

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

+ + + + +

Monday,
December 8, 2008

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The regular Public 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
MICHAEL G. TURNBULL, FAIA	Commissioner (OAC)
PETER MAY	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

JERRILY KRESS	Director
SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel

OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK
JOEL LAWSON
TRAVIS PARKER
JENNIFER STEINGASSER

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

2 6:37 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. This meeting
5 will, please, come to order. Good evening
6 ladies and gentlemen. This is the December 8,
7 2008 Public Meeting of the Zoning Commission.
8 My name is Anthony Hood. Joining me are Vice
9 Chairman Jeffries, Commissioner May and
10 Commissioner Turnbull.

11 We are also joined by the Office
12 of Zoning staff, Ms. Sharon Schellin, our
13 secretary, and the Office of Planning staff
14 and also from the Office of Attorney General.

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

20 Please, be advised that this
21 proceeding is being recorded by a Court
22 Reporter and is also webcast live.

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

5 Does the staff have any
6 preliminary matters?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: Okay. What I
9 would like to do, at this time, is to switch
10 our agenda. There's not a lot on the agenda,
11 but I still want to try to switch it around.
12 We're going to do final action first. After
13 final action, we will do proposed action. And
14 when we come up under proposed action, we will
15 be doing B first and A second. I think there
16 will be more discussion with A.

17 Okay. Final action. Let's begin
18 first with the case that all of us
19 participated on and that's B, Zoning
20 Commission Case No. 08-22. This is the Office
21 of Planning Ward 7 Map Amendment. Ms.
22 Schellin?

1 MS. SCHELLIN: The staff has
2 nothing to add to this one, other than I think
3 that we did receive a report from NCPC and
4 they had no issues with it.

5 CHAIRMAN HOOD: Okay. Colleagues,
6 this is up for final action. This is Zoning
7 Commission Case No. 08-22. I would move
8 approval. And you have heard the comments
9 from Ms. Schellin about NCPC not having any
10 adverse affect on any other identified fellow
11 interests, so they had no issues with it.

12 I would move approval and ask for
13 a second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: Moved and properly
16 seconded. Any further discussion? Any
17 further discussion?

18 All those in favor?

19 ALL: Aye.

20 CHAIRMAN HOOD: Not hearing any
21 opposition, Ms. Schellin, would you record the
22 vote?

1 MS. SCHELLIN: Yes. Staff records
2 the vote 4-0-1 to approve final action in
3 Zoning Commission Case No. 08-22.
4 Commissioner Hood moving, Commissioner
5 Turnbull seconding, Commissioners Jeffries and
6 May in support. Third Mayoral Appointee seat
7 vacant, not voting.

8 CHAIRMAN HOOD: Okay. Our next
9 one for final action is Zoning Commission Case
10 No. 05-24B. This is a PUD modification for
11 Eastgate Family Housing. Ms. Schellin?

12 MS. SCHELLIN: This one also we
13 did receive an NCPC report and there were no
14 issues with this one either.

15 CHAIRMAN HOOD: Thank you very
16 much. Colleagues, you have heard the report
17 from the Zoning Secretary, Ms. Schellin. I
18 would move approval of Zoning Commission Case
19 No. 05-24B and ask for a second.

20 COMMISSIONER MAY: Second.

21 CHAIRMAN HOOD: Moved and properly
22 seconded. Any further discussion?

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1 All those in favor?

2 ALL: Aye.

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

5 MS. SCHELLIN: Staff records the
6 vote 3-0-2 to approve final action on Zoning
7 Commission Case No. 05-24B. Commissioner Hood
8 moving, Commissioner May seconding,
9 Commissioner Turnbull in favor, Commissioner
10 Jeffries not having participated, not voting.
11 Third Mayoral Appointee seat vacant, not
12 voting.

13 CHAIRMAN HOOD: Okay. Our final
14 action in the final action is Zoning
15 Commission Case No. 05-38A, Marina View
16 Trustees, LLC, PUD modification at 1000 & 1100
17 6th Street, S.W. Ms. Schellin?

18 MS. SCHELLIN: Once again, we have
19 NCPC's report and they do not have any issues
20 with this case.

21 CHAIRMAN HOOD: Okay. Thank you.
22 We have heard the report from Ms. Schellin.

1 I would move approval of Zoning Commission
2 Case No. 05-38A and ask for a second.

3 COMMISSIONER MAY: Second.

4 CHAIRMAN HOOD: Moved and properly
5 seconded. Any further discussion?

6 All those in favor?

7 ALL: Aye.

8 CHAIRMAN HOOD: Ms. Schellin, if
9 you would record the vote?

10 MS. SCHELLIN: Staff records the
11 vote 3-0-2 to approve final action in Zoning
12 Commission Case No. 05-38A. Commissioner Hood
13 moving, Commissioner Turnbull seconding,
14 Commissioner May in favor, Commissioner
15 Jeffries not having participated, not voting.
16 Third Mayoral Appointee seat vacant, not
17 voting.

18 CHAIRMAN HOOD: Okay. Moving
19 right along, let's go to proposed action. And
20 again, as I stated earlier, we're going to
21 take B, Zoning Commission Case No. 08-14,
22 first. Ms. Schellin?

1 MS. SCHELLIN: This case is before
2 the Commission for proposed action. There
3 were some additional documents that the
4 Commission requested and I believe that they
5 provided those and we also had the material
6 sample board that was available.

7 CHAIRMAN HOOD: Okay. Thank you,
8 Ms. Schellin. And we all participated on
9 this.

10 MS. SCHELLIN: Excuse me, Chairman
11 Hood, we were just handed a report from DDOT,
12 so I pass this out to you.

13 CHAIRMAN HOOD: Okay. Well,
14 according to the applicant, I'm sure there are
15 no issues, because the applicant said that
16 there were no issues from DDOT and I think
17 they concur.

18 Do we have anyone present from
19 DDOT? Okay. Let me go to, first, one of the
20 issues while my colleagues continue to read
21 our letter from Ms. Ricks. I want to thank
22 her for getting that to us very timely. We

1 were just about to do that, so she's right on
2 time.

3 So anyway, there were some issues
4 early on about the Fire and Emergency Medical
5 Services Department. We have a letter from
6 the Office of Planning, Ms. Steingasser,
7 stating -- dealing with the design, but
8 actually Mr. Palmer says "The D.C. Fire and
9 EMS Department has reviewed the above request,
10 based on the site plan submitted, and the D.C.
11 Fire and EMS Department has no objections to
12 this request, as long as construction is in
13 compliance with the International Fire Code."

14 And I'm sure that is applicable in
15 other venues. So and it says -- it also has
16 a number if we have any questions. So that
17 satisfies that.

18 Can someone speak a little more?
19 I have actually read the first part of this
20 DDOT letter. Can someone talk a little more?

21 COMMISSIONER JEFFRIES: Well,
22 first of all, the last paragraph before the

1 summary of recommendation of what we just
2 received from DDOT dated December 8th talks
3 about this whole business of parking and the
4 number of parking spaces that are part of this
5 application.

6 And we did have somewhat of a
7 vigorous discussion around whether this
8 proposal was over-parked. And I noted in my
9 review of the traffic impact assessment that,
10 in fact, it seems that there really is not --
11 seems to be a shortage of parking, based on
12 the numbers that I saw here. And it appears
13 that DDOT is making a similar claim.

14 It is saying here that it shows an
15 excess of on-street parking in an area, at a
16 maximum of 64 percent occupied. And this does
17 not support the assumption that there is a
18 parking shortage or a need to exceed the
19 minimum parking requirements by 141 spaces,
20 which translates to 157 percent over what is
21 matter-of-right.

22 So but I also noted in the traffic

1 impact assessment that there were a number of
2 other developments that were listed that
3 indicated they had very similar parking ratios
4 and yet, they -- in those instances, I'm
5 trying to find the page, I think it was --
6 just a minute.

7 Yeah, in Appendix D, it says --
8 Table 5, D/1, it says trip generation rate
9 comparison for multi-family apartment
10 developments. It seems to be indicating that
11 even though these multi-family apartment
12 dwellings have, you know, nearly 1:1 parking,
13 it's not generating more trips.

14 Now, you know, that's separate and
15 distinct from, you know, shortage of parking
16 spaces. But, you know, I was, you know,
17 hoping that we could have some sort of
18 discussion here around, you know, this whole
19 notion of this development being over-parked.

20 I mean, given that it is between
21 two metro stations and that, you know, it's
22 well-trafficked, you know, well-traveled by

1 buses and it's on a bus route and so forth,
2 whether this was an appropriate number. So I
3 just wondered, you know, if we could sort of
4 talk about that aspect.

5 I know there is other things we
6 want to talk about here as well, but --

7 CHAIRMAN HOOD: Okay. Well, I
8 think you're referring -- I think you also
9 mentioned this earlier on as you stated. It
10 says "Therefore, DDOT urges the developer to
11 reduce the number of parking spaces, so the
12 amount is close to the minimum parking
13 requirements of 90 spaces."

14 And I guess, from my standpoint,
15 and I'm going to ask any of my colleagues this
16 question, but I need to know if we were to do
17 that, would that be a design change?

18 COMMISSIONER JEFFRIES: It would
19 take off --

20 CHAIRMAN HOOD: And we would
21 probably need it revised.

22 COMMISSIONER JEFFRIES: -- one

1 level of, let me see if there is a section in
2 terms of the latest thing we got. Is there a
3 section of the latest ones?

4 CHAIRMAN HOOD: And, Vice
5 Chairman, I do know that it's near two Metro
6 Stations and that was so noted in the report,
7 in the applicant's study.

8 COMMISSIONER JEFFRIES: Um-hum.

9 CHAIRMAN HOOD: Assessment.

10 COMMISSIONER JEFFRIES: Um-hum.

11 CHAIRMAN HOOD: We're hearing the
12 same fact that you already echoed now by DDOT.

13 COMMISSIONER JEFFRIES: Right. I
14 mean, you know, we have dealt with this. When
15 the former Chair Mitten was here, you know, we
16 continued to talk about this whole notion of
17 these TODs and when we were going to really
18 start to clamp down on these projects and make
19 certain that they were not going to be able to
20 park in them.

21 I'm sort of conflicted here. I
22 mean, you know, given the proximity to the

1 convention center, you know, I mean, I'm sort
2 of open to these numbers. But, you know, I'm
3 also concerned that we are just, you know,
4 sending the wrong message out to these
5 developments.

6 CHAIRMAN HOOD: And, Vice Chair,
7 you reminded me that I don't think I
8 necessarily agree with you --

9 COMMISSIONER JEFFRIES: Right.

10 CHAIRMAN HOOD: -- to being with.
11 But, you know, I'm more open. Maybe remind me
12 of that, I would have --

13 COMMISSIONER JEFFRIES: All right.

14 CHAIRMAN HOOD: But let's hear
15 what our other colleagues -- and plus it's
16 coming in from DDOT, at this point.

17 COMMISSIONER JEFFRIES: Um-hum.

18 CHAIRMAN HOOD: It gives me more
19 of a comfort level, one, you were talking
20 about previously, I don't know if it came in
21 from DDOT for us to reduce the parking. So
22 that didn't give me a comfort level and I knew

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1 where the parkers were going to go when they
2 needed to park and that was in the community.

3 So I don't necessarily say I
4 disagree with you and the Chairperson, but I
5 think the appropriate site and maybe this is
6 it.

7 COMMISSIONER JEFFRIES: Yeah. I
8 mean, you know, the one thing about this
9 project, I mean, they have come back with
10 eight stories. They have taken some of the
11 density off of 7th Street, which I don't
12 particularly care for and they put it, you
13 know, to the west of the development, closer
14 to the R-4, which I don't particularly care
15 for.

16 You know, so I mean, reducing the
17 overall envelope here and then yet, you know,
18 we are getting, you know, more parking.
19 Again, you know, I would like to hear from my
20 colleagues on this matter.

21 COMMISSIONER TURNBULL: I'm always
22 surprised on some of these reports that we get

1 that the applicant's consultant doesn't go
2 into stating the case more clearly why they
3 need it and give examples and actually show
4 the real reasons for it.

5 Here you get -- you look on page
6 12, it describes the existing parking
7 situation.

8 COMMISSIONER JEFFRIES: Yeah.

9 COMMISSIONER TURNBULL: And it
10 doesn't really say that that's a hinderance to
11 them or not. It simply says here is what it
12 is and it looks like there is quite a bit.

13 COMMISSIONER JEFFRIES: Yeah.

14 COMMISSIONER TURNBULL: So if they
15 want to make the case for more parking, I
16 think they really need to say that either from
17 examination or from studies that they consider
18 so many of these are being used by outside.
19 I don't know how you do that, but, I mean,
20 there is no clear case here that says in their
21 report that -- I mean, it's a report that says
22 here is what's there.

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1 COMMISSIONER JEFFRIES: Right.

2 COMMISSIONER TURNBULL: It doesn't
3 really make a case for going over the number.

4 COMMISSIONER JEFFRIES: Right.

5 COMMISSIONER TURNBULL: Although
6 like you say, with the convention center being
7 nearby, maybe that is a driving force that
8 needs to be considered that is not adequately
9 -- it is not adequately described here.

10 COMMISSIONER JEFFRIES: Yeah.
11 Commissioner Padro brought that up and, you
12 know, seemed to give some anecdotal evidence.
13 But, I mean, you know, it's just a situation
14 where -- I mean, well, let's hear from
15 Commissioner May.

16 COMMISSIONER MAY: It's not clear
17 to me the total number of spaces that are
18 actually required. I mean, can you actually
19 remove an entire floor of parking and still
20 meet the requirement?

21 COMMISSIONER TURNBULL: I don't
22 think you can. I got a little confused by the

1 DDOT report.

2 CHAIRMAN HOOD: We can get OP to
3 give us a little assistance.

4 COMMISSIONER JEFFRIES: Yeah, I
5 don't have a section here.

6 CHAIRMAN HOOD: Was it Mr. Jesick?
7 Is this your case?

8 MR. JESICK: Yes.

9 CHAIRMAN HOOD: How many parking
10 spaces were proposed at the outset?

11 MR. JESICK: You mean with the
12 original submission?

13 CHAIRMAN HOOD: Right. What we
14 vote on tonight, the submission tonight.

15 MR. JESICK: Oh, the submission
16 tonight? Proposing 230 spaces.

17 CHAIRMAN HOOD: 230.

18 COMMISSIONER JEFFRIES: For 272
19 residential units?

20 MR. JESICK: I think it's a little
21 higher than that, 285 units.

22 COMMISSIONER JEFFRIES: Oh, okay.

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1 MR. JESICK: The ratio is about
2 .7, if I recall.

3 COMMISSIONER JEFFRIES: 72, yeah.

4 COMMISSIONER MAY: And DDOT refers
5 to a minimum parking requirement of 90 spaces.
6 I mean, I'm not sure how they got to that.
7 Isn't it 1 per 2 units and then 1 per 300
8 square feet of retail? And then there is the
9 25 percent discount for being close to Metro.
10 Are they close enough to Metro to qualify for
11 the 25 percent reduction?

12 MR. JESICK: I don't think they
13 are close enough for that.

14 COMMISSIONER MAY: So where do
15 they come up with 90? I mean --

16 COMMISSIONER JEFFRIES: That's the
17 matter-of-right number, right?

18 CHAIRMAN HOOD: You want us to --
19 in their letter, they want us to go down to 90
20 spaces minimum.

21 COMMISSIONER JEFFRIES: Yeah.

22 CHAIRMAN HOOD: Closest to it.

1 They are saying go closer to the minimum
2 parking requirement of 90 spaces as opposed to
3 the 272.

4 COMMISSIONER JEFFRIES: But if
5 they took a floor off, what would that leave
6 them in terms of parking? Does anyone know
7 that?

8 COMMISSIONER MAY: That's about
9 120 spaces on the lowest level, I think, which
10 would put them at 110, which would not be the
11 required.

12 COMMISSIONER JEFFRIES: Where do
13 you see, Commissioner May, where do you see
14 110?

15 COMMISSIONER MAY: It was --

16 COMMISSIONER JEFFRIES: Oh, I see
17 it. I see it. Well, no, I don't see it. I
18 thought I saw it.

19 COMMISSIONER MAY: It was in the
20 plans for that showed the parking by levels.
21 A.12 in the set from October 13.

22 COMMISSIONER JEFFRIES: Oh, um-

1 hum.

2 COMMISSIONER MAY: There was 108
3 on Level 1 and 123 on Level 2. So if you took
4 off 123, you would be down to 107 spaces. And
5 I don't see why DDOT thinks that it's 90
6 spaces required.

7 COMMISSIONER JEFFRIES: Well,
8 wait.

9 COMMISSIONER MAY: It's 1 per 2
10 units is already 140.

11 COMMISSIONER JEFFRIES: Well,
12 where are they getting the 90? Office of
13 Planning, do you know? I thought it was
14 matter-of-right.

15 MR. JESICK: Just looking at the
16 front cover of the latest set of plans, it's
17 probably on the other sets as well, in the C-
18 2-C District, it's 1 per 4 units for
19 residential and 1 for 750 square feet of
20 retail over 3,000 square feet. That comes out
21 to about 87, according to this calculation.

22 COMMISSIONER MAY: Oh, yes, okay,

1 I see 87. Got it. So and it would be rezoned
2 to C-2-C. That was the confusing thing about
3 that chart.

4 CHAIRMAN HOOD: And how many
5 parking spaces is suggested or proposed at
6 this time? How many parking spaces do we
7 have?

8 MR. JESICK: Currently, they are
9 proposing 230.

10 CHAIRMAN HOOD: 200?

11 MR. JESICK: 230.

12 CHAIRMAN HOOD: 30.

13 COMMISSIONER TURNBULL: But you
14 have to account for the residential aspect
15 also.

16 CHAIRMAN HOOD: I just don't know
17 if I --

18 COMMISSIONER TURNBULL: It does.

19 CHAIRMAN HOOD: -- have this
20 statement. This is almost the last paragraph.
21 Now, that we have had time to look at it, it
22 says, the filing, The TIS allows the extensive

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1 transportation options in the area, including
2 the bicycle network, buses in proximity to the
3 Shaw and Howard Metro Stations. It also shows
4 an excess of on-street parking in the area at
5 a maximum of 64 percent occupied."

6 This does not support the
7 assumption that there is a parking shortage or
8 a need to exceed the minimum parking
9 requirements by 141 spaces, which they count
10 as 157 percent. I don't see that in that
11 area. This is excessive parking. Maybe I'm
12 just there at the wrong time. I mean, you
13 know, I know the numbers are what they are,
14 but I don't -- here's what I don't want.

15 I don't want us to create a
16 problem. I don't know if this is a site where
17 we want to test the theory of the Vice Chair
18 and the former Chair.

19 COMMISSIONER JEFFRIES: Well, no,
20 it's not the theory of myself or the former
21 Chair. It's just we are trying to be true to
22 what has been set forth in terms of transit-

1 oriented developments. And, you know, making
2 certain that we are not putting ourselves in
3 the position where we are encouraging greater
4 vehicular use in these neighborhoods that are
5 in close proximity to Metro Stations.

6 And so I didn't create it. I'm
7 just -- I just believe in it.

8 CHAIRMAN HOOD: All right. And I
9 don't disagree, but, you know, the same thing
10 that I said that I think I have been pretty
11 consistent and you have been pretty
12 consistent. I just don't know if like the
13 issue we talked about previously, I don't
14 specifically remember the case. I don't know
15 if that's the right one. And that's my point.

16 I don't know if this is the right
17 one. I don't know enough on it. And I think
18 it didn't meet what Commissioner May -- as far
19 as proximity to the Metro Station.

20 COMMISSIONER MAY: Well, it
21 apparently didn't need to, because it's 1 per
22 4, once you go to C-2-C as the Zone. I was --

1 I had it stuck in my head that I had to
2 remember, too.

3 COMMISSIONER JEFFRIES: Well, I
4 will say this, Mr. Chair. I mean, I'm looking
5 at the garage plans and, you know, while I'm
6 not --

7 CHAIRMAN HOOD: What page?

8 COMMISSIONER JEFFRIES: A.12.
9 While I'm not happy with what is being
10 presented here, to take a full floor off, I
11 think would probably be a bit severe in terms
12 of this development just given -- I mean,
13 given that there is a 123 total parking spaces
14 on the second level here. And I just think
15 that that's probably too far a distance in
16 terms of trying to support this.

17 I mean, I would like to be
18 somewhere in between the 100, you know, here,
19 but I just don't -- just given how -- yes,
20 this is the first 106.

21 CHAIRMAN HOOD: So I guess in
22 keeping in the spirit of the letter that we

1 just received from DDOT asking us to be closer
2 to the minimum parking requirement and what we
3 are -- and the applicant having, what is it,
4 230, I don't know if I want to do -- does
5 anybody have any recommendations? I really
6 don't know. You know, I'm not a parking
7 expert. I just don't like to see the
8 overflow. I would not want to create an
9 overflow into the community.

10 COMMISSIONER JEFFRIES: You know,
11 what we could do here is if we wanted to vote
12 on this tonight and, obviously, I believe that
13 the attorney representing the applicant is
14 here, we could, you know, get some more, I
15 don't know what it is that they might be able
16 to pull together, that really talks about this
17 need for the number of parking spaces that are
18 being put forth. And we can look at it during
19 final action or we could not take proposed
20 action tonight and just give them time to turn
21 around and provide something to us.

22 Because I think the more troubling

1 piece was in that transportation report that
2 talked about a parking shortage on-street.
3 I mean, it seemed like -- I mean, I was
4 expecting to see that there was going to be
5 spillage into other communities.

6 And I believe that Commissioner
7 Padro had talked about, you know, all of the
8 spill-over from the convention center. And
9 perhaps there could be some more discussion or
10 evidence around that being problematic. But
11 I just feel like this report didn't really
12 help the case.

13 I mean, it helped the case in
14 terms of making a statement that in terms of
15 trip generation, that didn't seem to -- there
16 parking ratios didn't seem to increase trip
17 generation. But it didn't really talk about
18 the parking shortage.

19 CHAIRMAN HOOD: That is one way
20 and I would be more inclined to move with the
21 first way and finalize some of this at final,
22 like we typically do.

1 COMMISSIONER JEFFRIES: Okay.

2 CHAIRMAN HOOD: If we wanted to
3 move forward tonight, put it back on the
4 applicant and DDOT to work together.

5 COMMISSIONER JEFFRIES: And yeah.

6 CHAIRMAN HOOD: And come back to
7 us for final with a solution. Because here's
8 my concern, if we change any of the parking
9 spaces, there is going to be a design issue.

10 COMMISSIONER JEFFRIES: Um-hum.

11 CHAIRMAN HOOD: I think.

12 COMMISSIONER JEFFRIES: Um-hum.

13 CHAIRMAN HOOD: So we need to
14 probably -- if we approve it, we can leave it
15 open for the flexibility to come back with a
16 design. I don't know, legally come back with
17 a design and verify if what I'm saying is
18 true.

19 COMMISSIONER JEFFRIES: Well, the
20 one thing, too, what would be good is for the
21 applicant to, you know, talk about, you know,
22 hardship as relates to, you know, taking off

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1 an entire floor of the parking, beyond -- you
2 know, perhaps it's a problem with the
3 marketing of the units. I mean, there could
4 be a number of reasons for why, you know, you
5 really need to have as many.

6 But I really do think that this
7 Commission really needs to start, you know,
8 setting a higher bar and disciplining these
9 applicants about this parking issue. We just
10 cannot continue to go down the road and
11 continue this whole business of you can be 2
12 or 3 blocks from a Metro Station and still be
13 close to 1 per 1.

14 I think we really need to start to
15 do something about the parking situation or
16 the vehicular problems in the District. And
17 I think we have to do our part. So, Chair, I
18 don't know what your discussion was there, but
19 I'm ready to move on this. I just, you know,
20 wanted to just make certain that, you know,
21 this applicant can come back and we can get on
22 the record and we have something that talks

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1 about, you know, why we, you know, allowed a
2 project, that I feel is perhaps a bit over-
3 parked, to go forward.

4 CHAIRMAN HOOD: I think, Vice
5 Chair, your comments are very well-taken. And
6 actually there should be -- they are well-
7 thought out. And I think actually you bring
8 up a real point. I'm more moved by this
9 particular case than I was the previous ones
10 that you and the former Chair worked on
11 together.

12 But anyway, what I want us to do
13 though, I think if we do move in that fashion,
14 I would advise and have been advised that we
15 probably need more clarity, because there is
16 going to be design change and we leave that to
17 DDOT and to the applicant to work out and come
18 back to us before we do final. And I'll tell
19 you why.

20 I've been advised that, you know,
21 we may have questions. It may be a design
22 change. There may -- and I don't want to

1 inconvenience the applicant, but I think it's
2 better for us to move that way, even to the
3 point that we meet in another two weeks, if we
4 were to do that. We have another meeting in
5 two weeks.

6 COMMISSIONER JEFFRIES: Okay.

7 CHAIRMAN HOOD: A regular meeting
8 just like tonight. Am I correct, Ms.
9 Schellin?

10 MS. SCHELLIN: Yes.

11 CHAIRMAN HOOD: Okay. So what we
12 can do is iron all the issues out, so when
13 they come back, this will be the only one.
14 Okay.

15 COMMISSIONER JEFFRIES: I have
16 other issues.

17 CHAIRMAN HOOD: Right. That's
18 what I'm saying.

19 COMMISSIONER JEFFRIES: As I look
20 in the direction of --

21 CHAIRMAN HOOD: Well, we know
22 that's one.

1 COMMISSIONER JEFFRIES: Okay.

2 CHAIRMAN HOOD: And part of it is
3 due to -- and I appreciate the DDOT giving us
4 this letter, but we just received the letter.
5 This was kind of a surprise. I was not
6 expecting this.

7 COMMISSIONER JEFFRIES: And also,
8 the letter spoke about a more robust program
9 as well. I mean, in addition -- I mean, I
10 just covered the last paragraph. I mean,
11 apparently, it seems to be looking for --

12 CHAIRMAN HOOD: More aggressive.

13 COMMISSIONER JEFFRIES: -- a more
14 aggressive TMP, you know, a number of things
15 that they feel should be set forth here, just
16 given the location.

17 CHAIRMAN HOOD: Ms. Schellin, do
18 we know if the applicant has had time to even
19 look at the letter? Did they have it before
20 we did?

21 MS. SCHELLIN: No. You don't have
22 it?

1 UNIDENTIFIED SPEAKER: We just got
2 it.

3 MS. SCHELLIN: They just got it, I
4 guess, when we did.

5 CHAIRMAN HOOD: Okay. So we all
6 just got it?

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Okay. I'm not
9 upset. I'm glad we got it. I don't think we
10 wanted that to be on, you know. Okay. Okay.
11 So we know that's -- let's put that in the
12 parking lot, so to speak.

13 COMMISSIONER JEFFRIES: No pun
14 intended.

15 CHAIRMAN HOOD: Okay. Any other
16 issues with Kelsey Gardens?

17 MS. SCHELLIN: I think if we are
18 going to -- just to -- before we put this on
19 our December 22nd agenda, just so the
20 applicant knows, we would need to have their
21 filings by noon on the 16th. And if they
22 can't do that, we'll have to move into

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1 January. So I'm getting the nod of the head
2 that they will be able to do it. But maybe
3 after Mr. May -- Mr. May may have some other
4 concerns.

5 CHAIRMAN HOOD: And so we already
6 know we can't do it in January.

7 MS. SCHELLIN: Right. We're going
8 to go for -- they are going to shoot for
9 December 22nd.

10 CHAIRMAN HOOD: They're going to
11 shoot for December 22nd?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: Okay. All right.
14 Commissioner May, let's see what else we've
15 got.

16 COMMISSIONER MAY: Well, I'm all
17 for making some progress and getting some
18 agreement on parking. You know, I will -- I
19 guess the question I have about parking is
20 that, you know, we're talking about parking
21 requirements in the new -- in the zoning
22 rewrite.

1 And we talk about eliminating
2 minimums and establishing maximums. And I'm
3 curious as to whether this would have been,
4 you know, under the new rules. Is this
5 something that would be subjected to a maximum
6 or is this, you know, in that range from the
7 minimum to the -- I'm sorry, to the no minimum
8 to the maximum? And whether, you know, this
9 is just the market speaking, because that's,
10 you know, what we are told to believe in is
11 that the market will help establish what the
12 parking ratios will be.

13 MR. PARKER: So you are asking if
14 this would have been a place with minimums
15 and/or maximums?

16 COMMISSIONER MAY: Yeah.

17 MR. PARKER: Based on our current
18 recommendations?

19 COMMISSIONER MAY: Or maximums is
20 the relevant thing.

21 MR. PARKER: Definitely. There
22 are -- the main three areas that we are

1 looking at maximums are downtown first,
2 transit-oriented second and then our
3 commercial areas. So this would have been --
4 could have been considered a transit-oriented,
5 but at least a commercial near transit.

6 COMMISSIONER MAY: Do you have a
7 sense of what the maximum might be?

8 MR. PARKER: Not at all.

9 COMMISSIONER MAY: Not at all.
10 Okay. Because I'm just curious about if we
11 are going to have to try to chart a path
12 towards a future of transit-oriented
13 development and the parking maximums is going
14 to be one of the tools by which we do that.
15 It would be interesting to know where we think
16 we are heading.

17 So but I'll go on to other issues.
18 First, I would note the fact that we received
19 so much of the material that was requested
20 from the hearing, the traffic study itself,
21 the materials board with enlarged elevations
22 and the clarification from Fire and EMS.

1 The -- I will say, and this is
2 more for the sake of future submittals, than
3 it is for information that I am looking for in
4 this case, because I think I have enough
5 information on this case to know how I would
6 want to vote.

7 Enlarged elevations doesn't mean
8 taking the existing elevations and putting
9 them on the copier and making them bigger. It
10 means drawing them in a larger scale, showing
11 greater detail, showing more information about
12 what it would be and that's really what I was
13 looking for.

14 I do appreciate getting the
15 boards. Generally speaking, I like the
16 materials that I saw on the boards, so, you
17 know, that was encouraging. There are still
18 some odd things in there. You know, there are
19 these projecting stone looking balconies in
20 the center building that has an ornate rail
21 kind of in between.

22 And according to the drawings, we

1 are going to have this stone looking platform
2 that is going to be -- and underneath that
3 there are going to be some expanded
4 polyurethane packets, which, I mean, I can see
5 putting those on to support a cornice, but
6 supporting an actual balcony, even visually,
7 I think, is a mismatch of materials.
8 Architecturally, it doesn't make a lot of
9 sense to me.

10 There -- I have a concern about
11 the project still about the size of it. I am
12 not entirely comfortable that this is what is
13 truly necessary to make it marketable. I
14 think it is really, really big for where it
15 is.

16 COMMISSIONER JEFFRIES: You said
17 big. You mean height or density?

18 COMMISSIONER MAY: I mean, the
19 FAR.

20 COMMISSIONER JEFFRIES: Oh, okay.

21 COMMISSIONER MAY: And you know, I
22 think overall some buildings of this height,

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1 you know, could work in the neighborhood.
2 Obviously, it's going to work across the
3 street to the south, but, you know, we're just
4 really packing a lot of density in here. And
5 I'm not comfortable with that.

6 I will say also that I find the
7 architecture overall of this project to be
8 lacking. And I think I have said enough about
9 what some of my concerns are.

10 COMMISSIONER JEFFRIES: Perhaps as
11 the architect, it seems like we are always on
12 this architect.

13 COMMISSIONER MAY: Well, and I
14 hate to single out an architect for this, but,
15 I mean, this is the second project in recent
16 memory where what I have seen I find lacking.
17 I don't -- I find the design to be somewhat
18 incoherent, lacking some discipline. I mean,
19 it's -- there are some ploys that are used to
20 try to differentiate a very long facade that
21 I think are really false in nature.

22 And you wind up with -- even when

1 it comes to the plan of the building, Mr.
2 Turnbull, I think, has mentioned the fact that
3 the loading doesn't connect to some of the
4 retail space. That's problematic. That
5 corridor, the interior corridor is 400 feet
6 long.

7 The corridor outside here is 200
8 feet long and it's a foot wider. And that
9 feels like a very long corridor and this
10 building has two elevators. So imagine that
11 twice as long, a foot narrower and there is
12 only one elevator. I think it's a very poorly
13 planned building.

14 When you look at some of the
15 elevations, I'll point out in particular the
16 Q Street elevation on A-14B.1, the most recent
17 version that we got. And the elevation with
18 a large section of the building cantilevered
19 over the alley. And I'm not against
20 cantilevering. I know structurally this is
21 all possible. But when you create an
22 architecture in the year 2008 that mimics a

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1 style from the 1940s or the 1930s, you don't
2 then cantilever it with, you know, this
3 heroically. It stands out as a complete
4 structural mismatch.

5 And I just -- it is further proof
6 to me that the design is not well-conceived.
7 And I also, frankly, would point out, and we
8 didn't really focus on this, but, the
9 townhouses that are part of the project, I
10 guess, along P Street they are less than 14
11 feet wide. And I'm sorry, I don't think 14
12 feet wide townhouses work very well.

13 COMMISSIONER JEFFRIES: Are they
14 12? Wait, what are they?

15 COMMISSIONER MAY: They are just
16 under 14 feet wide.

17 COMMISSIONER JEFFRIES: Oh.

18 COMMISSIONER MAY: At least that's
19 what my calculation is. It's hard to read the
20 drawings, but I just took 95.5 feet and
21 divided that by 7 units and it comes out to be
22 about 14 feet or just under 14 feet.

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1 I don't know. Even if excellence
2 in architecture is not being proffered as one
3 of the benefits of a PUD, I feel like there is
4 a higher standard when we review something
5 like this and I just don't think that is met
6 here nor do I think it will be met with
7 revisions, so I'm not asking you for
8 revisions.

9 I think some of my comments are
10 being made for the sake of future PUDs that
11 may come here, because I think we need to be
12 holding to a higher standard. Thanks.

13 CHAIRMAN HOOD: Let me make sure I
14 understand, Commissioner May. You are not
15 necessarily looking for revisions?

16 COMMISSIONER MAY: I am not,
17 because I don't think -- I don't feel that it
18 is the consensus of the Commission that all of
19 these things are issues.

20 CHAIRMAN HOOD: I'm not sure.

21 COMMISSIONER MAY: So --

22 CHAIRMAN HOOD: Cantilevering,

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1 let's hold on.

2 COMMISSIONER MAY: Okay.

3 CHAIRMAN HOOD: I think you bring
4 up a good point in 14B.1. I didn't know what
5 it was called. To me I would call it a
6 hangover, but I'm looking at the bottom where
7 it says Q Street elevation and that's
8 cantilevering? Turn your mike on.

9 COMMISSIONER MAY: When part of
10 the building projects and is unsupported like
11 that, that's called cantilever.

12 CHAIRMAN HOOD: Right. Let me ask
13 my other two colleagues. You have heard some
14 concerns from Commissioner May. And I guess
15 do you all share the same concerns?

16 COMMISSIONER JEFFRIES: Well, I
17 have to say, you know, Commissioner May, you
18 actually made a lot of very good points here.
19 I mean, the one thing that you spoke about in
20 terms of the corridor out here, I mean, I have
21 always had problems with this corridor, but
22 it's your understanding that this corridor

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1 will be how much less in width?

2 COMMISSIONER MAY: Just scaling
3 the drawing, just looking at it visually from
4 the width of a doorway, which I would assume
5 to be 3 feet.

6 COMMISSIONER JEFFRIES: Um-hum.

7 COMMISSIONER MAY: It looks like
8 it's a 5 foot wide corridor. And I mean,
9 maybe it's 6 feet wide, but it looks like it's
10 5 feet here.

11 COMMISSIONER JEFFRIES: And the
12 corridor out here is?

13 COMMISSIONER MAY: 6 feet wide.

14 COMMISSIONER JEFFRIES: And then
15 it goes 200 --

16 COMMISSIONER MAY: It's about 200
17 feet. And according to the measurements that
18 I could get from the drawings here, this is
19 about 400 feet.

20 COMMISSIONER JEFFRIES: See the
21 problem with this development, this
22 application is that, I mean, it's starting to

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1 -- the weight of all of these things is just
2 starting to become a little bit too much.
3 Because I mean, I have issues with the
4 development. I mean, I brought it up earlier.

5 My issues is that I truly think
6 this building should be taller and that you
7 shouldn't put the height on the west side. It
8 should be on 7th Street and it should be
9 brought down on the west side facing R-4 and
10 the row homes.

11 You're bringing up this corridor
12 issue which, you know, I have had concerns
13 about, but I decided to let that go. And then
14 the parking issue, I kind of let that go. And
15 then I'm looking at these 14 foot wide row
16 homes. Now, Eaken/Youngentaub does 12 foot
17 row homes. And so they are certainly
18 marketable and they have somehow figured out
19 how these things can happen.

20 And I know that Eaken/Youngentaub
21 uses Lessard, so I'm certain that that's
22 probably how. You know, I don't know that for

1 a fact, but I guess the concern I have to my
2 colleagues here is that, you know, when these
3 things start adding up, all the issues that we
4 have with this development, you know, should
5 we just ask the question are we moving too
6 quickly here?

7 CHAIRMAN HOOD: Mr. Turnbull, did
8 you want to expound?

9 COMMISSIONER TURNBULL: Thank you,
10 Mr. Chair. Yeah, let me get back to
11 Commissioner May had pointed out my concern
12 about the loading and the retail. And you can
13 clearly see on A.02 that the loading dock
14 serves retail 1 and 2, but there is no
15 convenient way for retail 3, 4 and 5 to be
16 served, unless you do off-loading on 7th
17 Street.

18 I don't really see a direct -- so
19 from an urban problem, I'm -- to me it's why
20 can't you solve it all in one loading dock?
21 So that does bother me. It sounds like they
22 have moved -- they are not going to get the

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1 curb cut, so they moved everything back to the
2 alley, which is fine. But somehow from an
3 organizational feature, they haven't met the
4 need of -- because they also have residential
5 units on this same corridor on the ground
6 floor.

7 So it's kind of a combination of
8 uses for this corridor. And it is very
9 narrow. It's about a 5 foot corridor. And
10 now, obviously, retail does not enter. You
11 don't get into retail from that corridor.
12 It's all from the outside, but it's still from
13 a residential standpoint, it's an awkward
14 arrangement.

15 I think they haven't
16 organizationally laid out this building as
17 easily as possible for the residents and for
18 the retail occupancy. It is a problem. It
19 needs work.

20 I guess in the beginning
21 architecturally, I wasn't as -- we have had
22 some issues with this architect before on

1 another residential project, which I think we
2 find the architecture even more problematic
3 than it is here, I guess.

4 The Commission makes a very
5 excellent point on Q Street elevation, which
6 I think I had asked that of the applicant once
7 before, only I don't think it looked -- maybe
8 it didn't look as bad the last time, but it
9 looks like somebody has just erased the bottom
10 of the building and it looks like it is
11 floating in space, which, you know, it's set
12 design.

13 It is set design. It is not --
14 it's architecture that sort of drops the ball.
15 So that is an issue. And maybe it would have
16 looked better in perspective, I don't know,
17 rather than on an elevation. But an elevation
18 clearly looks like there is a serious design
19 flaw with this building.

20 Density wise, I guess I'm not
21 sure. I think the Office of Planning was okay
22 with the density in this area with the

1 development. And so I guess I don't have
2 quite the issue with the density that
3 Commissioner May does.

4 Architecturally, it is a pastiche
5 of historical size. I mean, we have seen
6 different architects/designers handle facades
7 differently with either they are going -- they
8 use different terms. They are either going to
9 the industrial look or they are picking up
10 cues and it's a little bit more modernistic it
11 is tied into.

12 This is definitely really an
13 historicism. I am ambivalent about it. It's
14 trying to create that old fashioned downtown
15 image you had in the '30s and '40s and trying
16 to make everybody feel comfortable. I guess
17 I'm not totally opposed to it. I also am not
18 -- it's not totally honest to what you are
19 trying to achieve.

20 So I'm ambivalent about having
21 them change the whole thing, I guess. I'm --
22 and I agree with Commissioner May and

1 Commissioner Jeffries. I would like to see
2 them move the bar up and make it a little
3 better. But you know, of course, we have made
4 projects in the past go back and start over.
5 We made Florida Rock do that.

6 COMMISSIONER JEFFRIES: Yeah. You
7 know, I think too, I mean, I know this
8 neighborhood fairly well and I know people
9 have been looking for this development for
10 quite a while. And you know, they have seen
11 developments take place throughout other parts
12 of the District and, you know, so there is
13 this real push to get something up as quickly
14 as possible.

15 And it is a tough site as well,
16 because it's a long narrow site. And
17 obviously, given the market, you know, I mean,
18 I don't have an issue with the FAR. Again, my
19 issues are just where they decided to put the
20 density. But beyond that, I'm probably, you
21 know, in your ballpark.

22 I mean, I'm less concerned about--

1 I'm not looking for them to redesign this
2 development. But I still continue to be
3 troubled with sort of the totality of all of
4 the issues that seem to -- I mean, we all have
5 some fairly --

6 COMMISSIONER TURNBULL: They're
7 beginning to mound up.

8 COMMISSIONER JEFFRIES: --
9 substantial issues and they start to mound up
10 and then at some point it's like now, wait a
11 minute, you know, are we moving too quickly
12 here. So, Mr. Chair, I think, I don't know
13 exactly what it is at this point. I mean, I
14 do have concerns with the number of things
15 that Commissioner May has brought up. And my
16 issues and Commissioner Turnbull's concerns
17 about whether we should take a vote tonight --
18 well, I don't know.

19 CHAIRMAN HOOD: Let me say, I
20 don't think we are going to be taking a vote
21 tonight. Basically, to start with, because of
22 the DDOT letter, that's the first issue. And

1 that's why I wanted to expound on some
2 additional problems.

3 But let me kind of find out where
4 we all are before we say just redesign the
5 whole thing and come back. I don't think
6 that's -- I don't hear two colleagues of mine
7 saying that and I'm not saying that either.
8 But I think, at the same time, there is an
9 opportunity here to address a few of the
10 issues of Commissioner May.

11 I think Commissioner May has
12 stopped short of saying redesign.

13 COMMISSIONER MAY: Well --

14 CHAIRMAN HOOD: I think he stopped
15 short of saying it maybe.

16 COMMISSIONER MAY: Well, you know,
17 I understand how big an effort it is to
18 redesign it. I tried to get sympathy for that
19 position during -- you know, at set-down, you
20 know, because I thought, at that point, it
21 needed to be redesigned. But you know, we
22 proceeded from that point.

1 You know, I would be happier with
2 this design if some of the glaring issues with
3 the look of the building and with the plan of
4 the building were addressed. In other words,
5 if they did take a good hard look at how the
6 floor plan lays out and see if there is a way
7 to get, you know, a second lobby in or
8 something like that.

9 I mean, I understand that may be a
10 lot of work and planning and all of that, but,
11 you know, it would make it a better building
12 as a result. But I also would have to say
13 honestly that I'm not sure that you could --
14 that one could adjust this design enough to
15 get my vote, because I'm troubled enough by
16 what I see.

17 It's this whole collection of
18 things. If it were just, you know, the
19 stylistic disagreement that I have, you know,
20 I could get past that, but it's the stylistic
21 thing. It's the sort of incoherent kind of
22 moves where the styles don't match with some

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1 of the things that the building is doing, you
2 know, like the cantilever.

3 It's the floor plan. I mean, it's
4 just a whole host of things. I mean, even,
5 you know, when you turn the corner at the
6 north end and the south end, and we have these
7 sort of corner buildings, even those corner
8 buildings are not continuous. In other words,
9 at the Q Street facade you have two different
10 colors of brick, not necessarily two different
11 styles of building.

12 But the one building that sort of
13 borders on the alley is made of a different
14 brick. Again, it's that 14B. You know, you
15 have the reddish brick on the corner and then
16 you have got the brown brick on the alley. I
17 mean, why did all of a sudden that change to
18 brown brick? I mean, where is the front door
19 to that building?

20 I mean, I can see it when you, you
21 know, are going across the facade along 7th
22 Street, you don't have to discern separate

1 building entrances, because it's all of that
2 retail. It kind of gets lost in the fact that
3 you have all these different retail entrance
4 doors.

5 But here, you know, I want there
6 to be a door on that or I want it to be the
7 same red brick as the rest of the building
8 that is right on the corner. But you know,
9 the attention with which this whole facade is
10 composed is focused -- well, is unfocused,
11 frankly. It's just let's make it brown brick
12 for variety's sake.

13 I mean, cleaning up things like
14 that, making the cantilever make more sense,
15 you know, just a number of those sorts of
16 things. I'm not saying you can't do a
17 cantilever, you can do the cantilever, you
18 just have to have the architecture work with
19 it.

20 COMMISSIONER JEFFRIES: Breaking
21 down that corridor in some way.

22 COMMISSIONER MAY: Breaking down

1 the corridor in some realistic way.

2 COMMISSIONER JEFFRIES: So yeah,
3 maybe, Mr. Chair, I mean, that's -- you know,
4 I mean, it sounds that three of us up here are
5 not looking for any, you know, huge changes.
6 But, you know, there could be still some
7 overtures, because, I mean, I can't defend
8 much of what Commissioner May is saying. I
9 mean, it's -- you know, I'm not used to being
10 in this position, quite frankly, with
11 Commissioner May, but I find his comments
12 quite compelling.

13 And given my issues with this
14 application, it's just I feel like I can't
15 fully, you know, defend or I really think that
16 the applicant should probably revisit some of
17 these things and then we will take a look, at
18 that point.

19 CHAIRMAN HOOD: So I guess in a
20 way, I think we should move, and I'm going to
21 hear from you in a second, Mr. Turnbull, on.
22 If the applicant -- as a matter of fact, hold

1 on. Let me back up. Let me hear from you,
2 Mr. Turnbull.

3 COMMISSIONER TURNBULL: Well, you
4 know, let's continue on with what Commissioner
5 Jeffries and Commissioner May were talking
6 about. Recognizing that they have got one,
7 two, you know, six different buildings sort of
8 put together on this collage.

9 COMMISSIONER JEFFRIES: They're
10 not -- it's really one building.

11 COMMISSIONER TURNBULL: It's one
12 building, but it is a collage of six almost.
13 And but I --

14 COMMISSIONER MAY: I would argue
15 it's eight.

16 COMMISSIONER TURNBULL: Right.

17 COMMISSIONER MAY: Because you
18 turn the corners, you've got those different
19 brick colors.

20 COMMISSIONER TURNBULL: But what
21 I'm saying is that if you look on the King
22 Street, if you look at the very -- on the 7th

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1 Street elevation at the very north end at Q
2 Street --

3 COMMISSIONER JEFFRIES: Um-hum.

4 COMMISSIONER TURNBULL: And I
5 think Commissioner May made a point. When you
6 look at that building, you see the red brick
7 and the brown brick with the erased bottom.
8 You want to see two buildings, but, you want
9 to read it as two buildings, there is no door,
10 there is no nothing and it's simply a change
11 of brick to differentiate the change.

12 And I think he makes sense where
13 it ought to be all the same color. It's what
14 Q visually that -- says that doesn't work with
15 what organizationally you want it to read. So
16 maybe that is one item they ought to pick up
17 is redo that Q Street with the overhang and
18 the whole how that is organized to make it
19 read more cohesively.

20 COMMISSIONER JEFFRIES: These
21 shadows that they are showing on the
22 elevations, are those -- I mean, does it make

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1 it look as is if you have seven or eight
2 different buildings. I mean, I know it's
3 showing -- are they --

4 COMMISSIONER MAY: Which drawing
5 are you looking at?

6 COMMISSIONER JEFFRIES: I'm
7 looking at A.13B. I mean just any of them.
8 I mean, that show the shadow lines here.

9 COMMISSIONER MAY: Um-hum.

10 COMMISSIONER JEFFRIES: Is that
11 really accurate in terms of what -- look at
12 the red building that is off of Q Street.
13 That building represents Unit, if you go to
14 A.06, D1. Is that -- I guess I'm trying to
15 understand what the shadows -- I guess I'm
16 trying to read the elevations from the plans.

17 COMMISSIONER MAY: Um-hum.

18 COMMISSIONER JEFFRIES: Let's just
19 start there.

20 COMMISSIONER MAY: Yeah, I think
21 you are -- you make a good point here. I
22 think that there is a line missing.

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1 COMMISSIONER JEFFRIES: Yeah.

2 COMMISSIONER MAY: In the lower
3 right hand side where it says signage.

4 COMMISSIONER JEFFRIES: Right.

5 COMMISSIONER MAY: You can see
6 there is just to the left and above the S
7 there is a break --

8 COMMISSIONER JEFFRIES: Right.

9 COMMISSIONER MAY: -- in the
10 cornice.

11 COMMISSIONER JEFFRIES: Right.

12 COMMISSIONER MAY: But there is no
13 change in the line.

14 CHAIRMAN HOOD: Let's slow down.
15 Let's back up and let's take this -- we're
16 going to walk through this. Okay.

17 COMMISSIONER JEFFRIES: Well --

18 CHAIRMAN HOOD: So I know you are
19 referencing A.06.

20 COMMISSIONER JEFFRIES: Yeah.

21 CHAIRMAN HOOD: 14B.1.

22 COMMISSIONER JEFFRIES: Yeah.

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1 CHAIRMAN HOOD: Right here.

2 COMMISSIONER MAY: There's a line
3 that needs to come down.

4 COMMISSIONER JEFFRIES: Right,
5 right, right, right, right.

6 CHAIRMAN HOOD: What is it?

7 COMMISSIONER JEFFRIES: So you --

8 CHAIRMAN HOOD: Are you pointing
9 to A?

10 COMMISSIONER JEFFRIES: -- see
11 this indentation here?

12 CHAIRMAN HOOD: Um-hum.

13 COMMISSIONER JEFFRIES: It's --
14 this should be something that shows here that
15 continues this line here that comes down. And
16 I'm only bringing this up and I'm sorry you're
17 catching me, I shouldn't be on the mike. But
18 I would just ask the applicant to be careful
19 with this elevation and making certain that it
20 is appropriately reflected. I mean, that the
21 elevation reflects what is shown in this plan
22 here. We see it on the P Street side.

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1 CHAIRMAN HOOD: You were looking
2 at the alley elevation?

3 COMMISSIONER JEFFRIES: The Q
4 Street.

5 CHAIRMAN HOOD: Q Street?

6 COMMISSIONER JEFFRIES: Yeah,
7 yeah. I think the applicant -- I think they
8 are following us. But even beyond that, I
9 guess the point that I was trying to make is
10 that if you look at the elevation and you look
11 at these shadows, it really makes it look as
12 if there are all these different buildings.
13 But in actuality, this thing is going to look
14 somewhat flat. It's probably not going to
15 look like what we are seeing here, which is,
16 for a few of us, a little more attractive
17 than --

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER JEFFRIES: I mean,
20 this is one building, I guess that's my point,
21 with a few bays that step out, but by and
22 large this is one long building. Are you

1 following what I'm saying?

2 COMMISSIONER MAY: Um-hum.

3 COMMISSIONER JEFFRIES: It's not
4 seven or eight different buildings. Yeah,
5 that's right and this is what we are always
6 asking for. We probably do need to see a
7 perspective that is like at street level that,
8 you know, we can look down the street and see
9 exactly what someone walking down the street
10 is going to see as relates. So a perspective
11 of some type or some sort of volumetric or
12 something. Because these elevations are a bit
13 deceptive.

14 COMMISSIONER MAY: I think that
15 there were some perspectives in the --

16 COMMISSIONER TURNBULL: In the
17 original?

18 COMMISSIONER MAY: -- original
19 set.

20 COMMISSIONER JEFFRIES: Do you
21 have them, because I -- from the original?

22 COMMISSIONER MAY: Yeah. Yeah, I

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1 have. I'm looking at Sheet A.20. Granted the
2 building has changed from the -- this is the
3 October 13th set. Do you have that?

4 COMMISSIONER JEFFRIES: Yeah, but
5 that's too far away. They could just blow
6 that up a little bit. I see what you are
7 showing.

8 COMMISSIONER MAY: The lower one,
9 lower right.

10 COMMISSIONER JEFFRIES: Yeah, I
11 see the lower right, yeah.

12 COMMISSIONER MAY: It just doesn't
13 show much of the building.

14 COMMISSIONER JEFFRIES: Yeah.
15 Now, the top right, if we got a little bit
16 more detail, we need a blow-up of that
17 elevation from this perspective, but the
18 entire elevation, so that we know what we are
19 going to see here, because, I mean, it's nice
20 looking at this elevation. It looks like it
21 is very -- you know, lots of different
22 materials. It is, but it would be interesting

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1 to see if it comes off looking like a fairly
2 flat facade with again a few protruding
3 elements.

4 COMMISSIONER TURNBULL: And now as
5 far away.

6 COMMISSIONER JEFFRIES: Yeah.

7 COMMISSIONER TURNBULL: Closer to
8 it.

9 COMMISSIONER JEFFRIES: Closer to
10 it.

11 COMMISSIONER TURNBULL: But
12 looking at the actual --

13 COMMISSIONER JEFFRIES: Yeah,
14 don't say blow it up. We'll just put it all
15 in.

16 COMMISSIONER TURNBULL: Yeah, you
17 know, we don't want a blow-up. We want a
18 constructed perspective.

19 COMMISSIONER JEFFRIES: Yeah, so
20 the applicant can look at A.20 at the top
21 right, it is showing the before and after.
22 Look at the after and just we need a closer

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1 perspective that shows that street wall of the
2 elevation.

3 CHAIRMAN HOOD: Okay. Is there
4 anything else or is there anything left?

5 COMMISSIONER JEFFRIES: This is a
6 large building.

7 CHAIRMAN HOOD: And I understand.
8 And that's why I wanted us to make sure that
9 we put it all out there. My main issue is the
10 DDOT. Obviously, there's some architectural
11 issues and concerns. Anything else?

12 And from what I'm hearing, here is
13 the thing. I don't want the applicant to go
14 back and start all over. I think we have a
15 majority up here that don't agree to him
16 necessarily starting back over. But also take
17 into account the comments of Commissioner May
18 as well as Jeffries and Turnbull, who have
19 made some architectural or design issues, made
20 those noted and come back with something at
21 the appropriate time addressing to the best
22 intent of what discussion you heard up here

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1 this evening.

2 Okay. Anything else? So
3 basically, what we are looking at, the parking
4 issue concerns, the DDOT issue and their
5 letter. Mr. Turnbull, I think you mentioned
6 the loading.

7 COMMISSIONER TURNBULL: I was just
8 concerned and maybe they have an answer for
9 the loading for retail 3, 4 and 5, how you
10 service those three shops, restaurants,
11 whatever they are going to be.

12 COMMISSIONER JEFFRIES: Is it
13 through the elevator back there?

14 COMMISSIONER TURNBULL: Well, the
15 loading dock, the retail loading berth can
16 easily serve retail 1 and 2, because there is
17 doors right off of it, but there is no way to
18 get into the corridor, I don't think. There
19 is the business center next to the retail.
20 There is the leasing office. Unless you are
21 going to go through retail to it and I'm sure
22 they wouldn't appreciate that.

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1 CHAIRMAN HOOD: Let's let them
2 respond to that.

3 COMMISSIONER TURNBULL: Right.

4 CHAIRMAN HOOD: That will be
5 something they can respond to us on that.

6 COMMISSIONER TURNBULL: Yeah,
7 okay.

8 CHAIRMAN HOOD: And the design and
9 density, that whole question, that whole gamut
10 and the perspectives and the whole
11 conversation you heard, if you can tweak it,
12 do what you think is necessary and the
13 comments that you heard from the Commission
14 tonight. One more?

15 COMMISSIONER JEFFRIES: I did, Mr.
16 Chair, want to ask the Office of Planning just
17 to make certain about the comments around the
18 density. And in particular, I know that you
19 were supportive of more density, the higher
20 building on 7th Street and the lower
21 buildings, the wings being lower. But you are
22 fine with the eight story?

1 MR. JESICK: I mean, we felt that
2 the nine story design was more visually
3 appealing. It's not a life or death issue.
4 It's -- we thought we liked the step-downs a
5 little better, but, you know, the eight story
6 design is acceptable.

7 COMMISSIONER JEFFRIES: Okay.
8 There's such ambivalence about this project.
9 It just -- okay.

10 CHAIRMAN HOOD: Okay. I think we
11 have addressed this project enough
12 architecturally and the issues of concern.
13 Ms. Schellin, do we have any dates?

14 MS. SCHELLIN: I think we may be
15 going into January 26th. Okay. So if we
16 could have the applicant to provide their
17 documentation. Do you just want them to
18 respond to what you have heard here or do you
19 want the ANC to also respond --

20 CHAIRMAN HOOD: Well, I think --

21 MS. SCHELLIN: -- to what they
22 provide? Just for them?

1 CHAIRMAN HOOD: You know what
2 though, I think with the magnitude of the
3 changes, I think that -- and I hate to put the
4 applicant back through it, because I don't
5 know what is all going to change. I think
6 it's the due courtesy for us to let the ANC
7 know exactly what has happened, because they
8 supported, I think, what we had in front of
9 us.

10 MS. SCHELLIN: Um-hum.

11 COMMISSIONER TURNBULL: Well, the
12 ANC wanted the curb cut, which DDOT is not
13 going to give. But I think they wanted that
14 curb cut next to the alley, that's what the
15 ANC was pushing for.

16 COMMISSIONER JEFFRIES: Right.
17 I've not supportive of that either, so --

18 COMMISSIONER TURNBULL: Right.

19 CHAIRMAN HOOD: Well, I think
20 we're going -- not going to get to that point.
21 I'm just talking about just what may change,
22 because right now, I don't know what may

1 change and what may not. The applicant may
2 come back and say we made a few tweaks. I
3 don't know what is going to happen. But I
4 think out of courtesy, we probably need to go
5 back to the ANC.

6 MS. SCHELLIN: Yeah. I don't
7 think the ANC provided a report in the
8 original case, did they?

9 CHAIRMAN HOOD: Oh, they didn't?
10 Okay.

11 MS. SCHELLIN: They did? Okay. I
12 don't think they came to testify.

13 COMMISSIONER JEFFRIES: I would
14 hope, Mr. Chair, we could keep this, the
15 response, somewhat narrow if we can.

16 CHAIRMAN HOOD: Yeah, but my only
17 problem is I believe this applicant has met
18 with the ANC and they went out and showed them
19 one thing and the Zoning Commission changed it
20 and then it's not acceptable to those in the
21 community. I just think it's better to be
22 cautious and safe than sorry.

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1 MS. SCHELLIN: Yeah. And also,
2 Ms. Giordano reminded us that all parties,
3 actually, they are required to be given seven
4 days to respond, so we should do that.

5 CHAIRMAN HOOD: Oh, so it's going
6 to happen anyway.

7 MS. SCHELLIN: Yeah.

8 CHAIRMAN HOOD: Okay. Thank you
9 for that comfort level.

10 MS. SCHELLIN: Yeah. If we could
11 have the applicant provide their information
12 by January 13th and then have the -- I'm
13 sorry, January 12th and have the ANC provide
14 their response by the 21st, since Monday and
15 Tuesday are holidays.

16 CHAIRMAN HOOD: Okay. All right.
17 Is everybody on board with that. The
18 applicant is okay with that, Ms. Schellin?

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: All right. So we
21 will postpone to the dates as noted by Ms.
22 Schellin. We'll take a 2 minute break.

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1 (Whereupon, at 7:44 p.m. a recess
2 until 7:47 p.m.)

3 CHAIRMAN HOOD: All right. So
4 much for the break, I don't have my -- oh,
5 here it is. Okay. Next for proposed action
6 we're going to go to the Zoning Commission
7 Case No. 08-06-5. This is Office of Planning
8 - ZRR, commercial.

9 I'm sorry, Ms. Schellin?

10 MS. SCHELLIN: There is a retail/
11 use worksheet in your packet that, I believe,
12 was prepared by OP with the assistance, I
13 believe, of OAG.

14 CHAIRMAN HOOD: Okay. We have
15 that in front of us. And we're going to use
16 that as our reference point. We also have
17 submittals from ANC-6B, also from Commissioner
18 Spalding alone. Oh, no, I'm sorry, ANC-1B02,
19 Commissioner Spalding, Cleveland Park Citizens
20 Association. I know I have something from
21 Committee 100.

22 Let me take my time, I know I had

1 it, because I saw it. We had it to begin
2 with. Maybe it got mixed up with Kelsey.
3 Hold on one second. Also, we have a report
4 from the Office of Planning. Thank you very
5 much. Thank you, Ms. Hanousek. I'm going to
6 look for my copy, because I had it marked up.

7 Okay. Anyway, all right, let's
8 move forward. Yeah, it's the same.

9 COMMISSIONER JEFFRIES: Okay.

10 CHAIRMAN HOOD: What I had has
11 marks on it. Okay. We're going to go like we
12 normally do. Let me first find out does
13 everyone in the audience have a copy of the
14 worksheet in front of them? Okay. Good. For
15 the record, they nodded yes, they do have it.

16 Okay. Let's go straight to No. 1,
17 Commercial Zones and Overlays. Okay.
18 Basically, for No. 1 in the worksheet it says
19 "No decision needed at this time. OP has
20 recommended a system of customizable
21 commercial zones based on a common template as
22 a replacement of the current overlay system.

1 The customized zones will be used in lieu of
2 overlays. This change will be discussed
3 further in other working groups, including
4 commercial corridors."

5 So those who work in the work
6 groups or attend will have another bite at the
7 apple to be able to continue that dialogue.
8 Right, Mr. Parker? So there's no need us
9 moving anything on that. I know some people
10 had commented on it and, Mr. Parker, my
11 suspicion is you probably heard some of the
12 same comments, at that time.

13 Okay. No. 2, are we ready to move
14 on?

15 COMMISSIONER JEFFRIES: We weren't
16 -- okay. Commercial zones or overlays, no
17 decision needed at this time. Okay. So I
18 mean, I do have a comment about an issue on --
19 that I experienced last week at the BZA, Mr.
20 Parker, around, I think, 1901.6. This 25
21 percent cap of linear frontage, I was
22 thoroughly confused on the dias, not that it

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1 was my first time being confused, but I -- for
2 the life of me just found it to be a terribly
3 onerous and confused enforcement problem.

4 And first of all, you know, how
5 does one measure 25 percent? And then how do
6 individual developers sort of know when they
7 are reaching the tipping point in a particular
8 overlay and how does that impact their ability
9 to negotiate with various retailers,
10 restaurants?

11 So I have a question around
12 enforcement. I also have a question around if
13 25 percent is the right number. Should we
14 revisit, you know, this cap? But I just found
15 that we were -- the case in particular was on
16 14th Street between Swan and S Street. And on
17 that west side of 14th Street, there seemed to
18 be a lot less eating establishments.

19 Whereas, on U Street there were a
20 lot of eating establishments. And so, you
21 know, the developer just didn't know when, you
22 know, they would actually reach that tipping

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1 point and they, obviously, need to be able to
2 prepare in terms of their leasing of retail
3 and so forth.

4 So I don't know whether the
5 working groups took this up and I think that
6 Commissioner Spalding, I think, he had a
7 comment on this as well. Yes, yeah, the
8 discussion about the 25 percent linear street
9 frontage limitations in Neighborhood
10 Commercial Overlay Districts.

11 So I just wanted you to comment on
12 that. Had there been much discussion in the
13 working group around that?

14 MR. PARKER: Not a terribly lot in
15 the working group, but you have hit on one of
16 the more confusing sections in our code and we
17 have had a lot of issue with it over the past
18 couple of years. I mean, this is something
19 that has been in place in a couple areas of
20 our city for many, many years, but never until
21 the last year or so really been ever measured
22 or enforced or even much concern taken about.

1 And so it has been something that
2 has been on people's radar screen lately.
3 What we have done in this recommendation is
4 proposed that it remain an option for
5 neighborhoods. One of the things we have
6 talked about throughout is that this process
7 is about the structure and the language of the
8 recommendations and we are trying to make
9 things simpler.

10 We don't necessarily want to, you
11 know, take away the tools that existing
12 neighborhoods have in existing overlays. I
13 think what we have been saying is that whether
14 we end up with overlays or just individual
15 zones, we want there to be a choice of
16 multiple tools for these neighborhoods to
17 have. And this is one of them that we have
18 got on the table.

19 You are right, it's a complicated
20 one to keep track of, but we have a lot of
21 neighborhoods that have it in place now and,
22 frankly, want to keep it.

1 COMMISSIONER JEFFRIES: So like
2 Cleveland Park?

3 MR. PARKER: Cleveland Park.

4 COMMISSIONER JEFFRIES: Okay. So
5 you know for a fact that Cleveland Park -- I
6 mean, many of the leaders in that community
7 like having that in place, the 25 percent cap?
8 Because see, I'm dealing with just not the
9 enforcement issue, but also the number.

10 MR. PARKER: I can't speak to many
11 of the people or most of the people or I can
12 speak to a few of the people that I have
13 talked to that are happy with it. But I don't
14 know how much of a percentage of the
15 population they represent.

16 COMMISSIONER JEFFRIES: So how
17 does the option work? I mean, it's a menu.
18 I mean, how will this work and whether a
19 particular group wants to use it or not?

20 MR. PARKER: Well, basically, the
21 same way it does now, except more standardized
22 and simplified. Right now, when we create a

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1 new overlay, we have the universe to choose
2 from. And we can go to Chicago or we can go
3 to existing overlays in our city and we design
4 a whole new chapter.

5 But the system that we have
6 proposed, there would be a series of menus
7 that -- a series of these options, these tools
8 that would be available. So if Cleveland Park
9 didn't have an overlay and just had C-2-A
10 right now and wanted to come in and said all
11 right it's time to customize our zone, well,
12 here are the tools that are used elsewhere in
13 the city or that we have available and that we
14 are aware of and you can choose, you know, the
15 tools that most fit your area or that would
16 most benefit your area.

17 COMMISSIONER JEFFRIES: So the 14th
18 Street Overlay if the powers that be decided
19 that, you know, this really doesn't work for
20 us, then they would not opt for that
21 particular tool. This is all part of sort of
22 customizing per neighborhood?

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1 MR. PARKER: Right. And
2 ultimately you being the powers that be.

3 COMMISSIONER JEFFRIES: Well,
4 okay. Okay. So this will -- okay. So are we
5 -- we're going to vote on this option
6 business?

7 MR. PARKER: Well, I think what
8 you are going to vote on tonight is yeah, the
9 options would be an option whether we have an
10 overlay system or just a --

11 COMMISSIONER JEFFRIES: Stand
12 alone zone.

13 MR. PARKER: -- stand alone zone
14 system. You are really voting on two things
15 tonight. The first is No. 2, the Use lists
16 and then second is, yeah, what these general
17 tools are. And we have outlined a series of
18 tools that we have recommended be available
19 for neighborhoods. And most of these are in
20 our existing code somewhere or other and we
21 are saying that we should just standardize the
22 list of tools that are available for new

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1 customization or customized zones.

2 And so you can say yes, all of
3 these should be available. You could say no,
4 I really don't like the 25 percent, that's too
5 complicated and shouldn't be available.

6 COMMISSIONER JEFFRIES: Okay. So
7 let's just say I opt to use the 25 percent.
8 What about the enforcement piece? I mean, I
9 know that's not our job.

10 MR. PARKER: Right.

11 COMMISSIONER JEFFRIES: I mean --

12 MR. PARKER: That has been the
13 problem with this up to date is that it is
14 never -- until this year, it has never been
15 measured before by the Zoning Administrator.

16 CHAIRMAN HOOD: We were told that
17 they use a ruler. They don't do that?

18 MR. PARKER: I can't speak. I
19 don't know. But it is something, you are
20 right, that has to be measured constantly and
21 then has to be made public. And so that the
22 public property owners and potential

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1 restauranters know what the existing
2 situation is, so whether they are under 25 and
3 can locate or whether they are over 25 and
4 have to seek a special exception.

5 And it's not something that has
6 been done successfully to date.

7 COMMISSIONER JEFFRIES: So, Mr.
8 Parker, what about best practices?

9 MR. PARKER: This is something
10 that is done. It's done in different places,
11 other places. Our current Zoning
12 Administrator worked in Berkeley and they have
13 a quota system where there is just a number of
14 restaurants that is allowed, rather than a
15 percentage of the square footage.

16 There is lots of ways to do it.
17 This is one.

18 COMMISSIONER JEFFRIES: I mean, do
19 you think -- well, I guess I'm asking about
20 best practices. I mean, do you -- I mean,
21 upon studying this, do you -- are you
22 comfortable that this is the best way, I mean,

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1 or could it be more, you know, simplistic, the
2 number of eating establishments? I mean, I
3 just, I mean --

4 MR. PARKER: Right.

5 COMMISSIONER JEFFRIES: -- there's
6 no need to have this if it's going to be,
7 obviously, confusion in terms of how you
8 really fulfill it.

9 MR. PARKER: It's really a
10 balancing act between impact and simplicity.
11 And this is weighted away from simplicity and
12 more towards 25 percent is a number that we
13 control versus like in Berkeley, they just say
14 okay, only 10 restaurants in that
15 neighborhood. Well, if somebody buys up four
16 properties and combines them all into one
17 restaurant, that's just one restaurant.

18 So their system is more simple,
19 but doesn't really get as detailed and as
20 precise as the one that we have.

21 COMMISSIONER JEFFRIES: Any other
22 ones you know of?

1 MR. PARKER: We have some notes,
2 but I don't have those notes in front of me,
3 but there are other ways. There is distance
4 between, you know, you can't be closer than
5 100 feet together and that doesn't work as
6 well for restaurants.

7 COMMISSIONER JEFFRIES: Okay.

8 MR. PARKER: But it's used for a
9 lot of other uses. It's just a matter of,
10 you're right, how complicated we want to get.

11 COMMISSIONER JEFFRIES: I mean,
12 obviously, we're going through a process to
13 simplify and reduce. I mean, it would seem
14 that we would want to follow suit here. I
15 would -- you know, my fellow Commissioners
16 could indulge me here. If, you know, you
17 could sort of review this again, best
18 practices?

19 I mean, my understanding is that
20 we are trying to sort of deal with this, you
21 know, as a potential text amendment is my
22 understanding, but, you know, just going

1 forward looking at the rewrite, if there is a
2 way in which you're just studying best
3 practices and seeing, you know, whether we can
4 get something that is a little more simplistic
5 that also gives you the bang for the buck.

6 I mean, I get the impression that
7 you have looked in a couple of places, but not
8 a lot of places.

9 MR. PARKER: Well, we have. The
10 discussion in the working groups was really
11 not the way to accomplish this, but whether we
12 should be doing it at all. The discussion in
13 the working group was is it really productive
14 to limit a certain type of use or is it just
15 resulting in vacant store fronts?

16 And the determination was that it
17 is still something that is desired in a lot of
18 our commercial corridors and that's where we
19 ended up. But we could -- we will certainly
20 put some more thought into other -- simpler
21 ways to accomplish that.

22 COMMISSIONER JEFFRIES: Yeah,

1 because, I mean, you know, I mean, I live a
2 couple of blocks from Adams Morgan on 18th
3 Street. I mean, you know, I don't -- I mean,
4 that's probably the more severe example, but,
5 you know, I'm probably more from the school of
6 do you really need it.

7 So I'm really speaking around
8 compromise here, because I was really sort of
9 taken aback when I really honed in on it and
10 thought about how does this thing really work
11 when I actually had a developer with ground
12 floor retail space looking at a restaurant and
13 not knowing where things were in that overlay.
14 And that's just a lot of confusion.

15 MR. PARKER: Okay.

16 COMMISSIONER JEFFRIES: So anyway.

17 CHAIRMAN HOOD: Okay. I think
18 your point is well-taken. And let me say
19 this, Mr. Parker, I know we have no control
20 over this as we move forward. While I
21 encourage and I appreciate those who were
22 involved, I think you said it, you have no way

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1 of knowing what communities want, because I
2 guess you are hearing from a few.

3 And I guess you really have no
4 control over that. My only issue is some of
5 the representation we have here and it may not
6 be true in all cases, it may not be reaching
7 the masses and may not be the opinion from the
8 masses. And as we move forward, I know the
9 Office of Planning is doing due diligence to
10 try to get the word out, but I'm just
11 concerned when I see -- I see the same
12 comments from the same organizations.

13 And while I'm happy that they are
14 participating, there is a lot that are not
15 participating that may not share the view of
16 any of what we have here and we may be opening
17 it up. And I know we, basically, have no
18 control of it. But in that conversation that
19 you and Vice Chairman Jeffries were having, I
20 remember a specific case where this person who
21 has been in zoning for years came down and
22 told us they -- we set it down and they had

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1 the whole neighborhood behind them.

2 They did. At the hearing they had
3 the whole neighborhood behind them, but they
4 were against them. And so that -- and that
5 brought back that memory. It really -- I had
6 a flashback. They sat here. They are well-
7 respected. I'm not going to call their name.
8 I've seen them the whole 10 years I have been
9 here.

10 One side was them, the whole
11 neighborhood that was against what they had
12 told us that they the whole neighborhood's
13 support was over there. So and I know it's no
14 way to really, I guess, handle that.

15 MR. PARKER: Well, and I would
16 tell you something. I don't think this is --
17 the point is not any particular neighborhood.
18 The point is not whether Cleveland Park should
19 have a 25 percent limit or not. What we are
20 trying to do here is maximize the number of
21 tools that neighborhoods have in their toolbox
22 to achieve their goals.

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1 And we are not interested, right
2 now, in having those individual discussions
3 come later about which tools should apply to
4 neighborhood X or whether Cleveland Park
5 should have this tool or not. Yes, that's a
6 later discussion.

7 This discussion is just what tools
8 should be in our toolbox citywide. And what
9 I hear is we need our tools to be simple
10 enough that people can understand them and use
11 them.

12 CHAIRMAN HOOD: And I agree, I
13 agree exactly with what you just said.

14 MR. PARKER: Okay.

15 CHAIRMAN HOOD: Because that was
16 kind of where I was going. And that's what I
17 hear from the folks that live, at least, in my
18 neighborhood and that's what I hear from my
19 neighborhood. Okay. Are you straight? Okay.
20 So No. 1, other than the comments that we have
21 heard from Vice Chairman Jeffries, okay, let's
22 move to No. 2.

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1 Are we all on board, Mr. Turnbull?

2 Okay. Consolidation of --

3 COMMISSIONER MAY: I'm sorry, I
4 did have one question that relates probably
5 more to 1. Which is that, you know, my
6 recollection for the discussion when we had
7 the hearing was that there seemed to be some
8 confusion about how the customizable zones
9 compared to overlays, and that there was just
10 some sort of basic confusion that it would --
11 that every single one had to be customized,
12 but no, they don't.

13 And I'm wondering if you had
14 subsequent meetings with the various folks who
15 were, you know, at the hearing to clarify that
16 issue and if you have sort of taken any steps
17 to make it clearer in future presentations?

18 MR. PARKER: We're certainly
19 working on that and we have had the same
20 discussions in the arena of the residential
21 zones as well. And I think people are
22 becoming more familiar with the concept. I

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1 can't say necessarily that they are becoming
2 more comfortable with it.

3 COMMISSIONER MAY: Um-hum.

4 MR. PARKER: But we are continuing
5 to discuss and present. And I think you will
6 be seeing this on an individual basis as we
7 come through it with future working groups.
8 Yes, I'll leave it at that.

9 COMMISSIONER MAY: Okay. Yeah,
10 because I was thinking about as Commissioner
11 Jeffries was asking his questions, I was
12 picturing, you know, buying a computer and,
13 you know, sort of getting the basic model, but
14 being able to pick on the drop-down list, you
15 know, your different options for it, you know,
16 customize your own neighborhood commercial
17 zone.

18 MR. PARKER: Exactly.

19 COMMISSIONER MAY: But anyway.

20 CHAIRMAN HOOD: Okay. Anybody
21 else, any comments on 1? Okay. Let's look at
22 2, Consolidation of Use Lists. we have had

1 many comments on that, but what we have in
2 front of us is the conceptual view of the
3 Office of Planning and their recommendation.

4 Option 1 is the Office of
5 Planning's recommendation. And then Option 2,
6 I'm going to read Option 2. "Update existing
7 lists of uses, continuing to regulate uses by
8 list of permitted uses, introduce use-based
9 upon intensity of zones, use special
10 exceptions to regulate potential adverse
11 impacts, rather than control impacts from the
12 GFA and standard performance measures gross
13 floor area."

14 But if you look at some of the
15 comments, I'm not going to read it. It's
16 there. We have some varying views and
17 comments no Recommendation 2. One that really
18 stuck out to me was the one I would like to
19 proceed in and it says "The Commission
20 reserves judgment," this is the ANC
21 Commission. While the concept sounds
22 interesting, in theory, there maybe many

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1 practical difficulties when it comes to
2 implementation.

3 And that goes back to sort of what
4 Vice Chair Jeffries was mentioning. But I
5 guess, colleagues, right now, our goal is to
6 look at Option 1 or 2 and see. Office of
7 Planning is recommendation Option 1. You can
8 see I'm not going to read all that.

9 COMMISSIONER JEFFRIES: Yeah, but,
10 I mean, I think that the difference, the
11 primary difference between the both of them is
12 one is saying consolidate and the other one is
13 saying update. I think Option 1 is really
14 trying to again simplify the uses. And I
15 thought I read -- how many uses do we have
16 currently in the zone?

17 MR. PARKER: We have 670 unique
18 uses.

19 COMMISSIONER JEFFRIES: Yeah,
20 that's right. And if I remember, you sort of
21 compared those here. I have your -- yeah,
22 anyway. The other best practices, you just

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1 compared that to, you know, other places like
2 Boston, 89, Boulder, Colorado, 128, Chicago,
3 51.

4 COMMISSIONER MAY: I'm going to be
5 interested in how that is spelled in the
6 transcript.

7 COMMISSIONER JEFFRIES: You know,
8 it's just you know, I don't know. You know
9 what I'm talking about. Anyway, so I think
10 that's really the real thrust of sort of the
11 difference between the two and I would be
12 supportive of Option 1, because I think that's
13 the whole point of what we are trying to do,
14 I mean, you know.

15 COMMISSIONER TURNBULL: We just
16 went through this on the gun shops, which in
17 a commercial area would be accepted in most --
18 in practically every commercial area. So
19 that's -- you would no longer have to name
20 them specifically. It's just matter-of-right.

21 MR. PARKER: Um-hum. It's just a
22 retail shop.

1 COMMISSIONER TURNBULL: It's a
2 retail shop.

3 MR. PARKER: And you can limit it
4 in ways like the size and the hours of
5 operation and even things like no sexually-
6 oriented activity and things like that.

7 COMMISSIONER TURNBULL: Yeah.

8 MR. PARKER: So you can put limits
9 on it without naming it.

10 COMMISSIONER JEFFRIES: Which is--

11 COMMISSIONER TURNBULL: Okay.

12 COMMISSIONER JEFFRIES: -- a good
13 thing, because that's generally where you have
14 your problems, you know, size and, you know,
15 it's the other measurables that you tend to
16 have problems with as opposed to just the use.

17 CHAIRMAN HOOD: Let me ask this.
18 As we tailor those functions, will we have an
19 abundance in a certain area? Would they all
20 be in, say, Ward 1?

21 MR. PARKER: The gun shops?

22 CHAIRMAN HOOD: No, I'm just

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1 saying in general. I'm talking about in
2 general. Any use.

3 COMMISSIONER JEFFRIES: Why Ward
4 1?

5 CHAIRMAN HOOD: Because if I said
6 5, you know. Which already exists today, I'll
7 have you know, but would it just -- let me
8 just say this for the community folks that are
9 not as up to speed on this. And certain
10 neighborhood tailor things to keep some of
11 those elements, certain type of retail out of
12 their neighborhood. It's going to eventually
13 migrate and there's going to be an influx.

14 I'm not saying it won't work, but
15 has that been thought out or --

16 MR. PARKER: No.

17 CHAIRMAN HOOD: -- contemplated?

18 MR. PARKER: This really won't
19 have any effect of pushing uses here or there
20 any more than the existing regs do. It's just
21 a different way of organizing the list. So
22 instead, if I want to open a shop X, right

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1 now, I have to look through a series of lists
2 to determine what zones I'm allowed in versus
3 okay, I know I'm retail and retail is allowed
4 in these five zones.

5 So it's just a simpler way to
6 organize where things are allowed, rather than
7 allowing or disallowing or pushing things in
8 certain ways. It really shouldn't have an
9 impact on where businesses choose to locate in
10 the city.

11 CHAIRMAN HOOD: Okay. Anybody
12 else want to comment?

13 COMMISSIONER MAY: Yes.

14 CHAIRMAN HOOD: Mr. May?

15 COMMISSIONER MAY: I'm really
16 having tremendous difficulty understanding how
17 we have 670 actually separate discrete uses.
18 There has got to be some sort of overlap.

19 MR. PARKER: With the overlap,
20 there is 1,200.

21 COMMISSIONER MAY: Sheesh.

22 CHAIRMAN HOOD: Don't ask that

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1 question.

2 COMMISSIONER MAY: Okay.

3 COMMISSIONER JEFFRIES: Mr. Parker
4 was waiting for that. He was laying in wait.
5 He was behind the bushes like he is going to
6 come out and I'm going to whack him.

7 COMMISSIONER MAY: I'm not going
8 to argue that one any more.

9 MR. PARKER: I wanted to use the
10 1,200 number, but --

11 COMMISSIONER MAY: All right.
12 Some day I'm going to count them.

13 MR. PARKER: We've got the list.
14 I'll be happy to turn it in.

15 COMMISSIONER JEFFRIES: You mean
16 you have it?

17 COMMISSIONER MAY: All right. I
18 am a little but curious. You know, I really
19 do appreciate the list of the best practice
20 cities. And I will note that most of the
21 examples have a lot more than 21 uses, which
22 is what you are proposing. And I'm just

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1 noting that. I'm not necessarily doubting it.
2 I appreciate the desire for simplicity.

3 But it may prove to be more
4 aggressive than you can achieve. The only
5 thing that is close is, I will point out,
6 Portland, Washington, according to the chart,
7 probably actually, Portland, Oregon, 30 use
8 subcategories, 5 use categories.

9 So I don't know if that is -- 30
10 is the finest grain. It's not like there are
11 30 for each of the five.

12 MR. PARKER: No.

13 COMMISSIONER MAY: And get 150,
14 right.

15 MR. PARKER: Right.

16 COMMISSIONER MAY: Okay. Anyway,
17 I would just note that that might be a bit
18 aggressive. I also think and I'm sure we'll
19 get this at some point, but when we get
20 further into this, we'll probably want to see
21 from some of these -- from a limited selection
22 of the best practice studies what their use

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1 categories actually are and not just the
2 quantities.

3 MR. PARKER: We have that for all
4 of them.

5 COMMISSIONER MAY: Right. And I
6 don't think we want all of them.

7 MR. PARKER: Okay.

8 COMMISSIONER MAY: I'm just saying
9 a certain selection when we get to that point.
10 And I'm interested -- I'm curious about that
11 now, but not curious enough to require it, at
12 this moment. So that's about all I have to
13 say.

14 CHAIRMAN HOOD: Okay. So I guess
15 the signal Option 1, colleagues?

16 ALL: Yeah.

17 CHAIRMAN HOOD: Okay. Option 1.
18 Now, let's go down to the Zoning Tools to
19 regulate retail on designated streets. And
20 what I'm going to do is just call my
21 colleagues' attention to turn over and it says
22 -- well, let me read it. "The goal is to

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1 create a single set of standard text to be
2 used when these specific types of retail
3 controls are petitioned for and adopted. At
4 this point, OP is only requesting the
5 Commission to indicate whether these concepts
6 are generally acceptable. The text templates
7 will be subsequently submitted for your
8 approval. The proposed retail zoning tools
9 are as follows:"

10 The first one talks about area
11 restrictions or requirements and the next one
12 is design standards. So I don't think we have
13 an option. This is -- if I read this
14 correctly, Mr. Parker, these are the tools and
15 these are the recommendations.

16 MR. PARKER: Our recommendation is
17 that all of these tools would be available for
18 commercial, but if there are particular ones
19 that you are uncomfortable with like we have
20 already heard that we need to relook at the
21 first one in limiting the size of new retail
22 spaces. No, excuse me, ground floor occupancy

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1 is limited. It's the last one.

2 We have heard that we need to
3 relook at this 25 percent limit or the ability
4 to impose a limit on a particular area. If
5 there is other ones that you want us to take
6 off the table or relook at, that's what we're
7 here to hear.

8 CHAIRMAN HOOD: Now, the 25
9 percent, we're not taking off that. We're
10 looking at it, right? Okay. We're going to
11 look at it. Okay. I just wanted to make
12 sure.

13 COMMISSIONER JEFFRIES: How is
14 this different than like form-based codes?

15 MR. PARKER: Well, form-based
16 codes are a system where you look at the
17 building and you look at design of the
18 building and you regulate an area based on the
19 size and the appearance of a building and less
20 on the use. You don't really regulate the use
21 so much.

22 COMMISSIONER JEFFRIES: Um-hum.

1 MR. PARKER: You have some upper
2 limits, no, you know, blast furnaces, but
3 basically you control the size and shape of
4 buildings and you use that as a way to control
5 what goes in them. It's like you can't have
6 a Walmart if you only allow 10,000 square foot
7 buildings.

8 So form-based code is really more
9 about appearance and design and the size and
10 shape of buildings.

11 COMMISSIONER JEFFRIES: Okay.

12 MR. PARKER: And this is a system
13 -- we are convinced that we still need to
14 address both.

15 COMMISSIONER JEFFRIES: Okay.

16 MR. PARKER: Form and use.

17 COMMISSIONER JEFFRIES: Okay.

18 COMMISSIONER TURNBULL: Are these
19 design standards geared mainly toward new
20 buildings, new construction?

21 MR. PARKER: And renovation.

22 COMMISSIONER TURNBULL: And

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1 renovation?

2 MR. PARKER: Yes. And these are
3 in our code right now. We have -- I mean,
4 basically, new overlays that come up now get
5 into this. The H Street Overlay has all of
6 these things. And when we are doing new
7 overlays now, we're looking at a lot of these
8 things in retail corridors anyway.

9 COMMISSIONER TURNBULL: Well, I'm
10 just wondering if on some of the renovations
11 it may be difficult to achieve the standards.
12 Like if you don't have 14 feet high or --

13 MR. PARKER: Absolutely. No, that
14 minimum ceiling height would be for new
15 construction. You're absolutely right.

16 COMMISSIONER TURNBULL: Okay.

17 MR. PARKER: As well as the
18 adoptability standards, yeah.

19 COMMISSIONER JEFFRIES: So where
20 would you cover like flex space? Flex space,
21 ground floor flex space. Let's say it is not
22 anticipated that retail will come to a

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1 particular area for several years. Obviously,
2 the goal is for there to be retail, but in the
3 interim, there is, you know, some sort of
4 flexible space. It could be gallery space.
5 It can be office space, residential.

6 Is there anywhere in the -- where
7 that is covered in the current code?

8 MR. PARKER: You mean that the
9 code puts standards on those types of space?

10 COMMISSIONER JEFFRIES: Yeah.

11 MR. PARKER: Not to my knowledge.
12 And keep in mind, these tools are for -- these
13 tools would be for retailers, areas with a
14 requirement for retail and areas that we want
15 to have retail. That sounds like more of a
16 transitioning area or --

17 COMMISSIONER JEFFRIES: Yeah, I
18 mean, we have some transitioning areas. I'm
19 just sort of wondering, I mean, I know there
20 are some places in Ward 7 where there are
21 cases where there is the thought about some
22 flex space. Clearly, it's intended as store

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1 fronts and bays and, you know, but how would--
2 would that still be handled?

3 MR. PARKER: Yeah, there's no
4 reason you couldn't put these requirements on
5 them, that it have active window space and a
6 certain ceiling height and minimum building
7 entrances. And that would -- even if you
8 didn't have retail in there in the short term,
9 that would encourage buildings to be built to
10 accommodate retail.

11 COMMISSIONER JEFFRIES: Okay.

12 MR. PARKER: In the longer term.
13 I think that is the point.

14 COMMISSIONER JEFFRIES: Okay. So
15 in the use, you know, obviously, it would be
16 a commercial zone.

17 MR. PARKER: Absolutely. That's
18 another tool that you can or -- I mean, the
19 requirement to put retail in is a tool that
20 you could apply in areas where it is going to
21 happen and where -- you know, that are
22 established. And in transitioning areas, you

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1 just don't have that requirement, so that, you
2 know, in the interim you can get some
3 transitioning uses in there until the area
4 becomes established.

5 COMMISSIONER JEFFRIES: Okay. Has
6 there been any discussion in the working
7 groups around that or is that just --

8 MR. PARKER: Well, I think that's
9 one of the benefits of this system where each
10 area is --

11 COMMISSIONER JEFFRIES:
12 Customized.

13 MR. PARKER: -- pick the tools
14 that apply locally.

15 COMMISSIONER JEFFRIES: Okay.

16 MR. PARKER: Right.

17 COMMISSIONER JEFFRIES: Okay.

18 Thank you.

19 COMMISSIONER MAY: You know, I'm
20 reminded of another recent case where we
21 actually wound up giving up on the -- a retail
22 requirement on an old PUD. And what it brings

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1 to mind for me is whether we are also
2 contemplating some sort of method for relief
3 from some of these requirements. In other
4 words, if you find out that, you know, there
5 really is no -- there isn't sufficient market
6 for retail in a given neighborhood, you know,
7 and the owner of the building really needs to
8 rent those space out as office spaces or
9 something like that, I assume that we would
10 have some way of getting relief there that
11 wouldn't be too onerous.

12 MR. PARKER: Most of our existing
13 overlays have special exception provisions to
14 get at it and there's no reason that couldn't
15 continue.

16 COMMISSIONER MAY: Right. Okay.

17 CHAIRMAN HOOD: The other thing,
18 Mr. Parker, when it talks about these design
19 tools and measures and I've looked in the
20 Committee 100, we may have addressed it during
21 the hearing, but I just don't remember, it
22 talked about moreover there needs to be a

1 specificity regarding impact of historic
2 districts and landmarks and regarding other
3 regulatory powers, particularly ABC Board,
4 liquor license, moratoriums, that's what they
5 have.

6 Did we talk about that at the
7 hearing or did that come up at the hearing?

8 MR. PARKER: No.

9 CHAIRMAN HOOD: I don't remember.

10 MR. PARKER: I don't know if we
11 did.

12 CHAIRMAN HOOD: So with these
13 tools, I guess, it goes back to what the
14 committee has been impressing upon us all the
15 time about agencies working together and their
16 collaboration, which I think is happening.

17 MR. PARKER: Right.

18 CHAIRMAN HOOD: But I think this
19 is a prime example.

20 MR. PARKER: Well, and yet again,
21 I mean, these are available tools. If we are
22 sitting here three years from now designing a

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1 commercial district for a historic area, we're
2 not going to apply 14 foot ceiling heights in
3 that commercial district, because they don't
4 exist. And we don't want new buildings to be
5 out of scale with the existing area. So we
6 are going to apply design standards that work
7 in that historic area.

8 CHAIRMAN HOOD: Okay. All right.
9 Anybody in these two lists need to add
10 something, take something away?

11 COMMISSIONER JEFFRIES: Well, just
12 what is meant by active retail window space?

13 MR. PARKER: There is some
14 standards that generally exist that you have
15 so much of your frontage be window. It has to
16 be a certain amount of transparency and you
17 can't have it blocked off with signs and
18 shelves and things.

19 COMMISSIONER JEFFRIES: Active
20 meaning, you know?

21 MR. PARKER: It's interactive
22 between the street and the establishment.

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1 COMMISSIONER JEFFRIES: Yeah,
2 okay.

3 CHAIRMAN HOOD: We will agree with
4 what we see here other than the issue about
5 the 25, which was so noted by Mr. Parker.
6 Okay. All right. I think that's it? Any
7 other comments? Technically, we don't do
8 this, but, you know, I'm the type of guy to do
9 things out of -- just don't come back next
10 time and tell me we did it this time.

11 Is there something you want to
12 bring to our -- any of my colleagues have any
13 issue? We normally don't do this.

14 COMMISSIONER JEFFRIES: Not from
15 Ms. Zartman, really, please.

16 CHAIRMAN HOOD: It's just so
17 crowded out there tonight, we will --

18 COURT REPORTER: Your microphone,
19 please.

20 CHAIRMAN HOOD: You need to get on
21 the mike. Now, you have to fill out two
22 witness cards.

1 MS. ZARTMAN: I would be happy to
2 do that.

3 COMMISSIONER MAY: She probably
4 already has them in a stack. Sorry.

5 MS. ZARTMAN: You asked earlier if
6 we had the worksheet. There are two different
7 worksheets that have been circulated. There
8 is one that came to the members of the task
9 force that is remarkably shorter than the one
10 that you used tonight.

11 CHAIRMAN HOOD: You know what I
12 think happened? They didn't copy the second
13 side.

14 MS. ZARTMAN: No, it's different.

15 CHAIRMAN HOOD: It's totally
16 different?

17 MS. ZARTMAN: Item 2, that's Item
18 2 on what was sent to the task force.

19 COMMISSIONER JEFFRIES: Oh.

20 MS. ZARTMAN: I can print it again
21 as opposed to this? I'm not suggesting
22 anything nefarious, but just that some how the

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1 system hasn't worked to get us the same
2 material you were working from tonight.

3 And one of the things that would
4 be helpful is if we were always able to get
5 comments in after we see what the latest
6 submission is from the Office of Planning. I
7 think we have flipped the deadlines this time
8 and it would be helpful to us if that weren't
9 the case. You may keep it. I can print it
10 out again.

11 CHAIRMAN HOOD: So all the
12 material that we got with this package was
13 given to us previously.

14 MS. SCHELLIN: I think what we did
15 back then, too, is you wanted OP to respond to
16 the additional requirement, so that's kind of
17 why it got flipped, because the Commission
18 asked OP to respond to it.

19 MS. ZARTMAN: Um-hum.

20 MS. SCHELLIN: So the record was
21 left open for a period of time and then for
22 everyone else to respond to provide additional

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1 documents and then OP was to respond to those
2 things.

3 CHAIRMAN HOOD: So I think what
4 I'm hearing is that the task force is asking
5 to respond once we do the worksheet.

6 MS. ZARTMAN: Or at least once the
7 final OP report --

8 MR. PARKER: The supplemental
9 report.

10 MS. ZARTMAN: -- has been
11 prepared.

12 MR. PARKER: Yeah. I think on
13 this particular case versus different ones,
14 you had a public deadline for comments and
15 then the supplemental report that we did
16 responded to those comments. I think they are
17 asking that they get another chance to respond
18 to our supplemental report.

19 CHAIRMAN HOOD: Respond to this
20 worksheet?

21 MR. PARKER: No, no, no.

22 COMMISSIONER JEFFRIES:

1 Supplemental, the supplemental report.

2 CHAIRMAN HOOD: Supplemental
3 report.

4 COMMISSIONER JEFFRIES: That OP
5 did based on our comments.

6 MS. SCHELLIN: Yes.

7 MR. PARKER: Yes, the December 1
8 supplemental report.

9 COMMISSIONER JEFFRIES: Based on
10 our comments. And so --

11 CHAIRMAN HOOD: So you want to
12 respond to what you heard here tonight?

13 MS. ZARTMAN: There were things
14 that were included in here that have language
15 that we would have commented on had the
16 opportunity been ours. But as I say, I'm not
17 suggesting in any way that it was anything
18 other than good faith involved.

19 CHAIRMAN HOOD: Okay.

20 MS. ZARTMAN: Just that the
21 process needs --

22 CHAIRMAN HOOD: I think though,

1 Ms. Zartman, there will be an opportune time,
2 believe me, to comment on everything you heard
3 again tonight. While I know it is -- you want
4 to get it in for this record, I think my
5 colleagues and I we have decided on this two-
6 sided worksheet and I would be interested in
7 seeing what you have, but I don't know, was it
8 much of a difference or was it just something
9 left out?

10 MR. PARKER: It is a previous
11 version. I don't know whether -- I'm sure the
12 fault is mine, that it's just a previous
13 version of the same sheet.

14 CHAIRMAN HOOD: Mr. Parker, I
15 think you are an honest guy. You know what,
16 believe it or not, I make one mistake a year
17 myself.

18 MR. PARKER: I think I'm over that
19 by now.

20 CHAIRMAN HOOD: So I don't --

21 MS. ZARTMAN: There's a new year
22 coming up.

1 CHAIRMAN HOOD: So, Ms. Zartman, I
2 don't want you to leave feeling that you
3 didn't -- you were not heard. What is it that
4 you would like for the Commission to do? And
5 that's what we'll do.

6 MS. ZARTMAN: I simply wanted to
7 make you aware that there was a glitch in the
8 system.

9 CHAIRMAN HOOD: Okay.

10 MS. ZARTMAN: And I'm sure it's
11 one we can fix.

12 CHAIRMAN HOOD: Okay.

13 COMMISSIONER JEFFRIES: But, Ms.
14 Zartman, I do want to make certain that we
15 just focus on this process business here,
16 because what happens is that the Office of
17 Planning did a supplemental report based on
18 our comments and based on your comments,
19 correct? Office of Planning?

20 MR. PARKER: Sorry.

21 COMMISSIONER JEFFRIES: Yeah. I
22 mean, they did a supplemental report based on

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1 Commission comments as well as your comments.
2 And you want to get another bite at the apple
3 from that -- I mean, if this happens again?

4 MS. ZARTMAN: Where there are
5 substantial changes or much greater detail, we
6 would like that opportunity. I think you
7 would have to talk with the Attorney General's
8 office about the sufficiency of notice here
9 actually.

10 COMMISSIONER JEFFRIES: Yeah,
11 because I thought where we left this was that
12 there was going to be sufficient opportunity,
13 because right now, we're just discussing
14 concepts. You know, obviously, some of these
15 things are going to be taken up later. So I
16 thought that's where we were.

17 CHAIRMAN HOOD: I think the
18 process -- the only thing this time is that
19 Mr. Parker made his one mistake and he gave
20 them a previous version of the worksheet. I
21 think the process is in tact, right?

22 MR. PARKER: Yes. I mean, I think

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1 Ms. Zartman's comment is there has been some
2 inconsistency. Some of the cases you have had
3 OP submit a report and then allowed the public
4 to comment on the supplemental. And in this
5 case, you had the public comment and then OP's
6 supplemental responded to that. And I think
7 the issue is just what's the process for the
8 record being open after the hearing?

9 COMMISSIONER JEFFRIES: We need to
10 be consistent.

11 CHAIRMAN HOOD: Right. We
12 probably need to have OP's supplemental and
13 then the public to comment. That's the way we
14 should probably be moving. I don't know what
15 happened.

16 COMMISSIONER JEFFRIES: Is that
17 what we agreed to?

18 CHAIRMAN HOOD: Yes.

19 COMMISSIONER JEFFRIES: I mean,
20 for supplements?

21 COMMISSIONER MAY: But that does
22 make sense. I mean, you know, theoretically,

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1 they are the petitioner and they are -- you
2 know, if they have -- after we have a hearing,
3 if they have follow-up, if they are going to
4 submit a report or something upon which we
5 will base our vote.

6 COMMISSIONER JEFFRIES: But this
7 is not a hearing.

8 COMMISSIONER MAY: I understand
9 that, but --

10 CHAIRMAN HOOD: All right, it's
11 turning into one.

12 COMMISSIONER MAY: But if there
13 were -- you know, after we have a hearing in
14 which we discuss these issues, and then there
15 is a follow-up from the Office of Planning and
16 that's submitted into the record, then any --
17 ordinarily parties would have an opportunity
18 to respond.

19 CHAIRMAN HOOD: I agree.

20 COMMISSIONER JEFFRIES: But you
21 know that train could continue going down the
22 track for quite a while.

1 CHAIRMAN HOOD: Well, there's a
2 point where we should cut it off. Ms.
3 Schellin, let me --

4 COMMISSIONER MAY: Well, I'm not
5 saying it's an endless back and forth. I'm
6 saying it is, you know, whatever OP submits to
7 us that will be the basis for our decision
8 making, that we ought to get the last bite of
9 comments ought to come from interested
10 parties, I guess.

11 COMMISSIONER JEFFRIES: But I
12 heard what Ms. Zartman said. She said
13 substantial changes. You did say substantial
14 changes and so it doesn't seem like that
15 always has to be the case.

16 COMMISSIONER MAY: But we won't
17 know that. We'll just know that OP is going
18 to follow-up and submit something, you know.

19 CHAIRMAN HOOD: Here's what I
20 would suggest. Let me use one of my
21 colleagues words, this process is fluid,
22 nothing concrete. I would ask that Ms.

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1 Schellin would put time constraints if we get
2 a supplemental, could we work with OP, could
3 we make sure that the interested parties have
4 an opportunity to comment? I don't think we
5 need to spend another half an hour on that.

6 MS. SCHELLIN: I think that we can
7 do it that way and then rather than having
8 then OP respond to the comments that come in
9 and another comment period, what we can do is
10 have the -- have OP's supplemental report and
11 then allow for -- there are no parties,
12 because this is a rule making process, but
13 allow the community to respond to OP's
14 supplemental and then maybe have OP respond
15 on --

16 CHAIRMAN HOOD: On the record.

17 MS. SCHELLIN: -- the record.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: Any responses to
20 what came in.

21 CHAIRMAN HOOD: We could do that
22 right here while we're -- when we're asking

1 questions. Okay.

2 COMMISSIONER TURNBULL: Isn't this
3 Zoning Reg a little bit different from the
4 other ones, too, in that the others had the
5 options. There's usually options and we
6 decided here we have got about two out of the
7 three things. There was really not a -- we
8 weren't voting on an option.

9 There is things -- No. 1, no
10 decision needed at this time. So it's an
11 ongoing issue. So I don't know how you look
12 at this one as differentiated from the other
13 ones.

14 CHAIRMAN HOOD: I think what we
15 could do in response to that, Mr. Turnbull, is
16 I think between the Office of Planning, our
17 staff, OAG, they can come up with how -- we
18 know the process we're making. And I agree
19 with you. Like I was saying my colleagues
20 always uses the word fluid. This is not like
21 that. We're going to start using that more
22 often.

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1 But this process is so fluid that
2 things change. I think if we leave it up to
3 staff, they will guide us in moving in the
4 right direction, if that's okay with you, Ms.
5 Zartman.

6 MS. KRESS: And I think you did
7 decide that it was supposed to go back to the
8 task force after comments were, the last that
9 I heard, made that it would be reviewed before
10 it was submitted to the Commission by the task
11 force.

12 CHAIRMAN HOOD: Are we doing that
13 now? We're already doing that, right?

14 MS. KRESS: Not yet. We weren't
15 able to start. We were going to start soon.

16 CHAIRMAN HOOD: That process is in
17 place, if I'm not mistaken.

18 MR. PARKER: Yes, and can you
19 repeat what you said, Jerrily? I'm sorry.

20 MS. KRESS: The process whereas --
21 where the final report before it comes to the
22 Commission is passed by the task force and

1 that we couldn't do it on the first ones we
2 had done, but that you were going to start
3 doing it.

4 MR. PARKER: We definitely send
5 all the reports to the task force when we send
6 them to the Commission. Is that what you are
7 asking?

8 MS. KRESS: But you were getting
9 the input from -- I guess, that's the part
10 where it has fallen down.

11 MR. PARKER: Yeah. I guess the
12 process as it stands now is we go to the task
13 force with a series of recommendations, have
14 our interaction with the task force and then
15 prepare a report based on that input and we
16 send that to both the task force and the
17 Zoning Commission.

18 MS. KRESS: At the same time?

19 MR. PARKER: At the same time.
20 And then as we go further down the line, after
21 the hearing, then we send the supplemental to
22 both and we send the worksheet that comes out

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1 of OAG to both.

2 CHAIRMAN HOOD: I actually think
3 the way I -- maybe I -- that question really
4 confused me even more than what I'm already
5 confused. I thought that process was working.
6 I thought we were talking about the response
7 to the OP's supplemental.

8 MR. PARKER: Yes, and it is
9 working. I mean, I think, yeah.

10 CHAIRMAN HOOD: Okay. That
11 process is working.

12 MR. PARKER: I think the issue is
13 yeah, after the hearing and just --

14 CHAIRMAN HOOD: Right.

15 MR. PARKER: And I think we --

16 CHAIRMAN HOOD: That's another
17 step though.

18 MR. PARKER: Yeah.

19 CHAIRMAN HOOD: That's another
20 step.

21 MR. PARKER: Yeah.

22 CHAIRMAN HOOD: Okay. All right.

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1 Are we on board? Is that -- there's two
2 processes, but you know what, I think I
3 understand it, so I'm going to leave it alone.

4 All right. Okay. Okay. Ms.
5 Zartman? Thank you. Okay. Let's move right
6 along. Anything else? We're finished with
7 that. Let's do the Office of Planning's
8 status report. Ms. Steingasser?

9 COMMISSIONER JEFFRIES: Hold on
10 one second.

11 CHAIRMAN HOOD: Oh, do we need to
12 vote? Didn't we vote? It was general
13 consensus, right. Okay. All right. Yeah,
14 Mr. Parker said we did. Okay. Thank you, Mr.
15 Parker.

16 MS. STEINGASSER: Chairman Hood,
17 Commissioners, the status report is in front
18 of you. It's only two pages this evening. I
19 just wanted to bring your attention to the
20 fact that since there has been a slight lull
21 in major cases that are before you, we're
22 going to be bringing through some clean-up

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1 items in the next couple of months.

2 A couple of things that have come
3 to our attention in definitions in the Zoning
4 Regs and some procedure changes. MPD has
5 changed the way, the Police Department has
6 changed the way they function and operate in
7 precincts, so they have -- the definitions
8 that they provided to us four years ago are no
9 longer relevant, so we're going to be
10 modifying that.

11 We have also been asked to
12 consider a provision to the Zoning Regs that
13 would allow the BZA orders to be extended for
14 a two year period to allow projects that have
15 undergone recent funding delays to request an
16 extension to their variance or PUD or special
17 exception, so we will be doing some research
18 on that issue and bringing that to you as
19 well.

20 CHAIRMAN HOOD: Any questions for
21 Ms. Steingasser?

22 COMMISSIONER JEFFRIES: I'm just

1 happy to know that we have been experiencing
2 a lull. I didn't know. But thank you for
3 letting me know.

4 CHAIRMAN HOOD: Any other
5 questions on the status report? Okay. Ms.
6 Schellin, do we have anything else on the
7 agenda for tonight?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. I want to
10 thank the Office of Zoning, the Office of
11 Attorney General and the Office of Planning
12 for again helping us to make sure that we are
13 making informed decisions.

14 With that, this hearing is
15 adjourned.

16 (Whereupon, the Public Meeting was
17 concluded at 8:37 p.m.)

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