okay. We had a
submission in that review comment from Forest City. Forest City apparently is in agreement. They had to issues which basically I would like for us to leave up to the Office of Attorney General in working with our staff to make sure it's legally sufficient.

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

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

Hearing none. Anyone have anything else?

VICE-CHAIR JEFFRIES: Wait now.

1803.13?

CHAIRPERSON HOOD: 1803.3(a).
VICE-CHAIR JEFFRIES: But I have here from Forest City -- is that different from the building containing residential uses rather than a residential building?

CHAIRPERSON HOOD: Yes, that's another.

VICE-CHAIR JEFFRIES: Oh. Oh, okay.

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

VICE-CHAIR JEFFRIES: Okay. Okay.

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

VICE-CHAIR JEFFRIES: Okay. Okay.

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

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

CHAIRPERSON HOOD: And I think we
can leave that up to OAG, I really do. Unless you feel otherwise. I mean, we can comment on it.

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

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

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

CHAIRPERSON HOOD: Okay. What about the second since we got into it? I pretty much figure that's what we're going to
end up with. What about the final version of the alternative, 1804.3, which I just spoke about?

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

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

VICE-CHAIR JEFFRIES: Page 4?

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

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

COMMISSIONER MAY: I would agree with that, no.

CHAIRPERSON HOOD: Okay. Were those the only things that were looming with
this one? Ms. Monroe?

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

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

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

COMMISSIONER MAY: Right.

MS. MONROE: Maybe that was intended. It doesn't mirror the other sister section and it depends on what you want it to say. I mean, obviously the section is allowing preferred uses and then at the bottom there it says but it doesn't have to be any addition that doesn't face that street, but may be provided in such addition or in such building, depending on what you want it to
mean. Should be one or the other. It's just
that the other mirroring section has additions
there.

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

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

COMMISSIONER MAY: Yes.

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

COMMISSIONER MAY: Yes.

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

COMMISSIONER MAY: Frankly, I
don't think it matters and I just as soon leave it "building," in my opinion.

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

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

CHAIRPERSON HOOD: You know what? Somebody else make the motion at this point. Hold on. Do you feel that strongly about it, Commissioner May? Anyone else?

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

CHAIRPERSON HOOD: But now, Ms. Monroe, help me because Forest City, now they also asked us to --
VICE-CHAIR JEFFRIES: So,
Commissioner May, are you saying that we
should just go with the Notice of Proposed
Rule making as is, rather than not to address
any of the revisions set forth by Forest City,
or are you just dealing with --

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

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

MS. MONROE: No.

VICE-CHAIR JEFFRIES: Okay.

MS. MONROE: No. In fact, I think
it's reasonable you can leave 1803.3(a) as is,
but still deal with the two other issues that
came up that were in Forest City's letter.
One of them is the residential building issue
and the other one is the alternatives.
Because basically, you have to -- you don't
have to, but the point is to pick one
alternative or the other. And those are the
two things that the applicant --

CHAIRPERSON HOOD: Let me help.

Now that we've picked the second alternative.

Okay. Let me go back to Commissioner
Jeffries.

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

COMMISSIONER ETHERLY: Seconded,
Mr. Chair.

CHAIRPERSON HOOD: It is moved and
seconded, but we want to add -- Commissioner May, I don't think we got you --

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

CHAIRPERSON HOOD: Okay. Is that what you did?

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

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

COMMISSIONER MAY: Exactly.

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

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

All right. Any further discussion?

COMMISSIONER MAY: We didn't get a second.
CHAIRPERSON HOOD: Oh, you did get a second. Commissioner Etherly.

Any further discussion? All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition? So ordered.

Staff, would you record the vote?

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

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

Ms. Schellin?

MS. SCHELLIN: Staff has nothing further to add on this one.
CHAIRPERSON HOOD: Okay. We have a proposed order in front of us. We have fleshed a lot of this out with the exception of -- Commissioner Jeffries?

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

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

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

CHAIRPERSON HOOD: Commissioner May?

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

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

VICE-CHAIR JEFFRIES: So we just leave in "to make modifications to the design
of the roof structures and the pergola in
order to lessen the appearance of height and
soften the visual effects of the penthouse,"
period?

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

COMMISSIONER TURNBULL: I would
agree that, minor.

COMMISSIONER MAY: Yes.

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

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

COMMISSIONER MAY: Well, we could
leave it modifications. I don't have a real
problem with that. I mean, minor
modification. Obviously, in terms of zoning,
we've had some debate about what's minor and
what's not. But I think generally speaking, we have a good sense that minor does not mean things like, you know, doubling the height or what have you, or you know, adding an extra story or something.

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

COMMISSIONER MAY: Right.

VICE-CHAIR JEFFRIES: Yes.

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

VICE-CHAIR JEFFRIES: Right.

COMMISSIONER MAY: Which is a modification and somebody might interpret that as lessening the appearance of height and softening the visual effect, but it would be a pretty drastic modification to the materials. Without defining very specific things that can or can't be done, I think putting in the word minor, you know,
communicates the fact that we really don't want to see it changed significantly.

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

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

COMMISSIONER MAY: Just period.

CHAIRPERSON HOOD: Period? But you say minor modification?

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

CHAIRPERSON HOOD: Okay.

COMMISSIONER MAY: I would also --

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

Yes, Mr. May?

COMMISSIONER MAY: Yes, I would
also note that the same language appears in
the findings of fact, Modifications to the
PUD, item 22 on page 4. And I think we want
to make the same kind of changes there. Minor
modifications and a period after the word
"penthouse."

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

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

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

COMMISSIONER TURNBULL: Second.

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

Any further discussion? All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

Staff, would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to approve final action in Zoning Commission Case No, 05-15A, as amended. Commissioner Jeffries moving; Commissioner Turnbull seconding. Commissioners Hood, Etherly and May in support.
CHAIRPERSON HOOD: Okay. Next, Zoning Commission Case No. 07-29, Bozzuto Development, map amendment at Square 514, Lot 865.

Ms. Schellin?

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

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

COMMISSIONER MAY: Second.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

Not hearing any.

Ms. Schellin, would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to approve final action in Zoning
Commission Case No. 07-29. Commissioner Hood moving; Commissioner May seconding. Commissioners Jeffries, Etherly and Turnbull in favor.

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

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

Ms. Schellin?

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

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

Okay. Colleagues, we've had a
number of submissions for this particular case. Exhibits 38, 39, 40, 41, 42, 43, 44, 45 and 46. The only thing that I saw, and I couldn't remember if this was the case, and I don't think it was, but the only thing that I saw that was requested by District Department of Transportation, their approval for support was contingent on the TDM. So I don't think this was the case. I think they testified at this. Anyway.

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

CHAIRPERSON HOOD: Ms. Ricks?

VICE-CHAIR JEFFRIES: Ricks, yes.

CHAIRPERSON HOOD: Ricks?

VICE-CHAIR JEFFRIES: Yes.

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

VICE-CHAIR JEFFRIES: Oh, yes.

Yes.

CHAIRPERSON HOOD: And I said I
would have a problem if they came back with anything because they didn't show up? I don't think this is the case. No.

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

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

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

From my standpoint, it says, and actually it's in the supplemental report of the Office of Planning; I think they spell it out a lot more eloquent. It says, "Since then the applicant has revised the proposal and filed additional information to respond to the Zoning Commission's" -- I don't know who actually brought this up -- "Zoning Commission's and OP's concerns, the CBRF would now be a separate building and its proposed height has been reduced to 70 feet to conform
to the height permitted in the C-3-A building
fronting on the street with a 50-foot right of
way."

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

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

VICE-CHAIR JEFFRIES: Yes, the single building?

CHAIRPERSON HOOD: Whether it was a single structure --

VICE-CHAIR JEFFRIES: Well, I think that was a general theme, and I think there was a concern about, you know, having sort of an appendage between two buildings and that sort of representing, you know, one building. And it appears that the applicant has submitted several examples -- I believe there was the Wardman, I think I saw it
someday here -- of instances where there was in fact buildings that are sort of connected by these spines or appendages, you know, and those buildings have been considered, you know, one building.

CHAIRPERSON HOOD: It was actually behind Tab E.

VICE-CHAIR JEFFRIES: Yes, Tab E?

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

VICE-CHAIR JEFFRIES: Yes.

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

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

CHAIRPERSON HOOD: Oh, okay.

VICE-CHAIR JEFFRIES: Well, I think the concern, I think at least one of the things that I had pointed out was the
Dorchester case on 16th Street, and I remember, you know, in that instance we had an applicant who obviously wanted to measure off of 16th Street and there was fairly long depth back, and it really created what I think this Commission considered to be a somewhat inferior design, you know, off of the street that paralleled 16th Street to the west. And so, I think the applicant was just really responding to many more instances where in fact there are buildings again that are connected and they represent one building. So I'm not going to go down that road. I mean, there was clearly a response to that concern that I thought was somewhat of a theme from the Commission, not just myself.

CHAIRPERSON HOOD: I will tell you, let me say this, anyone have a sparked interest? And I know that DDOT can deal with it on another issue about obtaining this TDM. And it says in summary, the Department supporting a proposed development is
contingent on the applicant preparing a
transportation demand management for DDOT
review and approval. I think that can happen,
that that approval process and I'm just not
sure if this was the case. I mean, I believe
it was, but anyway.

VICE-CHAIR JEFFRIES: Yes.

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

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

CHAIRPERSON HOOD: Vice-Chair, I'm
not even sure it will be moved to final
action. I don't know whether this is the case or not. But, anyway.

VICE-CHAIR JEFFRIES: Yes.

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

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

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

CHAIRPERSON HOOD: Okay. Any further discussion?

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

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

Okay. With that, any further discussion?

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

VICE-CHAIR JEFFRIES: Second.
CHAIRPERSON HOOD: Any further discussion? All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

MS. SCHELLIN: Staff records the vote 4-0-1 to approve proposed action, Zoning Commission Case No. 07-02. Commissioner Hood moving; Commissioner Jeffries seconding.

Commissioners Etherly and Turnbull in favor.

Commissioner May no voting, having not participated.

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

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

MS. SCHELLIN: Yes, sir. We do
have a request from a party in opposition, which was Sandi Holdings filed by Hutton & Williams asking that the Commission reopen the record to accept the party's withdrawal from the case, their opposition.

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

Okay. Let's do that first. I think this was significant. I think this was the only party that was in opposition. The other two groups that are known in that area were in support. And I know that that was an issue that was sticking for most of us. But I have not really had the chance to go through it. I would move that we reopen the late filing from the party in opposition, Sandi
Holdings, to be considered for our consideration and our deliberations and ask for a second.

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to reopen the record to accept the filing from the party in opposition that was filed today. Commissioner Hood moving; Commissioner Turnbull seconding.

Commissioners Jeffries, Etherly and May in favor.

CHAIRPERSON HOOD: Okay. We've had some submissions to come in. Exhibits 48 through 53. We can probably scratch that now. There was a lot of, I'm not going to say back
and forth, but discussion from the applicant, Sandi Holdings. I think with the -- unless someone here still has an issue with that. I would tell you that that was some very interesting reading, but since that has been taken care of, unless my colleagues still have an issue with that, I don't know if we need to discuss that? Okay.

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

And I will tell you that I did review some of what they have taken from me, commenting about the amenities package. I think that if we look at the prehearing
submission, we were talking about how it was going to be administered. I think if we look at the prehearing submission, possibly that was an oversight. I'm sure that was an oversight on my part, when I just looked at what was spelled out in front of me at that time.

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

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

Commissioner Jeffries?

VICE-CHAIR JEFFRIES: Well, let me just start off by saying, I mean, you know, in the four plus years I've been on this commission, I mean, you know, I don't often see, you know, great architecture. But, you
know, as I think I've said in the set down, I really do think that this building is just quite stunning and it continues to be. And I'm very happy that the applicant has submitted and responded to sort of, you know, how the green wall panels work and looking at the sections and sort of the panel assembly, you know, that was very, very helpful. You know, it's helpful to see the examples; the botanical garden in Japan, Whole Foods in Austin, Texas, dental offices in Vancouver. Although, you know, in each case there seems to be, you know, significant light that comes into where these green panels are.

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

And again, I'm just very excited
to have, you know, what I consider just really
great sort of contemporary modernist design
with innovation, green building and so forth.
I just think it's a nice combination. I don't
know if it's prefect, but I think that it's
great architecture.

CHAIRPERSON HOOD: Okay. Any
other comments, colleagues?

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

I still find some of the concepts
a little bit hard to appreciate, like the fact
that this green wall is going to be only eight
feet away from the wall that faces it and it
may itself be very attractive, but the space
that's eight feet wide, green on one side, I
don't know, stucco or plaster on the other
side and, you know, that tall and that deep,
it's going to be a little bit odd to me. And,
you know, I hope that when we actually see it
built that it's going to be lovely and wonderful. It's hard for me to imagine that it's really going to be a great space and it's almost as if it just needs to be a little bigger, or instead of having two spaces it needed to be one in order to have a decent amount of space to it. I'm not sure what the right design solution is, just it still makes me a little bit uncomfortable.

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

   I have to say one of the things that pleased me the most about this submission was a fairly mundane improvement, which is to the wall on the west side, or actually on both sides, the parti-walls where the surface of the building was more highly articulated and then the penthouse itself became, you know, a smooth stucco finish and so it recedes more. Because I think that's the right sort of treatment and the kind of treatment that we
really should be looking for when we're building the first or we're watching the first building being built on a block like this, that goes up to a height like that. Because there are too many examples, I think, in the city where we wind up with that end wall which is a parti-wall and it's just a big flat thing and then it continues up to the penthouse. So I think that that articulation and expression, I think, is very attractive.

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

CHAIRPERSON HOOD: Okay. And then let me just comment. In the DDOT submission it says, the end of it says, "Accordingly, DDOT has no objections to placing the proposed parking garage entrance on 22nd Street, N.W., provided the applicant incorporates the design
modifications listed." And they encourage the applicant, which I'm sure they're going to be able to really encourage them to continue to coordinate with DDOT staff on proposed public space improvements. Okay?

Commissioner Turnbull?

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

I guess the building is different. It's one of those unique buildings that carries green design to a point that we
haven't seen it. The architecture in a way is very simple. I sort of like the way the windows start off as the larger glass and then as it goes down the panes get tighter and tighter. It's got a bit of a unique quality to it.

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

CHAIRPERSON HOOD: Okay. Any further comments?

COMMISSIONER ETHERLY: Mr. Chair, I'll just note for the record, I'll also, to an extent, echo the comments of my colleagues with respect to the submittal from DDOT, as well as the additional work undertaken by the
applicant to clarify some of the traffic-related issues.

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

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

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

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

Okay. Any other discussion?

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

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

COMMISSIONER TURNBULL: Seconded.

CHAIRPERSON HOOD: Okay. It's
been moved and properly seconded.

    Thank you, Vice-Chair Jeffries and Commissioner Turnbull.

    Any further discussion? All those in favor?

    ALL: Aye.

    CHAIRPERSON HOOD: Any opposition?

So ordered.

    Staff, would you record the vote?

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

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

    Mrs. Schellin?

    MS. SCHELLIN: Staff has nothing
further on this one.

CHAIRPERSON  HOOD:  Okay.

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

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

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

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

And I have to tell you, you know, it does seem like there's considerable care given to keeping people on South Capitol and so forth, you know, it's very difficult to even remotely get to any residential communities in and around the stadium. So, you know, I truly think it's in the best interest of the Nationals to be able to have that level of flexibility going forward. So I would also be supportive.
CHAIRPERSON HOOD: Commissioner Etherly?

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

CHAIRPERSON HOOD: Commissioner May?

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

CHAIRPERSON HOOD: Is that Commissioner May sitting on the other side of you over there? Who is that? Who is that?
guy? Commissioner May has left. No, I'm just playing. No, I'm must joking. No, you bring a lot to the table. I'm just joking. Are you sure you don't have anything?

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

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

COMMISSIONER TURNBULL: Well, Mr. Chair, I guess I still struggle with the lots north of Potomac Avenue, the ones closest to the residential neighborhood. And I just struggle if we're going to introduce something, since they are so close. I'm not opposed to going forward. I'd just like to go on the record that I think the closer that you do get to the residential neighborhoods and interject this, there's always the temptation for a lot of people to scoot out different ways. So, you're not governed by some of the regulations that are in place along some of the existing streets now with the existing
lots. So, depending on where you turn out of those lots north or Potomac Avenue, you could introduce significant traffic.

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

COMMISSIONER TURNBULL: The ones north of Potomac, right?

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

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

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

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

CHAIRPERSON HOOD: Okay. All right. So noted.

All right. I would move approval
of Zoning Commission Case No. 07-08A and ask for a second.

COMMISSIONER MAY: Second.

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

ALL: Aye.

CHAIRPERSON HOOD: Any opposition?

So ordered.

Staff, would you record the vote?

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

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

Okay. I think now we have the Office of Planning report. I think that's the
only thing left.

MR. PARKER: Good evening, again.

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

There will be three phases of types of schools. The first are ones that will be up for reuse this summer, the next intermediate from between this fall and three years from now and then some that will be longer term, three or more years. Obviously, for the ones that are to be used this summer, we may have to get in with some text amendments in the near future once our public participation is over with. And those types of uses will be, you know, government offices,
community centers, social services, things like that.

The second issue has to do with the MPD warehouse.

COMMISSIONER MAY: When do we get to ask questions?

MR. PARKER: Go ahead.

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

VICE-CHAIR JEFFRIES: No, no.

That was five minutes ago.

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

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

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

CHAIRPERSON HOOD: I think you're fine.

COMMISSIONER MAY: Okay. On the vacated school, I have a long memory and I remember what happened last time there was a
big round of school closings, what, 20 years ago? Something like that.

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

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

CHAIRPERSON HOOD: The big round?

COMMISSIONER MAY: Like when Brian was closed and --

CHAIRPERSON HOOD: Taft Junior High School?

COMMISSIONER MAY: Yes, maybe that was like --

CHAIRPERSON HOOD: That was like 10 years ago.

COMMISSIONER MAY: Ten years ago?

CHAIRPERSON HOOD: Hold on, let me see.

COMMISSIONER MAY: Ten, fifteen?

CHAIRPERSON HOOD: Yes. Okay.

COMMISSIONER MAY: Anyway, the last big round. Yes, it wasn't that long ago.
I just think I'm older than I am.

CHAIRPERSON HOOD: And I was still in school.

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

And I think this is particularly true since when, as I recall, I don't know, five or six years ago the Zoning Commission considered the rules by which the government or even non-profit organizations could reuse historic school buildings. And I remember even that was a contentious issue. And maybe because it was considered in the context of
some particular buildings in some particular neighborhoods, but I think this is a very significant issue. You know, school buildings and churches are supposed to be inherently compatible with residential districts and government office buildings are not inherently compatible. They can be, but they're not inherently.

And I just think that we need to be very, very careful about this and have the appropriate public input. And it's not just a question of -- well, let me put it this way. There's a risk of being a little bit too particular and saying well, this school should be this and so therefore that community should be heard on what's going to happen with that building and this community should be heard about what's happening on their building. There needs to be some consistency across the board and there needs to be a long view about how this will affect our communities in the long term.
So, I'm throwing those words of caution out there just because I have this memory of those two particular things.

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

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

MR. PARKER: Absolutely. And that is the intent. I think the issue here is that right now there's a very limited universe of things that are allowed to happen in these buildings. And a lot of these are buildings
that are historic and can't come down, so we need to slightly broaden with public input the universe of things that can happen so that these buildings don't get boarded up and can be reused.

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

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

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

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

COMMISSIONER MAY: Yes. And I also would be very cautious about the prospect of doing anything on an emergency basis, because while it's important I think to show progress, it's probably more politically important that it is, you know, zoning
important. I mean, we have to take that long view more so than be, you know, responsive to some perceived emergency. So, I'm just concerned about that. Thank you.

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

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

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

COMMISSIONER MAY: Oh, yes.

CHAIRPERSON HOOD: Commissioner May?

COMMISSIONER MAY: Yes, I want to mention on that one, I'm glad to hear that the
small area plan is being completed. You know, I'd heard about the prospect of this warehouse being built there, although I understand this is not the only site that may be under consideration for that use. But the prospect of doing any kind of emergency zoning at Saint Elizabeth's again brings up memories, because four years ago, or maybe it was more like five years ago, when the Zoning Commission took action to approve -- I think the last case was -- well, I think the last case was the hospital, but we also had the UCC, the Unified Communications Center. Both of those were considered as PUDs and in both cases I recall the Office of Planning saying that this is only a short term measure because we really need to, you know, build these buildings, make use of these buildings, actually build these buildings in both cases. And there's an immediate need to address this that preempts this overall need to do a master plan and complete the zoning of the entire property.
And I remember at the time very specifically the sense of the Zoning Commission was that no more PUDs should be considered for Saint Elizabeth's until the master plan was done and at which point all of the zoning should be considered. And, I mean, maybe we need to go back and look at some of those cases to understand what the exact wording was, but I remember that very clearly.

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

So I think it's very important
that the small area plan be completed and that we know what is coming down the pike for the entirety of the campus. Maybe that doesn't mean that the whole small area plan has to be, you know, approved by counsel and go through that whole process, but there needs to be that community interaction and that understanding of what the full picture of development is before we start to consider something like an emergency text amendment to allow one building.

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

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

CHAIRPERSON HOOD: Okay. Let me back up to something that Commissioner May mentioned about the emergency text amendments
dealing with the schools.

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

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

COMMISSIONER MAY: You know, I think I want to proceed cautiously. And I think it's important for the Zoning Commission to make sure that the process for, you know, for zoning a property or rezoning a property is adhered to throughout and that's largely the public input, knowing that that has run its full course and that we're not, you know, taking emergency action for the wrong reasons.
We need to take them for the right reasons. There needs to be a really good justification to deal with it as an emergency. Because in all honesty, the difference between an emergency text amendment and a regular text amendment isn't that much time. Right? I mean, you know, what does it add? A couple of months to the process? It doesn't take, you know, a three-month process and make it into a one-year process. It takes a three-month process and maybe makes it into a six-month process. Well, what's going to happen in those extra three months? And that's what really needs to be demonstrated if we're going to consider something as an emergency.

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

Okay. Any other questions of Office of Planning?

COMMISSIONER TURNBULL: Mr. Chair, I just have one question. Just because he brought it up so many times, I'm just
wondering, former Commissioner Parsons talked about open space study.

MR. PARKER: There is actually --

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

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

COMMISSIONER TURNBULL: Very good.

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

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

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

COMMISSIONER MAY: Okay. I hope
he doesn't get a copy of this. I'll have some
explaining to do.

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

Thank you, Mr. Parker.

Ms. Schellin, do we have anything
else?

MS. SCHELLIN: (No audible
response.)

CHAIRPERSON HOOD: All right.

With that, this meeting is adjourned.

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